

G. ELIAS

**Zhongshang Fucheng Industrial Investment Co. Ltd
v The Federal Republic of Nigeria**



On March 26, 2021, a panel of three arbitrators constituted under the China-Nigeria Bilateral Investment Treaty, 2001 ("**China-Nigeria BIT**") awarded USD55million to a Chinese private investor against the Federal Republic of Nigeria (the "**Award**"). The Award was made in the favour of Zhongshan Fucheng Industrial Investment Co. Ltd. ("**Zhongshan**").

This was the first award ever made against the Federal Republic of Nigeria in an investment treaty arbitration. G. Elias is privileged to have acted as (a) Zhongfu's Counsel in both the domestic court and commercial arbitration proceedings that preceded the investment treaty arbitration, and (b) Co-Counsel in the investment treaty arbitration proceedings commenced by Zhongshan.

Zhongfu, a subsidiary of Zhongshan had developed a free trade zone in one of Nigeria's 36 States only for the government of that State and certain Federal officials acting together to unlawfully to eject it from the zone and from Nigeria. The full Award is set out at [Zhongshan Fucheng v. Nigeria](#). Details of the facts, law, claims and issues are set out in the Award.

Among other standout features of the case, G. Elias expertly initiated, prosecuted and navigated the related domestic court and commercial arbitration proceedings such that the arbitral panel unanimously held that Nigeria could not successfully invoke waiver and "fork in the road" defences. The tribunal, like the [Desert Line v. Yemen](#) tribunal, also awarded moral damages in Zhongshan's favour to compensate for human right violations against Zhongshan/Zhongfu's personnel by Nigerian state actors.

Please do not hesitate to contact our Prof. Gbolahan Elias, SAN (gbolahan.elias@gelias.com) or Abubakar Anafi (abubakar.anafi@gelias.com) if you have inquiries about the Award, arbitration in Nigeria, investment treaties with, or investment treaty arbitration involving Nigeria or other African countries.



Prof. Gbolahan Elias, SAN
Partner
gbolahan.elias@gelias.com



Abubakar Anafi
Partner
abubakar.anafi@gelias.com

LOCATIONS

LAGOS OFFICE

6 Broad Street
Lagos, Nigeria

T: +234 (1) 460 7890

E: gelias@gelias.com

ABUJA OFFICE

2nd Floor, Abia House,
Plot 979, First Avenue,
Central Business District
F.C.T, Abuja.

T: +234 (1) 888 8881

• Corporate • Mergers and Acquisitions • Securities Offerings • Project and Structured Finance • Tax • Litigation and Arbitration • Privatization • Intellectual Property • Employment • Compliance • Insurance • Pensions • Private Equity • Oil and Gas • Electricity • Food and Healthcare • Trade and Industry • Media and Entertainment • Telecommunications and Technology • Real Estate and Construction • Infrastructure • Transport and Logistics •

www.gelias.com