Alexander Wilbraham

Arbitrator / Mediator

Nationality: British / American
Languages: Fluent in English, Portuguese, Spanish, French, Russian, German, Italian (working knowledge) Ukrainian

Alex Wilbraham is a leading international arbitrator with over two decades of extensive commercial and investment treaty experience. His sector expertise lies in Aviation, Insurance, Construction, Energy, Oil & Gas, Mergers & Acquisitions and Natural Resources, Shipping and Technology & Telecommunications.

He has extensive experience in Portuguese language disputes as well as bilingual arbitrations in Spanish and French. He has also worked on cases involving Ukraine, Russia, and Central Asian States. These arbitrations have been high-value, complex, and administered by leading institutions including ICC, ICDR, ICSID, and CAM-CBC (Brazil).

Prior to sitting as a full-time independent Arbitrator, Alex was a member of the International Arbitration Group at Freshfields Bruckhaus Deringer, based first in Paris and then in Washington DC.

Alex is a founding member of the CBAR International law study group, the CAM-CCBC Oil & Gas Committee, and a member of the California Arbitration Association. He has also served on the CPR Brazil advisory board. Alex has lectured on arbitration at Georgetown University, American University in Washington DC and the Universidad de Montevideo.

Sector Expertise

- Energy, Oil & Gas, Mining
- Construction, Engineering & Infrastructure
- Shipping & Maritime
- Mergers & Acquisitions
- Natural Resources
- Insurance
- Technology & Telecommunications
- Aviation

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Energy, Oil & Gas

- Representing a Spanish Energy Major in a multi-billion dollar bi-lingual (French/English) ICC arbitration with a North African State oil and gas company involving natural gas pricing and pipeline capacity;
- Representing Wood Group Engineering in a US$250 million commercial arbitration against the Venezuelan State oil company (PdVSA) relating to the termination of a BOT Contract relating to 17 water injection platforms on Lake Maracaibo;
- Advising an international gas company in relation to potential bilateral investment treaty claims against Bolivia relating to the expropriation of gas reserves;
- Advising an international oil major in relation to dispute with Kazakhstan concerning production sharing agreement;
- Advising an international gas company in relation to potential disputes over gas transport and gas supply agreements in Brazil;
- Advising oil rig leasing company in connection with a dispute involving the supply of oil rigs and equipment to Brazil;

Construction, Engineering & Infrastructure

- Representing EPC contractor (now part of a Siemens/Wood Group JV) in an ICC Arbitration against a civil sub-contractor involving delays, cost overruns, additions to scope, back charges, acceleration costs, safety breaches, and contractual termination relating to the construction of Israel's first privately owned CCGT power plant;
- Representing owner in a dispute concerning delays in construction of a coal-fired power plant in north-eastern Brazil;
- Defending Wood Group Engineering against complex counterclaims made by Venezuelan State Oil company, PdVSA, concerning alleged failure to maintain water injection platforms and turbines;
- Representing insurers in an ICC arbitration relating to construction of a blast furnace in Brazil;
- Representing Brazilian construction company in a dispute relating to the construction of a railway in West Africa;

Shipping & Maritime

- Representing Ukrainian ship owner, BLASCO, and the Ukrainian State Property Fund in English High Court proceedings relating to alleged sovereign immunity affecting a Ukrainian vessel arrested in the UK (the Guiseppe Di Vittorio (No.2);

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EC4M 8BU	Washington DC, 20005	PO Box 111999, Abu Dhabi, UAE

- Representing Russian ship owner, Northern Shipping Co, in English High Court litigation relating to an explosion damaging cargo allegedly caused by non-compliance with applicable Russian dangerous cargo regulations (the "Kapitan Sakharov");
- Representing insurers in dispute with Greek ship owners relating to the grounding of a vessel in the St Lawrence River;
- Representing insurers in a dispute with owners relating to the grounding of a vessel in the River Plate in Argentina;
- Representing Ukrainian ship owners in relation to arrest of fishing vessel in Mauritania;
- Representing cargo interest in LMAA arbitration against Greek ship owner relating to delays causing damage to a refrigerated cargo arriving in the Russian port of Novorossiysk;
- Advising ship owners in relation to the causation of a collision and sinking off the coast of Argentina;
- Representing Ukrainian owners in an LMAA arbitration relating to alleged breach of a charterparty; Drafting standard terms and conditions for a major UK port;

Mergers & Acquisitions

- Representing sellers, J&F Investimentos, in a high-profile Portuguese language ICC Arbitration involving the sale of the Brazilian pulp company, Eldorado;
- Representing Diniz Group in a high-profile ICC arbitration against the Casino Group involving the control of the Pão de Açúcar supermarket chain in Brazil;
- Representing a Chilean conglomerate in an ICC arbitration relating to the sale of a cable manufacturing businesses in five Latin American countries. The arbitration involved complex post-M&A accounting issues and spin-off tax disputes;
- Representing Telecom Italia in five parallel ICC arbitrations involving post M&A disputes concerning the control of Brasil Telecom;
- Advising an international chemical company in relation to a potential post-M&A dispute relating to the purchase of a company in Argentina;
- Representing an international cement producer in an ICC arbitration relating to a post M&A dispute concerning a business in Chile;

Natural Resources

- Representing Smurfit Holding B.V. in an ICSID arbitration against Venezuela relating to the alleged expropriation of, and other measures affecting, Smurfit's paper and packaging enterprise in Venezuela;
- Crystallex International Corporation in an ICSID (Additional Facility) bi-lingual (English/Spanish) arbitration against Venezuela that resulted in a US$ 1.386 billion award in compensation for Venezuela's expropriation of one of the world's largest undeveloped gold deposits. The dispute involved complex claims and counter-allegations relating to Venezuela's environmental licensing regime and alleged non-

compliance with international environmental and social standards such as the Equator Principles and IFC Standards;

- Rusoro Mining Ltd in a bi-lingual (English/Spanish) ICSID (Additional Facility) arbitration against Venezuela involving the dismantling of the regime for marketing gold in Venezuela and the expropriation of Rusoro's business. The arbitration resulted in a US$1.2 billion award against Venezuela;
- Eco Oro Minerals Corp in an ICSID arbitration against Colombia relating to environmental measures affecting a gold mining concession;
- Representing Glencore International A.G. and C.I. Prodeco S.A. in an ICSID Arbitration against Colombia relating to measures taken by Colombia affecting the royalties regime applicable to Glencore's investment;
- Representing Stans Energy Corp & Kutisay Mining LLC in a bilateral investment treaty dispute against the Kyrgyz Republic under UNCITRAL Rules relating to measures adversely affecting an investment in a rare earth minerals mining venture;
- Representing Tenaris S.A. & Talta Trading e Marketing Sociedade Unipessoal Lda in ICSID arbitration against Venezuela relating to measures affecting the investors' hot briquetted iron production business;
- Advising an international nickel mining company in relation to potential environmental claims relating to a mine in Colombia;

Insurance

- Advising UK reinsurers in relation to claims by a Swiss bank under a Bankers Blanket Bond insurance policy resulting from alleged employee fraud;
- Advising UK reinsurers in relation to coverage claims concerning robberies of armoured vehicles transporting cash and valuables in Brazil and Colombia;
- Advising UK reinsurers in relation to investigations into causation of an air crash in São Paulo, Brazil, and progress and implications of related Brazilian litigation;
- Advising UK reinsurers in relation to claims by an Argentine bank under a Bankers Blanket Bond insurance policy relating to alleged employee fraud;
- Advising French reinsurer in relation to a potential fraud investigation involving coverage of facilities in Argentina;
- Representing insurers in dispute with Greek ship owners relating to the grounding of a vessel in the St Lawrence River;
- Representing insurers in a dispute with owners relating to the grounding of a vessel in the River Plate in Argentina;

Technology & Telecommunications

- Representing Telecom Italia in five parallel ICC arbitrations involving post-M&A disputes concerning the control of Brasil Telecom.

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Aviation

- Advising UK reinsurers in relation to investigations into causation of an air crash in São Paulo, Brazil, and progress and implications of related Brazilian litigation;
- Advising Latin American airline over potential arbitration involving aircraft seats;
- Advising Latin American airline in respect of a potential dispute concerning overflight fees;
- Advising an international investor in relation to potential bilateral investment treaty claims concerning an airport concession in Central America;

Experience

Arbitrations as arbitrator

- Tribunal president in an ICDR Arbitration involving the construction of port facilities in Brazil;
- Sole arbitrator in an ICC Arbitration involving the sale of industrial equipment between a Dutch company and a US company;
- Sole arbitrator in an ICC Arbitration between a US water company and a Swiss technology company;
- Sole arbitrator in an ICC Arbitration involving a US development company and a Kuwaiti trading company.
- Co-arbitrator in an English language, English law arbitration under UNCITRAL rules between a subsidiary of a Brazilian oil major and an international engineering company;
- Co-arbitrator in a Portuguese language ICC arbitration involving a major Brazilian oil company and an international investor;
- Co-arbitrator in an English language, English law ICC arbitration between a Latin American energy transmission company and a UK based conglomerate concerning the sale of an energy company;
- Co-arbitrator in a Portuguese language ICC arbitration involving a major Brazilian oil company and an international construction/engineering company;
- Co-arbitrator in a Portuguese language ICC arbitration involving a major Brazilian oil company and an international construction/engineering conglomerate concerning the construction of an oil production and storage facility;
- Co-arbitrator in a Portuguese language CAM-CCBC arbitration involving a Brazilian joint venture and a US energy company concerning the construction of a CCGT power facility;
- Co-arbitrator in a Portuguese language CAM B3 (Brazilian Stock Exchange) arbitration between a Brazilian reinsurance company and a pension fund concerning an M&A transaction;

Arbitrations as counsel included representing:

- J&F Investimentos, in a high-profile Portuguese language ICC Arbitration involving the sale of the Brazilian pulp company, Eldorado;

- Smurfit Holding B.V. in an ICSID arbitration against Venezuela relating to the alleged expropriation of, and other measures affecting, Smurfit's paper and packaging enterprise in Venezuela;
- Eco Oro Minerals Corp in an ICSID arbitration against Colombia relating to environmental measures affecting a gold mining concession;
- EPC contractor (now part of a Siemens/Wood Group JV) in an ICC Arbitration against a civil sub-contractor involving delays, cost overruns, additions to scope, backcharges, acceleration costs, safety breaches, and contractual termination relating to the construction of Israel's first privately owned CCGT power plant;
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- Wood Group Engineering, in a US$250 million commercial arbitration against the Venezuelan State oil company (PdVSA) relating to the termination of a BOT Contract relating to 17 water injection platforms on Lake Maracaibo.
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- Diniz Group in a high-profile ICC arbitration against the Casino Group involving the control of the Pão de Açúcar supermarket chain in Brazil;
- Chilean conglomerate in an ICC arbitration relating to the sale of a cable manufacturing businesses in five Latin American countries. The arbitration involved complex post-M&A accounting issues and spin-off tax disputes;
- Telecom Italia in five parallel ICC arbitrations involving post M&A disputes concerning the control of Brasil Telecom;
- Rusoro Mining Ltd. In a bi-lingual (English/Spanish) ICSID (Additional Facility) arbitration against Venezuela involving the dismantling of the regime for marketing gold in Venezuela and the expropriation of Rusoro's business. The arbitration resulted in a US$1.2 billion award against Venezuela;
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- Stans Energy Corp & Kutisay Mining LLC in a bilateral investment treaty dispute against the Kyrgyz Republic under the UNCITRAL Rules adversely affecting an investment in a rare earth minerals mining venture;
- Tenaris S.A. & Talta Trading e Marketing Sociedade Unipessoal Lda in ICSID arbitration against Venezuela relating to measures affecting the investors' hot briquetted iron production business;
- International cement producer in an ICC arbitration relating to a post M&A dispute concerning a business in Chile;
- Glencore International A.G. and C.I. Prodeco S.A. in an ICSID Arbitration against Colombia relating to measures taken by Colombia affecting the royalties regime applicable to Glencore's investment;
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- Tenaris S.A. & Talta Trading e Marketing Sociedade Unipessoal Lda in ICSID arbitration against Venezuela relating to measures affecting the investors' hot briquetted iron production business;
- Insurers in an ICC arbitration relating to construction of a blast furnace in Brazil;
- Ukrainian owners in an LMAA arbitration relating to alleged breach of a charterparty;
- Cargo interest in LMAA arbitration against Greek ship owner relating to delays causing damage to a refrigerated cargo arriving in the Russian port of Novorossiysk.

Academic & Professional Qualifications

Academic

- College of Law, London CPR and LPC – 1994-1996
- University of Manchester, BA Hons Drama & German – 1984-1987

Professional

- Independent Arbitrator – 2023
- Counsel, International Arbitration Group, Freshfields Bruckhaus Deringer, Washington DC – 2012 - 2022
- Senior Associate, International Arbitration Group, Freshfields Bruckhaus Deringer, Paris & Washington DC – 2005-2012
- Associate, Dispute Resolution Group, Denton Wilde Sapte, London – 2002-2005
- Associate, Dispute Resolution Group, Clyde &Co, London – 2000-2002
- Associate, Dispute Resolution Group, Hill Taylor Dickinson, London – 1999-2000
- Associate, Dispute Resolution Group, Lawrence Graham, London – 1998-1999
- Trainee Solicitor, Lawrence Graham, London – 1996-1998

Bar Admissions

- Attorney, California Bar
- Solicitor, England & Wales
- Special Legal Consultant, District of Columbia

Professional Associations & Recognitions

- California Arbitration Association

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- Comitê Brasileiro de Arbitragem (CBAR) – Organizer International Working Group
- International Council for Conflict Prevention and Resolution (CPR), Brazil Committee
- CAM-CCBC, Oil & Gas Committee
- Founder member and Vice-President of the British Brazilian & Portuguese Law Association
- Japan Commercial Arbitration Association (JCAA) Panel of Arbitrators
- Singapore International Arbitration Centre (SIAC) Panel of Arbitrators
- CAM B3 Chamber's List of Arbitrators

Publications, Articles & Thought Leadership

Alex regularly speaks at industry events and conferences in international arbitration. Most recent speaking engagements include:-

- 2nd Annual Georgetown Brazilian Arbitration Day – Georgetown University, January 2023
- *Oil, Gas & Renewables, Investing and Arbitrating in Latin America*, CAM-CCBC conference, London, September 2022
- *Res Judicata in International Arbitration* – Paris Arbitration Week, Lusophone meeting, March 2022
- Launch of *Corporate Counsel Practical Guide for Arbitration in Brazil,* International Council for Conflict Prevention and Resolution (CPR), São Paulo, October 2022.
- *"Delay & Disruption" em arbitragens de construção: Efeitos em grandes projetos no Brasil e na América Latina*, São Paulo Arbitration Week - October 2020
- *Deliberations between arbitrators of different cultures*, Comitê Brasileiro de Arbitragem (CBAR), 17th International Arbitration Conference, September 2018.
- American Society of International Law – Moderator Young Arbitrator Debate 2019
- *20 years of the Brazilian Arbitration Act*, Seminar - FIESP, São Paulo, 2017

Articles

- *O Perito na Arbitragem Internacional*, Revista Brasileira de Arbitragem, Volume 3, Issue 10 (2006).
- *International Arbitration and Telecommunications*, Revista de Direito de Informática e Telecommunicações, v3, No.5, 2008.
- *Issues Relating to the Use of Expert Evidence in Investment Treaty Arbitration*, ICSID Review - Foreign Investment Law Journal, Volume 31, Issue 3, October 2016

Publications

- Chapter on Acceleration in *Dealing with Delay and Disruption on Construction Projects*, Ed. Erin Miller Rankin et al. Sweet & Maxwell, 2020.
- Chapter on 'How Arbitration can assist in protecting Brazilian investments abroad and foreign investments in Brazil in *CPR Corporate Counsel Practical Guide for Arbitration in Brazil* - 2022,

- Chapter on Third Party Funding in Investment Treaty Arbitration in *Arbitration Under International Investment Agreements - A Guide to the Key Issues*, Second Edition, Edited by Katia Yannaca-Small Oxford University Press 2018.

Directories & Client Quotes

Alex is currently listed among the world's top arbitration practitioners by **Who's Who Legal** and is also individually ranked by **Chambers & Partners** as being among the leading international lawyers with outstanding experience of arbitrations involving Brazil.