

Our International Disputes  
experience in Africa

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**Further information**

If you would like further information relating to our international disputes capabilities in Africa please contact:



**Michael Davison**

Global Head of Litigation and Arbitration  
T +44 20 7296 5981  
michael.davison@hoganlovells.com

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**Daniel E. González**

Head of International Arbitration, Miami  
T +1 305 459 6649  
daniel.gonzalez@hoganlovells.com

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**Carmen Núñez-Lagos**

Partner, Paris  
T +33 (1) 5367 1858  
carmen.nunezlagos@hoganlovells.com

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Global Dispute Resolution Firm  
of the Year

*Chambers Global Awards, 2014*

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Top 5 Global Arbitration  
Practice, "Gar 30"

*Global Arbitration Review, 2014*

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## Introduction

We are very pleased to have the opportunity to present our African disputes experience and capabilities.

Hogan Lovells is a leading international disputes law firm with a highly regarded reputation for managing high profile, complex cross-border matters. We are consistently recognised as market leaders in providing a full range dispute resolution services including professional liability across our network of offices around the world. Our experience is unique in its breadth, ranging across the full spectrum of contentious issues. We have a strong and highly respected team with a presence in the main financial centres across Europe, Asia, Middle East and emerging markets with an unrivalled transatlantic coverage across Europe and the USA.

## Hogan Lovells in Africa

Hogan Lovells has been active in Africa for more than 30 years. Our Africa Practice brings together members of Hogan Lovells from across the world who have experience in and regularly advise clients located in or who have an interest in Africa. The team, with leaders in the Middle East, Asia, Americas and Europe, works together regularly, sharing Africa know-how and news relating to Africa, ensuring that we provide the highest quality service to our clients.

The Africa-related disputes we have handled cover a broad spectrum of industry sectors, including telecommunications, energy (oil and gas), banking, construction, retail and manufacturing.



**Key**  
■ Experience in International Disputes

## Our expertise

Within this brochure we touch upon four key areas of activity that are important for our clients in Africa; Global Bribery and Corruption, Financial Services, International Arbitration and Projects, Engineering and Construction.

### **Financial Services**

Hogan Lovells are at the forefront of financial services litigation, representing financial institutions in significant and high profile disputes. We are consistently recognised as market leaders in providing the full range of services to financial institutions, including disputes and investigations. Our experience is unique in its breadth, ranging across the full spectrum of contentious issues from retail and commercial banking issues, through funds and investment management matters, to disputes arising from derivatives, structured products and trading in the wholesale markets.

We defend such institutions in disputes with regulators and government authorities, as well as in civil disputes with customers which often span multiple jurisdictions. Our lawyers are leaders in their local jurisdictions and function across offices as one team, ensuring that we deliver both local insight and global perspective to meet our clients' interests in multi-jurisdictional matters.

### **Global Bribery and Corruption**

Across the globe, a number of political, economic and commercial factors have elevated issues of bribery and corruption up the corporate agenda. We understand that issues of compliance relating to bribery and corruption are likely to involve a number of countries. In the wake of the global clampdown on bribery and corruption, multinational businesses and their executives face a number of threats, such as government-led and internal investigations, frozen assets, whistleblower complaints, and dawn raids.

Our Global Bribery and Corruption Task Force brings together a cross-jurisdictional skilled team of lawyers from our international network who have over 25 years experience in large-scale investigations. We operate at the intersection of business and regulation and can call upon industry authorities in both our Investigations and Regulatory practices to provide you with the best possible blend of proactive and reactive service.

### **International Arbitration**

Ranked fourth overall in the world in the 2014 Global Arbitration Review "GAR30", our international arbitration practice covers all of the major industry sectors. We have extensive experience of complex, high-value arbitrations of all kinds, both in commercial and investment treaty disputes. We are frequently recognised as being at the forefront of developments in the field of international arbitration. We were the first firm to act in an investment protection arbitration involving parallel claims under the Energy Charter Treaty, a bilateral investment treaty, and an international contract.

Hogan Lovells has acted in and advised on arbitrations administered by arbitral institutions in Africa and recently assisted with the establishment of the Kigali International Arbitration Centre in Rwanda, including the provision of advice regarding the KIAC Arbitration Rules which define and regulate the conduct of cases submitted to the KIAC.

### **Projects, Engineering and Construction**

Our projects, engineering and construction team has an established reputation as a leader in its field, with a proven track record of success avoiding, mitigating, and resolving numerous complex challenges across a broad spectrum of projects throughout Africa and the rest of the world. We are among the few law firms to offer a truly global practice and have over 30 years' experience of advising clients during the entire life-cycle of projects across all sectors of the construction industry. We have long-standing experience of advising the whole spectrum of industry participants on all aspects of a wide variety of engineering and construction projects worldwide, including energy and power, major infrastructure, mining and metals, nuclear, process plants, public/private partnerships and vertical construction.

## Northern Africa experience



Advising the main EPC contractor for the design and construction of a major new desalination and associated power plant in Algeria in a dispute with its turbine supplier



Represented a North African telecommunications company in an ICC arbitration against a French company for breach of a supply and distribution agreement



Advising a major network operator in relation to an arbitration under the rules of the Cairo Regional Centre for International Commercial Arbitration concerning interconnection rates



Representing an international oilfield services provider, defending claims brought in two parallel ICC arbitrations by its agent in Libya (and associated companies) arising under a suite of agreements for the provision of well testing services



Representing a Japanese company in an ICC arbitration against an Egyptian company relating to an engineering contract subject to French law, involving the construction of provisions dealing with letters of credit



Acting for a European oil and gas major in ICC arbitration in Geneva against an Algerian petroleum company in relation to the supply of Liquefied Natural Gas



Acting for an oilfield services provider and its subsidiaries in three parallel ICC and LCIA arbitrations under a series of agreements for services connected to exploration and production in Algeria



Acting for a major energy company in an UNCITRAL arbitration relating to the utilization of a North African oil field



Representing a North African State entity in ICC arbitration proceedings and in court proceedings in relation to several of its investments

## Eastern Africa experience



We assisted in setting up the Kigali International Arbitration Centre (launched in 2012): <http://kiac.org.rw>. Our involvement included assisting in the drafting of KIAC's arbitration rules



Acting for an independent power producer in Kenya in relation to a PPA with Kenya Lighting and Power Company Limited for the 56 MW diesel generating plant in Nairobi South



Acting for companies in the SABMiller plc group against companies in the Diageo plc group in three ICC arbitrations seated in London concerning joint venture disputes relating to the Tanzanian and Kenyan beer markets. This included related proceedings in the English Courts to obtain an interim injunction and successfully resisting an appeal of the injunction



Acting for two international banks in three parallel arbitrations (two under the ICC Rules and one under the LCIA rules) against a Swiss multinational and East African companies relating to commodity finance and management agreements in East Africa



Acting for a multinational engineering company in an ICC arbitration in Zurich arising out of a dispute over a pipeline in Sudan



Acting for a European company on successfully resolving disputes on a power station in the Sudan



Advising an international contractor in respect of its bid for an independent power plant in Mozambique including advising on a construction contract based on FIDIC Silver



Acting for a contractor in an ICC arbitration. The employer was an Australian company and the project was in Mozambique



Advising an East African subsidiary of a large multinational regarding the successful appeal of a decision of an East African competition authority



Acting as lead counsel for an international oil and gas company, which is being investigated for aiding and abetting an Eastern African government in committing war crimes

## Western Africa experience



Defending Shell in claims brought in the English courts by members of the Bodo community in relation to two operational oil spills in the Niger Delta. This case is currently the largest class action in the UK



Acting for a European contractor (in its role as consortium leader) in relation to claims against a West African governmental entity arising out of a construction project



Advising a major international oil firm relating to a deep sea oil rig contract (day rate and equipment repair issues) operating in offshore Trinidad, Congo and Brazil, including a mediation on the day rate dispute



Acting for the Gabonese subsidiary of an International oil company in ICC arbitration proceedings brought by an exploration and production company relating to the transportation of oil through a pipeline. The case gives rise to complex issues of force majeure, frustration, illegality, sale of goods law, set-off and restitution, as well as Gabonese law



Acting for four oil majors in two separate ad hoc arbitrations seated in Nigeria with a combined value in dispute of over US\$2.5 billion. The arbitrations related to the interpretation and performance of Production Sharing Contracts signed in 1993



Acting for a Ghanaian food manufacturer against a Hong Kong multi-national in an arbitration under the ICC Rules in London concerning an exclusive distribution agreement for West Africa. This included acting for a related company and individuals in relation to a successful challenge under Article 6(2) of the ICC Rules



Represented a major global bank in an ad hoc arbitration brought by an African state relating to the privatisation of a telecoms company (UNCITRAL, the Hague). The dispute related to advice given to a West African state (a member of OHADA) regarding a relationship and success fee, following the sale and privatisation of the national telecommunications company



Advising the Government of Liberia in opposing the enforcement of an arbitration award against the National Port Authority of Liberia



Advising 13 Nigerian financial institutions on the staying of claims brought against them in England, in favour of arbitration proceedings in Lagos. The dispute was successfully settled

## Central and Southern Africa experience



Advising the Central Bank of Zambia on various proceedings brought by traders in distressed debt, including defending the claims and co-ordinating enforcement proceedings in various jurisdictions



Representing the South African branch of a major UK bank in an ad hoc UNCITRAL Rules based investment arbitration against an African Government after the privatisation of the state-owned telecommunications company



Acting for Barclays in class actions brought under the U.S. Alien Tort Statute against more than 100 companies, alleging their liability for abuses perpetrated by South Africa's former apartheid regime



Acting for a major engineering company in an ICC arbitration in Paris worth N\$42 million between an African government and a major engineering company on damages for alleged defects in a water canal in Namibia



Representing a global oil company in ICC mediation proceedings against an African state regarding tax issues linked to the application of its concessions



Acting on construction and engineering disputes before the Namibian courts



Representing persons and entities, both in South Africa and Australia, relating to commercial disputes involving mining and related activities in China, Australia, Mauritius and South Africa



Acting for an English engineering company in an ICC arbitration in Paris on a claim against a central African potentate in relation to an open-cast tin mine



Advising an EPC contractor in relation to its claims for relief and costs arising from a contract to construct, install, transport, commission, start-up and facilitate performance testing of LNG plants in Angola, including claims connected with a fire on a vessel making deliveries to one of the plants



## Our South Africa offering

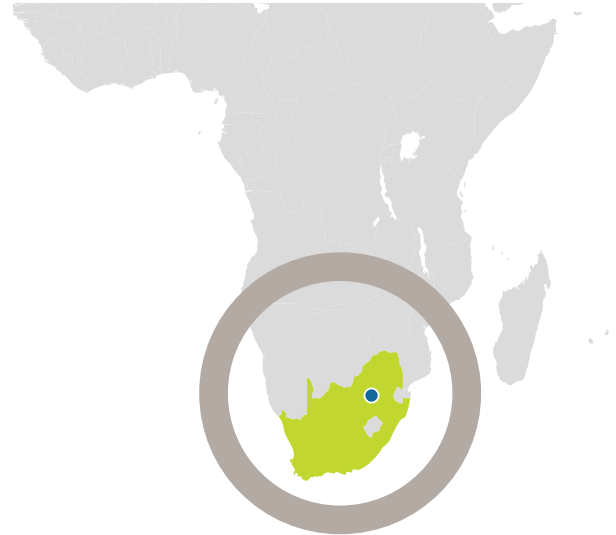
South Africa is an important jurisdiction with many companies basing their regional headquarters there, particularly in Johannesburg, the financial centre.

On 1 December 2013, Hogan Lovells and leading South African law firm Routledge Modise announced the approval of their respective partnerships to combine their firms. The combination took effect from early 2014 with Routledge Modise rebranding and relaunching as Hogan Lovells. Our disputes team in Johannesburg comprises 15 partners and 18 other qualified lawyers.

The members of the team have extensive experience in a wide range of litigation, including corporate, commercial and general litigation, disputes involving company law, corporate governance issues, corporate mismanagement / fraud, director and shareholder disputes, business rescue (restructuring / distressed M&A), contractual and property disputes, commercial disputes, construction and engineering disputes, telecommunications related disputes, international arbitration, insolvency related matters, administrative law, reviews and constitutional law and banking and finance related disputes.

Our clients range from domestic listed and unlisted corporates and subsidiaries of international corporates, to South African state-owned enterprises and government departments.

Our office in Johannesburg provides us with an excellent enhanced platform to advise clients that have operations and work in both South Africa and in sub-Saharan Africa more generally.



## Our South Africa office disputes experience



Successfully overturning an interdict granted in relation to the award of a major infra-structure tender in the telecommunications industry involving billions of Rands



Acting for a party alleged to be part of an international Ponzi scheme. Successfully obtaining the discharge of a worldwide freezing order granted by the London Commercial Court against the client. Involved in various other applications in South Africa that are pending



Acting for Major Insurance Underwriters in respect of a warehouse fire that destroyed in excess of ZAR 100 million of tobacco



Acting for South Africa's Strategic Fuel Fund defending a claim for the delivery of 50 000 barrels of oil said to be due at the end of a storage contract in circumstances where the actual amount of oil in storage at the date of termination of the contract was substantially less than the amount claimed, together with a counter claim of approximately ZAR45 million in relation to outstanding cargo dues



Acting for an investor and his trust claiming against their investment banker and the broker to recoup losses sustained as a result of the broker's fraudulent management and trading of their JSE listed share mobility



Acting on a claim for Transnet involving significant claims and counter claims in respect of defective infrastructure and IT systems installed at the port of Saldanha, and defective workmanship in relation to the refurbishment of the manganese terminal at the Port of Port Elizabeth



Advising a major group of companies in relation to their constitutional rights in respect of the right to privacy and not to be defamed



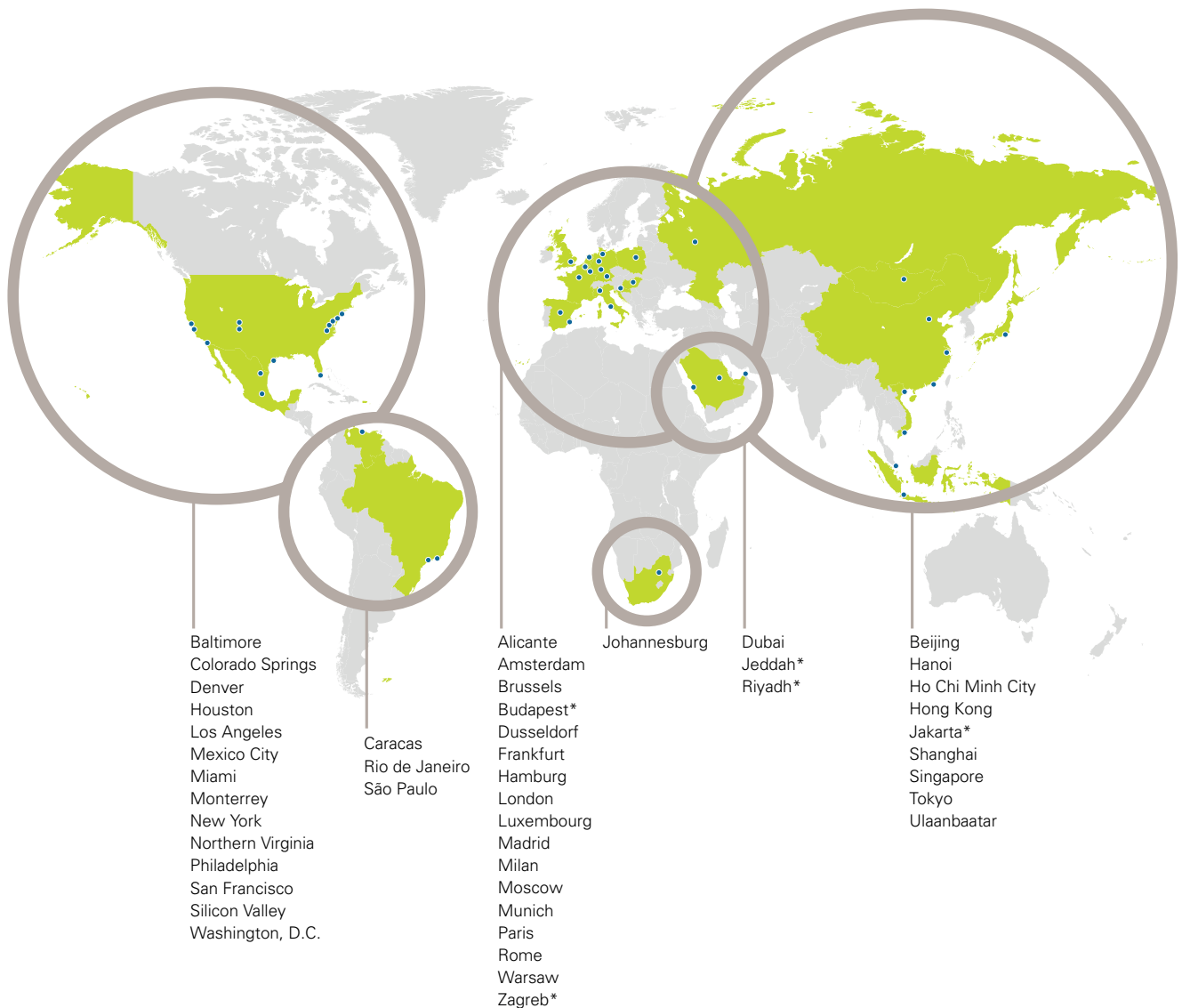
Advising on an International arbitration involving a contractual dispute within the telecommunications industry between two Nigerian companies. The matter involves a claim in an amount of US\$450million, and a counter claim of US\$125million

## A leading global legal practice for a changing world

Hogan Lovells is one of the world’s top 10 law firms by revenue, with around 2,500 lawyers worldwide, and more than 45 offices, including associated offices. Ours is a truly global practice, with real strength in every major market, comprising a cross-border capability of more than 150 fee-earners worldwide. Our multilingual and multicultural team operates from offices around the globe, including Abu Dhabi, Caracas, Dubai, Frankfurt, Hong Kong, Johannesburg, London, Madrid, Miami, Milan, Moscow, Munich, New York, Paris, Singapore, Ho Chi Minh City and Washington D.C.

We believe that an important aspect of being able to provide a comprehensive legal service is to have established contacts in those jurisdictions where we do not have a local office. Hogan Lovells has developed a strong network of correspondent law firms in all the African jurisdictions, with whom we enjoy excellent relationships. We work regularly with the local lawyers and know them well, and are therefore confident in recommending them to our clients. This close collaboration guarantees a delivery of quick, efficient and excellent quality of work.

### Hogan Lovells’ worldwide offices



\* Associated offices

**www.hoganlovells.com**

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Hogan Lovells has offices in:

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Amsterdam	Frankfurt	Los Angeles	Northern Virginia	Singapore
Baltimore	Hamburg	Luxembourg	Paris	Tokyo
Beijing	Hanoi	Madrid	Philadelphia	Ulaanbaatar
Brussels	Ho Chi Minh City	Mexico City	Rio de Janeiro	Warsaw
Budapest*	Hong Kong	Miami	Riyadh*	Washington, DC
Caracas	Houston	Milan	Rome	Zagreb*
Colorado Springs	Jakarta*	Monterrey	San Francisco	
Denver	Jeddah*	Moscow	São Paulo	
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"Hogan Lovells" or the "firm" is an international legal practice that includes Hogan Lovells International LLP, Hogan Lovells US LLP and their affiliated businesses. The word "partner" is used to describe a partner or member of Hogan Lovells International LLP, Hogan Lovells US LLP or any of their affiliated entities or any employee or consultant with equivalent standing. Certain individuals, who are designated as partners, but who are not members of Hogan Lovells International LLP, do not hold qualifications equivalent to members.

For more information about Hogan Lovells, the partners and their qualifications, see [www.hoganlovells.com](http://www.hoganlovells.com).

Where case studies are included, results achieved do not guarantee similar outcomes for other clients. Attorney advertising.

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\* Associated offices