

Ngo-Martins Okonmah

Partner | ALN Nigeria | Aluko & Oyebode

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Background

Ngo-Martins is a Partner at Aluko & Oyebode. He is a skilled litigator and arbitration lawyer with expertise in construction law, oil & gas, intellectual property, shipping and aviation law. He currently oversees the firm's construction and engineering practice. He has acted as counsel or arbitrator in international arbitration proceedings conducted under the UNCITRAL and ICC Rules governed by a variety of substantive laws and seated in jurisdictions such as Nigeria, London, Zurich and Miami, Florida. He has advised and represented clients in enforcing and recognising arbitral awards before Nigerian courts.

Additionally, Ngo-Martins has experience advising on construction and engineering contracts, including FIDIC, NEC, JCT and bespoke funder's led EPC, EPCM contracts in a variety of sectors, including oil & gas, power and general infrastructure. Importantly, he has acquired significant experience advising and representing clients in leading and complex intellectual property, shipping and aviation disputes in Nigeria over the years. The disputes involve trademark infringement and nullification claims, copyright infringement and design claims, air passenger claims and enforcement of aircraft security.

Ngo-Martins is active in several professional organisations and involved in wider efforts toward the development of construction law and arbitration in Africa, being the founder and executive director of Africa Construction Law initiative, a pan-African initiative set up to promote construction law within Africa; and a founding member and director of Africa Arbitration Academy, an initiative established to improve expertise and training of arbitration practitioners across Africa.

Membership in Professional Societies

- Nigerian Bar Association
- International Bar Association
- Member, Chartered Institute of Arbitrators UK
- Africa Construction Law initiative
- Member, Dispute Resolution Board Foundation
- ICC Young Arbitrators Forum
- LCIA, Young International Arbitration Group

Professional Qualifications

2019: King's College London, (MSc, Construction Law & Dispute Resolution)

2008: Called to the Nigerian Bar

2006: Delta State University, LLB (Hons)

Career Summary

2022: Partner, Aluko & Oyebode

2016- 2022: Senior Associate, Aluko & Oyebode

2015: Keating Chambers, London, UK, Work Placement (Secondment)

2015: Pinsent Masons LLP, London, UK, (Secondment)

2015: Associate, Aluko & Oyebode

2009: Associate, Ajumogobia & Okeke

Awards and Accolades

- 2020 Africa Rising Star by Africa Arbitration

'… … I have particularly been impressed by Ngo-Martins Okonmah. Ngo is extremely devoted to his work, very professional and diligent. He has a huge experience and approaches all issues and potential problems with enthusiasm and creativity'.- Legal 500 (EMEA) 2021

Publications

- The Prevention Principle and the Risk of Employer-caused Delay under the 2017 FIDIC Suite of Contracts 2021 ICLR 240.
- An analysis of the 'effective means standard' as an alternative to securing enforcement of arbitral awards in Nigeria – IBA-Construction Law International (Vol. 11, Issue 2, June 2016) or http://www.aluko-oyebode.com/resources/an-analysis-of-the-effective-means-standard-as-an-alternative-to-securing-enforcement-of-arbitral-awards-in-nigeria/
- Introduction to the ICC Dispute Board Rules – Construction Europe Vol. 26 No. 9, November 2015 page 17 or www.khl.com/magazines/construction-europe co-written with Danielle Griffiths of Pinsent Masons LLP London, United Kingdom.

Top Matters

- Advising an IOC in connection with a London seated ICC arbitration in relation to a dispute valued at roughly USD 6.5 million arising under a EPC contract for the engineering, procurement, construction, installation, testing and pre-commissioning of the pipeline, with the related civil, mechanical, electrical and instrumentation works in connection to a gas delivery project.
- Advising a large MNC in connection with two ICC arbitration matters in relation to disputes valued cumulatively at roughly EUR 4.3 million arising under a subcontract for a general electric project (i.e. the construction and completion of a multi-modal manufacturing facility) and subcontracts for the development of a sporting complex.

- Advising an EPC contractor in connection with arbitration proceedings arising from a contractual dispute involving a subcontractor and their provision of a leak and shock detection system for an LNG gas pipeline project.
- Advising a Japanese EPC contractor in connection with a successful tax appeal dispute involving the company's tax liabilities under an engineering, procurement and construction contract executed with ExxonMobil. This victory turned on a reappraisal of the concept of "fixed base" in assessing offshore companies with respect to Nigerian tax. The success of the appeal resulted in savings for the client approximately USD 8.2 million.
- Advising a Dubai based MNC in connection with an ICC arbitration in relation to a dispute valued at roughly USD 2 million arising under a FIDIC yellow book contract for the design and construction of a housing scheme in the Commonwealth of Dominica.
- Advising a major E&P in connection with variation and prolongation claims valued at USD 3.75 million arising from an EPC contract with an international contractor for the construction of mid-water arch required for the development of certain OMLs in Nigeria.
- Advising a client in connection with a negotiation of an EPC contract involving an oil and gas company and an international contractor based around the upgrade work of a Mobile Offshore Production Unit (MOPU) valued at USD 40 million.
- Advising a client in connection with a negotiation of an EPC contract involving an oil & gas company and a Chinese engineering firm based around the construction and development of a 40KBD refinery project valued at roughly USD 695 million.
- Advising a major South Korean conglomerate in connection with a dispute arising under a contract to wet tow Tug & Barge.
- Advising an oil company in connection with a case against the Nigerian National Corporation Company (NNPC) in relation to Production Sharing Contracts (PSC's) involving several oil acreages.
- Advising a large MNC in connection with a dispute arising under a master supply and maintenance service agreement for the provision of hybrid energy stations.
- Advising a local subsidiary of a British multinational company in connection with an insolvency proceedings, which sought to dissolve the company on the grounds of an inability to pay a debt contained pursuant to an arbitration award.
- Advising an international consortium of lenders in connection with the enforcement of an aircraft lease agreement and an aircraft mortgage agreement.