



## Gaspar Nyika

Senior Partner, IMMMA Advocates

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Gaspar Nyika co-heads the Litigation, Arbitration and Tax department at IMMMA Advocates. Gaspar has more than a decade of experience on commercial arbitration and has handled several arbitration matters before international arbitration forums and tribunals.

Gaspar successfully tried more than 30 cases, principally in the High Courts of Tanzania and the Court of Appeal. He has represented several corporations in cases involving, labor, debt collection and securities. Gaspar's civil litigations have included a focus on business disputes, often involving breach of contract, employment law matters, consultancies and construction contracts and general commercial contract matters. His appellate work with the court of appeal has included arguing several civil matters and receiving successful unreported decisions.

Gaspar has also successfully represented clients in more than 100 cases including 20 tax cases involving a range of issues. Gaspar has acted for multinational corporations on a range of tax disputes and dealt with issues on the assessment of income tax and VAT disputes, transfer pricing issues and international taxation. He has advised clients on the legal aspects of both international and local taxation.

### Related services

[Litigation, Arbitration and Regulatory](#)

[Tax](#)

[Corporate](#)

### Languages spoken

English, Swahili

## Experience

Experience has included advising:

- Standard Chartered Bank Tanzania and two of its affiliates in a USD490 million claim involving a power purchase agreement;
- Acacia Mining and its subsidiaries claims at the high court involving more than USD33 million;
- Standard Chartered Bank Hong Kong in a claim of approximately USD3.2 billion at the High Court of Tanzania against an electricity generation and operation company in connection with a loan restructuring and refinancing;
- The National Bank of Commerce at the High Court Commercial Division in various recovery matters worth TZS30 billion;
- An international construction company in an International Chamber of Commerce (ICC) arbitration against a local contractor in connection with the construction of apron slabs at an airport in Mbeya involving in excess of TZS2 billion;
- DB Shapriya against Stefanutti in an arbitration arising from a construction contract worth around USD1.7 billion under ICC rules held in Tanzania;
- Norconsult AS, an international consulting firm, at the ICC International Court for Arbitration in Paris in a dispute involving breach of contract against a local road agency wherein Norconsult was awarded more than USD1 million in aggregate;
- A tax dispute relating to disallowed interests and foreign exchange losses instructed by a local tobacco processing and trading company with multinational shareholders as parent companies;

- Acacia London on the remedies available to the company in respect of the notice of seizure and charges issued by the Tanzania Revenue Authority (TRA) Customs and Excise Department against Pangaea Mineral's Limited and Bulyanhulu Gold Mine Limited for seizure of 277 containers at the Dar es Salaam port; and
- A major tobacco company in Tanzania in an income tax dispute involving a TZS7.3 billion foreign exchange loss expense and TZS8.1 billion unrealized balances in relation to foreign exchange losses arising from prior years.

## Credentials

### Professional Qualifications

- Advocate of the High Court of Tanzania and all courts subordinate thereto (except primary courts) (2004)

### Education

- University of Dar es Salaam, Bachelor of Laws (2001)
- University of Western Cape (South Africa) and American University, Washington College of Law (USA), Master's degree in Law (International Trade and Investment Law) (2003)

### Recognition

- Gaspar Nyika is ranked by Chambers Global (2021) in Tanzania General Business Law. Testimonies obtained by Chambers Global's research had this to say about him, "*Gaspar is a highly respected individual who is described by one commentator as technically proficient, well known and respected in the country and in our industry.*"
- Chambers Global (2020) Tanzania General Business Law ranks Gaspar Nyika in Dispute Resolution in Up and Coming category. It says; The "*just superb*" Gaspar Nyika is highlighted as a "*rising star of the Tanzanian Bar.*" Interviewees comment that "he's very good in court." He co-heads the litigation and tax practice where he has been involved in significant international arbitrations and contentious tax matters.

### Prior Experience

- 2007 to date, Partner, IMMMA advocates, DLA Piper Africa, Tanzania
- 2006 to 2007, Senior Associate, Tanzania-based law firm
- 2004 to 2006, Associate, Tanzania-based law firm
- 2001 to 2004, Legal Officer, Tanzania-based law firm
- 2001, State Attorney, Attorney-General's Chambers, Dar es Salaam, mainland Tanzania

### Memberships

- Tanganyika Law Society
- East Africa Law Society

## Insights

### The Court of Appeal of Tanzania at Dar es Salaam Rules on the right of Advocates

16 March 2022

The Court of Appeal of Tanzania at Dar es Salaam (Court) has clarified the meaning of Rule 33 (3) of the Court of Appeal Rules, 2009 (Rules) which impose a bar for advocates with less than five years of practice post admission to appear before the Court of Appeal of Tanzania.

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### Tanzania - Jurisdiction clause cannot oust the High Court's jurisdiction

29 April 2021

“..the jurisdiction of the High Court or any court for that matter, having been conferred by statute, is not capable of being ousted by agreement of the parties except by statute in explicit terms.”

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## Parliament passes a bill for the new Arbitration Act, 2020

21 February 2020

A bill enacting the new Arbitration Act 2020 was passed by the parliament of the United Republic of Tanzania.