

TANFIELD

PROPERTY & REAL ESTATE BARRISTERS



Phillip Alier

Year of call

1990

Phillip Alier has a well-established and busy international practice as counsel, international arbitrator and mediator.

Notable Cases as International Arbitrator

Commodity Sale, Insurance & Guarantee: Panel arbitrator under the Rules of the London Court of International Arbitration in a claim by European broker against Asian guarantor for purchase price under deed of guarantee (USD21,000,000) [2020].

Banking Facility: Sole arbitrator in ad hoc arbitral proceedings by Commercial Bank against African Local Government for repayment of secured loan said to be unenforceable on grounds of alleged non-compliance with the Constitution, statutes and regulations (USD45,000,000) [2018-2020].

Contract: Sole arbitrator in ad hoc arbitral proceedings in a claim by security company against African Government on unpaid invoices for security services (USD 500,000) [2017].

Contract: Sole arbitrator under the Rules of the London Court of International Arbitration in a claim by UK entity against UK partners for damages for breach of contract concerning the provision of international educational services (GBP 300,000) [2017].

Shipping: Sole arbitrator under the Rules of the Chartered Institute of Arbitrators in a claim by Asian manufacturer against African State entity buyer for demurrage and arising out of buyer's failure to open letters of credit and to take delivery of consignments of cement clinker (USD 1,000,000) [2015].

Construction: Sole arbitrator under the Rules of the Chartered Institute of Arbitrators in a claim by African

contractor against international conglomerate employer for payment for contractual variations to quayside cargo development under a construction contract (USD 10,000,000) [2014 -2017].

Commercial Loan/Mining: Panel arbitrator under the Rules of the London Court of International Arbitration in a claim by Russian investor against Central Asian State entity for repayment of a loan to finance gold mining concession (USD 1,000,000) [2014].

Notable Cases as Counsel in Arbitration

Shipping: Acting for West African Charterer (BIMCO Supplytime 2017) claim in arbitration under the LMAA Terms 2017 (USD5,000,000) [2020].

Investor State/Mining & Manufacturing: Acting for West African investor against State in respect of contractual and treaty claims under the ECOWAS Supplementary Act and UNCITRAL Rules (USD50,000,000) [2020].

Energy: Acting for East African Engineering entity in claims in arbitration under the ICC Rules against Asian State entity for commission payment for successfully procured power project contracts (USDS6,000,000) [2019].

Commission Agency: Acting for African agent in claim under the ICC Rules for commission payable on acceptance of tender (USD1,000,000) [2019].

Property Development: Advising and acting for client shareholders in Mauritian registered companies in a trilogy of LCIA arbitrations arising out of East African new town property development project against majority shareholders [2017].

Structured Finance: Acting for two Russian Respondents (representing 17 Respondents in all) in an LCIA arbitration seeking an anti-suit injunction from the arbitral tribunal against three Claimants to prevent pursuing parallel Cyprus court proceedings in breach of an arbitration agreement. Dispute related to proceedings for the enforcement of a Put Option concerning the transfer of shares as security in a Russian FMCG business (USD 147,000,000) [2016].

Executive Compensation: Acting for Russian Respondent corporation seeking security for costs in LCIA arbitration in respect of a claim brought by senior executive for alleged breach of contract in relation to the exercise of executive compensation share options (USD 2,000,000) [2016].

Executive Compensation: Advising Board of Directors of African Commercial Bank in relation to its prospects of success in ICC arbitration in London in light of adverse judgments wrongly obtained against the Bank (on grounds of municipal policy law exceptions) in two separate West African jurisdictions in breach of an English arbitration agreement complicated by the refusal of the English High Court and Court of Appeal to issue an anti-suit injunction for reasons of delay [2016].

Investor State/Gaming: Advising state in ICSID proceedings for alleged expropriation of gaming business by refusing gaming licences complicated by concerns of perceived asymmetrical power abuse amidst allegations of corruption and bribery of state officials (USD200,000,000) [2015].

Oil & Gas: Advising claimant domiciled in African state subject to UN, EU and US sanctions for the enforcement of a commission agency contract on sale and purchase of an oil block to Chinese (Hong Kong) company in LCIA Arbitration (USD 2,500,000) [2014].

Oil & Gas: Advising US Oil & Gas Corporation operating in Asia in respect of shareholder rights linked to JOA and PSA in LCIA Arbitration (USD 100,000,000) [2014].

Investor State/Oil & Gas: Advising African Government as to its amenability to anti-suit injunction in the Commercial Court in England to restrain domestic proceedings in the face of a valid UNCITRAL arbitration agreement asserted by the Government not to apply by reason of national public policy exclusion (USD 400,000,000) [2014].

Telecommunications: Acting for African based telecommunications company in arbitral proceedings in New York by Asian satcoms service provided conducted under AAA Commercial Arbitration Rules (USD 4,000,000) [2013].

Notable Cases

Notable Cases as Counsel in Litigation

Ramise-Edwards v Idowu [2020] EWHC 1039 (QB)

Jalla v Shell International Trading and Shipping Co. Ltd [2020] EWHC 738 (TCC)

Jalla v Shell International Trading and Shipping Co. Ltd [2020] EWHC 459 (TCC)

Adria Aktiengesellschaft (ADRIA AG) v (1) Government of the Republic of Sudan (2) Sudan-Ren Chemicals & Fertilizers Limited Civil Appeal No. 6 of 2018 (The Court of Appeal for Bermuda)

Zumax Nigeria Ltd v First City Monument Bank Plc [2017] EWHC 2804 (Ch)

Zumax Nigeria Ltd v First City Monument Bank Plc [2016] EWCA Civ 567

McEaney v Ulster Bank Ireland Limited [2015] EWHC 3173 (Comm)

Mashate v President of Uganda [2015] EWCA Civ 342

Zumax Nigeria Ltd v First City Monument Bank Plc [2014] EWHC 2075 (Ch)

Thai Lao Lignite v Government of Laos [2013] EWHC 2466 (Comm); [2013] 2 All E.R. (Comm) 883

Thai Lao Lignite v Government of Laos [2012] EWHC 3381 (Comm)

Salini Costruttori SpA v Government of Uganda EDF Arbitration (The Observer)
Dr. Jesse Mashate v President of Uganda [2012] EWCA Civ 1168
Dr. Jesse Mashate v President of Uganda [2011] EWHC 3111 (QB)
PCCW Global (HK) Limited v Gemtel Limited [2011] UG CommC 66
CNH UK Limited v Krecent Traders Limited [2010] EWHC 2429 (Comm)
Legal Services Commission v Aaronson & Co [2010] EWHC 937 (Ch)
Vitol S.A. Arcturus Merchant Trust Limited [2009] EWHC 800 (Comm)
MSM Consulting Limited v United Republic of Tanzania [2009] EWHC 121 (QB); 123 Con. L.R. 154
Countrywide Construction Limited v Eurasian Aviation & Maritime Services Limited [2006]
EWHC 3061 (QB)
The Queen on the Application of Milcia Markos v Southend County Court v Newman &
Maxwell, James Christian Blake, Oliver David Blake [2005] EWCA Civ 213
Markos v Goodfellow [2005] EWCA 488
Benjamin v Reece [2005] EWCA 3005 (Ch)

Publications

- World Arbitration Reporter 2nd edition. Uganda National Report. Juris Publishing Inc (2020)
- Third Parties in International Commercial Arbitration: Arbitration Int. 29(3), 543-547 (2013)
- World Arbitration Reporter 2nd edition. Uganda National Report. Juris Publishing Inc (2010)
- Contribution: Service Charges & Management: Law & Practice: 2nd edition – Tanfield Chambers. London. Tompson Reuters. Sweet & Maxwell (2009)
- Contribution: Freezing & Search Orders. 4th Edition Lloyds Commercial Law Library (2006)
- Contribution: Service Charges & Management: Practice & Procedure – Tanfield Chambers. London. Tompson. Sweet & Maxwell (2005)
- Handle With Care – Property Law Journal – volume 15 (2009)
- A Balancing Act – The New Law Journal – volume 156 (2006)
- Party Walls & Arbitration – The New Law Journal – volume 155 (2005)

Qualifications

- Chartered Arbitrator
- FCI Arb
- DIP ICA (London)
- BA (Vanderbilt)

- LLB (Hons) (Leeds)

Memberships

- United Nations Commission on International Trade Law ("UNCITRAL") Working Group II
- UNCITRAL Working Group III
- International Council for Commercial Arbitration UNCITRAL WG III Watch Group
- London Court of International Arbitration
- Chancery Bar Association
- Chartered Institute of Arbitrators Kenya Branch
- Chartered Institute of Arbitrators
- COMBAR Africa Committee
- Commercial Bar Association
- East African Law Society
- International Bar Association
- Uganda Law Society
- The Worshipful Company of Arbitrators

Languages

- English
- Kiswahili