



John M. Ohaga, SC, CARb, FCI Arb.

Managing Partner, Dispute Resolution

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Qualifications:

LLM (International Dispute Resolution), LLB (Hons.), Diploma (International Commercial Arbitration), Chartered Arbitrator, Accredited Mediator and Diploma in Law (KSL).

Memberships:

Law Society of Kenya, East African Law Society, Commonwealth Lawyers Association, International Bar Association, International Council of Commercial Arbitrators, the London Court of International Arbitration and Asian Institute of Alternative Dispute Resolution.

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Twitter: <https://twitter.com/JohnOhaga>

Overview:

Chambers Global has described him as ‘*a very very fine lawyer*’ particularly in the area of alternative dispute resolution... ‘*very strong on arbitration*’ and a *top lawyer without any doubt*’.

John, who was declared the 2010, 2016 and 2017 winner for Kenya in the category of litigation by the International Law Office (ILO) Client Choice Awards (www.clientchoiceawards.com) has been described by clients as ‘*..one of the foremost litigators in the country*’ and “*...an absolutely superb disputes lawyer*’.

John has over 30 years of dispute experience and is an acknowledged expert in high-stakes domestic and international cases. His broad practice focuses on banking, finance, technology, procurement, energy, and commercial. He is a Chartered Arbitrator, an accredited mediator, and a member of the governing board of the International Council for Commercial Arbitration.

John is ranked in Band 1: Dispute Resolution in Band 1: Arbitrator by Chambers & Partners. In addition, he has been featured as one of the Top 50 Arbitrators in Africa by Legal 500: Arbitration Powerlist and the Africa Arbitration Academy. He sits on boards and committees of several arbitration organisations. These include a role as the Chairperson of the National Steering Committee for Formulation of the ADR Policy. He is nominated by Kenya to the ICSID Panel of Arbitrators and Mediators, as well as to the ICC Commission on Arbitration.

He has advised multinational companies, blue-chip companies listed on the Nairobi Securities Exchange, and various other private companies besides Kenya’s largest

state corporations. In addition, he has provided expert opinions and appeared as an expert witness on Kenyan law before the courts of England and Wales and the United States of America.

He also served on the inaugural board of the Nairobi Centre for International Arbitration for eight years. He is also the Convenor of the Law Society of Kenya's Alternative Dispute Resolution Committee and as well as a member of the Mediation Accreditation Committee and the Judiciary Task Force on Court-Annexed Mediation. In 2013, he was appointed the Chairman of the Kenya Sports Disputes Tribunal.

He sits on the boards of several companies and is a Trustee of the M-PESA Foundation and is a director of the M-PESA Foundation Academy, which aims to provide a world-class education to gifted but economically disadvantaged students from across Kenya.

Key Matters:

- **Kenya Airways**, (the national carrier) in a labour dispute challenging a 4-day strike action by the Kenyan pilot's union. We negotiated a deal allowing talks while the pilots resumed work, stopping the financial loss of USD 2.2 billion daily.
 - **Standard Media**, (one of the leading multi-media houses in Kenya) in an appeal challenging the government's implementation of migration to digital broadcasting and the resultant impact on the media industry in Kenya valued at USD 293 million.
 - **Kenya Pipeline Company**, (the Kenyan state corporation that transports, stores, and delivers petroleum) in a claim by a leading African oil and petroleum manufacturing firm for approximately USD 74 million (KES 9 billion). We successfully challenged the arbitrators' award against our client of the sum of USD 41.1 million (KES 5 billion) in the Kenyan High Court and successfully defended the subsequent appeal to the Court of Appeal.
 - **Safaricom**, (the largest telecommunications provider in Kenya) regarding an arbitration dispute with a company based in the Republic of Lebanon arising from an alleged breach of contract. We successfully defended our client and substantially reduced the award sought by the Claimant from a cumulative amount of USD 41.6 million (KES 5.6 billion) to USD 542 thousand (KES 66 million).
 - **Almasi Beverages**, (a consortium of bottlers) in a successful appeal challenging the decision of the High Court which upheld collection) demand for USD 41.6 million (KES 5.6 billion) in unpaid excise duty on returnable containers by the Kenya Revenue Authority (KRA).
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- **Lantech Africa**, (a leading systems integration company in East and Central Africa) in an arbitration dispute with an estimated matter value of USD 37 million (KES 5.1 billion). The dispute involved Geothermal Development Company Limited (a Kenyan state corporation that develops geothermal energy) for breach of a contract awarded to our client for the provision of drilling consultancy services and the 35 MW Menengai Geothermal Project.
 - **Safaricom**, (the largest telecommunications provider in Kenya) after KRA issued an agency notice to our client declaring them as agents for Pevans East Africa (**Pevans**). This consequently required them to USD 24 million (KES 3.3 billion) the alleged tax due from the taxpayer. Pevans filed for Judicial Review regarding the tax assessment of the said amount which KRA deemed as withholding tax. Safaricom was joined as an interested party owing to its M-PESA mobile payment system for purposes of undertaking the M-PESA services for Betting and Gaming.
 - **Kenya Pipeline Company**, (the state corporation that transports, stores, and delivers petroleum) in lodging a claim against Kobil for an alleged breach of a transport and storage contract valued at USD 22.3 million (KES 3 billion).
 - **Kenya Bankers Association**, (the financial sector's leading advocacy group) in an alleged breach of the Constitution of Kenya and a violation of the Persons with Disabilities Act, the Public Health Act, and the UN Convention on the Rights of the Persons with Disabilities valued at USD 7.3 million (KES 1.03 billion).
 - **Ola Energy Kenya Limited**, (one of Africa's leading petroleum distribution companies) in an employment dispute where a former employee alleged that he was unfairly dismissed and sought USD 1.2 million (KES 163.2 million).
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