



International Centre
for Dispute Resolution



THE INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION® (ICDR) and
THE ASSOCIATION OF INTERNATIONAL PETROLEUM NEGOTIATORS (AIPN)
JOINTLY PRESENT

DISPUTE RESOLUTION

IN THE INTERNATIONAL OIL & GAS BUSINESS



20 – 21 OCTOBER 2008
RIO DE JANEIRO,
BRAZIL

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DISPUTE RESOLUTION

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CONFERENCE GOALS:

The International Centre for Dispute Resolution® (ICDR), the international division of the American Arbitration Association (AAA), and the Association of International Petroleum Negotiators (AIPN) have jointly organized an international dispute resolution conference that will focus on the oil and gas industry. This program will have a Latin American focus, bringing together a number of the world's leading experts in dispute resolution for the oil and gas industry in Rio de Janeiro, Brazil. Join us as we convene panels of experts in the field of international energy arbitration on Copacabana Beach to discuss recent developments, issues, cases and trends and to consider what lies ahead for ADR in this area with a focus on the Americas and the oil and gas industry.

Attendees will come away with an overview of the present and future state of affairs in the field of international energy arbitration, clause-drafting and arbitrating tips to consider for international energy cases, as well as practical advice on how to avoid potential problems during each phase of these cases. The state of oil and gas industry disputes in the region will be extensively covered, providing practitioners with the latest information they need to know.

TOPICS INCLUDE:

- The History of Oil and Gas Disputes
- Disputes Amongst Companies
- Boundary Disputes
- Environmental & Decommissioning Disputes in the Oil and Gas Industry
- Oil and Gas Disputes in Latin America
- Stabilization, Renegotiation and Adaptation in Oil and Gas Investments
- Investments Treaties and National Laws
- Latin American Oil & Gas - the ADR Practitioner's Roundtable

08:30 – 09:00: Registration and Refreshments

09:00 – 09:30: Opening Remarks

William K. Slate II, *President of the International Centre for Dispute Resolution, and President and Chief Executive Officer of the American Arbitration Association*

Pat Allison, *President of the Association of International Petroleum Negotiators*

09:30 – 10:45:

First Session: History of Oil and Gas Disputes

This 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 years, focusing on the reasons why oil & gas disputes have been important in the development of international dispute resolution and the emergence of Lex Petrolea.

Chair:

Tim Martin, *Independent Arbitrator*

John Bowman, *King & Spalding LLP*

Horacio Grigera Naon, *Independent Arbitrator*

Arif Ali, *Crowell Moring LLP*

10:45 – 11:15: Break

11:15 – 12:30:

Second Session: Disputes Amongst Companies

Oil & gas companies deal with a multitude of disputes arising from their transactions and contracts with each other and their service providers. Speakers will discuss disputes arising from joint operating agreements, confidentiality agreements, area of mutual interest agreements, fiduciary obligations and acquisition of oil & gas properties, amongst others.

Chair:

David Asmus, *Baker Botts LLP*

Donald Donovan, *Debevoise & Plimpton LLP*

David Haigh, *Burnett Duckworth & Palmer LLP*

Mark Baker, *Fulbright & Jaworski LLP*

12:30 – 14:30: Lunch

14:30 – 15:45:

Third Session: Boundary Disputes

An overview of the most significant boundary disputes (with an emphasis on Latin America) involving major oil & gas fields in the world along with a discussion of how they were resolved.

Chair:

William K. Slate II, *President of the International Centre for Dispute Resolution, and President and Chief Executive Officer of the American Arbitration Association*

Derek Smith, *Dewey & LeBoeuf LLP*

Pieter Bekker, *McDermott, Will & Emery LLP*

Luis Alberto Erize, *Abeledo Gottheil Abogados*

15:45 – 16:15: Break

16:15 – 17:30:

Fourth Session: Environmental & Decommissioning Disputes in the Oil and 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:

Carlos Cesar Borromeu de Andrade, *Legal Counsel - Manager of International Affairs, Legal Dept, Petrobras, Petroleo Brasileiro, S.A.*

Stirling Leech, *Clyde & Co.*

Tim Martin, *Independent Arbitrator*

Dinner @ Porção Rio's - a traditional Brazilian Barbeque - one of Rio's finest.



09:00 – 10:15:

First Session: Oil and Gas Disputes in Latin America

This segment will review the most significant oil & gas disputes arising in Latin America over the last decade, including those unfolding in Argentina, Venezuela, Ecuador, etc.

Chair:

Horacio Grigera Naon, *Independent Arbitrator*

Jonathan Hamilton, *White & Case LLP*

Nigel Blackaby, *Freshfields LLP*

José Emilio Nunes Pinto, *José Pinto Advogados*

10:15 – 10:45: Break

10:45 – 12:00:

Second Session: Stabilization, Renegotiation and Adaptation in Oil and 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:

Elisabeth Eljuri, *Macleod Dixon LLP*

Henri Alvarez, *Fasken Martineau DuMoulin LLP*

Ramiro Guevara, *Guevara & Gutiérrez S.C.*

Selma Lemes, *Independent Arbitrator*

12:00 – 14:00: Lunch

14:00 – 15:15:

Third Session: 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 & equitable treatment, no less favorable treatment and compensation.

Chair:

Oliver J. Armas, *Chadbourne & Parke LLP*

David Lindsey, *Clifford Chance LLP*

Eduardo Zuleta, *Gómez-Pinzón & Zuleta*

George K. Foster, *Dechert LLP*

15:15 – 15:45: Break

15:45 – 17:00:

Fourth Session: Latin American Oil & Gas - the ADR Practitioner's Roundtable

The panel will discuss the potential advantages and challenges in using ADR in the field of Oil and Gas in the Americas. This panel will also provide practical advice regarding potential problems to avoid, issues to consider when selecting the forum for these disputes, the application of institutional rules vs. ad hoc arbitration, clause-drafting and practical tips to consider when handling international oil and gas cases.

Chair:

Pedro Batista-Martins, *Arbitration Counsel*

Joaquim T. Muniz, *Baker & McKenzie LLP*

Gilberto Giusti, *Pinheiro Neto*

Luis Martinez, *ICDR*

17:00: Closing Remarks

Tim Martin, *AIPN*

Steve Andersen, *ICDR*

MATERIALS WILL BE AVAILABLE AT THE CONFERENCE.





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