



Paris, 3-4 October 2011

## Dispute Resolution in the International Oil & Gas Business

**Venue:** Les Salons Hoche  
9 avenue Hoche  
75008 Paris, France

### EARN

15.5 CLE Credits\*  
13 MCLE Credits\*  
13 CPD Hours  
13 CNB Hours

#### This conference will, inter alia:

- Discuss sovereign boundary disputes involving oil and gas fields;
- Find out about commercial disputes amongst companies, arising from joint operating or confidentiality agreements, service contracts, gas pricing and acquisition of oil & gas properties;
- Review investment treaties & fora as well as national laws implementing and sometimes contradicting those investment treaties;
- Learn about oil & gas disputes in the CIS and Central Europe, as well as in Latin America;
- Present valuation methods and compensation standards applied in oil & gas and how damages are assessed in energy transactions.

#### Who should attend?

Discussion topics will be of particular interest to in-house counsel of oil and gas companies, law firm counsel practicing in oil and gas, senior executive and management personnel of oil and gas companies, commercial, economic and technical personnel of oil and gas companies, senior personnel of energy ministries and national oil companies, arbitrators and mediators wanting to know about oil and gas disputes, advisors and consultants in the oil and gas business.

#### The International Court of Arbitration

The ICC International Court of Arbitration has a distinguished and long-standing history of international dispute resolution. From 2005 to 2009, it has received 3 193 requests for arbitration from all over the world, which involved 8 499 parties. Around 10% of those cases were related to the energy sector.

#### 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.

*\* This colloquium has been sent for CPD and CNB approval*

#### Sponsored by:



## Co-Chairs of the conference:

**Jason Fry**, Secretary General, ICC International Court of Arbitration, Paris  
**Tim Martin**, Principal, adr.governance.inc, Canada; Past President, AIPN

### Monday 3 October 2011

**8.00 – 9.00** Registration

#### MORNING SESSIONS 9.00 – 12.15

##### Opening remarks

##### Lex Petrolea

This first session will deal with the history of the most significant issues disputed in the international oil & gas business. Speakers will present an overview of the leading cases of the last fifty years, focusing on oil & gas disputes that contributed to the development of international law, established a Lex Petrolea and indicate possible trends into the future.

##### Discussion

##### Boundary disputes amongst sovereign states

A major area of disputes amongst sovereign states is the delimitation of boundaries. A large majority of them have to do with oil & gas. This panel will discuss sovereign boundary disputes involving oil & gas fields in the world and the role of the energy sector in these disputes.

##### Discussion

**12.15 – 13.45** Lunch

#### AFTERNOON SESSIONS 13.45 – 18.00

##### Commercial disputes amongst companies

Oil & gas companies deal with a multitude of disputes arising from their transactions and contracts. Speakers will discuss disputes arising from joint operating agreements, confidentiality agreements, service contracts, gas pricing and acquisition of oil & gas properties, amongst others.

##### Discussion

##### ADR in international oil & gas disputes

This panel will discuss the use of alternative dispute resolution tools such as mediation, dispute boards, expertise and other ADR variants in the oil & gas world.

##### Discussion

##### Human rights and environmental issues

This session will focus on disputes amongst states, oil & gas companies & NGO's emerging in the area of human rights and the environment. The panel will discuss the leading cases, human rights and environmental treaties, international law and standards in this rapidly evolving area.

##### Discussion

**18.00** Cocktail reception

### Tuesday 4 October 2011

#### MORNING SESSIONS 9.00 – 12.00

##### Investment treaties, fora and claims

Speakers will present a review of investment treaties & fora such as the ICSID, Energy Charter and Bilateral Investment Treaties (BITs). National laws implementing and sometimes contradicting those investment treaties will be discussed. The session will go through the major energy arbitrations arising from investor state treaties. The panel will also discuss issues such as investor protection, expropriation, fair & equitable treatment, no less favourable treatment, umbrella clauses and most favored nation treatment.

##### Discussion

##### Stabilization, Renegotiation and Adaptation

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

##### Discussion

**12.00 – 13.30** Lunch

#### AFTERNOON SESSIONS 13.30 – 18.00

##### Damages in oil & gas disputes

The primary remedy provided in international oil & gas arbitral awards is damages, whether in state investment or commercial disputes. This segment will review the kinds of valuation methods and compensation standards applied in oil & gas disputes and how damages are assessed in large, complex energy transactions.

##### Discussion

##### Oil & gas disputes in the CIS and Central Europe

This session will provide an in-depth analysis of historical, existing and developing oil and gas disputes in the Commonwealth of Independent States and Central Europe.

##### Discussion

##### Oil & gas disputes in Latin America

This session will provide an in-depth analysis of historical, existing and developing oil and gas disputes in Latin America.

##### Discussion

##### Closing remarks

**18.00** End of the conference



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## Dispute Resolution in the International Oil & Gas Business

# Speakers

- Timur Aitkulov, Partner, Clifford Chance, Russia
- Arif Ali, Co-chair, International Dispute Resolution, Crowell & Moring, Washington DC, United States
- Pablo Alliani, Partner, Alliani & Bruzzon, Argentina; President, AIPN
- Henri Alvarez QC, Partner, Fasken Martineau DuMoulin, Canada
- Nigel Blackaby, Partner, Freshfields Bruckhaus Deringer, Washington DC, United States
- Rodman Bundy, Partner, Eversheds Frere Cholmeley, France
- Peter Cameron, Director, CEPMLP, University of Dundee, United Kingdom
- Thomas Childs, Senior Associate, King & Spalding, United Kingdom
- Graham Coop, General Counsel, Energy Charter Secretariat, Brussels
- Bernardo Cremades, Senior Partner, B. Cremades y Asociados, Spain
- Jean-André Diaz, VP Americas & N. Europe – Legal Affairs, Total, France
- Rudolf Dolzer, Director, Institute for International Law, Germany
- Stephen Douglas, Vice-President – Legal, Gas & Power, Total, France
- Jonathan Drimmer, Partner, Steptoe & Johnson, Washington DC, United States
- Pierre-Marie Dupuy, Professor, International Law, Graduate Institute of International Studies, Switzerland
- Elisabeth Eljuri, Partner, Macleod Dixon S.C., Venezuela
- Valentina Ferri, Manager, Legal Assistance North Africa, Far East and Reserves, Eni S.p.A., Italy
- Jason Fry, Secretary General, ICC International Court of Arbitration, Paris
- Emmanuel Gaillard, Partner, Head of International Arbitration, Shearman & Sterling, France
- Ute Joas-Quinn, Associate General Counsel, Shell International B.V., The Netherlands
- O. Thomas Johnson, Partner, Covington & Burling, Washington DC, United States
- Mark Kantor, Independent Arbitrator, Washington DC, United States
- Michelle MacPhee, Solicitor, BP, United Kingdom
- Tim Martin, Principal, adr.governance.inc, Canada; Past President, AIPN
- Michael McIlwrath, Senior Counsel – Litigation, GE Infrastructure – Oil & Gas, Italy
- David Mildon QC, Barrister, Essex Court Chambers, United Kingdom
- Chris Moore, Managing Director, Moyes & Co., Dallas, United States
- José Emilio Nunes Pinto, Managing Partner, José Emilio Nunes Pinto Advogados, Brazil
- Kathleen Paisley, Independent Arbitrator, Belgium
- Michael Polkinghorne, Partner, Energy and Disputes, White & Case LLP, France; Member, ICC International Court of Arbitration
- Martin Pratt, Director of Research, International Boundaries Research Unit, United Kingdom
- Laura M. Robertson, Lead Counsel – Arbitrations, ConocoPhillips Company, United States
- Gene Silva, Counsel, Exxon Mobil Corporation, Houston, United States
- Derek Smith, Partner, Dewey & LeBoeuf, Washington DC, United States
- Guido Tawil, Partner, M&M Bomchil Avogados, Argentina
- Joe Tirado, Partner, Head of International Arbitration, Norton Rose, United Kingdom
- Hannah Tümpel, Manager, ICC Dispute Resolution Services, ADR, Expertise, Dispute Boards, DOCDEX, Paris
- Jay P. Wagner, Principal, Plexus Energy, United Kingdom
- Thomas Webster, Of Counsel, France
- Anne Marie Whitesell, Of Counsel, Dechert, Washington DC, United States
- Peter Wolrich, Partner, Curtis, Mallet-Prevost, Colt & Mosle, France
- Michael Young, Partner, Herbert Smith, France