

TEMPLARS



**TEMPLARS ARBITRATION  
REPORT ON NIGERIA 2021**



## Introduction

Welcome to the Inaugural Edition of the TEMPLARS Arbitration Report on Nigeria (TARN) 2021.

TARN was originally scheduled for publication in 2020, to celebrate the 25th anniversary of TEMPLARS' establishment. Unfortunately, due to disruptions caused by the Covid-19 pandemic, the publication was deferred to 2021.



## Why Initiate TARN

TARN was created to meet the need for data-based insight into several practical questions about arbitration practice and experience in Nigeria.

While there is considerable literature on the provisions of Nigerian arbitration statutes and how they have been interpreted by Nigerian courts, it does not appear that much effort has been made to provide empirical information on the more market-based issues of interest to prospective arbitration users in Nigeria – issues such as whether Nigerian courts are pro- or anti- enforcement of arbitration agreements and awards; the average duration of enforcement proceedings in Nigerian courts; whether Nigerian courts are protectionist when government or government-controlled entities are involved in arbitration, etc.

Being the first of what would hopefully become a regular quinquennial publication, the TARN 2021 is our modest attempt to bridge that information gap by evaluating empirical data.



## What the TARN 2021 contains

Using a Q&A format, TARN 2021 presents information we derived from our review of judicial decisions on arbitration agreements and awards in select law reports over approximately three decades. The review focused mainly on assessing caselaw data on four key areas:

- (a) recognition and enforcement of awards;
- (b) set-aside or refusal of enforcement of awards;
- (c) stay of court proceedings in favour of arbitration; and
- (d) whether there is a protectionist trend in arbitration-related cases involving governments or their agencies. Additionally, we also considered:
  - (e) the sectors seeing more arbitrations; and
  - (f) the extent of gender diversity in the choice and selection of arbitrators.

We narrowed our focus to the above key areas for two reasons. First, in our experience, they tend to be the areas of recurring interest to parties who are looking to arbitrate in Nigeria. Second, we sought to avoid taking on too many areas of potential interest in this maiden publication.

The TARN 2021 also provides anonymized information regarding the services and experience of leading arbitral institutions in Nigeria.



## Data Sources

We reviewed commercial arbitration caselaw in Nigeria from select law reports over a period of approximately 30 years – from 1990 to mid- 2021. We chose this specific timeframe because Nigeria's primary arbitration statute, the Arbitration and Conciliation Act, was enacted in 1988 (i.e., just a couple of years before the year our review began) and has remained in force to date.

We also sourced information from notable arbitral institutions in Nigeria including the Chartered Institute of Arbitrators, Nigeria Branch (CIArb), the Lagos Court of Arbitration (LCA), and the Lagos Chamber of Commerce International Arbitration Centre (LACIAC) who all graciously obliged our request for information regarding their arbitration experience.



## What we missed or excluded in the TARN 2021

One of the challenges that we were immediately confronted with when Project TARN commenced was law reporting gaps. There are two major weekly law reports in circulation in Nigeria but only one covers the entire sample period of 1990 – 2021. The other began publication in 2000.

Additionally, decisions of courts of first instance are grossly underreported in Nigeria, as appellate court decisions constitute the overwhelming bulk of decisions in Nigerian law reports. Further, the sheer number of decisions being handed down by the various divisions of superior courts of record across the country invariably entails that a significant number of potentially relevant cases has remained unreported. Some law reports, especially the very few ones that cover courts of first instance, have also been in and out of print, which means that even the limited coverage might have omitted cases while they were out of print.

Against this backdrop, one limitation of this maiden publication is that it does not cover all the potentially relevant judicial decisions relating to its subject-matter. We have provided a table of the specific law reports and cases that we reviewed in the Appendix to this publication.

Cases that fall outside the survey parameters (i.e., execution / enforcement, setting-aside / refusal of enforcement and stay of proceedings) are generally excluded, even if they tangentially relate to one or more of the parameters.

Where a case has gone through more than one level of court, we have overlooked the lower courts' decisions and considered only the decision of the court at the top of the hierarchy.

We hope that you will enjoy reading the TARN 2021 as much as we enjoyed preparing it.

If you have any questions, comments, feedback or suggestions for future editions, we would love to hear from you.

**TARN 2021 Project Team**  
**October 2021**

### **Disclaimer**

*The TARN 2021 provides general information relating to arbitration law, practice, and trends in Nigeria. It is meant for general information only. It is not, and should not be relied upon as, legal advice. Readers should contact their legal advisers to obtain advice or assistance with respect to their specific legal matters. Templars and its staff expressly disclaim all liability pertaining to actions taken or not taken based on the information contained in the TARN 2021, and we make no representations that such information is error-free.*



# The Report

## ▶ i. Which law(s) govern(s) arbitration in Nigeria?

Commercial arbitration in Nigeria is governed, in most cases, by the Arbitration and Conciliation Act, Cap A18, Laws of the Federation of Nigeria, 2004 (the “ACA”), which is a federal statute enacted in 1988. The ACA was substantially (but not completely) adapted from the 1985 UNCITRAL Model Law on International Arbitration and is especially relevant on matters of enforcement of foreign arbitral awards in Nigeria because it also domesticated the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958) (the “New York Convention”) in Nigeria.

However, some state arbitration laws exist in parallel with the ACA and may be chosen by parties instead of the ACA. For instance, the Arbitration Law of Lagos State, Cap A11, Laws of Lagos State, 2015, which established the Lagos Court of Arbitration, is a comparatively more modern arbitration statute and arguably the most popular alternative to the ACA at the moment.

## ▶ ii. Are Nigerian courts enforcing arbitration agreements and awards?

Based on our case review, it is fair to conclude that Nigerian courts are, overall, favourably disposed to the enforcement of arbitration agreements and awards. Increasingly, challenges to arbitral awards on pedantic grounds are being rejected by Nigerian courts.

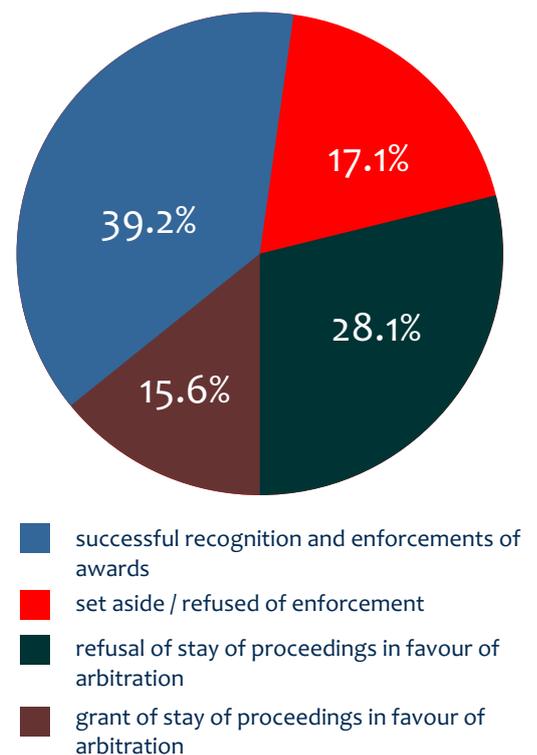
In *Mekwunye v. Imoukhuede* (2019) 13 NWLR (Pt. 1690) 439, for example, the Supreme Court refused to set aside an arbitral award, as the appellant substantially complied with the requirements of a valid notice of arbitration. The court instructively held, among other things, that: (a) consistent with section 33 of the ACA, the respondent, having failed to object to the alleged defects in the notice of arbitration, is deemed to have waived his right to complain about those defects after an award has been handed down; (b) the reference in the arbitration agreement to the “Chartered Institute of Arbitration London, Nigerian Chapter” instead of “Chartered Institute of Arbitration UK, Nigerian Chapter” is a misnomer which will not render the arbitration clause invalid, especially where the respondent was aware of the error but proceeded nonetheless to sign the tenancy agreement from which the dispute arose; and (c) the respondent, having submitted to arbitration, can no longer resile from it on the ground that it is challenging the appointment of the sole arbitrator which it agreed to.

Unsurprisingly, therefore, in the breakdown of the cases that we reviewed for TARN 2021 (as shown in the below paragraph and the above chart), the number of cases of successful recognition and enforcement of awards was more than double the number of cases of annulment of or refusal to enforce awards.

In total, we reviewed 82 cases. Of this number, there were 32 (or 39.2%) cases of successful recognition and enforcement of awards; 14 cases (or 17.1%) of set aside / refusal of enforcement of awards; 13 cases (or 15.6%) of successful enforcement of arbitration agreements through grant of stay of court proceedings in deference to arbitration; and 23 cases (or 28.1%) of refusal to grant stay of court proceedings in deference to arbitration.

Granted, there were more decisions that refused to stay proceedings in favour of arbitration than decisions that ordered a stay. Based on our experience, however, this statistic is unsurprising for a couple of reasons.

Cases reviewed In TARN 2021



First, decisions refusing to stay proceedings in favour of arbitration tend to be appealed more than decisions that grant the stay. Of the 23 cases of refusal to stay proceedings that we reviewed, 17 were appellate court decisions (15 from the Court of Appeal and 2 from the Supreme Court) while only 6 were High Court decisions. This appears to confirm that many cases of successful applications to stay proceedings end at the High Court where decisions are largely underreported.

Second, courts refuse to stay proceedings in favour of arbitration in most cases because applicants frequently take steps in the proceedings by filing a substantive defence before presenting the application to stay proceedings. Whenever an applicant takes a step towards the substantive defence of a suit, the applicant's right to arbitrate would be deemed waived and thus the real cause for the refusal to stay proceedings in these situations would be the tardiness or ignorance of the applicants and their counsel rather than the unwillingness of the courts to respect the parties' arbitration agreements.

### ▶ iii. Are arbitration agreements and awards involving governments and government-controlled entities being recognised?

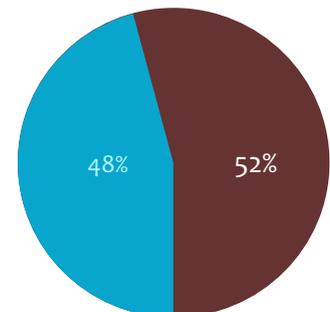
Governments at both the federal and state levels generally appear not to have any serious misgivings about agreeing to arbitrate or participating in arbitration. Of the 82 cases that we reviewed, governments or government-controlled entities (subsequently referred to as “government party / parties” for ease) were involved in 25 cases (approximately 30.5% of the 82 cases).

These ranged from the federal and state governments themselves and their ministries and parastatals to state-owned business entities, academic institutions and others.

**Of the 82 cases that we reviewed, governments or government-controlled entities (referred to subsequently as “government party / parties” for ease) were involved in 25 cases (approximately 30.5%).**

The crucial enquiry, however, is whether Nigerian courts maintain a level playing field in arbitration-related litigation involving government parties or tend to tilt towards government parties. Unfortunately, the answer to that enquiry remains, in theory, an open debate.

#### Decisions for and against government parties on arbitration points



■ Cases in favour of government parties on enforcement of arbitration agreement or awards

■ Cases against government parties on enforcement of arbitration agreement or awards

In terms of the raw data on the key arbitration points that we considered, the decisions in 13 of the 25 reviewed cases favoured government parties. This represents a marginal 52% success rate of government parties over other parties. That marginal tilt in favour of government parties alone clearly does not offer a credible basis to reach a conclusion on the question of possible judicial protectionism. It is telling, however, that high-value awards against the Nigerian State-owned oil company, several of which were handed down in the past decade and have yet to appear in the mainstream law reports, were annulled in decisions of courts of first instance that were upheld by the Court of Appeal. It remains to be seen how the further appeals to the Supreme Court in these cases would fare. Hence, the answer to the question of whether government parties enjoy judicial protectionism in Nigeria may arguably depend on the value of award-debt at stake.

### ▶ iv. How quickly are cases involving enforcement of arbitration agreements or awards determined?

Many consider the justice system in Nigeria to be slow, compared to other relevant jurisdictions. Regrettably, our research seems to confirm this perception in matters relating to enforcement of arbitration agreements and awards.

Of the 82 cases that we reviewed, 19 cases (or approximately 23%) were Supreme Court decisions.



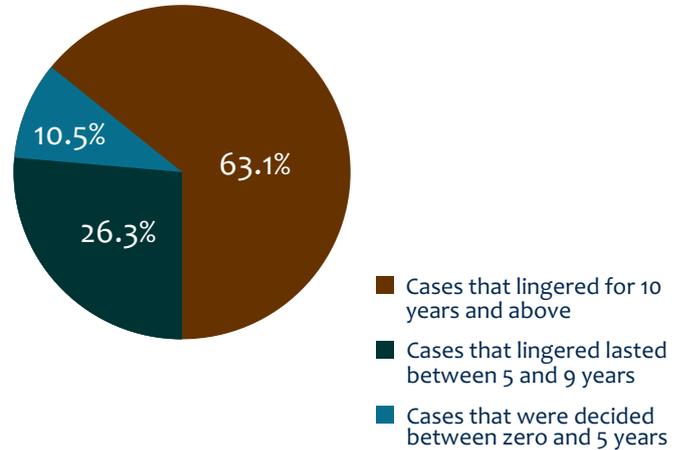
**The average duration of the 19 Supreme Court cases considered in TARN 2021 was 10 years from filing at the High Court to a decision by the Supreme Court.**

As a practical matter, this means, for example, that even after successfully obtaining an arbitral award, an award-creditor could potentially spend a decade in litigation to secure a final recognition and enforcement of the award by the apex court. Considering that proceedings relating to enforcement of arbitration agreements or awards are typically based on affidavit evidence rather than oral testimonies of witnesses, it is difficult to find any plausible excuse for the awfully slow pace.

Protracted arbitration-related proceedings are, therefore, arguably one of the most challenging issues with the arbitration experience in Nigeria. Hopefully, this issue will be redressed before long, as Nigerian courts are increasingly seeking out innovative ways to curb procedural delays.

The quickest of the cases went through the courts in approximately 2 years,<sup>1</sup> which is impressive, but the slowest lingered for 17 years.<sup>2</sup> In all, 12 (or approx. 63.1%) of the 19 Supreme Court cases were decided in 10 or more years, 5 (or approx. 26.3%) were decided in between 5 and 9 years, while only 2 (or approx. 10.5%) were decided in less than 5 years.

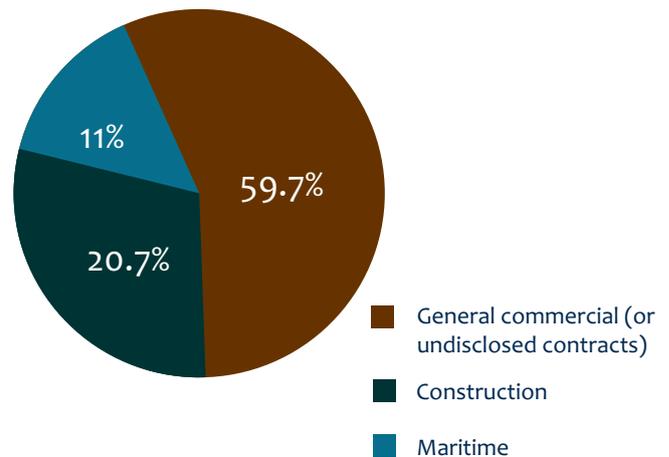
**Average duration of Supreme Court cases considered in TARN 2021**



**v. Which sectors are seeing more arbitration?**

Case law suggests that arbitration is being embraced across virtually all sectors of the Nigerian market. Apart from disputes arising from general commercial contracts (or undisclosed contracts), which constitute 59.7% of the cases we reviewed, construction disputes had the most arbitrations (20.7% of the reviewed cases), followed by maritime (11%). However, a significant part of the claims in the construction and other sectors arose from services rendered to the oil and gas sector, which underscores the continuing dominance of that sector in arbitration claims in Nigeria. The energy sector also leads in terms of the monetary value of arbitral awards.

**Areas seeing the most arbitration**



**vi. How does gender diversity fare in arbitrator selection?**

Issues of diversity and inclusion are rightly topical in virtually all aspects of human endeavour, including arbitration.

Of the 82 cases considered in this publication, we reviewed 45 cases involving (mostly ad-hoc) arbitrations in Nigeria in which the identities of the arbitrators who issued the awards were disclosed. Of this number, 40 (or 88.9%) were male arbitrators while only 5 (or 11.1%) were female arbitrators. Fortunately, the trend in arbitrations involving arbitral institutions is not as stark, as the data from the arbitral institutions discussed in the next question shows.

**In 45 cases where the identities of arbitrators were disclosed, only 11.1% of the arbitrators were female.**

It is expected that the gradual embrace of institutional arbitration would further improve the gender-balance.

<sup>1</sup> Metroline Nig. Ltd & Ors v. Dikko (2021) 2 NWLR (PT 1761) 422

<sup>2</sup> NITEL Ltd. v. Okeke (2017) 9 NWLR (Pt. 1571)

## ▶ vii. How are arbitral institutions in Nigeria faring?

Most arbitrations in Nigeria are ad-hoc and based on the Arbitration Rules of the ACA. With the emergence of more credible arbitral institutions and their growing caseload, however, the expectation is that this trend will gradually begin to change.

The Chartered Institute of Arbitrators (CIArb), Nigerian branch, for example, was formed in 1999 – 11 years after the enactment of the ACA. It remains a very influential arbitral institution in Nigeria. In response to our enquiries for this publication, the CIArb self-reported that between 2013 and 2020 alone, it handled 127 arbitration references. In that period, the CIArb made some 92 arbitrator appointments comprising 89 Nigerian and 3 foreign arbitrators, with an encouraging gender distribution of 54 male arbitrators and 38 female arbitrators (or 58.7% and 41.3% of total arbitrator appointments) respectively.

Impressively, the CIArb reported that only 3 of the 127 references it handled over that 7-year period have been subjected to jurisdictional or enforcement challenges, which suggests a high level of acceptance of, and confidence in, CIArb-administered arbitrations. CIArb's self-reported support services include the provision of hearing rooms and equipment such as projection, recording and transcription devices.

More information about the CIArb can be found on its website, <https://ciarbnigeria.org/>



The Lagos Court of Arbitration (LCA) is another burgeoning institution. It was established in 2009 by the Arbitration Law of Lagos State, as the default institution to administer arbitrations brought pursuant to that law. As of the end of 2020, the LCA, in response to our enquiries, reported that in the period of 2013 – 2020, it received a total of 41 references comprising 40 domestic and 1 international arbitration. On the 21 occasions (falling within that 7-year period of 2013 - 2020) where the LCA made arbitrator appointments as an appointing authority, the gender distribution was 16 male arbitrators and 5 female arbitrators (or 76.2% and 23.8% of arbitrator appointments) respectively. The LCA's self-reported support services include the provision of hearing rooms, fund holding and secretarial services and two recently introduced initiatives: the Small Claims Scheme and the Micro, Small and Medium Enterprises (MSME) Scheme that offer alternative dispute resolution for claims within the monetary range of N250,000 (approx. \$600) and N10,000,000 (\$24,330).

The LCA also reports that none of the awards that it administered in the relevant period has been subject to jurisdictional or enforcement challenges, which suggests that LCA awards enjoy wide acceptance.

More information about the LCA can be found on its website, <https://www.lca.org.ng/>

The Lagos Chamber of Commerce International Arbitration Centre (LACIAC) is yet another example of a growing arbitral institution in Nigeria, even though it was only established in its operational form in 2016. As of the last quarter of 2020, which is just about 4 years of its operational existence, the LACIAC reported, in response to our enquiries, that it has handled 6 domestic and 1 international arbitration, including appointing a female Kenyan national in the one instance so far when it has had to exercise its power as an appointing authority. With a self-reported average duration of circa 15 months from request for arbitration to issuance of



an award, the efficiency of LACIAC-administered arbitrations appears to be significantly high. Like the LCA, LACIAC reported that none of its awards so far has been challenged in court, which suggests that LACIAC awards are also well received. LACIAC's self-reported menu of arbitration support services and facilities range from hearing room bookings, registrar services and online documents repository, to transcription services (including real time transcription) and the use of the LACIAC Online Dispute Resolution (ODR) portal, which is a full-service online platform for running arbitration from commencement to award.

More information about the LACIAC can be found on its website, <https://www.laciac.org/>.

Overall, proactive arbitral institutions in Nigeria such as the CIArb, the LCA and the LACIAC are thriving, and their footprints could well see the popularity of institutional arbitration soaring significantly in the coming years.

## ▶ viii. What developments have been seen in the law and policy space of arbitration in recent years?

The ACA has now been in force without any amendments since 1988. In that period, arbitration awareness has improved significantly, resulting in the birth of competent arbitration institutions and revealing the need for improvements in the enabling statute. Furthermore, even as it puts itself out as a pro-arbitration jurisdiction, Nigeria has also had close shaves with international arbitration as a respondent in some interesting commercial and investment treaty claims. Against the backdrop of these developments, arbitration-targeted moves at the law-making and policy levels have been recorded in recent years.

### ● Abortive amendment of the ACA and the pending second try

In 2017, a Bill to amend the ACA short-titled the Arbitration and Conciliation Act (Repeal and Re-enactment) Bill was introduced in the Nigerian Senate. That Bill was passed by the Senate and forwarded to the House of Representatives for concurrence in early 2018. Among other significant matters, the Bill contained provisions which confirmed that electronic communications count as writing for the purpose of proving a written arbitration agreement, recognised third-party funding, and strengthened the framework for obtaining interim measures.

Regrettably, concurrence to the Bill by the House of Representatives could not be achieved until the end of tenure of the eight National Assembly in June 2019. In 2020, a similar Bill was introduced at the ninth National Assembly. It remains to be seen whether this current Bill will eventually pass and become the proposed Arbitration and Mediation Act.

### ● Musings on a “National Arbitration Policy”

In 2020, Nigeria arguably faced its biggest challenge as an award-debtor in the form of the \$9.6 billion (including interest) arbitral award handed down in favour of Process & Industrial Developments Limited (P&ID) and Nigeria's effort to fend off enforcement of that award by English courts.<sup>4</sup> Nigeria managed to obtain an unprecedented extension of time to challenge the P&ID award in the last quarter of 2020 but it remains to be seen whether the substantive challenge to the award will succeed.

Regardless, the P&ID award experience apparently caused Nigeria enough discomfort that the Attorney-General of the Federation (AGF) mooted a so-called national arbitration policy (NAP). In October 2020, the AGF reportedly set up a committee with a mandate to “review the current laws and policies on Arbitration in Nigeria, proffer advice on a new [NAP], draft an Executive Order to support the application of the [NAP] across government agencies, develop an implementation plan; and advise on the required infrastructure for setting up a world standard Arbitration Center in Lagos and Abuja.” A key proposal for the NAP is reportedly to ensure that “*transactions originating and terminating in Nigeria are arbitrated in Nigeria.*”

The arbitration community is watching and waiting on the NAP Committee to present its recommendations.

<sup>3</sup> See Samuel Lamal, Malami Inaugurates Committee on National Arbitration Policy, available at the official website of the Federal Ministry of Information and Culture, <https://fmic.gov.ng/malami-inaugurates-committee-on-national-arbitration-policy/>.

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From our above review, it is fair to conclude that Nigeria, a developing country with ample room for economic diversification and increased investments, has made reasonable progress in upholding arbitration as a legitimate and viable alternative to commercial litigation. With each passing year, arbitration is likely to become even more popular for, and relevant to, the resolution of commercial disputes in the country. Hence, our goal in TARN 2021 has been to address some of the questions about arbitration in Nigeria that are of constant interest to the business community, and we hope to do more in future publications.

Appendix I

Law reports considered in TARN 2021

	LAW REPORT	CITATION	YEARS COVERED
1	Nigeria Weekly Law Reports	NWLR	1990 – June 2021
2	Federation Weekly Law Reports / All Federation Weekly Law Reports	FWLR / All FWLR	2000 - 2020
3	Federal High Court Law Reports	FHCLR	1990 - 2012
4	Lagos Law Reports	LLR	2007 - 2016
5	Law Pavilion Electronic Law Reports	LPELR	

## LIST OF CASES CONSIDERED IN TARN 2021

	CASE NAME	CITATION
1.	A.I.C Ltd v Federal Minister for Works & Housing	(1997) 1 FHCLR 240
2.	Adamen Publishers (Nig.) Ltd. v. Abhulimen	[2016] 6 NWLR (Pt. 1509), 431 CA
3.	Adegoroye v. Bank Boston NA USA	(2005) 2 FHCLR 614
4.	Adwork Ltd v Nigeria Airways Ltd	(2000) 2 NWLR (Pt. 645) 415
5.	Afocon Nig. Ltd v The Registered Trustees of Ikoyi Club	(1996) FHCLR 371
6.	African Insurance Development Corporation v Nigeria Liquified Natural Gas Ltd	(2000) 4 NWLR (Pt. 653) 494
7.	African Reinsurance Corp. v AIM Consult. Ltd.	(2004) 11 NWLR (Pt. 884) 223
8.	Akpaji v Udemba	(2003) 6 NWLR (Pt. 815) 169
9.	Andy Boyo Nig. Ltd v Baker Hughes Process System & 3 Ors.	(2004) 2 FHCLR 344
10.	Arbico (Nig.) Ltd. v N.M.T. Ltd.	(2002) 15 NWLR (pt. 789) 1
11.	Associated Quantity Surveyors v. Maritime Academy of Nigeria, Oron	(2004) 2 FHCLR 1
12.	Atoju v. Truimph Bank Plc	(2016) 5 NWLR (pt. 1505) 252
13.	B.C.N.N. LTD. & ORS. V BACKBONE TECH. NET. INC.	(2015) 14 NWLR (pt. 1480) 511
14.	Baker Marina (Nig.) Ltd. v Danos Curole Cont. Inc.	(2001) 7 NWLR (pt. 712) 337 CA
15.	Baker Marine Nigeria Ltd. v Chevron Nigeria Ltd	(2006) 13 NWLR (pt 997) 276
16.	Bellview Airlines Ltd. v Aluminium City Ltd.	(2007) LPELR-8465(CA)
17.	Brigadier G.T. Kurubo & Baltic Engineering (Nig.) Ltd v Brigadier G.T. Kurubo & Baltic Engineering (Nig.) Ltd	(1992) 5 NWLR (Pt. 239) 102
18.	C. G. de Geophysique v. Etuk	(2004) 1 NWLR (Pt. 853) 20
19.	City Engineering Nigeria Limited v Federal Housing Authority	(1997) 9 NWLR (pt 520) 224
20.	Commerce Assurance Ltd v Alhaji Buraimoh Alli	(1992) 3 NWLR (Pt. 232) 710
21.	Compt. Comm. Ind. Ltd. v. Ogun State Water Corporation & Anor	(2002) 9 NWLR (Pt. 773) 629
22.	CONTINENTAL SALES LIMITED V R. SHIPPING INC	(2012) LPELR-7905(CA)
23.	CrewSolutions Ltd v. Pellegrini Nig. Catering Ltd	(2020) LPELR-49562(CA)

LIST OF CASES CONSIDERED IN TARN 2021

24.	Ebokan v Ekwenibe & Sons. Trading Co.	(2001) 2 NWLR (Pt. 696) 32
25.	Econet Wireless Ltd v Econet Wireless Nig. Ltd & 20 Ors	(2004) 3 FHCLR 190
26.	Environmental Development Construction v Umara Associates Nigeria	(2000) 1 NWLR (Pt. 652) 293
27.	ENYELIKE v OGOLOMA	(2008) 14 NWLR (PT. 1107) 247
28.	Fasz International Ltd & Anor v HNB Trustees Ltd	(2010) FWLR (Pt. 547) 659
29.	Fawehinmi Construction Company Limited v Obafemi Awolowo University	(1998) 6 NWLR (Pt.553) 171
30.	Federal Ministry of Health v Dascon (Nig) Ltd	(2019) 3 NWLR(Pt 1658) 127
31.	Felak Concept Ltd. v. A.-G., Akwa Ibom State	(2019) 8 NWLR (Pt. 1675) 433
32.	French Connection (Nig) Ltd v. Mabani Real Estate Holding (Nig) Ltd	(2021) LPELR-53474(CA)
33.	G.F. Nig. Ltd v E.A. Gorem Ltd	[2019] All FWLR (pt. 1019) 889
34.	Hanover Trust Ltd v Unique Ventures Capital Management Co. Ltd	(2015) All FWLR (Pt. 788) 881 CA
35.	Heirs Technologies Systems Ltd & Anor v Suburban Broadband Ltd & Anor	(2007) 1 FHCLR 627
36.	Home Developments Ltd. v Scancila Contracting Co. Ltd.	(1994) 8 NWLR (Pt. 362) 253
37.	Hon Emmanuel Oseloka Araka v Ambrose Nwankwo Ejeagwu	(2000) 15 NWLR (Pt. 692) 684
38.	Ikere Ekiti Ibukun Oluwa Teachers Cooperative Multipurpose Society Ltd v. Ajibua	(2019) LPELR-48493(CA)
39.	Indorama Eleme Petrochemicals Limited v Cutra International Limited	[2020] 11 NWLR (PT 1735) 302
40.	K.S.M.H. V. M.I.E.E.	(2012) 3 NWLR (Pt. 1287) 258
41.	Kano State Urban Development Board v Fanz Construction Company Ltd.	(1990) 4 NWLR (Pt. 142) 1
42.	Kwara State Transport Corporation v Musa (2015) All FWLR (Pt.796) 393 C.A	(2015) All FWLR (Pt.796) 393
43.	L.S.W.C v Sakamori Const. Nig. Ltd.	(2013) 12 NWLR (Pt. 1262) 569
44.	Lagos Hotel Ltd. v Western Hotel Ltd.	(1997) 1 FHCLR 67
45.	M.V. Panormos Bay v Olam (Nig.) Plc	(2004) 5 NWLR (Pt. 865) 1
46.	Mainstreet Bank Capital Ltd. v. Nig. RE	(2018) 14 NWLR (Pt. 1640) 423

LIST OF CASES CONSIDERED IN TARN 2021

47.	Marine Management Association Inc. v National Maritime Authority. (No. 2)	(2003) 2 FHCLR 267
48.	Mekwunye v. Imoukhuede	(2019) 13 NWLR (Pt. 1690) 439
49.	Messrs U. Maduka Ent. (Nig.) Ltd v B.P.E.	[2019] 12 NWLR (Pt. 1687) 429
50.	Metroline Nig. Ltd & Ors v. Dikko	[2021] 2 NWLR (PT 1761) 422
51.	MTN (Nig.) Comm. Ltd.v. Hanson	(2017) 18 NWLR (Pt. 1598) 394
52.	Mutual LifeGen. Ins. Ltd. v. Ihome	(2014) 1 NWLR (Pt. 1389) 670
53.	MV LUPEX v. NOC & S	(2003) 15 NWLR (PT 844) 469
54.	N.N.P.C. v. Roven Shipping Ltd	(2019) 9 NWLR (Pt.1676) 67
55.	National Maritime Authority v Bulkship (Nig.) Ltd	(2005) 3 FHCLR 677
56.	NEURAL PROPRIETARY LIMITED V UNIC INSURANCE PLC	(2016) 5 NWLR (Pt. 1505) 374
57.	NITEL Ltd. v. Okeke	(2017) 9 NWLR (Pt. 1571)
58.	NITEL v Cappa & D' Alberto Plc	(2005) 3 FHCLR 154
59.	OBIENU v OKEKE & ANOR	(2006) 16 NWLR (PT. 1005) 225
60.	Ogun State Housing Corporation v Engineer Olu Ogunsola	(2000) 14 NWLR (Pt. 687) 431
61.	Ogunsola v Ajaokuta Steel Co.	(2004) 3 FHCLR 382
62.	Ordancia Shipping Ltd of Cyprus v. Akkad Tanning Co. Ltd of Nigeria	(2005) 1 FHCLR 56
63.	OSUN STATE GOVT v DALAMI NIG LTD	(2003) 7 NWLR (PT 818) 72
64.	Peacegate OilGas Ltd. v Hydrive (Nig.) Ltd.	(2012) 17 NWLR (Pt. 1329) 391
65.	Popoola v Federal Government of Nigeria	(1997) 2 FHCLR 327
66.	R.C. Omeaku & Sons Ltd v Rainbownet Ltd	(2014) 5 N.W.L.R (Pt 1401)
67.	Ras Palgazi Const. Co. v Federal Capital Development Authority	(2001) 10 NWLR (Pt. 722) 559
68.	Rockbridge Construction Ltd v. Taraba State Government	(2006) 1 FHCLR 722
69.	S.P.D.C.N. Ltd & 2 Ors v C.I.N.R. Ltd	[2016] 9 NWLR (Pt. 1517) 300
70.	Samic Haidar v Standard Alliance Insurance	(2015) All FWLR (Pt. 790) 1344 C.A
71.	Sino-Africa Agricultural and Ind. Co. Ltd. v. Ministry of Finance Incorporation	(2014) 10 NWLR (Pt. 1416) 515

## LIST OF CASES CONSIDERED IN TARN 2021

72.	Stabilini Visinoni Ltd. v. MallinsonPartners Ltd	(2014) 12 NWLR (Pt. 1420)
73.	Sundersons Ltd. v. C.S. PTE Ltd.	(2015) 17 NWLR (Pt. 1488) 357
74.	T.E.S.T. Inc. v. Chevron	(2017) 11 NWLR (Pt. 1576) 187
75.	Taylor Woodrow of Nigeria Ltd v Suddeutsche Etna-Werk GMBH	(1993) 4 NWLR (Pt. 286) 127
76.	The Vessel MT. Sea Tiger & Anor v. Accord Ship Management (HK) Ltd & Ors	[2020] 14 NWLR (PT. 1745) 418
77.	Tulip Nigeria Limited v Noleggioe Transport Maritime S.A.S	(2011) All FWLR (Pt. 604) 26
78.	Umukoro v. University Press Plc	(2004) 2 FHCLR 165
79.	United World Limited Inc. v Mobile Telecommunications Services Limited	(1999) 10 NWLR (Pt. 568) 106
80.	University of Calabar v Socket Works Ltd.	(2014) All FWLR (Pt. 743) 1947
81.	Waltersmith Petroman Oil Limited v Niger Delta Petroleum Resources Ltd	(2015) All FWLR (Pt. 788) 869
82.	Williams v Williams & 2 Ors	(2014) 5 LLR 40 CA

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