



Koye Akoni

Called: 2011

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Koye has an international commercial practice which encompasses shipping, international trade, energy, aviation and general commercial disputes. He regularly appears as sole and junior counsel in arbitrations and in the High Court, and has also appeared in the Court of Appeal and Privy Council. Koye has also appeared in the Belgrade Special Court as a representative of the Cypriot holding company of Miroslav Miskovic in criminal proceedings against Mr Miskovic and others.

Prior to joining Quadrant Chambers, Koye worked in the litigation team of an oil major between 2012 and 2014. During that time, he advised on various matters including the availability of Bilateral Investment Treaty protection in the context of company restructuring, historical misallocation of processed oil and gas under a Production Sharing Agreement, interpretation of gas price review clauses in long-term gas supply agreements, and the interpretation of a joint venture agreement regulating the processing and distribution of gas from certain North Sea Gas fields. He also worked on several arbitrations, including an ICC arbitration concerning the suspensory effect of a declaration of force majeure in the context of a natural gas transportation agreement; and an LCIA arbitration concerning the recoverability of instalment payments made pursuant to a design and sale contract frustrated by Iranian sanctions.

Koye also served as serving as the Judicial Assistant to the then Chancellor, Sir Terence Etherton for two terms in 2014, and has been a Visiting Tutor at King's College London where he taught Contract Law, and the Law of Trusts and Equitable Remedies.

He graduated with a first class degree in law from King's College London and a distinction in the BCL from the University of Oxford.

What the directories say

- *"Technically brilliant, commercially focussed and a forceful advocate. Koye is not daunted by seemingly difficult cases, he is creative with legal arguments and works hard and quick."* (Legal 500, 2024)
- *"Koye provides excellent advocacy and a clear head, as well as very strong attention to detail."* (Legal 500, 2024)
- *"One of the most talented aviation specialist barristers and a go-to barrister on aviation insurance and crash work."* (Legal 500, 2024)
- *"Koye has a remarkable ability to grasp the essence of a case and formulate strategy and argument."* (Chambers UK, 2024)
- *"He is calm, considered and assured."* (Chambers UK, 2024)
- *"Koye is down to earth, his drafting is exceptional and he is very commercially minded."* (Chambers UK, 2023)

- *"He was very good telling us the reality of what was likely to happen. He delivered his advocacy very well."*(Chambers UK, 2023)
- *"Koye is an extremely impressive junior. He combines charisma and charm with incisive ferocity, so when called upon he can deliver a critical hit with style, aplomb, and finesse."*(Legal 500, 2023)
- *"Koye has very considerable intellectual and technical skills. He is extremely diligent and hard-working."*(Legal 500, 2023)
- *"Very strong in terms of turn-around and accuracy, he is responsive, helpful and good with clients."*(Legal 500, 2023)
- *"A commanding court room presence, unflappable demeanour and a good legal mind."*(Legal 500, 2023)
- *"A towering yet calm presence, Koye has judgement beyond his years and is a true force to be reckoned with. A superstar at the aviation Bar: he is fantastic, really talented, super clever, great with clients, and a joy to work with."*(Legal 500, 2022)
- *"He has great presence and confidence and the ability to get very quickly to the heart of a matter, focus on the core issues of importance, and deal with them effectively and intelligently."*(Legal 500, 2022)
- *"Koye is fantastic. He is commercial and pragmatic. He has the ability to grasp fine detail quickly."*(Chambers UK, 2022)
- *"Hardworking and pleasant to deal with, he is exceptionally strong in grasping the legal points in a case and providing timely, commercial advice."*(Legal 500, 2022)
- *"He has a tenacious work ethic and nuanced ability to articulate finer points of law in the manner one would expect of a top-level junior counsel."*(Legal 500, 2021)
- *"A formidable presence and an agile mind - on track to greatness."*(Legal 500, 2021)
- *"He is unflappable and calm under fire."*(Legal 500, 2020)
- *"He provides thorough and well-reasoned advice and responds quickly."*(Legal 500, 2020)
- *"He is a rising star; a good public speaker and very personable with clients."*(Legal 500, 2019)

Commercial Dispute Resolution

Koye regularly works on large commercial disputes, in both arbitration and Court. He also frequently advises on most private domestic law areas as well as on issues of private international law.

Some of Koye's recent and ongoing cases include:

- ***Selelevision Saudi Co v BeIN Media Group LLC***[2021] EWHC 2802 (Comm) (with Jeremy Richmond QC): Koye acted for Selelevision Saudi Co in successfully enforcing a New York Convention arbitration award in England, and in particular, resisting an attempt by BeIN Media to introduce a substantial counterclaim to Selelevision's arbitration claim form by which it sought to enforce the award.
- ***Credit Suisse AG v HRH Prince Fahad Bin Sultan Bin Abdulaziz Al Saud***(with Guy Blackwood QC): Koye is currently instructed on behalf of Credit Suisse in proceedings to enforce certain loan facility agreements for roughly £50m, personal guarantees, and associated security.
- Two London-seated LCIA arbitrations (with Rob Thomas QC and James Turner QC, -): Koye acted on behalf of a contractor; in disputes arising out of two contracts for the construction and installation of offshore pipelines connecting several oil and fields offshore Turkmenistan.
- A London-seated LCIA arbitration on behalf of a large insurance company based in a GCC state against one of the world's largest independent energy and commodities companies concerning a call on an on-demand guarantee.
- ***HC Trading Malta Ltd v K.I. (International) Ltd*** [2022] EWHC 1387 (Comm) (with Jeremy Richmond QC): Koye acted for a foreign-domiciled defendant seeking to challenge the jurisdiction of the English courts in circumstances where the claim against the anchor defendant had no prospect of defending the claim against it, and the substance of the dispute was likely to be between the claimant and the foreign-domiciled defendant who was said to be a "necessary or proper party" to the claim against the anchor defendant.
- ***London Steam-Ship Owners' Mutual Insurance Association Ltd v The Kingdom of Spain***[2020] EWHC 142

(Comm) (with Lionel Persey QC and Jamie Hamblen): This was part of a long running dispute between a P&I Club and the Republic of Spain arising out of an extensive oil spill off the French and Spanish Coasts. The dispute concerned the enforcement in England of a Spanish judgment finding the P&I Club liable for US\$1bn, and encompasses several separate actions commenced in the English High Court. Koye was instructed on behalf of the Kingdom of Spain.

- *Gulf Air BSC (C) v One Inflight Ltd (and ors)*[2019] (led by Yash Kulkarni QC): Koye acted for the national carrier of the Kingdom of Bahrain in Commercial Court proceedings against one of its former senior employees and other defendants accused of perpetrating a multi-million-dollar fraud on Gulf Air. The case raised complex issues equitable and proprietary remedies, as well as the interplay between Bahraini law and their interplay with English law. Judgment was granted in favour of Gulf Air after the second day of trial.
- Two UNCITRAL arbitration proceedings for unpaid sums under a brand licensing agreement in the broader context of a sale and purchase agreement, and a claim for an indemnity arising out of the sale and purchase of the entirety of the retail business of an energy multi-national within a region in Europe.
- *Aqaba Container Terminal (Pvt) Co v Soletanche Bachy France SAS* [2019]: Commercial Court proceedings seeking an anti-suit injunction restraining the continuation of part of proceedings commenced in Jordan in breach of an English ICC arbitration agreement. The anti-suit injunction was sought in circumstances where the applicant had secured an award in excess of US\$35 million and was seeking to enforce the award in France (led by Stephen Houseman QC).
- *Tecnocostruzioni-Costruzioni Generali SpA v Brighton Investments SA*[2017]: Commercial Court proceedings arising from the failure of a party to transfer asset-based securities in breach of contract. The case raised issues concerning the quantification of damages, unjust enrichment, and the circumstances in which a party may elect between two inconsistent remedies.
- *WH Smith Travel Holdings Limited v Twentieth Century Fox Home Entertainment Limited*[2015] EWCA Civ 1188 (led by Stephen Cogley QC): Court of Appeal proceedings where it considered whether the relationship between two parties to a sale and long-term sale agreement was such as to form a running account, and if so, the effect to which that affected the burden of proof

Koye was also involved *T&L Sugars Ltd v Tate & Lyle Industries Ltd*[2015] EWHC 2696 (Comm) (assisting Yash Kulkarni). Part of the trial involved issues relating to Inward Processing Relief under EU and HMRC rules; and issues as to futures positions taken out in relation to the purchase of raw sugar and the sale of refined sugar).

Shipping

Dry Shipping

Koye's shipping work encompasses all types of charterparty and bill of lading disputes, and includes advisory and advocacy work in both arbitration and Court proceedings. He has acted as junior counsel (led by Simon Croall QC) in a multi-million-dollar arbitration dispute concerning the effect on a time charterparty on Shelltime 4 form, of the prolonged detention of a vessel by Venezuelan local authorities which ended up in the High Court on two occasions: *ST Shipping and Transport Pte Ltd v Space Shipping Ltd*[2016] EWHC 880 (Comm) and [2017] EWHC 2808 (Comm).

He also acted in *Regulus Ship Services Pte Ltd v Lundin Services BV*[2016] EWHC 2674 (Comm) – (led by Yash Kulkarni) – a case arising out of the towage of an FPSO from Tunisia, through the Cape of Good Hope, on to Labuan, Malaysia. It raised issues as to the proper construction and operation of a towage contract on BIMCO Towcon form.

In addition, Koye is experienced in advising on sanctions issues arising in the shipping context, including both Iranian sanctions and Russian sanctions.

Some of Koye's recent and ongoing cases that are illustrative of his general dry shipping practice include:

- An LMAA arbitration (with Yash Kulkarni QC): acting on behalf of a state-owned oil trading company against whom the owners of an oil tanker sought declarations and damages arising out of the shipment of allegedly sanctioned crude oil. In particular, the owners sought declarations to the effect that they were entitled to sail to the US carrying the crude oil worth c. US\$100m at the direction of the US authorities.
- An LMAA arbitration: acting as sole counsel on behalf of owners of a post-Panamax vessel in arbitration proceedings against bareboat charterers. The claim raises issues of the correct construction of Clauses 28 and 29 of the Barecon 89 standard form as well as the redelivery condition of the vessel.
- An LMAA arbitration: acting as sole counsel in proceedings concerning the contamination of Jet fuel destined for military use. Koye is instructed as sole counsel on behalf of charterers.
- *Harren and Partners Schiffahrts GmbH & Co Kg Ms Patea v Vitol S.A.*: Koye was instructed as sole counsel in a

dangerous cargo dispute in Commercial Court proceedings arising out of the carriage of a cargo of slurry from Fawley, UK to Rotterdam, the Netherlands.

- An arbitration arising out of a chain of charterparties where one of the parties in the middle of the chain was the subject of German insolvency proceedings. The dispute raised issues of how, if at all, liability for damages can be passed down the chain. Koye was led by Robert Thomas QC.
- Parallel LMAA arbitrations arising out of the redelivery of several vessels from their respective bareboat charters. Koye was led by Robert Thomas QC and Paul Toms.
- As sole counsel in an ad-hoc arbitration commenced by shipowners seeking an indemnity from shippers pursuant to Article III rule 5 of the Hague Rules on account of cargo shortage.
- An arbitration concerning unpaid sums under a long-term time charterparty for a diving support vessel supporting offshore operations in West Africa.
- A dispute arising under a ship management agreement whereby sums collected by the ship's commercial managers for the ship owners were the subject of a levy on all Cypriot bank deposits above €100,000 as a result of the 2012/2013 Cypriot banking crisis.

Shipbuilding

Koye has been instructed in several complex and valuable shipbuilding and ship purchase disputes. Examples of his recent cases include:

- acting for a Chinese shipyard in two consolidated arbitration proceedings concerning the design and manufacture of two offshore jack up rigs (led by Simon Croall QC and Peter Stevenson).
- acting for a Chinese yard in two arbitration references concerning the alleged defective construction of the stern tube bearings of two 63,800 DWT bulk carriers (led by Simon Croall QC and Stewart Buckingham).
- acting on behalf of a German shipyard in arbitration proceedings arising out alleged defects in the HVAC system of a luxury superyacht (led by Simon Rainey QC).
- acting for buyers in arbitration proceedings concerning delays to the design, build, and commission of a semi-submersible drilling unit, and the eventual cancellation of the turnkey contract.

Wet Shipping

Koye has experience of advising on, and acting in, wet shipping cases. He was recently instructed in *The Atlantik Confidence* [2016] EWHC 2412 (Admiralty), a landmark case in the Admiralty Court regarding the breaking of limits under the Limitation Convention 1976 (as amended in 1996). It is the first case in which an English Court has determined that a person was barred from relying on the limits provided by the Convention, in this case, on account of having deliberately sunk its own vessel. He was led by Robert Thomas QC and Thomas Macey-Dare QC.

His recent wet shipping cases include:

- a general average dispute (led by Luke Parsons QC and Stewart Buckingham) arising in the context of ransom payments to pirates to procure the return of an oil tanker captured between the Indian Coast and Somali Coast.
- an LOF salvage arbitration in respect of a vessel that was the subject of a fire shortly after commencing its laden voyage from Jebel Ali, Dubai. He acted on behalf of the ship (led by David Goldstone QC).
- a general average claim representing cargo interests (led by John Passmore QC) in respect of an application by owners to sell cargo on board a vessel, in the absence of security for a general average contribution.
- collision proceedings arising out of a collision between a vessel and a single point mooring at an oil terminal off the Baltic Sea.

Energy

Koye has substantial experience in respect of energy disputes, having spent two years working for the litigation team of one of the major energy multinationals. Koye has advised on various oil and gas related issues, including:

- historical misallocation of processed oil and gas under a Production Sharing Agreement,
- issues arising as to the specification of hydrocarbons under transportation and processing agreements,
- interpretation of gas price review clauses in long-term gas supply agreements, and
- the interpretation and consequences of a force majeure clause in gas supply agreement.

Some of Koye's ongoing and recent cases arising out of the energy and natural resources sector include:

- An LCIA arbitration: acting as sole counsel on behalf of a West African oil exploration company in proceedings

arising out of exploration operations offshore Cape Three Points, Ghana.

- An LCIA arbitration (with Gaurav Sharma): acting on behalf of a group of shareholders in respect of a dispute arising out of a joint venture created to build, own, and operate a coal power plant in a West African country, pursuant to a concession granted by the government of the country.
- An ICC arbitration: advising a contractor in respect of a dispute with an oil major arising out of an attack by terrorist insurgents on the oil major's development area in a Southern African country. The dispute concerned the duty of care owed by the oil major vis-à-vis the contractor and its equipment.
- A SIAC arbitration: acting on behalf of one of the oil majors in a dispute arising out of the interruption of jet fuel supply to an airport as a result of a rupture to the sole pipeline transporting jet fuel from the only refinery in the country.
- Commercial Court proceedings concerning the operation of a trigger pricing mechanism in the context of a contract for the sale and purchase of ultra low sulphur diesel.
- Commercial Court proceedings concerning the repudiation of a contract for the sale and purchase of gasoil for delivery in Bissau, Guinea Bissau.
- An ad-hoc arbitration: acting on behalf of a large energy multinational in proceedings concerning the purported termination of a long-term crude oil supply agreement by a large West African energy conglomerate.

Commodities & International Trade

Koye acts in wide ranging commodities cases, his experience in-house within the litigation team of an energy multinational put him at the heart of commodities disputes and international trade. Koye also regularly provides assistance and advice in support of GAFTA and FOSFA arbitrations.

Amongst other cases, Koye's current and recent cases include:

- Ongoing Commercial Court proceedings concerning the sale and purchase of copper concentrate of Zambian origin for delivery in China on CIF terms.
- Commercial Court proceedings arising out of the failure of the sellers of ultra-low sulphur diesel to deliver the contractual quantity to the Spanish buyers, under separate but connected agreements, on an into-tank basis across different locations in Spain.
- Commercial Court proceedings for damage to a cargo of galvalume steel coils;
- An LCIA arbitration: acted on behalf of the buyer of steel pellets in circumstances where the supply of the steel pellets by the sellers was disputed by reason of the political and economic instability in Venezuela. The case raised issues of contractual interpretation especially of force majeure provisions and the quantification of damages.
- A FOSFA arbitration: acting on behalf of the buyers of methyl ester in a dispute arising from the failure of the buyer to deliver the contractual quantity of methyl ester under two connected but separate contracts for delivery in Bulgaria.
- Several GAFTA and FOSFA arbitrations concerning the correct and proper construction of standard industry terms in the context of substantial delay in delivery of cargo purchased on FOB terms to be delivered ex Paranagua.
- Arbitration proceedings concerning the repudiation of a contract for the sale and purchase of gasoil for delivery CIF a port in West Africa; and
- Ad-hoc arbitration proceedings concerning the purported termination of a long-term crude oil supply agreement between a large West African energy conglomerate, and a large energy multi-national.

Aviation & Travel

Aviation takes up a significant part of Koye's practice. He recently advised (with Tim Marland) on the impact of the Cape Town Convention on the restructuring of two separate airlines.

He is also instructed (with Richard Southern QC) on behalf of reinsurers in proceedings arising out of the 2016 LaMia plane crash that resulting in the unfortunate death of many footballers from the Brazilian football team, Chapecoense.

In addition, his recent and ongoing cases include

- *Gulf Air BSC (C) v One Inflight Ltd (and ors)*[2019] (led by Yash Kulkarni QC): appearing on behalf of the Bahraini national carrier against one of its former senior employees and other defendants accused of perpetrating a

multi-million-dollar fraud on Gulf Air. The case raised complex issues equitable and proprietary remedies, as well as the interplay between Bahraini law and their interplay with English law. Judgment was granted in favour of Gulf Air after the second day of trial. Judgment was granted in favour of Gulf Air after the second day of trial.

- *Bahamasair Holdings Ltd v Messier Dowty Inc* [2018] UKPC 25 (led by Tim Marland): appearing in the Privy Council for landing gear manufacturers in an appeal from the Bahamian Court of Appeal. The appeal arose in the context of a claim for damages by Bahamasair on the ground that the landing gear manufacturers failed in their duty to warn Bahamasair of certain alleged design defects in the shock strut apparatus of the Bombardier Dash-8 300 models. The appeal raised question of causation, and the standard of burden of proof.
- *Nexus Flight Operations Services LLC v Residence Limited*- Koye acted on behalf of an aircraft management company to obtain an anti-suit injunction against the Cayman Islands registered owners of an aircraft preventing it from taking further steps in respect of proceedings it commenced in Saudi Arabia in breach of an exclusive jurisdiction agreement to resolve all disputes in England.
- High Court proceedings on behalf of the owners of an aircraft involved in a crash while landing at Blackpool Airport in March 2015 suffering extensive damage as result such as to be determined a constructive total loss. The owners have commenced proceedings against the manufacturers of the aircraft's engine hydraulic pump which it is alleged caused the accident. The case raises several important issues, such as the correct approach to the establishing jurisdiction under the Brussels Regulation in a product liability case where the relevant product is a component of a larger, complex product, as well as substantive product liability issues.
- Acting on behalf of a PRM supplier in proceedings commenced by one of the main European low cost airlines in respect of accident between the PRM supplier's ambulift and the airline's aircraft after the boarding of persons with reduced mobility. The case raises significant questions as to the extent to which a service provider employed by an airport can rely on exclusions contained in the Conditions of Use of the airport, and the extent to which airlines can recover sums paid out by way of EU 261 compensation from third parties
- High Court proceedings on behalf of an aircraft lessee defending a claim for unpaid sums. The proceedings raising issues various issues, including issues of illegality.
- *Air Namibia (Proprietary) Limited v BCI Aircraft Leasing Ireland C Limited* (2016) - Acting on behalf aircraft lessors, BCI Leasing, in an \$80 million aircraft redelivery dispute in the High Court arising from an alleged failure to properly redeliver two Airbus A340s aircraft. The case settled shortly before trial.

He has also advised on various aviation related matters, including:

- the termination of aircraft purchase agreements and aircraft financing agreements pursuant to which 30 aircraft were due to be purchased and financed;
- issues arising out of the fraudulent sale of an executive jet, including issues relating to ownership of aircraft and avenues available for recovery of the sums paid under the fraudulent transaction;
- the sale of an aircraft by an MRO, pursuant to a contractual lien, in circumstances where the lessee of the aircraft had failed to make payments in respect of work done by the MRO;
- the ability of an aircraft lessor to ground and take possession of two aircraft from a defaulting lessee;
- a claim for commission arising under an agency agreement in the context of the sale of aircraft; and
- non-owned aircraft insurance policies in the context of large oil and gas contractors.

He was also involved (assisting Tim Marland) in *Foster v Action Aviation* [2014] EWCA Civ 1368. The case concerned the sale and purchase of an SJ30 aircraft and raised issues on agency and fraudulent misrepresentation.

Koye has also been instructed by for airlines in several matters concerning flight tickets purchased at erroneously low published fares, which were cancelled by the respective airlines upon discovery of the mistaken fares. The cases raise interesting issues as to whether those contracts were void for unilateral mistake.

International Arbitration

Koye acts on a broad range of arbitrations, including ICC, LCIA, LMAA, SIAC and ad hoc arbitrations. He also acts in support of trade arbitrations involving GAFTA and FOSFA.

His recent and ongoing cases include:

- A London-seated LCIA arbitration on behalf of a large insurance company based in one of the GCC states, against one of the world's largest independent energy and commodities companies concerning a call on an on-demand guarantee.
- Two London-seated LCIA arbitrations, on behalf of a contractor, in disputes arising out of two contracts for the construction of offshore pipelines connecting several oil and fields in the Caspian Sea.

- Singapore-seated SIAC arbitration proceedings commenced on behalf of one of the oil majors, arising in the context of the interruption of jet fuel supply to an airport as a result of a rupture to the sole pipeline transporting jet fuel from the only refinery in the particular country. The case raises issues of force majeure and construction of the multinational's supply and delivery obligations.
- London-seated LCIA proceedings concerning the disrupted supply of steel pellets by reason of the political and economic instability in Venezuela. The case raises issues of contractual interpretation especially of force majeure provisions and the quantification of damages.
- London-seated arbitration proceedings between a Dutch supplier of food products and an English food ingredients supplier in respect of the sale and purchase of several parcels of black pepper products. The proceedings concerned the alleged wrongful termination of the agreements and gave rise to issues of food business operators' obligations to ensure the traceability of food products supplied under European law, and the quantification of damages.
- London-seated LCIA arbitration in respect of a dispute between maritime agents concerning settling of a running account, reimbursement of Suez Canal rebates, an alleged breach of best endeavours obligations, and the incorporation of local law requirements in a contract governed by English law.
- Two UNCITRAL arbitration proceedings for unpaid sums under a brand licensing agreement in the broader context of a sale and purchase agreement, and a claim for an indemnity arising out of the sale and purchase of the entirety of the retail business of an energy multi-national within a region in Europe.

Insurance

Koye has a growing insurance practice, and has most recently acted in or advised on the following:

- proceedings arising out of the 2016 Chapecoense plane crash (with Guy Blackwood QC) on behalf of reinsurers,
- several aspects of a non-owned aviation insurance policy in the context of an oil and gas contractors,
- the potential effects of the Insurance Act 2015 on insurance policies, in particular, the ability and consequence of contracting out of Parts 2 to 4 of the Act,
- the effect of an "excess clause" and an "escape clause" in the context of double insurance,
- the existence of an insurable interest in the context of a claim for material damage and business interruption,
- the scope of cover, and the applicability of the doctrines of waiver and estoppel in the context of an insurer's conduct in respect of the availability of cover,
- the availability of consequential damages for an insurer's breach of an insurance policy, and
- the correct interpretation of an agreement as between insurers and the insured as to how recoveries made from a claim brought by the insured against the underlying tortfeasor, were to be divided as between the parties.

Koye was also involved in **Ted Baker v AXA Plc** [2014] EWHC 4178 (Comm) (assisting Tim Marland), a case arising out of business interruption losses suffered as a result of systematic theft of the Claimants' merchandise by one of its employees.

He has also been instructed on behalf of insurers in respect of an equine insurance dispute, raising issues concerning the scope of cover, and whether on proper construction of the policy the claim made by the insured fell within an express exception to cover.

Academic

LLB, King's College London, 2010 (First Class).
 BCL, University of Oxford, 2012 (Distinction).
 BPTC, BPP Law School, 2011 (Very Competent).

Awards

Kaplan Prize for Commercial Arbitration (2010) – King's College London.
 Ruth Deech Prize for performance on the BCL (2012) – St Anne's College, Oxford.

Ranking



Appointments

Visiting Tutor, King's College London – Elements of the Law of Contract, and The Law of Trusts and Equitable Remedies.

In-house Experience

Worked for two years in-house within the litigation team of an energy multi-national oil major.