

Steering you in the right direction

Our arbitration and litigation
experience across Africa





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Eversheds Sutherland in Africa

Eversheds Sutherland has more than 30 years' experience in Africa. The Eversheds Sutherland Africa group is currently comprised of over 50 lawyers based in Paris, London and in our various offices across Africa, all of whom have significant experience advising clients on large-scale contentious and non-contentious matters throughout the African continent. Our Africa group is regularly recommended by Chambers, Legal 500 and IFLR.

When it comes to doing business, Africa is not just a continent made up of 54 countries - it's a rich mix of people, cultures, languages and ideologies. On the one hand, the continent is seeing above average GDP growth, an abundance of natural resources, a growing and ambitious middle class and substantial trade and investment opportunities across national and regional markets. On the other hand, Africa remains an economically and geographically challenging continent.

Eversheds Sutherland understands that local knowledge and resources are crucial to navigating the complex maze of regulations and approvals. Our current footprint means we not only see the fertile ground for opportunities but can alert, advise and support you on your journey into and around Africa.

Our dedicated Africa Group includes lawyers that understand African countries' legal, political and economic environments and are able to provide appropriate and innovative strategies to companies in relation to issues arising out of their activities.

Legal 500 described Eversheds Sutherland as having "an excellent understanding of francophone Africa" and as advising "key players on contentious and non-contentious oil and gas projects in Africa".

Eversheds Sutherland Africa Alliance (ESAA)

Aware of the emerging issues and new challenges in Africa, Eversheds Sutherland decided to create an innovative platform for sharing best practice and promoting the highest standards of legal service across Africa. The Eversheds Sutherland Africa Alliance is a unique entity that provides member law firms with access to training, knowledge sharing programmes and commercial opportunities on a regional and international basis. By coordinating and sharing experiences between Eversheds Sutherland and ESAA members alike, we are able to provide top legal services across the globe.

For clients, this means access to the combined knowledge of over 35 firms in 36 countries throughout the continent. ESAA helps clients to keep abreast of legal developments and enables us to continue to deliver world class international legal services wherever you choose to do business.

Our International Arbitration and Litigation group works closely with the Eversheds Sutherland Africa team, headed by John Kemkers jointly with Co-Heads, Wesley Pydiamah and Farès Koussay El Heni alongside the ESAA network on various disputes with an Africa nexus.

ESAA Member Countries



Algeria Benslimane A&C Law Firm	Ivory Coast Bile-Aka Brizoua-Bi & Associés	Nigeria AIDAN Partners
Angola FCB&A - EVC Advogados	Kenya Muthaura Mugambi Ayugi & Njonjo Advocates	Rwanda K-Solutions & Partners
Benin Cabinet Djogbenou + Cabinet HK	Liberia The Law Office of Mohamedu F. Jones	Senegal Cabinet 25 + Cabinet Ba & Tandian
Burkina Faso Cabinet Sagnon-Zagre	Madagascar HK-Jurific	Seychelles Pardiwalla Twomey Lablache
Cameroon Ngassam, Fansi & Mouafo, Avocats Associés	Malawi Mbendera & Nkhono Associates	Sierra Leone Basma & Macaulay
Cape Verde Eva Caldeira Marques	Mali Brysla Conseils	South Africa Eversheds Sutherland
Chad Cabinet Thomas Dingamgoto	Mauritania Cabinet Yezid El Yezid	Sudan El Hussein Ahmed Salih
Comoros Avocat Comores – Cabinet Bahassani	Mauritius Eversheds Sutherland	Tanzania Abenry & Co
Djibouti Martinet & Martinet	Morocco CWA	Togo Martial Akakpo & Associés
Egypt Rizkana & Partners	Mozambique FCB&A - AG Advogados	Tunisia Eversheds Sutherland El Heni
Ethiopia Fikadu Asfaw and Associates Law Office	Namibia Koep & Partners	Uganda Katende Ssempebwa & Co
Ghana AB & David	Niger SCP Yankori	Zimbabwe Dube, Manikai & Hwacha



Port Louis



Tunis



Johannesburg

Our disputes experience

Our Dispute Resolution team is a key component of our African success story. We've gone from strength to strength, cementing our standing via the successful completion of further high-value, complex and cross-border disputes.

With more than 30 years' on-the-ground experience, we understand the legal, political and economic environments of each African country and can provide you with appropriate and innovative strategies in relation to contentious matters arising from your activities there. In particular, our team is significantly implicated in disputes involving countries forming part of the OHADA (Organization for the Harmonization of Business Law in Africa) zone.

Together with ESAA, our recent work includes:

Energy

- represented an oil field services provider in disputes arising out of the termination of its distribution agreement in Libya
- advised an investor on its rights under a joint venture with an African State in relation to the ownership and operation of a strategically important pipeline, with potential damages against the State in excess of USD 1 billion
- successfully defended a major oil and gas company in London-seated UNCITRAL arbitration proceedings brought by a Cameroonian counterparty to enforce the terms of an indemnity following the divestment of our client's downstream operations in the region
- acted for a substantial energy company in an LCIA arbitration relating to the supply of crude oil out of Angola, which resulted in a successful settlement
- acted for a Chinese energy company in relation to a dispute against an African State relating to its intended withdrawal from a Production Sharing Contract for oil exploration and exploitation
- representing an oil major in a potential ICC arbitration under a joint operating agreement in the Democratic Republic of Congo
- acting as co-counsel for a Middle Eastern gas major and a significant number of its shareholders in a major international oil and gas dispute against the Arab Republic of Egypt, as well as various state entities in a complex multi-billion-dollar arbitration cluster before ICSID, ICC, CRCICA UNCITRAL, and PCA
- counsel to a major oil company in an ICC arbitration in Paris brought against an African State, in relation to a multi-billion-dollar environmental dispute in the context of the company's exploration activities, as well as in the ensuing settlement negotiations
- advising a global oil company on bribery issues associated with the acquisition of exploration rights for oil blocks in Togo and Chad

TMT

- representing a Dutch company in an LCIA arbitration in London on buying a controlling interest in a Nigerian telecommunications company, as well as the related litigation in both Nigeria and London involving the Nigerian company's shareholders and a rival bidder
- representing a South African major telecoms operator in an ICC arbitration arising out of alleged breaches of a shareholders agreement
- acting as counsel for a major regional media company in a multi-million-dollar dispute cluster involving arbitration and litigation under UAE law concerning breaches of a number of licensing and broadcasting agreements
- conducting an investigation into alleged bribery and corruption on behalf of a telecommunications company in Tanzania
- advising a Mauritanian construction company on attachment actions in Mauritania in a possible ICC Arbitration against a telecoms major
- representing a Mauritanian mining company in an ICC arbitration and its subsequent enforcement proceedings
- representing an Egyptian construction company against a container terminal of an Egyptian port in an arbitration concerning the building of a commercial warehouse (FIDIC)
- representing a British industrial group in OHADA arbitration proceedings relating to a building site in Equatorial Guinea
- representing a Maltese company in an ICC arbitration initiated by an Algerian company in relation to the execution of a contract for maritime works, resulting in a favourable arbitral award for our client

Infrastructure and construction

- acting for an African State in its defence of claims in an ad hoc bilateral investment treaty arbitration, administered by the Permanent Court of Arbitration under the UNCITRAL Rules (seat in The Hague), brought by a Korean investor and relating to a number of housing and other infrastructure projects in that State
- acting for an African State in its defence of claims in a bilateral investment treaty arbitration under the ICC Rules (seat in Geneva), brought by a Turkish investor in relation to construction projects in that State
- representing a Libyan state-owned oil company in two arbitrations against the Italian designer and contractor of a jetty for oil tankers
- assisting a transport infrastructure company operating across Sub-Saharan Africa with an anti-bribery gap analysis and training its staff on how to deal with issues as they arise
- advising a global telecoms infrastructure manufacturer on bribery and corruption issues, including acting as the exclusive provider for forward-looking analysis on enforcement trends



Lake Bunyonyi in Uganda, Africa, at the borders of Uganda, Congo Democratic Republic and Rwanda

Trade and commodities

- acted for the Burkina Faso subsidiary of an English listed company in a London seated arbitration against a Ghanaian supplier for failure to deliver goods under a contract governed by Burkina Faso law
- acted for two international banks in three parallel arbitrations against a multinational Swiss company, one under the LCIA Rules and two under the ICC Rules. The dispute arose out of the fraudulent misappropriation of commodities held in warehouses in an Africa State.
- advising a Swiss oil trading company in a USD 25 million dispute, subject to Mauritanian law, against a State-owned entity in Mauritania
- counsel to a company active in the agri-business in Africa in proceedings against its supplier before the local court of a West African state in relation with alleged defect of supplied fertilizer
- represented a Dubai-based mobile telecoms company at the Lagos Multi Door Court in a claim for breach of contract involving the sale and distribution of mobile phones in Nigeria
- counsel to a European oil trading company in a dispute before local Mauritanian courts in relation to oil sales
- advising a Nigerian company and its multi-national parent company in enforcing a Nigerian arbitration award for £200 million against the State of Nigeria in the English courts
- representing a global defence supplier in an ICC arbitration in London, applying South African law and related South African court proceedings against a South African defence manufacturer arising out of breaches of a joint venture agreement
- representing a Nigerian claimant company in a multi-million-dollar LCIA arbitration involving the supply of defective mobile phones by a Chinese company
- representing a JSE listed leading African food producer in a contractual claim arising out of the defective installation of machinery, the matter was settled favourably for ZAR 5 million
- advised a global professional services company in relation to potential court and/or arbitration proceedings in London and Paris arising out of accreditation services relating to the manufacture of products in South Africa
- developing and facilitating anti-bribery and ethics training for a diversified industrial company for its management team across Sub-Saharan Africa
- advising a US industrial company on the bribery and corruption risks associated with its acquisition of a business with numerous public sector clients in Nigeria, and providing business-friendly proposals around how that risk could be mitigated

Manufacturing

- defending the UK arm of a large US industrials and manufacturing company in respect of ICC arbitration proceedings (London seat) threatened by their former Libyan distributor for breach of contract



Mountain oasis Chebika at border of Sahara, Tunisia



National Park Niokolo Koba in Senegal

JV/Shareholder/Corporate disputes

- advising a Cayman Islands investment fund in a US\$ 120 million ICC arbitration, subject to Algerian law, against an Algerian private oil company related to various breaches of a shareholders agreement
- representing a claimant in multi-million dollar arbitration proceedings sitting in London under the CIArb Rules involving a shareholder dispute
- advising a Tunisia-based investment bank in a US\$ 25 million ICC arbitration, subject to Algerian law, against an Algerian state-owned bank related to a joint-venture leasing project
- representing two non-resident directors of a global business company, who were sued by the liquidator of the company for US\$ 45 million for alleged breach of duties in relation to investments made in a Swaziland subsidiary which went into liquidation
- representing a foreign plaintiff seeking an order to void a settlement of shares in a South African company into a trust governed by the laws of Mauritius, on the grounds that the settlement was an attempt by the settlor to defeat the security rights of the plaintiff to the said shares

Franchise and distribution

- acting as counsel in a multi-million dollar arbitration proceeding held in London involving a claim for breach of an international franchise agreement
- representing the promoters of a Philippine airline at the Lagos Federal High Court, in its claim for damages in the sum of NGN 350 million against the Nigeria Postal Service over the breach of a Postal Distribution Agreement

- successfully averting a court order against a Fortune 500 pharmaceutical company by way of appeal at the Court of Cassation, after the Cairo Economic Court had ordered the company to pay the sum of EGP 50 million to an Egyptian distribution company on the background of an alleged breach of contract
- advising a US Company in LCIA arbitration proceedings against a Tunisian distributor

Commercial disputes

- representing a JSE listed leading African food producer in recovering ZAR 12 million from an insolvent estate by virtue of a first covering surety bond held over the insolvent estate's property
- advising a FTSE 100 company within the framework of an ad hoc OHADA arbitration in West Africa
- advising a Swiss entity on attachment actions in Mauritania in an ICC arbitration brought against a Spanish company
- acting for several commercial banks in Nigeria and in the UK for the recovery of debts owed in excess of GBP 10 million to them by private and corporate clients
- representing an American financial services corporation in a dispute valued at NGN 500 million in a suit filed at the Federal High Court Lagos, Nigeria
- representing one of the leading insurance companies in Ghana in a EUR 5.8 million insurance liability claim
- defending professional services firms in relation to claims brought in Egypt for damages exceeding USD 1 billion

Your key contacts



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Notes

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