

## Professor Nelson Enonchong

Barber Professor of Law

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### About

Professor Enonchong is the author of three major practitioner works in the field of banking and commercial law. He has advised in a number of complex international commercial disputes and has acted as an arbitrator in international commercial arbitrations

### Feedback and office hours

In the first semester of 2014-2015, my Office and Feedback Hours will be:

Mondays 4-6pm

Students are welcome to see me during these hours without an appointment. If you need to see me outside these hours, please email me to arrange another time.

### Qualifications

- LLB (Yaounde)
- Maitrise (Yaounde)
- LLM (Cantab)
- PhD (Cantab)
- Barrister
- FCI Arb

### Biography

Professor Nelson Enonchong read law at the University of Yaounde and Jesus College, Cambridge. He was a lecturer and Reader in Law at the University of Leicester before joining the University of Birmingham as Barber Professor of Law in 2001

### Teaching

- Law of Obligations (Contract Law)
- International Sale of Goods (LLB)
- Financing of International Trade (LLM)
- English Law of International Sale of Goods (LLM)

### Postgraduate supervision

- Contract/Commercial law
- Conflict of Laws
- Restitution
- Comparative Law

### Current doctoral supervision

Professor Enonchong is currently supervising four doctoral students undertaking research in the following areas:

- Bills of Lading in Conflict of Jurisdictions
- Choice of Law for Cross-border Traffic Accidents
- Product Liability and Conflict of Laws
- Exceptions to the Principle of Independence of Letters of Credit

- Choice of Law Rules for Testamentary Trusts

## Research

Professor Enonchong's principal research interest is in the fields of Contract, Commercial and Restitution Law, including the Comparative and Private International Law aspects of these subjects. He has published many articles in these areas, including several pieces in *Law Quarterly Review*, *Modern Law Review*, *Oxford Journal of Legal Studies*, *Lloyd's Maritime and Commercial Law Quarterly*, *Restitution Law Review*, and *International and Comparative Law Quarterly*.

His latest book on ***The Independence Principle of Letters of Credit and Demand Guarantees*** (<http://ukcatalogue.oup.com/product/academic/law/financial/9780199239719.do?sortby=authorAscend>) was published by Oxford University Press in April 2011. It examines the nature and scope of the cardinal principle of autonomy of letters of credit and demand guarantees. It considers the challenges presented by the principle and explores the extent to which exceptions to the principle should be recognised in order address the problem of abusive demands for payment.

The second edition of Professor Enonchong's leading work on ***Duress, Undue Influence and Unconscionable Dealing*** (<http://www.sweetandmaxwell.co.uk/Catalogue/ProductDetails.aspx?productid=325201&recordid=5045>) was recently published by Sweet & Maxwell (2012). It is the first book on the subject with a detailed and comparative treatment of the controversial issue of third party undue influence, including a detailed discussion of the steps that banks and other lenders are required to take to avoid being fixed with constructive notice.

His book on *Illegal Transactions* was published by Lloyd's of London Press in 1998. It is the first book to be published in England on this notoriously difficult subject.

## Other activities

Professor Enonchong is currently the Head of Education at Birmingham Law School.

Professor Enonchong is also a practising barrister at **No5 Chambers** (<http://www.no5.com/members/professor-nelson-enonchong>).

He is a member of the Editorial Boards of

- *Business Law International* published by the International Bar Association.
- *Journal of African Law* published by Cambridge University Press
- *African Journal of International and Comparative Law* published by Edinburgh University Press

## Publications

### Books

- ***Duress, Undue Influence and Unconscionable Dealing*** (<http://www.sweetandmaxwell.co.uk/Catalogue/ProductDetails.aspx?productid=325201&recordid=5045>) (second edition), Sweet & Maxwell: Contract Law Library (2012)
- ***The Independence Principle of Letters of Credit and Demand Guarantees*** (<http://ukcatalogue.oup.com/product/academic/law/financial/9780199239719.do?sortby=authorAscend>) (2011), Oxford University Press, pp. xxxv, 348, ISBN 978-0-19-92371-9.
- *Duress, Undue Influence and Unconscionable Dealing* (2006), Sweet and Maxwell: Contract Law Library, pp. xxxvii, 590, ISBN 042177020 1
- *Illegal Transactions* (1998), Lloyd's of London Press: Lloyd's Commercial Law Library, pp. Xliii, 398, ISBN 1-85978-874-2.

### Articles, Book chapters and Notes

- "Restitution from Public Authorities: Any Room for Duress?" in Elliot, Hacker and Mitchell (eds) *Restitution of Overpaid Tax* (2013, Hart Publishing), Ch 4.
- "Recovery of Overpayments made under Performance Bonds" [2010] *Restitution Law Review* 14-33.
- "Demand Guarantees under the OHADA Uniform Act on Securities" [2009] *Journal of Business Law* 568-591.
- "The Problem of Abusive Calls on Demand Guarantees" [2007] *Lloyd's Maritime and Commercial Law Quarterly* 83 -106.
- "The Harmonization of Business Law in Africa: Is Article 42 of the OHADA Treaty a Problem?" [2007] 51 *Journal of African Law* 95 - 116.
- "The Autonomy Principle of Letters of Credit: An Illegality Exception?" [2006] *Lloyd's Maritime and Commercial Law Quarterly* 404-425.
- "The Irrebuttable Presumption of Influence and the Relationship between Fiancé and Fiancée" (2005) *Law Quarterly Review* 567-572.
- "Presumed Undue Influence: Continuing Misconceptions?" (2005) 120 *Law Quarterly Review* 29-33.
- "Human Rights Violations by the Executive: Complicity of the Judiciary in Cameroon?" (2003) 47 *Journal of African Law* 265-274.
- "The Undue Influence of a Co-surety" (2003) *Lloyd's Maritime and Commercial Law Quarterly* 307-311.
- "The African Charter on Human and Peoples' Rights: Effective Remedies in Domestic Law?" (2002) 46 *Journal of African Law* 197-215.
- "Foreign State Assistance in Enforcing the Right to Self-Determination Under the African Charter" (2002) 46 *Journal of African Law* 246-258.
- "Supervening Legality: Effect on the Enforcement of Illegal Agreement" (2000) 116 *Law Quarterly Review* 377-380.
- "Restitution Following Illegal Fee-Sharing Agreement with a Solicitor" (2000) *Restitution Law Review* 241-253.
- "Enforcement in England of Foreign Arbitration Awards Based on Illegal Contracts" [2000] *Lloyds Maritime and Commercial Law Quarterly*
- "Illegal Transactions: The Future? (LCCP No. 154)" (2000) *Restitution Law Review* 82-104.
- "Service of Process in England on Overseas Companies and Article 5(5) of the Brussels Convention" (1999) 48 *International and Comparative Law Quarterly* 921-936.
- "Jurisdiction Over Disputes Relating to 'National Lands' in Cameroon" (1999) 11 *African Journal of International and Comparative Law* 100-127.
- "Contract Damages for Wrongful Dishonour of a Cheque" (1997) 60 *Modern Law Review* 412-419.
- "Contract Damages for Injury to Reputation" (1996) 59 *Modern Law Review* 592-602.
- "Public Policy in the Conflict of Laws: A Chinese Wall Around Little England?" (1996) 45 *International and Comparative Law Quarterly* 633-661.
- "Mental Distress and Damages for Breach of Contract" (1996) 16 *Oxford Journal of Legal Studies* 617-640.
- "Illegality and the Presumption of Advancement" (1996) *Restitution Law Review* 78-88.
- "Title Claims and Illegal Transactions" (1995) 111 *Law Quarterly Review* 135-157.
- "Effects of Illegality: a Comparative Study in French and English Law" (1995) 44 *International and Comparative Law Quarterly* 196-213.
- "Illegality: The Fading Flame of Public Policy" (1994) 14 *Oxford Journal of Legal Studies* 295-302.
- "Public Policy and *Ordre Public*: The Exclusion of Customary Law in Cameroon" (1993) 5 *African Journal of International and Comparative Law* 503-524.

- “Illegality and the Public Conscience Test” (1992) *Lloyds Maritime and Commercial Law Quarterly* 471-474.

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