



John Gilbert

Partner

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About John

John Gilbert resolves disputes in 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 has advised on 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 related to business and human rights, the application of soft law and on conducting incident investigations. For six years, John previously served as in-house counsel in the dispute resolution team of an oil and gas supermajor.

Recent Notable Matters

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 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

Major international oil and gas company – concerning the disputed calculation of the completion account following an asset sale

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*

Upstream company — ICC arbitration regarding the operation of pre-emption rights under a joint operating agreement*

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*

Engineering company — ICC arbitration relating to commission payable for sales of compressors to the wastewater market in China*

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*

LNG exporter — ad hoc arbitration under the UNCITRAL Rules in relation to alleged breaches of an LNG supply agreement*

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

Commodities trader — proceedings in the Commercial Court relating to a failed sale of a cargo of crude oil and the trade finance relating to it*

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

"Dispute Resolution in the Oil and Gas Sector: Q&A," *Thomson Reuters*, October 2021.

["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).

"International Energy Co-operation: New Business Opportunities," 2013 Exploration, Production, Processing Forum, November 2013.

"Challenges of International Arbitration," Contract Risk Management Forum, September 2013.

Education

Nottingham Law School, LPC
1998

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

Certifications

Accredited Mediator

Noteworthy

Chambers UK, Energy & Natural Resources: Disputes, 2020 - 2023

The Legal 500 United Kingdom, Dispute Resolution - International Arbitration, 2018 - 2023; Dispute Resolution - Commercial Litigation, 2020 - 2023; Projects, Energy and Natural Resources – Oil & Gas, 2022; Projects, Energy and Natural Resources – Power (including Electricity, Nuclear and Renewables), 2020

Affiliations

Chartered Institute of Arbitrators

Association of International Petroleum Negotiators

IBA UK Energy Lawyers Group

Energy Arbitrators List, Review Committee

Bar Admissions

Solicitor of the Senior Courts of England and Wales
Registered to conduct proceedings before the DIFC Courts