

# Tunde Ogowewo

Tunde has served as arbitrator in numerous International Chamber of Commerce (ICC) and the London Centre of International Arbitration matters at the instance of Asian and African sovereign states, arbitral institutions, and commercial parties. He has also acted as expert in the World Bank's International Centre for Investment Disputes (ICSID) in investment disputes. In addition, he is a Member of Court, Lagos Chamber of Commerce International Arbitration Centre (LCIAC). The Supreme Court of Nigeria in *Citec Intl Estates Ltd & Ors v Francis & Ors*, (2021) LPELR-53083(SC), cited his work. In 2018 in *Centre For Oil Pollution Watch v NNPC*, [2018] SC 319/2013, the Supreme Court described him as an "erudite scholar". Hamblin J in the Commercial Court of England and Wales in *Meridien Sas* [2012] EWHC 87 (Comm) - described as "eminent". His academic work on reform resulted in the striking down a VAT statute in Fiji. *Koroi v Commissioner of Inland Revenue and Attorney General of the Republic of Fiji* [2001] Civil App. 78/2000S (reported in the New Zealand Administrative Law Reports [2003] NZAR 18) cited by Justice Gates. He teaches Mergers and Acquisitions in the Dickson Poon School of Law, King's College London, University of London and has Visiting Professorships at NYU Law School (Hauser Global Professor) and the National University of Singapore (NUS). He has advised the UK Government as a member of the Roundtable of Expert Stakeholders by the Department of Business, Innovation and Skills on aspects of Takeover Regulation. Tunde is a Barrister (Middle Temple), Barrister and Solicitor of Supreme Court of Nigeria. He attended London School of Economics and Political Science (LSE) and King's College London, University of London (Phd).

## DAY 1

09:00

### Registration & Morning coffee

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10:00

10:00

### Opening & Welcome

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10:10

Beata Gessel-Kalinowska vel Kalisz, Conference Chair, GESSEL, Poland

Cezary Wiśniewski, ICC Poland, Linklaters, Poland

10:10

### ICC Court Welcome Address

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10:20

Alexander G. Fessas, ICC International Court of Arbitration, France

10:20

### Session I: Hot topics in M&A arbitration

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11:30

- Impact of impecunious party on arbitration agreement

- Post M&A ESG disputes - sources; is the arbitration a fitting forum?
- Interim relief around M&A: emergency arbitrators limiting state courts?
- W&I Insurance: procedural challenges in arbitration dealing with 'insurance towers'
- Share Transfer Agreement + Shareholders' Agreement + Accession Agreement – How does Cour d'appel de Paris interpret the parties' agreement to arbitrate in the case of multiple arbitration clauses.

**Moderator:**

Alicja Zielińska-Eisen, YAAF, Queritius, Poland/Germany

**Panellists:**

Christian Borris, Borris Hennecke Kneisel, Germany

Joanna Kisielińska-Garncarek, GESSEL, Poland

Joanna Kolber, Strelia, Belgium

Dr. Ioana Knoll-Tudor, Addleshaw Goddard, France

Annet van Hooft, van Hooft, France

11:30

## Howden M&A Case study

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11:50

Drew Naylor, Howden, United Kingdom

Edward Copeman, Howden, United Kingdom

11:50

## Session II: Dialogue between counsel on legal nature of M&A award

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13:00

- Price adjustment made by the tribunal
- Is the award declaratory or constitutive and what are its practical effects?
- Interests computation

**Moderator:**

Mary Mitsi, Queen Mary University of London, United Kingdom/Greece

13:00

## Lunch

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14:00

14:00

## Dentons M&A Case study

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14:20

Michał Jochemczak, Dentons, Poland

14:20

## **Keynote speech: The paradigm of arbitration - yesterday, today and tomorrow - Yves Derains in conversation with Beata Gessel**

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Yves Derains, Derains & Gharavi, France

15:00

## **Session III: Voice of reason or hired gun? The independence and impartiality of party-appointed experts in M&A disputes**

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16:10

- The difference between party-appointed and tribunal-appointed experts
- The role of geography
- The role of soft laws
- Expectations of the parties and the tribunal

### **Moderator:**

Mark Kantor, , USA

### **Panellists:**

Folashade Alli SAN, Folashade Alli and Associates, Nigeria

Luminita Popa, Suciu Popa, Romania

Alexander Demuth, , Germany

Renato Nazzini, King's Collage London, United Kingdom/Italy

16:10

## **Treats & Meads**

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19:30

## **Gala Dinner**

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Venue - Look Up! Skyliner building, 67 Prosta Street (upon separate registration)

## **DAY 2**

09:00

## **Morning coffee**

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10:00

10:00

10:05

## Opening & Welcome

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Beata Gessel-Kalinowska vel Kalisz, Conference Chair, GESSEL, Poland

10:05

## Special Guest

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10:35

**Special Guest's address: The Permanent Court of Arbitration: 125 years of Peace through Justice**

Marcin Czepelak, Permanent Court of Arbitration, Netherlands

10:35

## Presentation: M&A Arbitration in Wartime under the SCC Rules

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10:55

Jake Lowther, SCC Arbitration Institute, Sweden

10:55

## Clifford Chance Case Study

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11:15

11:15

## Session: M&A Arbitration in Wartime - Breaking up is never easy

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12:45

- M&A disputes risks when exiting high-risk jurisdictions
- Case studies from jurisdictions in the Middle East, Eastern Europe and Africa

### Moderator:

Bartosz Krużewski, Clifford Chance, Poland

### Panellists:

Timur Bondaryev, Arzinger, Ukraine

Joshua Kelly, Freshfields Bruckhaus Deringer, United Kingdom

Steven Finizio, Wilmer Hale, United Kingdom/USA

Jacob Enoch, M. Firon&Co. Advocates, Israel

12:45

## Closing of the conference

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12:55

Beata Gessel-Kalinowska vel Kalisz, Conference Chair, GESSEL, Poland

**...and yes, bubbles and strawberries!!**

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