

# Dr Emilia Onyema, *PhD, FCI Arb*

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## Curriculum Vitae

### 1. Personal details

Title: Dr

Family Name: ONYEMA

Given Names: EMILIA

### 2. Qualifications

#### 2a. Academic

1. Queen Mary, University of London, September 2002 to April 2007 PhD Research (International Commercial Arbitration) My thesis is titled *The Arbitrator's Contract*. My supervisors were: Prof. Loukas Mistelis and Prof. (Dr) JDM Lew, QC. My thesis examines the contractual nature of the relationships between the disputing parties, arbitrators and arbitration institutions. It concluded that each arbitrator upon accepting appointment under each arbitral reference concludes an arbitrator's contract with either the parties or arbitration institution and owes contractual obligations under this contract while also has contractual rights arising from the same contract. I was examined by Prof Sir Roy Goode and HH Humphrey Lloyd, QC on 3 April 2007 and the degree of PhD awarded by the University of London in June 2007.
2. King's College, University of London: September 2000 to August 2001 LLM (Commercial and Corporate Law) 2001: I majored in the law and practice of international commercial arbitration; Alternative dispute resolution methods; International trade law (studied the CISG, COGSA, English Sales law, Trade Finance, & Marine Insurance) and Company Law with emphasis on company directors.
3. University of Jos, Plateau State, Nigeria September 1984 to June 1988 LLB (Hons) 1988: The subjects studied included Nigerian legal system, Nigerian land law, Contract, Tort, Trusts, Equity, Nigerian Criminal Law, Nigerian Constitutional and Administrative Law, Nigerian Family law, Jurisprudence, Commercial Law, Private and Public International Law.

#### 2b. Professional

1. Arbitration Court Member, Lagos Chamber of Commerce International Arbitration Centre from 2015.
2. Listed as arbitrator on Kuala Lumpur IAC Panel from 2015.
3. Listed as arbitrator on Dubai IAC Panel from 2015.
4. Academic member, International Council for Commercial Arbitration (ICCA) from 2015.
5. Fellow of the Higher Education Academy, February 2010.
6. Fellow of the Chartered Institute of Arbitrators, London, October 2008.
7. Member, London Court of International Arbitration since 2008.
8. Solicitor of the Supreme Court of England & Wales, July 2002.
9. Barrister and Solicitor of the Supreme Court of Nigeria, August 1989.

### **3. Career Record**

#### **3a. Current Arbitration related Work**

1. Act as consultant to various companies (primarily from Nigeria) on arbitration related disputes.
2. Assist parties in the nomination of arbitrators.
3. Professional training in arbitration for various organisations including the Chartered Institute of Arbitrators and the Ghana Arbitration Centre.
4. Available to sit as arbitrator.

#### **3b. Employment**

1. Full time senior lecturer in international commercial law at School of Law, SOAS, University of London, since August 2007 where I teach a module on international commercial & investment arbitration with a practical section dealing with arbitration agreement to award writing, enforcement and challenge; and international investment law and arbitration; a module on international trade law; and co-teach a module on Law and Development in Africa.  
Since 2013 I have been the Associate Dean for Learning and Teaching of the Faculty of Law and Social Sciences, SOAS.
2. Alternate tribunal secretary at the Commonwealth Secretariat Arbitral Tribunal London August 2007-August 2014. The role is akin to a registrar of arbitral tribunals.
3. External examiner on the University of London external LLB programme since 2009.
4. Visiting Lecturer, University of Fribourg, Switzerland since November 2010.
5. External examiner on the LLM (Commercial and Dispute Resolution modules) at Queen Mary University of London from 2016

#### **3c. Past Employment**

1. Visiting Lecturer, King's College London, Strand London October 2009-August 2014 – convened and co-taught one module on their LLM program: International Trade Law.
2. Visiting Professor, Pace University London Program 2013 – taught one module on International Commercial Transactions.
3. Visiting lecturer, University of Surrey, School of Law: taught International Trade Law on their LLM program (for sabbatical cover) in 2011-2012.
4. Part time tutor in commercial law at the Law Department, University of Leicester, in 2007.
5. Research and Teaching Assistant at The Centre for Commercial Law Studies, QMUL, from 2004-2006.
6. PricewaterhouseCoopers Research Fellow in International Arbitration at CCLS. I conducted an empirical research into the attitudes of various organisations to international arbitration applying both qualitative and quantitative methods of data gathering. I also conducted interviews of general counsel in various corporations with experience in international commercial arbitration and designed an online questionnaire for data gathering. The findings from the research are contained in a report authored by Prof. Loukas Mistelis and published as, 'International Arbitration – Corporate Attitudes and Practices, 12 Perceptions Tested: Myths, Data and Analysis' (2004) 15 American Review of International Arbitration, page 525.
7. Visiting lecturer in international commercial arbitration on the LLM program at Middlesex University Business School, Hendon Campus from January 2005 to January 2006.
8. Research Assistant to Dr Amazu Asouzu, School of Law, King's College University of London from January 2003 to January 2004.
9. Senior counsel in the Law Firm of Emilia Onyema & Co, Lagos 1992 - 2000.
10. Counsel in the Law Firm of F. O. Omenye & Co Lagos 1990 – 1992.

## 4. List of Publications

### 4a. Books

1. Onyema E, *International Commercial Arbitration and the Arbitrator's Contract*, Routledge Cavendish, 2010, 257 pages.
2. Onyema E (ed.), *The Transformation of Arbitration in Africa: The Role of Arbitral Institutions*, Kluwer Law International, 2016,

### 4b. Chapter in Books/collections

3. Onyema E, "Arbitration Institutions in Africa", chapter in Onyema E (ed) *The Transformation of Arbitration in Africa: The Role of Arbitral Institutions*, Kluwer Law International, 2016, pp 15-43.
4. – "Introduction", pp 1-11.
5. Onyema E, "International Arbitration in the West African States", a chapter in Lise Bosman (ed) *Practitioners' Guide to Arbitration in Africa*, Kluwer, 2013
6. Onyema E, "Commentary on the arbitration rules of the Lagos Regional Centre for International Commercial Arbitration", in Mistelis L. & Shore L. (eds), 3rd edition, *World Arbitration Reporter*, Juris Publishers, USA (2015).
7. Onyema E, "Formalities of the Enforcement Procedure", in Gaillard E & Di Pietro D, (eds) *Recognition and Enforcement of Arbitration Agreements and International Arbitral Awards – the New York Convention in Practice*, (2008) Cameron May, pp 595 – 610.
8. Onyema E & Ayinla O, co-authored chapter titled "Online Negotiation and Mediation" in Chinyere Ani & Azinge E (eds.), *Principles of Negotiation and Mediation*, NIALS, 2012.

### 4c. Articles in Refereed Journals

1. Onyema E, "Regional Arbitration Institution for ECOWAS: Lessons from OHADA Common Court of Justice and Arbitration" (2014) *Int'l ALR Issue* 5, pp 99-111.
2. Onyema E, "The Multi-door Court House (MDC) Scheme in Nigeria: a case study of the Lagos MDC", (2013) vol 7 No 2 *Apogee Journal of Business, Property & Constitutional Law*, pp 96-129.
3. Onyema E, "The new Ghana ADR Act 2010: a Critical Overview", (2012) vol 28 no 1 *Arbitration International*, pp 101-124.
4. Onyema E, "A Critique of the new 2009 Arbitration Law of Lagos State", (2010) vol 2 no 5, *Apogee Journal of Business, Property & Constitutional Law*, pp 1-24.
5. Onyema E, "Enforcement of Arbitral Awards in Sub-Sahara Africa", (2010) vol 26 no 1, *Arbitration International*, pp 115-138 – translated into Chinese for a Chinese Journal in 2010.
6. Onyema E, "The doctrine of Separability under Nigerian Law", (2009) vol 1 no 1, *Apogee Journal of Business, Property & Constitutional Law*, pp 65-79.
7. Onyema E, "Arbitration under the Ohada Regime", (2008), vol 11 no 6, *International Arbitration Law Review*, pp 205-218.
8. Onyema E, "Empirically Determined Factors in Appointing Arbitrators in International Commercial Arbitration", (2007) vol 73 no 2, *Arbitration*, pp 199–207.
9. Onyema E, "The Role of the International Arbitral tribunal Secretary", (2005) vol 9 no 1, *The Vindobona Journal of International Commercial Law and Arbitration*, pp 99-110.
10. Onyema E, "Selection of Arbitrators in International Commercial Arbitration", (2005) vol 8 no 2, *International Arbitration Law Review*, pp 45-54.
11. Onyema E, "Power Shift in International Commercial Arbitration Proceedings", (2004) vol 14 nos 1&2, *Caribbean Law Review*, pp 62-77.

12. Onyema E, "Drafting an Effective Arbitration Agreement in International Commercial Contracts", (2003) vol 7 no 2, *The Vindobona Journal of International Commercial Law and Arbitration*, pp 277-286.
13. Onyema E, "The Use of Med-Arb in International Commercial Dispute Resolution", (2001) vol 12 no 3-4, *American Review of International Arbitration*, pp 411-423.

#### 4d. Online publications

14. Onyema E, "Online Commentary on Articles 45 and 46 of the Vienna Convention on the International Sale of Goods, 1980" (CISG) available at <http://www.ccisg.org/>
15. Onyema E, "The Role of the International Arbitral tribunal Secretary", (2005) vol 2 Issue 3 Transnational Dispute Management, available at <http://www.transnational-dispute-management.com/samples/toc.asp?key=8>

#### 4e. Book Reviews

16. Onyema E, Practical Aspects of Arbitrating EC Competition Law, by Tobias Zuberbuhler and Christian Oetiker (eds), (2007) vol 73 no 4 *Arbitration*, pp 454-455.
17. Onyema E, Law & Practice of International Commercial Arbitration, (4<sup>th</sup> ed.) by A. Redfern & M. Hunter, (2005) vol 9 no 1, *The Vindobona Journal of International Commercial Law and Arbitration*, pp 209-210.
18. Onyema E, International Commercial Arbitration in Latin America, by Jan Kleinheisterkamp, (2005) vol 9 no 2, *The Vindobona Journal of International Commercial Law and Arbitration*, pp 369-370.
19. Onyema E, Arbitration: Commentary and Sources; by Ercus Stewart, SC., (2004) vol 8, *The Vindobona Journal of International Commercial Law and Arbitration*, pp 179-180.
20. Onyema E, International Commercial Arbitration and African States, Practice, Participation and Institutional Development; by Amazu A. Asouzu, (2001) vol 12 no 2, *American Review of International Arbitration*, pp 281-283.

#### 4f. Other publications

21. Onyema E, "The MultiDoor Courthouse Scheme in Nigeria" Requested by the Research Institute for Africa and emailed to them on 14/9/2015 for publication in 2015.
22. Onyema E, Conference papers: Arbitration Institutions in Africa Conference on "The role of Arbitration Institutions in the Development of Arbitration in Africa" (July 2015 and available at <http://eprints.soas.ac.uk/20421/>).
23. Onyema E, *Introduction to International Commercial Arbitration*, a workbook for the Chartered Institute of Arbitrators, (2008), pp 1-77.

### 5. Papers delivered at conferences by invitation

I delivered the following papers on invitation at conferences, seminars and workshops:

1. 5-7 July, SOAS/LCA Arbitration in Africa conference in Lagos, "Rethinking the role of courts and judges in supporting arbitration in Africa". I spoke on the symbiotic relationship between judges and arbitrators. I co-organised this conference.
2. 19-21 June, 1<sup>st</sup> ICC Africa Regional Arbitration Conference, Lagos: I spoke and moderated the panel: "Abuse of process in International Arbitration: role of Counsel".
3. 13 April: I delivered the Transnational Justice Lecture for the Transnational Justice Lecture Series by Georgetown University at Gray's Inn, London. I spoke on OHADA Commercial law harmonisation tool and its impact on Africa.
4. 31 March: I moderated a half-day conference on "The urgency of Greater Participation by African Stakeholders in Arbitrations involving African Interests" hosted and co-organised by Shearman & Sterling LLP, London Offices, and ICC YAF: this event was attended by over 100 attendees and a summary of proceedings and photos was published in GAR.

5. 8-11 May, ICCA Mauritius conference: I spoke on the panel: "The interface between domestic courts and arbitral tribunals".
6. I was member of a panel discussion on investment arbitration in Africa; organised by Queen Mary, SciencePo Law School; ICDR Y&I, in Paris on 9 December 2015.
7. I presented a paper on "Appointment of African arbitrators in ISDS: case study of ICSID at the Chartered Institute of Arbitrators (UK) Nigerian branch 2015 annual conference at Transcorp Hilton Hotel Abuja, on 2-4 November 2015.
8. I gave a keynote speech on educating the girl child at a charity event organised by The Girl Effect at Holiday Inn, Brent Cross, London, on 3 October 2015.
9. Chaired a panel discussion on "Dispute Resolution in Africa" in honour of Judge Abdulqawi Yusuf, VP, ICJ at Wilmer Cutler Pickering Hale and Dorr, LLP, London on 02 September 2015
10. I organised and presented a paper at the conference on "The role of arbitration institutions in the development of arbitration in Africa", Africa Union Commission, Addis Ababa, 23 July 2015.
11. Invited to speak on the Panel, "Doing Business in Africa" organised by the Eversheds Africa Law Institute at the London offices of Eversheds LLP on 24 June 2015.
12. Invited to speak on the Panel, "Influences of local habits: what works and what doesn't", at the 30<sup>th</sup> Anniversary of the School of International Arbitration, QMUL on 22 April 2015 in the London offices of Norton Rose Fulbright LLP.
13. Invited to deliver a paper and participate in the Fourth High Level Meeting of the Organisation of American States (OAS) on the Role of the Judiciary in International Commercial Arbitration, in Castries, St Lucia, on 23-24 October 2014.
14. Invited to chair the 10<sup>th</sup> Annual LCIA/CI Arb London branch joint arbitration seminar which was on the topic "Africa and Arbitration: Predicting the future through Historical Lenses" on Thursday 11 September 2014 at London Offices of Stephenson and Harwood LLP.
15. "The use of integrated sub-regional arbitration rules: the OHADA Example", a paper delivered at the ICAMA Arbitration Round Table in Transcorp Hilton Hotel, Abuja, Nigeria, 26-27 May 2014.
16. "Effect of a discriminatory custom: a case study of the Olu phenomenon under Igbo custom", a paper delivered at the 3<sup>rd</sup> annual Igbo Conference titled "Igbo Heritage: Production, Diffusion and Legacy" at SOAS, London, 2-3 May 2014.
17. 'The Role of African Courts in Arbitration', paper presented at CI Arb Seminar on Arbitration in Africa held at Eversheds LLP London on 20 November 2013.
18. "Comprehensive ADR Legislations in sub-Saharan Africa as the future: a case study of Ghana ADRA 2010", paper delivered at the 2<sup>nd</sup> Annual Conference of the African Society of International Law, University of Dakar on 24-25 October 2013.
19. "Mentoring as a Tool of Economic Empowerment", paper given at the International Federation of Women Lawyers (FIDA) UK Symposium. Held on 31 August 2011 in London.
20. Member of Panel on "Change and Governance in Africa" on 11 June 2011 at the SOAS Alumni & Friends Weekend Events for 2011.
21. "Doing Business in Africa" on the University of Fribourg Masters of Laws in Cross Cultural Business Practice on 2 December 2010.

22. “Developments and Enforcing Arbitration Awards in Developing Countries: surmounting the difficulties in each of these growth areas of revenue: Middle East and Africa”, at the Cross Border Arbitration Dispute Resolution Conference, 15 & 16 November 2010 in London.
23. “Drafting contracts for the international sale of goods”, at the International Business Agreements Summer School, The Moller Centre, Churchill College, Cambridge on 6 August 2010.
24. Mo Ibrahim Foundation & Centre for African Studies (SOAS) Residential School in Uganda, 19-23 April 2010 where I delivered two papers on: “ADR mechanisms and effective governance” and “Using law as a tool of good governance”.
25. “Arbitration in Africa” paper presented at a seminar by the Chartered Institute of Arbitrators London branch on 03 March 2010 at Edwin Coe LLP.
26. “Comments on modernising the framework for arbitration in Jamaica”, 18 February 2010 at the University of West Indies, Mona Campus – delivered at the workshop in Kingston, Jamaica.
27. “Enforcement of Arbitral Awards in Sub-Sahara Africa”, paper presented at the inaugural conference of AFSIA on “Issues Relating to Enforcement in International Arbitration” on 3 December 2008 in London.
28. “Effective Utilization of Arbitrators and Arbitration Institutions in Africa by Appointors”, paper delivered at the 4<sup>th</sup> International workshop on Arbitration & ADR in Africa held in Cairo, 29 – 31 July 2008.
29. “Africa & LCIA Arbitration”, paper delivered at the Association for the Promotion of Arbitration in Africa Colloquium on Arbitration in Africa: Current Questions held in Yaoundé, 14-15 January 2008.
30. Colloquium on the Draft OHADA Uniform Contract Law, Ouagadougou, Burkina Faso, 15 – 17 November 2007 where the draft law was debated.

## **6. Editorial Boards:**

- Co-general editor, Journal of African Law (2009-2016)
- Member, Editorial Board, Journal of Law & Development (Publication of NIALS) since 2011.
- Member, Editorial Board of the Journal of the Lagos Court of Arbitration, since 2014.
- I continue to review book proposals for various publishers including OUP & CUP.

## **7. Professional memberships**

I hold memberships of the following professional organizations:

- Member (academic) International Council for Commercial Arbitration (ICCA) 2015.
- Advisory Board member, Africa International Legal Awareness (AILA) since 2015.
- Life member, Pan African Lawyers Union (PALU) since 2014
- Chartered Institute of Arbitrators London since 1999 (as a fellow since 2009)
- London Court of International Arbitration since 2008
- Society of Legal Scholars since October 2006
- Law Society, England & Wales since 2002 (as non-practising solicitor)
- International Bar Association since 1996.
- Nigerian Bar Association since 1989

Dr Emilia Onyema  
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