



## **John Gilbert**

Partner

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### **About John**

John Gilbert resolves disputes across the energy sector through litigation, arbitration, expert determination and mediation. He advises on a broad range of disputes related to oil and gas exploration and production, the construction and operation of pipelines and the downstream sector. John has particular experience representing clients locked in disputes over gas sales agreements, including price reviews and on the operation of take-or-pay provisions. In addition, he advises on a broad range of disputes relating to power generation, both conventional and renewables.

John advises on the protection of investments through bilateral and multilateral investment treaties and has represented clients in claims made under treaties.

John has also represented clients in issues concerning ESG, including matters concerning business and human rights, anti-bribery and money laundering obligations and on conducting investigations. For six years, John previously served as in-house counsel in the dispute resolution team of an oil and gas supermajor.

John has been ranked by *Chambers UK* each year since 2020 and by *The Legal 500 United Kingdom* each year since 2018, where clients report that he is “extremely bright and goes to great lengths to ensure his clients get the service they deserve.” (2022).

### **Recent Notable Matters**

***International oil company*** — dispute concerning the price re-determination provisions of two crude oil sale and purchase agreements

***International E&P company*** — two ICC arbitrations relating to amounts payable by non-operating parties under the accounting procedure to a number of JOAs concerning West African concessions

***UK energy company*** — expedited LCIA arbitration concerning the application of pre-emption rights to the acquisition of North Sea oil and gas assets

***International oil company*** — LCIA arbitration concerning claims under the leakage and warranty provisions of a SPA for the entire issued share capital of an oil and gas company

**International consultancy** — LCIA arbitration concerning non-payment of fees in respect of consultancy services concerning a North African nuclear power station

**International E&P company** — successful LCIA arbitration relating to amounts payable by non-operating parties under the accounting procedure to a JOA concerning a North African asset, including advising on the default mechanism under the JOA\*

**Independent power company** — defects, delay, liquidated damages and termination issues arising from the construction of a power plant in West Africa

**Developer of a solar project** — ICC arbitration concerning contested claims for force majeure and delays in relation to the construction of a project in Latin America

**Developer of renewables projects** — numerous force majeure issues arising under PPAs and EPC Contracts in relation to wind and solar projects in the Middle East

**Independent power company** — dispute with a West African national electricity company concerning deemed capacity charges and other amounts due under a PPA

**Developer of renewables projects** — disputes with the construction contractors regarding defects, delay and liquidated damages claims in relation to a wind project in the Middle East

**Independent energy company** — dispute concerning the performance and termination of a contract for the supply of onshore 3-D seismic services

**International oil and gas company** — dispute with an oilfield services contractor concerning a contract for the supply of services in relation to a North Sea field

**Upstream company** — English high court proceedings arising from a dispute between parties to a joint operating Agreement in relation to costs chargeable to the joint venture account

**Major international oil and gas company** — concerning liability to tax following the sale of an African asset, including advising on potential arbitration

**Shipyard** — LCIA arbitration concerning a dispute over conversion and upgrading work on an FPSO\*

**North sea operating company** — Commercial Court proceedings relating to the requirement for approval to drill a well, including injunction application\*

**Engineering company** — LCIA arbitration arising from a joint venture agreement for the development of subsea compression technology concerning the ownership of intellectual property rights in the technology\*

**Fuel distributor** — ad hoc arbitration under the UNCITRAL Rules arising from the sale of a downstream fuel distribution business in West Africa\*

**Owner of oil pipeline** — ICC arbitration arising from the operation of an oil pipeline\*

**Multinational energy company** — bilateral investment treaty arbitrations at ICSID and under the UNCITRAL Rules following the nationalization of two businesses in a Latin American state\*

**Supermajor** — LCIA arbitration arising from the construction of a semi-submersible drilling and production platform\*

**Buyers and sellers** — significant number of price reviews under agreements for the sale of pipeline gas and LNG and in the determination of those disputes through arbitration\*

**Sellers of LNG and pipeline gas** — advising on a broad range of disputes under gas sales agreements including on the operation of take-or-pay provisions, the replacement of indices in price formulae, quality of gas, metering and force majeure notices\*

\* Work completed prior to Bracewell

## Publications and Speeches

“Joint Venture Disputes in the Energy Sector,” Energy Arbitration Club, January 2024.

“Joint Venture Disputes in the Energy Sector,” AIEN & LCIA Dispute Resolution in the International Energy Business, October 2023.

Co-Author, *Joint Venture Disputes in the Energy and Natural Resource Sectors*, Oxford University Press, September 2023.

“Corporate joint venture dispute – dealing with deadlock: initial considerations,” *Lexis PSL*, March 2023.

“Dispute Resolution in the Oil and Gas Sector: Q&A,” *Thomson Reuters*, February 2023.

“Challenging Policy on Climate Change Grounds” *Energy Voice*, April 2022.

[“Arbitration in the energy sector—an introduction”](#) *LexisPSL*, March 2021.

“A Global Review of JOA Disputes - A Fireside Chat,” AIPN, December 15, 2020.

"A Global Review of Joint Operating Agreement Disputes," *AIPN Research Paper*, June 2020.

Challenges in Arbitration, *LexisNexis Butterworths*, November 2019.

"Joint Operating Agreements in the International Oil & Gas Industry: ICC Arbitral Awards," *ICC Dispute Resolution Bulletin*, 2019, Issue 3.

"Joint Operating Agreement Disputes," AIPN & ICDR Dispute Resolution in the International Oil & Gas Business Conference, October 22-23, 2019.

"Iran: Re-Imposed US Sanctions Fall-Out," *Petroleum Review*, March 2019.

"Use it or Lose it," *Petroleum Review*, May 2018.

"Taming Price Review Clauses: Lessons From the Transactional and Arbitration Battlefields," paper for LNG 18 International Conference & Exhibition on Liquefied Natural Gas, April 2016.

"Influence of the State in Upstream Disputes" and "Gas Price Disputes," Conference on Energy Arbitration & Dispute Resolution in the Middle East & Africa, March 2016.

"Multi-Party and Multi-Contract Arbitration," a chapter in *Arbitration in England* (Kluwer, 2013).

## Education

Nottingham Law School, LPC  
1998

University of Cambridge, England, B.A.  
1997 – *hons*

## Certifications

Accredited Mediator

## Noteworthy

*Chambers Global*, UK - Energy & Natural Resources: Disputes, 2024

*Chambers UK*, Energy & Natural Resources: Disputes, 2020 - 2024

*The Legal 500 United Kingdom*, Dispute Resolution - International Arbitration, 2018 - 2024; Dispute Resolution - Commercial Litigation, 2020 - 2024; Finance – Emerging Markets, 2024; Projects, Energy and Natural Resources – Oil & Gas, 2022; Projects, Energy and Natural Resources – Power (including Electricity, Nuclear and Renewables), 2020, 2024

Lawdragon Inc., *Lawdragon 500 Leading Global Litigators*, 2023

## **Affiliations**

Chartered Institute of Arbitrators

Association of International Petroleum Negotiators

IBA UK Energy Lawyers Group

## **Bar Admissions**

Solicitor of the Senior Courts of England and Wales

Registered to conduct proceedings before the DIFC Courts