NDIBE ARIZE C.

MECHANICAL ENGINEERING

17/ENG06/056

2. What is Force Majeure clause?

Force majeure clauses are contractual clauses which affect parties duties under a contract when an event or circumstance beyond their control prevents one or all of them from fulfilling those duties. It can also be defined as a common clause in contracts that essentially frees both parties from liability or obligation when an unexpected event, such as a war, strike, riot, crime, epidemic or an event described by the legal term **act of God**, prevents one or both parties from fulfilling their obligations under the contract. In practice, most force majeure clauses do not excuse a party's non-performance entirely, but only suspend it for the duration of the force majeure.

Under international law, it refers to an irresistible force or unforeseen event beyond the control of a state making it materially impossible to fulfil an international obligation, and is related to the concept of a state of emergency. Force majeure in any given situation is controlled by the law governing the contract, rather than general concepts of force majeure. The law of the contract often specified by a choice of law clause in the agreement, and if not is decided by a statute or principals of general law which apply to the contract. The first step to assess whether - and how - force majeure applies to any particular contract is to ascertain the law of the country which governs the contract.

In the field of Mechanical Engineering, lets assume Afe Babalola University and StarSteps Auto Repairs just signed a contract agreement that starsteps were to service and maintain all the whole cars and machines owned by Afe Babalola University few days before the COVID 19 pandemic lockdown arose, due to the fact that the pandemic was an unforeseen and unexpected event the contract will have to be put on hold because one party (Starsteps company) wouldn’t be able to fufil their own part of the contract due to the lockdown issued by the government due to the COVID 19 pandemic. We can there refer to COVID 19 as a force majeure event.