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PHILLIP ALIKER, is a practising advocate of the High Court of Uganda, a barrister in England and Wales, a Chartered Arbitrator, an Accredited Mediator and is admitted in the State of New York as a foreign legal consultant. He is a panel member of:

- ICSID Conciliation Panel
- London Court of International Arbitration
- Chartered Institute of Arbitrators in London
- Chartered Institute of Arbitrators (Kenya Branch)

He specialises in international commercial contractual and investment disputes in arbitration including disputes arising out of the manufacture, sale, supply and distribution of equipment, commodities, oil and gas exploration (development and production sharing), shareholder agreements and joint ventures, concession and extraction agreements, banking and finance, telecommunications and enforcement of judgments. He acts for and against corporations, states and state entities.

Phillip is a special adviser to Uganda on all aspects of Investor State Dispute Settlement accredited by Uganda to UNCITRAL Working Group III (2017-2020).

Phillip has extensive experience advising clients in arbitration under a wide variety of arbitration rules including the institutional rules of the American Arbitration Association (AAA), the International Chambers of Commerce (ICC), the Rules of Conciliation and Arbitration of Contracts Financed by the European Development Fund (EDF), the London Court of International Arbitration (LCIA), the United Nations Commission for International Trade Law (UNCITRAL) and the Chartered Institute of Arbitrators, ECOWAS, SADC and ICSID Treaty claims. He is an experienced Chartered Arbitrator has heard dozens of claims. He holds a Diploma in International Commercial & Comparative International Arbitration from the School of International Arbitration, Queen Mary, University of London.

Recent Experience as Counsel in Arbitration and Litigation

- **Investor State/Mining & Manufacturing:** Acting for West African investor in respect of contractual and treaty claims under the ECOWAS Supplementary Act (USD50,000,000).
- **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).
- **State Entity/Energy:** Acting for East African based International Engineer in claims against Asian state entity in arbitration under the ICC Rules in Singapore (USDS6,000,000).
- **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 where client shareholders (as a minority) sought to exit from SPV Mauritian ultimate holding company for reasons of unfair prejudice (USD 500,000,000);
 - Minority shareholders (owning 30% of shares in SPV “upstream” Mauritian holding company) in dispute with client shareholders (as a majority) as to the agreed proportions of their respective shareholdings in the upstream JV SPV (USD 250,000,000) and
 - Majority shareholders which had alleged fraudulent representation against the client shareholders and other shareholders (together as a combined minority) in relation to the financing and structure of the SPV Mauritian ultimate holding company (USD 10,000,000).
- **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).
- **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).
- **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.

- **Financial Services:** Acting for group European claimants against retail bank, investment bank and its managers in relation to mis-selling of a complex property backed structured finance product in Canary Wharf development (GBP 250,000,000).
- **Banking:** Acting for African bank in the Commercial Court and in the Court of Appeal (jurisdiction challenge including FNC) in relation to claims of fraud by predecessor legacy banks alleged to have been committed in London through correspondent Bank (USD 211,000,000).
- **Investor State/Mining & Energy:** Acting for South – East Asian Government in proceedings by investor for enforcement of UNCITRAL arbitral award for alleged expropriation of mining concession. Liaising with counsel in Paris, New York, Singapore and Kuala Lumpur – the seat in respect of parallel enforcement proceedings and proceedings to set aside award (USD 58,000,000).
- **Sovereign Immunity:** Acting for the Head of State of an African country in the Court of Appeal in respect of a claim for alleged breach of contract and expropriation of property (USD 56,000,000).
- **Investor State/Energy:** Advising joint venture company as to the validity of security documents and guarantees ancillary to PPA made between foreign investor and African government in municipal proceedings related to ICSID arbitral proceedings (USD 250,000,000).
- **Investor State/Energy:** Acting for joint venture company in ICSID arbitral proceedings for enforcement of rights under a PPA. Creditor purporting to have the benefit of assigned rights under Security Deed. Joint venture company seeking to intervene in ICSID arbitral proceedings (USD250,000,000).
- **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).
- **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).
- **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).
- **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).
- **Investor State/Construction:** Advising and acting for African Government in relation to contractor's claim for extension of time for performance and additional payment in pavement construction dispute under the Procedural Rules on Conciliation and Arbitration of Contracts Financed by the European Development Fund ("the EDF Rules") (Euro 50,000,000).

- **Commodity:** Acting for East African commodity trader in dispute with Swiss commodity broker in arbitration under the Arbitration Rules of the Refined Sugar Association for the sale and supply (shipping) of a consignment of sugar from India in circumstances where the seller broker failed to provide acceptable certification of the quality of the sugar (USD 1,000,000).
- **Shipping:** Acting for West African Charterer BIMCO Supplytime 2017 claim in arbitration under the LMAA (USD3,000,000).
- **Environmental Class Claim:** Acting for 27,830 claimant citizens in West African state in respect of claims in the English Technology & Construction Court for damages caused by the spillage of oil said to be the largest oil spill in West Africa (USD3,600,000,000).

Recent Appointment as Arbitrator

- **Commodity Sale, Insurance & Guarantee:** Panel arbitrator under the Rules of the London Court of International Arbitration in a claim by European commodity broker against Asian guarantor for purchase price under deed of guarantee (USD21,000,000).
- **Banking Facility:** Sole arbitrator under the Rules of the Chartered Institute of Arbitrators in claim by Africa based Commercial Bank against local government for repayment of loan said to be unenforceable on grounds of alleged non-compliance with national Constitution, statutes and regulations (USD45,000,000).
- **Shipping:** Sole arbitrator under the Rules of the Chartered Institute of Arbitrators in a claim by Asian manufacturer against African Government state entity buyer for demurrage and damages arising out of buyer's failure to open letters of credit and to take delivery of consignments of cement clinker shipped C.I.F from the Middle East and Indonesia (USD 1,000,000).
- **Commercial Loan/Mining:** Panel arbitrator under the Rules of the London Court of International Arbitration in a claim by Russian investor against Central Asian entity for repayment of a loan to finance gold mining concession (USD 1,000,000).
- **Construction:** Sole arbitrator under the Rules of the Chartered Institute of Arbitrators in a claim by African contractor against International grain cereals supplier for payment for contractual variations under a construction contract (USD 10,000,000).
- **Contract:** Sole arbitrator under the Rules of the Chartered Institute of Arbitrators in a claim by security company against African Government on unpaid invoices for security services (USD 500,000).
- **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 to nationals of an Asian state (GBP 300,000).

Personal Details

- Date of Birth: 1st July 1962

Nationality

- Uganda

Professional Qualifications

- 2008 Chartered Arbitrator
- 2007 Fellow of the Chartered Institute of Arbitrators
- 2006 Advocate of the High Court of Uganda
- 2006 Licensed as a Legal Consultant in the State of New York
- 2006 Barrister of Gray's Inn (ad eundem)
- 2002 Chartered Institute of Arbitrators Accredited Mediator
- 1990 Barrister of the Inner Temple

Education

- 2003 Dip ICA. School of International Arbitration. Queen Mary, University of London
- 1998 LLB (Hons). University of Leeds
- 1985 BA. Vanderbilt University

Publications

- “An advocate for arbitration”. Chartered Insurance Institute Journal. 1996, March, 34-.
- An advocate for Party Walls and Arbitration. New Law Journal 2005, volume 155 (7179), pages 866-867.
- Freezing and Search Orders 4th edition. Hoyle & Walsh. Informa. London 2006.
- “A Balancing Act”. New Law Journal 2006, volume 156 (7229), page 974-975.
- “Handle with Care”. Property Law Journal 2009, volume 227, pages 15-17.
- “Third Parties in International Commercial Arbitration”. Arbitration International 2013, 29(3), pages 543-547.
- “A New Paradigm for Handling Dispute Resolution in Financial Services within the Common Market for East and Central Africa”. Alternative Dispute Resolution. Chartered Institute of Arbitrators. Volume 1 (2013), pages 115-123.
- World Arbitration Reporter 2nd Edition. Uganda. Mistelis & Shore. Juris Publishing Incorporated 2019.

Sample Presentations

- Chartered Institute of Arbitrators: Pinsent Mason LLP, London, England. 13 February 2019. *“Evolution Not Revolution. CI Arb’s Work on ISDS Reform in Working Group III”*.
- LCIA Africa Users’ Council: Stephenson Harwood LLP. London, England. 11 December 2018. *“An update on arbitration for Kenya, Uganda and Tanzania”*.
- Chartered Institute of Arbitrators: Mombasa, Kenya 8-9 November 2018: *“Arbitrating Community Claims as “Human Rights” claims in Sub-Saharan Africa”*.
- LCIA Africa Users Council Symposium: Abuja, Nigerian. 26-27 October 2017. *“Enforcement – Why Can it be So Painful?”*
- Womble Bond Dickinson LLP, Charlotte, North Carolina, USA. 7 June 2017. *“Brexit and Arbitration”*.
- Nairobi International Arbitration Centre Conference: Inaugural Conference: Nairobi 4-6 December 2016: *“Good Faith in Arbitration: What it means for a Party Representative”*.
- 5th DIS Baltic Arbitration Days 2016. Riga, Latvia: 2 – 3 June 2016. *“Relation between state courts and arbitral tribunals: Enforcement of arbitral awards - The Elephant never forgets”*.
- ICC YAF: Sherman & Sterling LLP, London, England: 31 March 2016. *“The Urgency of Greater Participation by African Stakeholders in Arbitrations Involving African Interests”*.
- Co-Chair LCIA Africa Users’ Council, Nairobi, Kenya: 10 December 2015. *“African Arbitration: Traditional and New Seats”*.
- University of London, School of Oriental and African Studies. Arbitration Seminar. 12 March 2015. *“Stop or Go: The Importance of Related Judicial Decisions to the Arbitral Process. Issue Estoppel”*.
- Atlanta International Arbitration Society, Atlanta, Georgia, USA: 1 -2 November 2014. *“The Legacy of English Law and Its implication for Arbitration in Africa”*.
- Co-Chair LCIA Africa Users’ Council, Kampala, Uganda: 13-14 June 2014. *“Issue Estoppel”*.
- Co-Chair LCIA Arab Users’ Council Casablanca, Morocco: 13 December 2013. *“Getting the Basics Right”*.
- LCIA-MIAC Conference, Johannesburg, South Africa: 2 December 2013. *“Drafting ADR clauses to increase certainty and reduce costs”*.
- Chartered Institute of Arbitrators Kenya Branch Annual Conference: July 2013. *“A New Paradigm for Dispute Resolution in Financial Services in the Common Market for East and Central Africa”*.
- LCIA Africa Users Symposium, Lagos Nigeria: 2 February 2013. *“Practical Guidance in Conducting an Arbitration”*.

- Chartered Institute of Arbitrators, Nairobi, Kenya: 8 November 2012. “*Tips and Traps from an Arbitration under the Rules of Arbitration and Conciliation of the European Development Fund*”.
- IBA Regional Meeting, Munyonyo, Kampala, Uganda: 11 August 2012. “*Trends in international commercial arbitration*”.

Professional Memberships

- Bar of England and Wales
- Commercial Bar Association
- Chancery Bar Association
- Chartered Institute of Arbitrators – London and Kenya Branch
- London Court of International Arbitration
- Uganda Law Society
- East African Law Society

Other Committees

- Uganda Delegate to United Nations Commission on International Trade Law Working Group II and Working Group III
- LCIA Africa Users’ Council – a former Vice President
- Worshipful Company of Arbitrators
- Royal African Society Council – a Vice President
- Africa International Legal Awareness Advisory Board – Former director
- International Lawyers for Africa Advisory Board
- COMBAR Africa Committee

Directory Entries

- Chambers & Partners Global: Ranked UK based foreign expertise for Kenya (Dispute Resolution) and Uganda (General Business Law).