

“A Case for the Arbitration Community to Reflect on: *Nigeria v P&ID*,” *The Law Society Gazette*

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By: James Rogers

In his commentary, Partner James Rogers discusses the judgment in *Nigeria v P&ID* and addresses Justice Knowles’s calls for reflection on “whether the arbitration process ...needs further attention where the value involved is so large and where a state is involved.” While welcoming the calls for reflection, James notes the court’s observations that the case “has shown examples where legal representatives did not do their work to the standard needed, where experts failed to do their work, and where politicians and civil servants failed to ensure that Nigeria as a state participated properly in the arbitration” and cautions the arbitration community to be “careful in attempting to build mechanisms into the arbitration process that protect against the negligence of one party in the pursuit of their case.” James adds: “Arbitration is a consensual process, and once the rules of engagement are set in the arbitration agreement, it is for the parties to participate in the manner they agreed.”

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