

Special Issue Editor's Note

Special issue on compliance

The Journal of World Energy Law & Business (JWELB) has devoted this entire issue to the topic of compliance because of its increasingly significant impact on the energy and extractive industries and their business conduct. Often seen in the past as a restrictive encumbrance on commercial dealings, far-sighted and enlightened corporations are now making the requirements of international compliance laws the starting point for best governance practices and an integral part of their decision making process. Compliance is more than just complying with some obscure set of laws. It is about doing one's business in a transparent and competitive way that can add value to shareholders, satisfy regulatory authorities and provide the necessary license to operate in a multitude of jurisdictions.

This issue of JWELB addresses the range of international compliance laws that are regularly encountered in the energy and extractive sectors. Those areas are human rights, corruption, trade sanctions, export controls, and environmental and social impact issues. We are fortunate in having some of the world's leading practitioners in these areas provide their analysis of these issues.

The authors have approached their topics from a multi-jurisdictional perspective, along with providing real life examples, to ensure that there is a complete and thorough analysis of the issues. They have provided examples of corporate compliance programs and advice on how to deal with complex, difficult problems that arise in these areas, even when there are unclear and sometimes contradictory requirements from multiple jurisdictions.

Compliance failures can result in criminal charges to companies and individuals, significant penalties, reputational harm and, ultimately, the loss of the ability to operate. These are problems that companies must and can avoid. The problem for many companies, in particular small to medium sized enterprises (SMEs), is that they do not have or cannot easily access the necessary knowledge and expertise to recognize, let alone deal with, such difficult issues. This issue of JWELB provides this invaluable information and knowledge compiled into one volume. The articles are designed to explain the law and the compliance standards expected of companies, how best to meet regulatory requirements, how to establish effective compliance programs and how to build these requirements into corporate decisions.

The first article is on human rights. Jonathan Drimmer provides a thorough analysis of the human rights litigation that involve energy and mining companies in various parts of the world. He describes a number of compliance solutions to ensure corporate adherence to human rights standards and protection from this litigation trend.

Kit Armstrong and Jay Wagner then examine the complex environmental and social issues faced by oil and gas companies in the world today, along with the expanded

regulatory framework and increased litigation risk facing these companies. They review the industry guidelines and project finance requirements that are setting the standards and best practices in this area.

Next, Lucinda Low, Milos Barutciski and Tom Sprange address the ever-expanding area of anti-corruption enforcement. They first describe the history and development of international anti-corruption standards and then focus on the national anti-corruption laws of three jurisdictions where many international oil and gas companies are headquartered: the United States, Canada and the United Kingdom. They review important cases and the compliance expectations of companies in these sectors.

Finally, Nicholas Coward, Sylwia Lis, Paul Burns, Brian Cacic, Ross Denton, Edrick Guo, Eugene Lim and Sunny Mann look at the compliance requirements of trade sanctions, export controls and antiboycott laws of various jurisdictions that supply goods, technology and services to the energy sector, in particular the USA, Canada, the EU, China, Hong Kong and Singapore. They explain how easily export control and related laws of multiple jurisdictions can be triggered, even in a single oil and gas project.

It has been a great privilege for me to work with all of the authors in this special issue. They have been extremely generous in sharing their knowledge, expertise, insight and time on these challenging topics. Hopefully, you will share a similar experience in reading these articles.

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Special Issue Editor
April 2010