



# Babatunde Fagbohunlu, SAN

**Senior Partner | ALN Nigeria | Aluko & Oyebode**

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## Background

Tunde is a Senior Partner and Head of the Litigation & Arbitration Practice. He is a barrister and solicitor of the Supreme Court of Nigeria (admitted 1988). In December 2008, he was conferred with the rank of Senior Advocate of Nigeria (SAN) by the Nigerian Legal Practitioners Privileges Committee.

He specializes in commercial litigation and has litigated on an extensive range of issues, including those pertaining to oil and gas, maritime, intellectual property, telecommunications, taxation, finance and banking, contracts, receiverships and insolvency, commercial law transactions and general litigation both at trial and appellate levels.

Tunde has represented various multinational clients, including oil companies, telecommunication companies and banks both in litigation, ad-hoc arbitrations and arbitration proceedings. He renders legal advice on a wide range of commercial transactions. He also regularly represents Nigerian as well as foreign and multinational clients in arbitration and before arbitral institutions, such as the International Court of Arbitration of the ICC. He has also been appointed arbitrator in several arbitration proceedings.

In 2018, the Legal 500 Europe, Middle East & Africa recognized him as one of the leading individuals in Dispute Resolution. In Chambers Global 2014 and 2016, he was described as an “extremely skilled advocate...very hands-on, very clever, and with excellent commercial judgement. In Chambers Global 2013 legal rankings he was described as “hard-working and thorough” and respected by peers for his litigation skills.

Tunde’s expertise has also been recognised in publications such as Who’s Who Legal Nigeria 2010 and 2012. Where he was described as a “fantastic litigator” and, in 2012, he was noted for his “craftsmanship” in constructing legal arguments when representing international entities in arbitration proceedings.

## Professional Membership

- Nigerian Bar Association
- International Bar Association
- The Body of Senior Advocates of Nigeria
- Fellow of the Chartered Institute of Arbitrators UK

- Member, LCIA Court of Arbitration (2014 to 2019)
- Chairman, Board of Governors, Lagos Chamber of Commerce International Arbitration Centre (LACIAC) (2016 to 2020)
- Member, International Arbitration Institute, Paris
- Member, Chartered Institute of Arbitrators, UK
- Member, Chartered Institute of Arbitrators, UK (Nigeria Branch)
- Member, London Court of International Arbitration (LCIA) African Users Council

## Professional Qualifications

1987: University of Ife, Ile Ife [LL.B. Hons]

1988: Called to the Nigerian Bar

1991: University of Lagos [LL.M).

## Career Summary

1993 – Date: Partner, Aluko and Oyebo

## Awards & Accolades

- Chambers Global 2022: Band 1 for Dispute Resolution – Nigeria
- Who's Who Legal (WWL): Global Leader Recommended in Arbitration, 2022
- Legal 500: Shortlisted in "Arbitration Powerlist 2021, Africa"
- IFLR1000: rated as Highly Regarded & Leading Lawyer
- Who's Who Legal (WWL) 2021: National Leader Recommended in Nigeria – Arbitration, Litigation, Energy, Natural Resources & Mining
- Chambers Global Ranking 2021
- Legal 500 Europe, Middle East & Africa 2018, Dispute Resolution – Leading individuals

*"He is one of the best lawyers in the country." "He has a great legal mind." – Chambers Global*

*"Tunde is an extremely well-established disputes lawyer, highlighted by market commentators for his reputation and visibility in the arbitration space. He is a respected litigator and has experience in various financial disputes. Many of his clients are from the oil and gas sector." – Chambers Global*

## Top Matters

### Top Matters

#### Experience as Counsel

- Acting for various clients in connection with a series of matters, including thirty active claims, with causes of action based on negligence, strict liability and fundamental human rights, arising out of an oil spill.
- Representing several international oil companies in connection with a series of cases brought on behalf of the Federal Government of Nigeria, which alleges a failure to declare, or an under-declaration of crude oil exported from Nigeria.

- Acting for a client in connection with an action before the Nigerian courts relating to the attachment of the rights to an oil prospecting licence.
- Acting for a client together with Freshfields, Bruckhaus, Derringer LLP in connection with an ad-hoc arbitration under UNCITRAL Rules of Arbitration (Deep Offshore Production Sharing Contract dispute).
- Acting for a client together with Hogan Lovells International LLP in connection with an ad-hoc arbitration under UNCITRAL Rules of Arbitration (Venue: Abuja, Nigeria) (Deep Offshore Production Sharing Contract dispute).
- Acting as lead counsel for a client in connection with an ad-hoc arbitration under UNCITRAL Rules of Arbitration (Venue: Lagos, Nigeria) (Construction dispute arising from contract for engineering, procurement and construction works for an oil and gas flow station).
- Acting as lead counsel for a client in connection with an ad-hoc arbitration under UNCITRAL Rules of Arbitration (Venue: Lagos, Nigeria) (Construction dispute arising from contract for engineering, procurement and construction works for the Bonny Oil Export Terminal).
- Acting as lead counsel for a client in connection with an International Chamber of Commerce (ICC) Arbitration, (Venue: Lagos, Nigeria and Accra, Ghana) (Marginal Oilfield Joint Venture Agreement dispute).
- Acting as lead counsel for a client in connection with an International Chamber of Commerce (ICC) Arbitration (Venue: Lagos, Nigeria) (contractual dispute arising from overseas supply and installation contract for the 8th All Africa Games, Nigeria (2003)).
- Acting as lead counsel for a client in connection with an ad-hoc arbitration under UNCITRAL Rules of Arbitration (Venue: Lagos, Nigeria) (dispute arising from charter of barge and anchor handling tugs).
- Advising and representing a client in connection with an arbitration involving a dispute in relation to petroleum profit tax in the context of a deep offshore production sharing contract.
- Advising and representing a client in connection with an appeal before the Tax Appeal Tribunal in a dispute involving the process for assessment of education tax, arising in the context of a deep offshore production sharing contract, including advising the client on withholding tax issues in the context of an EPC contract.
- Acting as lead counsel for a client in connection with an ad-hoc arbitration involving a dispute in relation to the interpretation of the provisions of a crude oil handling agreement.
- Acting as lead counsel for a client in connection with an ad-hoc arbitration involving a dispute in relation to the export of an oil rig.
- Acting for a client together with Quinn Emanuel Urquhart & Sullivan in connection with an ad-hoc arbitration under the UNCITRAL Rules of Arbitration (Venue: Abuja, Nigeria) (Deep Offshore Production Sharing Contract dispute).
- Advising and representing a client in connection with the settlement of a dispute arising from an alleged contravention of the Foreign Exchange (Monitoring and Miscellaneous Provisions) Act 1995 and the Foreign Exchange Manual 2006 by remitting foreign currency using 'irregular' Certificates of Capital Importation.
- Advising and representing a consortium of international oil companies in relation to contract claims totalling over USD 27 billion arising from a unilateral and retroactive change in the profit-sharing mechanism set out in the applicable production sharing contracts.
- Acting for a client together with LMS Legal LLP in connection with an International Chamber of Commerce (ICC) Arbitration (Venue: London, England) (contractual dispute arising from a Farm In Agreement and Joint Operating Agreement).
- Acting for a client together with Three Crowns LLP in connection with an International Centre for Settlement of Investment Disputes (ICSID) Arbitration (investment treaty dispute arising from expropriation of contractual rights to a Production Sharing Contract relating to a Deepwater oil prospecting license).
- Acting as lead counsel in connection with a London Court of International Arbitration (LCIA) Arbitration

- (contractual dispute arising from the breach of a Share Sale and Purchase Agreement).

#### **Experience as Arbitrator**

- Member in a three-man arbitral panel in connection with a shipping/charterparty arbitration (Venue: Lagos, Nigeria).
- Sole Arbitrator in connection with a insurance arbitration (Venue: Lagos, Nigeria).
- Sole Arbitrator in connection with a dispute arising from lease of Marine Barge & Jetty (Venue: Lagos, Nigeria).
- Member, three-man arbitral panel in connection with a hotel construction contract dispute (Venue: Lagos, Nigeria).
- Sole Arbitrator in connection with a contract dispute arising from sale and skeleton building agreement, ad-hoc arbitration under UNCITRAL Rules of Arbitration, (Venue: Lagos, Nigeria).
- Chairman, three-man arbitral panel, in connection with an ad-hoc arbitration involving onshore oil drilling contract, Lagos, Nigeria (2014).
- Chairman, three-man arbitral panel, in connection with an ad-hoc arbitration involving agency agreement in the automobile industry, Lagos, Nigeria (2016).
- Sole Arbitrator in connection with an ad-hoc arbitration involving Joint Venture Agreement for project management of an EPC contract in the oil and gas industry (Lagos, 2016).
- Member, three-man panel, in connection with an ICC arbitration arising from an international contract for the rehabilitation of urban town roads (2017 – ongoing).
- Member, three-man panel, in connection with a LCIA arbitration arising from an international agreement for the construction of high voltage electricity plants (2017 – ongoing).

#### **Experience as an Expert Witness**

- Expert witness on Nigerian law in connection with proceedings before the High Court of Justice, Queens Bench Division, Technology and Construction Court: Harrison Jalla v Royal Dutch Shell and Others (2022).
- Expert witness on Nigerian law in connection with proceedings before the High Court of Justice Queen's Bench Division Commercial Court in Great Elephant Corporation v Trafigura Beheer BV & Ors [2012] EWHC 1745 (Comm) (Venue: London).
- Expert witness on Nigerian law in connection with proceedings before the High Court of Justice Queen's Bench Division Commercial Court in IPCO (Nigeria) Ltd v Nigerian National Petroleum Corporation [2005] EWHC 726 (Comm) (Venue: London).
- Expert witness on Nigerian law in connection with an arbitration proceedings conducted under the American Arbitration Association Rules (Venue: Spain)