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## Alexander Gunning KC

Barrister

Call 1994 Silk 2012



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## Scope of Practice

- Arbitration (As Counsel) • Civil Fraud • Commercial Litigation • Construction and Engineering • Energy, Natural Resources and Offshore Construction • Infrastructure Disputes • Insurance and Reinsurance • Rail Industry Disputes • Shipping and Commodities

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## Overview

**Alex Gunning KC is an advocate specialising in complex, high-value international disputes, predominantly resolved in arbitration. He is acknowledged in the directories as one of the leading barristers in respect of disputes concerning Energy & Natural Resources (Band 1 (Chambers Global and Chambers UK) and Band 1 (Legal 500 Asia Pacific)) – and recently represented the Bitcoin developers in their successful defence of the claims by Dr Craig Wright and Tulip Trading Ltd.**

Alex is currently the Chair of the Commercial Bar Association in London (the body that represents the interests of nearly all commercial barristers). He has previously chaired the ICC's UK arbitrator nomination commission and assisted with the drafting of the present LCIA rules. Alex has a particular interest in disputes arising out of the East and South-East Asia region and was until earlier this year the UK representative for the Inter-Pacific Bar Association

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## Examples of Recent Cases

### Energy, Natural Resources and Offshore Construction

Alex has been involved in a wide range of disputes concerning the mining, drilling and transportation of natural resources as well as the construction of large energy and offshore construction projects. Commonly the disputes

arise from projects involving parties from the PRC, South-East Asia, Russia and the CIS. Typically, they are resolved in international arbitration, including in London, Hong Kong, Singapore and Seoul.

### **Energy and natural resources:**

Alex has advised and appeared in disputes concerning exploration for and extraction of natural resources, including disputes between joint venture partners and disputes under drilling contracts. Recent examples (in addition to his offshore construction experience) include the following:

- 2023-2024: Representing drilling company in relation to commission claim by intermediary.
- 2022-2024: Representing importers in relation to cancellation of cargoes of coal and oil from Russia
- 2023: Advising on dispute concerning LNG carriers.
- 2022-2023: Representing seller of shares in JV company with rights to exploit oil/gas blocks
- 2023: Advising LNG terminal on dispute concerning carbon credits
- 2022: Representing European supplier in dispute relating to suspension of long term gas/electricity sales agreement arising from German government intervention following war in Ukraine
- 2021: Representing coal mine owner in respect of termination of offtake agreement
- 2020-2021: Representing North African contractor in dispute concerning gas treatment plant
- 2020: Representing plant owner in dispute concerning defects in waste-to-energy facility
- 2019: Advising wind farm operator in respect of possible termination of O&M agreement
- 2019: Providing advice in respect of construction of agreement for supply of materials to biomass power plant
- 2018: Representing an investor in a US\$500m LCIA arbitration arising out of alleged failure to provide funding for the development of gas-fields in Central Asia.
- 2018: Representing a Chinese metals company in an LME arbitration; in particular, a jurisdiction dispute concerning economic tort claims following interruption to the delivery of precious metals from the DRC
- 2017-2018: Representing an African oil storage company in anti-suit injunction applications made in an LCIA arbitration arising from a dispute concerning the cancellation of loans
- 2017-2018: Advising a Middle-Eastern State aluminium company concerning claims following erroneous shutdown of the plant
- 2017: Advising a Chinese metals company in a dispute concerning the cancellation of a contract for the supply of precious metals following allegations relating to the use of child labour
- 2017: Representing the purchaser in a claim for an injunction restraining the disposal of copper anodes under production in South America
- 2015-2017: Representing the contractor in a US\$60m dispute board hearing and subsequent ICC arbitration concerning an alleged EPC contract relating to iron ore mining operations in the South Pacific
- 2016: Representing an African oil company in an LCIA arbitration pursuant to a JOA and PSC. The claims included allegations of shortcomings in deepwater drilling operations conducted offshore West Africa
- 2016: Representing a Chinese steel producer in an arbitration application concerning an alleged error in an LCIA award relating to coal supply: Xstrata Coal Queensland Pty Ltd v Benxi Iron and Steel (Group)

International Economic and Trading Co Ltd [2016] EWHC 2022 (Comm); [2017] 1 All E.R. (Comm) 299

- 2016: Advising an insurer in relation to claims arising from Qingdao warehouse losses
- 2015: Representing a South-East Asian oil refinery in a US\$500 million ad hoc arbitration concerning the export of bitumen
- 2015: Advising a mining company in relation to the termination of a very high value SPA

Offshore construction:

- Alex frequently acts for contractors and owners in disputes concerning the performance and cancellation of contracts for pipelines, offshore structures, semi-submersible drilling rigs, jack up drilling rigs, drill ships and barges. Recent examples have included the following:
- 2022: Advising Chinese shipyard in cancellation dispute concerning newbuild vessel
- 2022: Advising contractor in relation to dispute arising from offshore windfarm
- 2019-2022: Representing port owner in dispute concerning development of terminal
- 2020: Advising purchaser in respect of cancellation of fleet of new builds
- 2018-2019: Representing South Stream (a Gazprom subsidiary) in ICC arbitration proceedings brought by Italian energy services company Saipem in connection with the termination of an approximately €2 billion contract for the construction of a 900km gas pipeline from Russia to Bulgaria across the Black Sea
- 2018-2019: Representing a Central Asian state oil company in a dispute concerning the construction of a jack-up drilling rig
- 2018: Representing a Chinese ship yard in multiple LMAA arbitrations concerning alleged defects in the design of propulsion machinery in a fleet of ships
- 2018: Representing a US/Norwegian drilling contractor in an LMAA arbitration concerning cancellation of a contract for the construction of a drilling barge
- 2016: Representing the Greek buyer in an LMAA arbitration concerning the resale of a bulk carrier following the wrongful cancellation of a shipbuilding contract
- 2016: Representing an Italian shipyard in a professional negligence claim against London solicitors relating to the presentation of a delay case in an LMAA arbitration
- 2016: Representing the US buyer in a dispute arising out of the termination of a c.US\$600m contract for construction of a drill ship due to alleged insolvency of the Yard
- 2015: Advising a Chinese yard in a dispute concerning the construction of a >US\$500m semi-submersible drilling rig
- 2015: Advising a Chinese yard in a dispute concerning the termination of a c.US\$200 contract for the supply of a jack-up drilling rig
- 2015: Representing the Chinese shipyard in 2-ship cancellation dispute, following rejection of the ships due to their condition on delivery
- 2014: Representing the European contractor in an LCIA arbitration arising from a final account dispute related to the world's largest offshore construction project (a hook-up project in a CIS country)
- 2014: Advising a European bank in relation to the drawdown of the second tranche of >US\$300m funding for

the construction of 2 new-build vessels

## Arbitration (As Counsel)

Alex is instructed in a wide range of domestic and international arbitrations including under ICC, LCIA, LMAA, UNCITRAL, DIAC and trade association rules. He also acts on arbitration appeals, applications to set aside awards, challenges to Tribunal jurisdiction and ancillary applications to Court in arbitration matters. He is one of only 3 silks ranked in Chambers & Partners for both International Arbitration: General Commercial and International Arbitration: Construction/Engineering.

Examples of work (excluding the energy/offshore construction arbitrations which form the bulk of Alex's practice and which are referred to above) include:

- 2023-2024: Representing Ruschemalliance in dispute concerning availability of anti-suit injunction in support of Paris arbitration clause
- 2024: Representing owner in arbitration appeal over yacht sale
- 2024: Representing tech manufacturer in high value dispute arising from export controls.
- 2022-2023: Representing former management members in fraud claim under shareholders' agreement
- 2019 - 2022: Representing JV party in respect of very high value dispute as to performance/effect of JV agreements, loan agreements etc in respect of large onshore infrastructure project in CIS
- 2020: Representing seller in >US\$2 billion fraud/breach of warranty claim under SPA concerning sale of large European pharmaceutical business
- 2019: Providing advice to shareholders in disagreement as to occurrence of liquidity event under SHA
- 2019: Providing evidence for foreign Court in respect of enforceability of performance security in support of FIDIC contract
- 2018: Representing the main contractor in a US\$150m ICC arbitration against a subcontractor concerning defects in the boilers at a Combined Cycle Thermal Plant in the Middle East
- 2017: Representing the Republic of Turkey in an ICC arbitration concerning one of the contracts for the Marmaray Rail Project in Istanbul
- 2016: Representing an insurer in relation to claims arising from Qingdao warehouse losses
- 2016: Representing a Russian company in an LCIA arbitration concerning non-payment under a settlement agreement, involving allegations of cyber attack
- 2015: Representing the employer in a US\$120m ICC arbitration concerning the delayed completion of a Combined Cycle Thermal Power Plant in the Middle East
- 2015: Acting for a power company in a dispute concerning the performance of generating equipment at a power plant in South East Asia
- 2014: Representing a UK engineering company in an ad hoc insurance arbitration arising out of a claim to recover punitive damages liability to which it was exposed in the US
- On two occasions in 2017 Alex sat as an arbitrator, once in an LMAA dispute in London, once in an ICC case in Doha. Both cases have concluded. He has not accepted any further appointments since and has no desire to

develop an arbitrator practice

## Commercial Litigation

Alex has a wide-ranging commercial practice and is frequently instructed by commercial clients and insurers in major disputes concerning international and domestic business transactions. As noted above, many of these disputes are referred to arbitration. He also, however, appears regularly in the principal divisions of the High Court, in particular the Commercial Court. He has substantial experience of related interlocutory relief such as search orders, freezing injunctions and security for costs.

Examples of work include:

- 2023-2024: Representing the developers of Bitcoin in their successful defence of high-profile copyright/database rights claims by Dr Craig Wright and claims for breach of fiduciary duty by Tulip Trading Ltd. The claims were dismissed and discontinued following the judge's determination that Dr Craig Wright was not the pseudonymous Satoshi Nakamoto.
- 2024: Representing music company in dispute over licence agreement.
- 2024: Representing owners of Bahraini company in dispute in relation to shareholdings.
- 2023-2024: Advising in relation to effect of Covid etc on airport concession agreement.
- 2022: Representing purchaser of financial instruments relating to leasing of Airbus A380 aircraft
- 2022: Advising State in relation to consequences of Covid and war in Ukraine on concession agreement
- 2020: Advising in relation to freezing injunctions in support of claims under put-option agreements etc
- 2018: Representing a Peruvian casino owner in a jurisdiction dispute arising out of an alleged online gaming conspiracy: *Eurasia Sports Ltd v Aguad* [2018] EWCA Civ 1742
- 2017: Representing SocGen in applications arising out of attempted service of proceedings in Turkey and related freezing injunctions: *Societe Generale v Goldas Kuyumculuk Sanayi Ithalat Ihracat AS* [2017] EWHC 667 (Comm)
- 2017: Acting for the owner in a dispute concerning payments due in respect of construction of waste-to-energy plant
- 2013-2017: *VIS Trading v Nazarov* [2014] EWCA Civ 313, [2013] EWHC 491, [2015] EWHC 3327 (QB), representing the claimant in a dispute relating to dishonest failure to provide security for loans, including subsequent committal proceedings against the defendant and applications for the disclosure of information on assets in the BVI
- 2015-2017: Advising an investment fund in relation to potential claims arising out of the Madoff Ponzi scheme
- 2016: Representing a joint venture party in relation to payments allegedly due following a JV agreement in respect of an oil prospecting licence in West Africa
- 2016: Advising a CIS company in respect of potential claims against a bank following the enforcement of security
- 2015-2016: Representing a Spanish shipyard in a claim by an oil company concerning the resistance of an offshore platform to ship impact

- 2015: *Qinetiq Ltd v Cofely Workplace Ltd* [2015] EWHC 989 (TCC), representing the claimant in a dispute arising out of accidental damage to drone aircraft
  - 2014: Acting for aRepresenting telecoms company in relation to fees payable to corporate advisers following the sale of a subsidiary
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## What the Directories Say

*"He is never afraid to roll his sleeves up, has no airs and graces, and works ferociously hard."* (Chambers UK 2024 - International Arbitration)

*"Alexander is excellent. He understands really big, complex shipping issues and is particularly brilliant in arbitration."* (Chambers UK 2024 - Shipping and Commodities)

*"A truly admirable advocate. Tremendously hard working and very friendly, he has a remarkable capacity for absorbing a vast amount of information quickly."* (Chambers UK 2024 - Commercial Dispute Resolution)

*"He is one of the best. He's hard-working, on top of all the details and one of the more deadly opponents.", "He's a clear leader in the area. He's bright, with a good scientific mind."* (Chambers Global 2023 - Energy & Natural Resources)

*"He's an erudite heavyweight for the really complex cases.", "He has an understated but highly effective approach to advocacy. He has an astonishing ability to grasp the most technical of issues and is delightful to work with.", "He masters detail in a way that very few leading barristers can manage. He is particularly strong at quantum matters."* (Chambers Global 2023 – International Arbitration – The English Bar – Global Market Leaders)

*"Really pulling away from this peers and just the all round perfect package. Excelling in all areas from client handling, to sound judgement, to smooth advocacy."* (Legal 500 2023 – International Arbitration: Counsel)

*"Alexander is good at seeing the big picture but he will still do the hard work required to master the details of the brief.", "He is excellent, diligent and hard-working."* (Chambers Global 2023 – Shipping and Commodities - UK)

*"Alexander is brilliant. He is all over the detail and incredibly user-friendly.", "Alexander is a very diligent and hard-working silk. He is particularly good in complex engineering and construction disputes."* (Chambers Global 2023 – Dispute Resolution: Commercial - UK)

*"Alexander Gunning KC is well regarded by peers and solicitors for his effective style of advocacy. He has been involved in a range of energy infrastructure cases, and has acted for contractors in disputes concerning the mining, drilling and transportation of natural resources. Gunning frequently represents clients from Central Asia and China."* (Chambers UK Bar 2023 - Energy & Natural Resources)

*"Alexander Gunning KC of One Essex Court is highly regarded for his international arbitration practice focusing on matters of construction and energy. He is particularly well known for his expertise in handling disputes regarding the cancellation of construction projects abroad"* (Chambers UK Bar 2023 - International Arbitration: Construction/Engineering)

*“Alexander Gunning KC of One Essex Court maintains a strong shipping and commodities practice. He has marked expertise in disputes relating to ...the offshore construction of rigs and ships. He has a noted following among Asian clients.”*

**Chambers UK Bar 2023 - Shipping & Commodities)**

*“He is conscientious, always on top of the detail and able to master the most technical expert issues, and his unrelenting logic and mastery of the detail makes him highly effective.” (Legal 500 2023 – Energy)*

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## Education and Qualifications

King’s College London: 1989-1992: LLB; First Class Honours (Jelf medallist)

1992-1993: LLM (Commercial and Corporate Law)

Inns of Court School of Law: 1993-1994: Outstanding

Admitted to practise in the British Virgin Islands (BVI)

Registered as an advocate in the Dubai International Financial Centre Courts (DIFC)

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## Memberships

COMBAR: Chair

Member of the Inter-Pacific Bar Association (former UK JCM)

Member of LCIA European Users’ Council

Supporting member of the LMAA

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## Awards



# Contact Clerks



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