



**International Chamber of Commerce**

*The world business organization*



Association of International  
Petroleum Negotiators

# Dispute Resolution in the International Oil & Gas Business

Co-organized by ICC and AIPN

**Dates: 29 – 30 October 2007**

**Venue: International Chamber of Commerce**  
38, Cours Albert 1er, 75008 Paris, France

## EARN

**12 CLE credits (New York)**

**10 CLE credits (Texas)**

**10 MCLE credits**

**10.5 CPD points**

## Objectives

- Provide historical overview of dispute resolution in international oil & gas business
- Review current and emerging issues in international oil & gas dispute resolution
- Learn how to draft and negotiate dispute resolution clauses in oil & gas agreements
- Understand the framework of national and international law around oil & gas investment disputes
- Find out about disputes amongst states, amongst companies and between companies and states
- Learn about boundary disputes and environmental & decommissioning disputes in the oil & gas industry

## Who should attend?

- In house counsel of oil & gas companies
- Law firm counsel practicing in oil & gas
- Senior executive and management personnel of oil & gas companies
- Commercial, economic and technical personnel of oil & gas companies
- Senior personnel of energy ministries and national oil companies
- Arbitrators and mediators wanting to know about oil & gas disputes
- Advisors and consultants in the oil & gas business

## ICC International Court of Arbitration

The ICC International Court of Arbitration is the leading body in international commercial arbitration. Founded to resolve business disputes of an international character, its strict impartiality and effectiveness are recognized everywhere. Countless business contracts, including many where one party is a government body, now refer to the ICC Rules of Arbitration. [www.iccarbitration.org](http://www.iccarbitration.org)

## AIPN

The Association of International Petroleum Negotiators is the leading professional organization of commercial negotiators and energy lawyers in the international petroleum industry. The AIPN develops petroleum model contracts that are widely used throughout the industry, provides educational seminars and conferences around the world, publishes leading research on emerging energy issues and is the premiere forum for dialogue on oil & gas transactions amongst companies, government and their advisors. [www.aipn.org](http://www.aipn.org)

**Register online at [www.iccwbo.org/events](http://www.iccwbo.org/events)**

**AIPN members can register online at [www.aipn.org](http://www.aipn.org)**



**An affiliate of the International Chamber of Commerce**

**Events Department**

09.00 – 18.00

08.30 – 09.00

Monday 29 October 2007

## Registration and refreshments

### Opening Remarks

- **Pierre TERCIER**  
Chairman, ICC International Court of Arbitration, Paris
- **Pat ALLISON**  
President Elect, AIPN, Houston, United States

### I. Introduction to Oil & Gas Disputes

The session deals with the history and the primary issues of disputes in the international oil & gas business. Speakers will present an overview of leading cases over the last fifty plus years, focusing on the reasons why oil & gas disputes have been important in the development of international dispute resolution and the emergence of *lex Petrolia*.

**CHAIR:** Tim MARTIN

Vice-President and Special Counsel, Nexen Inc., Canada

- **Doak BISHOP**  
Partner King & Spalding, Houston, United States
- **Thomas WÄLDE**  
Professor, Centre for Energy, Petroleum and Mineral Law and Policy, University of Dundee, United Kingdom
- **Horacio GRIGERA NAON**  
Independent Arbitrator, Washington DC, United States; former Secretary General, ICC International Court of Arbitration, Paris

### II. Oil & Gas Industry Disputes: The Forum

Speakers will discuss litigation, institutional and *ad hoc* arbitration and other alternative dispute resolutions. The perspective of the institutions, arbitrators, counsel and clients will be presented.

**CHAIR:** Pierre TERCIER

Chairman, ICC International Court of Arbitration, Paris

- **Serge LAZAREFF**  
Avocat à la Cour, France; Chairman, ICC Institute of World Business Law
- **Jason A. FRY**  
Incoming Secretary General, ICC International Court of Arbitration, Paris
- **Peter REES**  
Partner, Debevoise & Plimpton, United Kingdom

### III. Dispute Resolution Clause

The session will tackle significant issues in dispute resolution clauses in oil & gas agreements, with emphasis on the importance of properly drafting the clause. This segment will also discuss the negotiation pertaining to the choice of law, venue and forum. Single dispute resolution mechanisms will be explained in comparison with multi-tier approaches.

**CHAIR:** Bernhard MEYER-HAUSER  
Attorney-at-Law, Meyer Müller Eckert, Switzerland

- **Toni HENNIKE**  
Assistant Chief Attorney, Exxon Mobil, Houston, United States
- **Stephen R. BOND**  
Partner, White & Case LLP, France; former Secretary General, ICC International Court of Arbitration, Paris

12.45 – 14.30 *Lunch*

### IV. Procedural Features of Oil & Gas Disputes

This segment will treat unique procedural issues found in international oil & gas disputes such as: injunction, multiparty disputes, specific performance, forfeiture, arbitrability and interim relief.

**CHAIR:** Sophie NAPPERT

Senior Solicitor, Denton Wilde Sapte, United Kingdom

- **David R. HAIGH**  
Partner, Burnett, Duckworth & Palmer LLP, Canada
- **Laurent LEVY**  
Partner, Schellenberg Wittmer, Switzerland

### V. Disputes Amongst States: Boundary Disputes

An overview of the most significant boundary disputes involving major oil & gas fields in the world along with a discussion of how they were resolved.

**CHAIR:** Rodman R. BUNDY

Partner and Head of Department, Eversheds Frère Cholmeley, France

- **Derek SMITH**  
Partner, LeBoeuf, Lamb, Greene & MacRae, Washington DC, United States
- **Pieter BEKKER**  
Partner, McDermott, Will & Emery LLP, New York, United States

19.30 – 22.00

09.00 – 13.30

## Monday 29 October 2007 (cont'd.)

### VI. Disputes Amongst Companies

Oil & gas companies deal with a multitude of disputes arising from their transactions and contracts. Speakers will discuss disputes in joint operating agreements arising from the tensions between operators and non-operators, as well as disputes concerning confidentiality agreements, area of mutual interest agreements, fiduciary obligations and acquisition of oil & gas properties.

**CHAIR:** Valentina FERRI

Assistant General Counsel, Eni S.p.A. E&P Division, Italy

- James BARNES  
Partner, Barnes & Cascio LLP, Houston, United States
- David MILDON  
Barrister and Leading Counsel, Essex Court Chamber, United Kingdom

*Dinner cruise on River Seine*

## Tuesday 30 October 2007

### I. Oil & Gas disputes involving States

#### 1. Stabilization, Renegotiation and Adaptation in Oil & Gas Investments

This session provides a review of major disputes arising from attempts to stabilize the terms in oil & gas investment contracts. The panel will also discuss the alternative mechanisms of renegotiation and adaptation of contractual terms.

**CHAIR:** Michael E. SCHNEIDER

Partner, Lalive, Switzerland

- John BOWMAN  
Partner, King and Spalding LLP, Houston, USA
- Wolfgang PETER  
Partner, Phytton & Peter, Switzerland

#### 2. Investments Treaties and National Laws

Speakers will present a review of investment treaties such as ICSID, the Energy Charter and Bilateral Investment Treaties (BIT's). National laws implementing and sometimes contradicting those investment treaties will also be discussed. The session will go through the major energy arbitrations arising from direct investor state treaties as opposed to contract based disputes. The panel will also handle issues such as investor protection, expropriation, fair and equitable treatment, no less favorable treatment and compensation.

**CHAIR:** Antonias DIMOLITSA

Partner, Antonias Dimolitsa & Associates, Greece

- Noah RUBINS, Counsel, Freshfields Bruckhaus Deringer, France
- Stuart H. NEWBERGER  
Partner, Crowell & Moring, Washington DC, United States

### 3. Litigation and Arbitration with State-Owned Oil Companies

This segment will provide a discussion of major disputes between international oil companies (IOC's) and national oil companies (NOC's).

**CHAIR:** Kaj HOBBER

Partner, Mannheimer Swartling Advokatbyrå AB, Sweden

- Horacio GRIGERA NAON  
Independent Arbitrator, Washington DC, United States; former Secretary General, ICC International Court of Arbitration, Paris
- Todd WETMORE  
Partner, Shearman & Sterling LLP, France

### II. Environmental & Decommissioning Disputes in the Oil & Gas Industry

This session will focus on disputes emerging in the areas of the environment and the decommissioning of oil & gas facilities. Speakers will discuss environmental treaties, international environmental law & standards and environmental disputes arising amongst states, companies & NGO's. An overview of decommissioning in the international oil & gas industry will also be provided.

**CHAIR:** Stéphane BRABANT

Partner, Herbert Smith, France

- Doak BISHOP  
Partner, King & Spalding, Houston, United States
- Tim MARTIN  
Vice-President and Special Counsel, Nexen Inc., Canada

### Closing Remarks

- Tim MARTIN  
Vice-President and Special Counsel, Nexen Inc., Canada
- Pierre TERCIER  
Chairman, ICC International Court of Arbitration, Paris