

# Attempt By A Chinese Company To Attach Nigeria's Sovereign Assets In France

By **Samuel Anyanwu** - August 14, 2024



On 14th August 2024, the Federal Government of Nigeria became aware of the interim attachment of three presidential aircrafts undergoing routine maintenance in France. The said temporary attachment was made pursuant to exparte orders issued by the Judicial Court of Paris dated 7 March 2024 and 12 August 2024 respectively at the instance of Messrs. Zhongshan Fucheng Industrial Investment Co. Limited, a Chinese company seeking to enforce a Final Award granted in its favour on 26 March 2021, against one of Nigeria's sub-nationals, Ogun State.

It is to be noted that the arbitral award arose from an arbitration proceeding which commenced in 2018 as a fallout of a contractual dispute between the Chinese company and Ogun State Government over the operation and management of Ogun Guangdong Free Trade Zone.

We wish to clarify that, though the dispute originated from engagements of Ogun State Government, however, the consequential enforcement actions are being directed against the Federal Government and its assets in line with extant principles of international law which holds that the actions of a subnational or local entity are attributable to the State or country itself.

The Offices of the National Security Adviser and the Attorney-General of the Federation, have already set in motion both legal and diplomatic steps to ensure the discharge of the inappropriate orders against the aircrafts, which are covered by sovereign immunity. While, further actions are being put in place to resolve the entire dispute through available legal means, the firm position of the Federal Government remains that the aircrafts in question are sovereign assets used solely for sovereign purposes and are therefore immune from attachment as Zhongshan has sought to do.

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