

Fourth Issue of Gravitas Review of Business & Property Law

The fourth issue of *Gravitas Review of Business & Property Law* was published this week. It contains the following private international law article:

UV Obi (SAN) *et al*, “The Enforcement of Foreign Jurisdiction Clauses of Contracts in Nigeria”

The inclusion of foreign jurisdiction clauses in contracts has become a common trend in international commercial transactions. Since most parties are often not familiar with the laws of their foreign counterparts and are sceptical about getting a

fair trial in the latter’s jurisdiction when a dispute arises from the contract, the option of a usually neutral foreign jurisdiction clause, therefore, is cardinal when considering the risks associated with contractual relationships. In this article, the Authors consider, inter alia, the meaning and nature of contracts, foreign jurisdiction clause as a term of a contract, its enforcement in both England and Nigeria, with a particular focus on the attitude of Nigerian Courts to the enforcement of foreign jurisdiction clause as a term of a contract. The Authors opine that while the Supreme Court has consistently upheld and enforced foreign jurisdiction clauses, the lower courts have often refused to do so because they perceive those clauses to be ouster clauses. The Authors recommend enacting legislation and practice direction to uphold parties’ freedom of contract, including parties’ rights to subject their disputes to the laws and country of their choice. This

will no doubt result in a more predictable outcome of international commercial contracts litigations and related issues in Nigeria, engender trust in our judicial system, promote party autonomy, strengthen the parties’ existing rights, promote access to justice, and strengthen our legal system.