

Achieving fast, innovative and cost-effective dispute resolution for businesses

EFFICIENCY. INNOVATION. RESOLUTION.

Harry Matovu KC – Arbitrator

“A very bright individual who grasps voluminous documents very quickly.” “He’s totally unflappable, brings calm to the most tense situations, and is able to distil the most complex legal issues into bite-sized chunks of reality.”

Chambers & Partners 2019

OVERVIEW

Harry Matovu was nominated as Silk (QC) of the Year for International Arbitration in the Legal 500 Awards 2020. He is a noted advocate with a high-profile commercial practice, including energy and natural resources, finance, civil fraud, insurance/reinsurance and arbitration. He acts as both counsel and arbitrator under ICC, LCIA, UNCITRAL and ARIAS Rules, as well as ad hoc references. Harry is instructed as Leading Counsel in major energy, infrastructure and insurance/reinsurance disputes. He has been involved in numerous insurance and reinsurance arbitrations (including the 1990s Lloyd’s disputes, the US personal accident spiral disputes, and claims across many classes of US and UK casualty and other business). He has also recently arbitrated a wide range of commercial disputes, including claims concerning the control of a leading energy conglomerate in Africa, a major telecoms dispute, large infrastructure projects in Zambia and Mozambique and major share sale and joint venture disputes.

STYLE AND APPROACH

Harry Matovu has been described in the legal directories as “a really classy performer”. He has a deep knowledge and long practical experience of commercial arbitration. As an arbitrator, he focuses on the needs of commercial parties for efficient, pragmatic and cost-effective processes, as well as thorough preparation and understanding of the issues by the tribunal, and sound and commercially-aware decisions delivered without undue delay after proper consideration. Having practised as a commercial lawyer for 30 years from one of the leading commercial sets at the English Bar, he has a detailed knowledge

of commercial law and disputes. He is noted for his approachability, engagement, thoroughness and complete lack of pomposity. As a presiding arbitrator, he ensures control of the reference through regular contact with the legal representatives, and his long experience as a commercial advocate and QC gives him a calm authority and control of the conduct of hearings.

EXPERTISE

- Commercial Contracts
- Energy & Natural Resources
- Insurance & Reinsurance
- Shareholder Disputes
- Construction and Engineering
- Banking & Finance
- Biotech

EXPERIENCE

General

- A wide-ranging and high-profile commercial practice, both domestically and abroad, over 30 years at one of the leading commercial sets at the English Bar.
- Breach of contract and breach of warranty cases.
- Fraud.
- Multi-jurisdictional disputes, and disputes involving sovereign states and state agencies.
- Breach of directors' duties, breach of trust and breach of fiduciary duties.
- Misrepresentation.
- Professional negligence.
- Restrictive covenants and breach of confidentiality obligations.

Energy & Natural Resources

- Nominated for Silk (QC) of the Year (Projects and Energy) in the Legal 500 Awards 2014.
- Keynote speaker in November 2017 at the inaugural African Law and Business Summit Conference in London on "Investor Protection, Resource Nationalism and the Courts".
- Multiple international multi-million dollar oil and gas, mining and energy disputes as leading counsel or arbitrator, including disputes relating to assets in Brazil, US Gulf of Mexico, Indonesia, Iraqi Kurdistan, Angola, DRC, Nigeria, Saudi Arabia and Kazakhstan. Examples include:
 - Leading Counsel in Arbitrator in high-profile, billion-dollar Commercial Court action concerning upstream joint venture agreement for oil exploration in Iraqi Kurdistan.
 - Leading Counsel in a multi-million dollar disputes concerning upstream oil assets offshore Ghana and offshore Brazil
 - Leading Counsel in a multi-million dollar dispute concerning the design and construction of new technology for deepwater offshore oil drilling.
 - Leading Counsel in a multi-million dollar arbitration concerning a mining infrastructure project in an African jurisdiction for the construction of major tailing storage and drainage facilities.
 - Arbitrator in a multi-million dollar joint venture dispute concerning a major construction project for port services in Nigeria.
 - Arbitrator in a multi-million dollar financing/joint venture dispute concerning a major energy conglomerate.

- Detailed knowledge of and familiarity with:
 - political risks, force majeure and contract frustration.
 - joint bidding agreements, joint operating agreements and production sharing contracts with host governments.
 - liquefied natural gas (LNG) trading and shipping.
 - financing, acquisition, transfer (including farm-ins) and valuation of oil and gas assets.
 - services contracts and EPC contracts, including contracts for onshore and offshore drilling/mining services and field development, and the construction of onshore and offshore assets.
 - royalty and taxation issues.

Insurance & Reinsurance

- Long experience and expertise in the High Court and in arbitration of insurance and reinsurance disputes involving (re)insurers and (re)insureds, brokers and coverholders over many years and many classes of business in the London, US and Bermudian Markets, including the Lloyd's Litigation in the High Court in the 1990s (LMX Spiral claims), multiple arbitrations arising out of the US personal accident spiral, London Market insurance/reinsurance of US casualty business, professional indemnity and other liability insurance, aviation insurance, litigation funding (ATE) insurance and political risk/contract frustration.
- Some recent experience in this field includes:
 - Leading Counsel for claimant in a multi-million pound dispute between scheme organisers and insurers concerning adjustment and repayment of substantial premium on a major insurance scheme for medical professional indemnity insurance.
 - Leading Counsel for London Market insurers in enforcement of arbitration provisions in a dispute with major US manufacturing conglomerate arising out of multi-million dollar claims on excess of loss product liability insurance.
 - Leading Counsel for London Market insurers in enforcement of arbitration provisions in a dispute with high net worth insureds.

Shareholder/Joint Venture Disputes

- Long experience and expertise in disputes over many years in the High Court and in arbitration arising out of share purchase agreements, including misrepresentation and breach of warranty claims, business and share valuation issues and disputes concerning earn-out provisions. Detailed understanding of valuation methodologies, including discounted cashflow using weighted average cost of capital and other techniques, and asset and market methodologies.
- Some recent experience of arbitrations in this field includes:
 - Arbitrator in a multi-million dollar joint venture dispute arising out of a major construction project for port services in Nigeria.
 - Arbitrator in a multi-million dollar joint venture dispute concerning control and financing of major oil and gas conglomerate.

Construction and Engineering

- Broad experience and expertise in complex construction and engineering disputes in many fields, including offshore and onshore drilling and exploration, oil and gas midstream projects, mining projects, utilities and transport infrastructure projects, automobile production contracts.
- Some recent arbitral experience in this field includes:
 - Presiding arbitrator in a multi-million dollar dispute arising out of major rail infrastructure project in Africa.
 - Arbitrator in a multi-million dollar joint venture dispute concerning a major construction project for port services in Nigeria.
 - Arbitrator in multi-million dollar dispute between contractor and government concerning major housing infrastructure project in Africa.
 - Arbitrator in a multi-million dollar dispute under a FIDIC Yellow Book contract for the design and construction of civil works for a cement manufacturing plant in Nigeria.
 - Leading Counsel for respondents in a multi-million dollar arbitration concerning the construction of mining tailing storage and drainage facilities.
 - Leading Counsel for respondents in multi-million dollar dispute concerning design, engineering and construction of complex offshore drilling technology for use in deepwater oil exploration in US Gulf of Mexico.
 - Leading Counsel for claimants in a multi-million pound arbitration concerning a claim for statutory compensation arising out of major utilities infrastructure project in North-West England.

Banking and Finance

- Long experience and expertise in disputes over many years in the High Court and in arbitration concerning loans and corporate finance for business and asset acquisitions, including public offerings of quoted shares, bond issues, private placements and shareholder loans. He also has a detailed understanding of business and share valuation methodologies, including discounted cashflow using weighted average cost of capital and other techniques, and asset and market methodologies.
- Experience of disputes in this field includes:
 - Arbitrator in a multi-million dollar joint venture dispute concerning control and financing of major oil and gas conglomerate.
 - Leading Counsel in multi-million and billion dollar Commercial Court cases raising issues concerning the valuation of oil and gas exploration assets and/or their financing through public offerings and private placements.
 - Leading Counsel in a multi-million dollar High Court case concerning the valuation of a global LNG shipping business.

Biotech

- Broad experience and expertise in inquiries and disputes concerning highly complex scientific, medical issues relating to public health and the pharmaceutical sector.
- Deputy Counsel to the BSE Inquiry (1998-2001), a long-running and high-profile public inquiry into the emergence of BSE in cattle and variant CJD in humans and the UK Government response to it. Included detailed investigation and analysis of the relevant scientific, medical and veterinary theories and knowledge, and of the organisation of scientific, medical and veterinary research in the UK.
- Counsel for defendant pharmaceutical company in MMR Vaccine Litigation, a long-running and high-profile High Court product liability group action brought by parents of children with autistic spectrum and other disorders against manufacturers of the MMR vaccine, which was alleged to have caused the disorders. The issues arising involved preparation and analysis of a substantial volume of medical and scientific expert evidence from 60 experts across many disciplines.

PROFESSIONAL QUALIFICATIONS

- Barrister at the Bar of England and Wales
- Queen's Counsel (QC)

CAREER HISTORY

- Called to the Bar of England and Wales: 1988
- Appointed Queen's Counsel: 2010
- Elected Master of the Bench, Inner Temple: 2012
- Member, London Court of International Arbitration: December 2013 - present
- Panel Member, Panel of Arbitrators for the Arbitration Foundation of Southern Africa (AFSA): 2020

ACCREDITATIONS

- Barrister and Queen's Counsel at the Bar of England and Wales
- Master of the Bench, Inner Temple
- Member, London Court of International Arbitration
- Panel Member, Panel of Arbitrators for the Arbitration Foundation of Southern Africa (AFSA)
- Member, Commercial Bar Association
- Member, London Common Law and Commercial Bar Association

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