

26 - 27 October 2009
Capella Hotel, Singapore

SIAC
The Singapore International
Arbitration Centre



The Association of International
Petroleum Negotiators

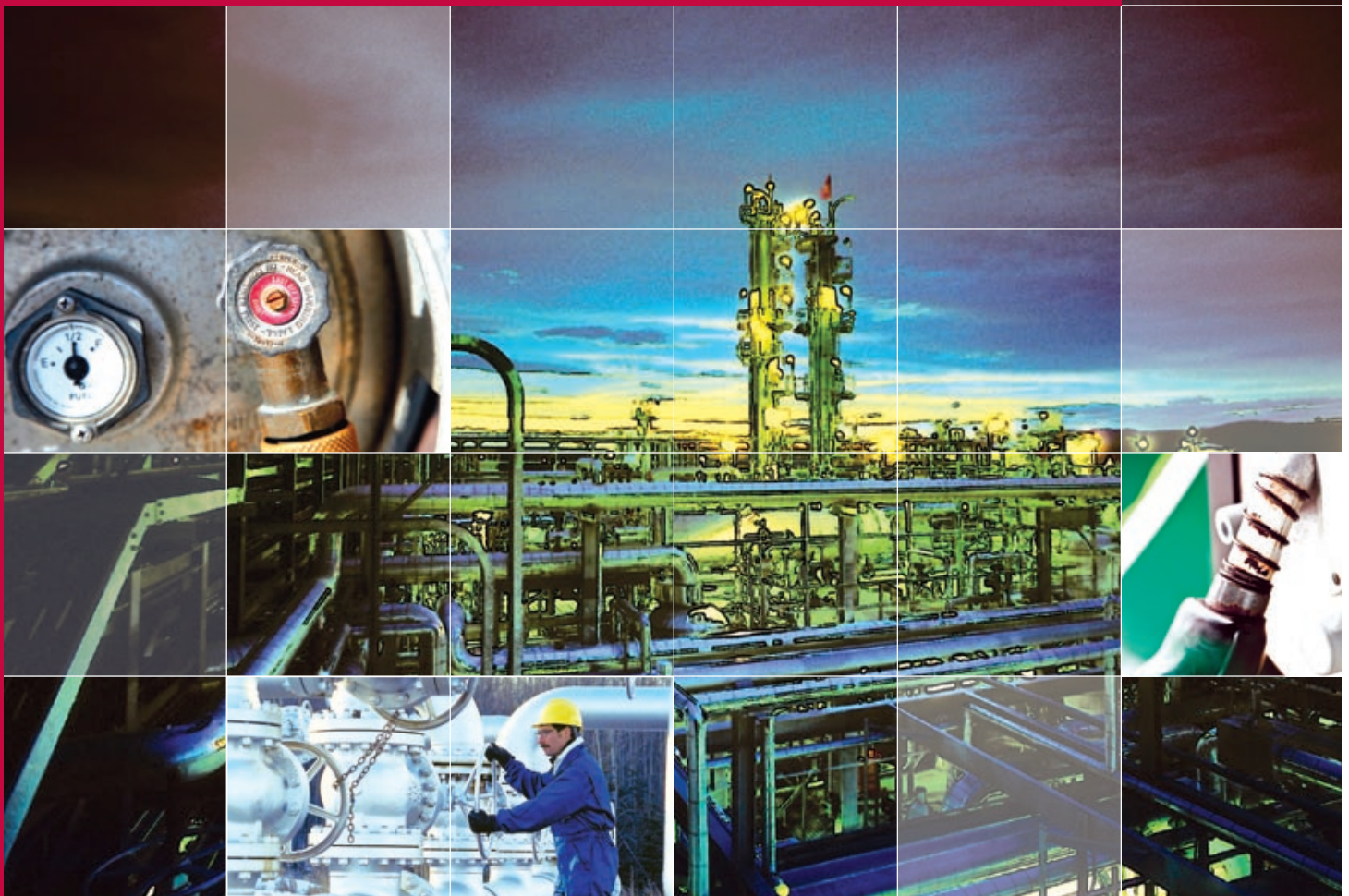


The International Centre for
Dispute Resolution

jointly present

DISPUTE RESOLUTION

in the International Oil & Gas Sector



Sponsored by

KING & SPALDING
Watson, Farley & Williams

Media Partners



Conference Organising Committee



Minn Naing Oo
Rachel Foxton
Sylvia Beetsma
Surtini Sakiman



Tim Martin
Angelique Vesey
Valerie van Lelyveld



Richard Naimark
Steve Andersen
Michael Lee
Jun Bautista

ORGANISERS



SINGAPORE INTERNATIONAL ARBITRATION CENTRE

The Singapore International Arbitration Centre (SIAC) is an independent, not-for-profit organisation that meets the demands of the international business community. We provide a neutral, efficient and reliable dispute resolution service in this important regional hub in the oil & gas sector. SIAC was established in 1991 and we have administered over 1,200 cases involving parties from the Americas, Europe, Asia and many other parts of the world. After 17 years of pioneering development, the SIAC is now one of the premier international arbitration institutions in Asia. SIAC is now renowned for our first-rate arbitration rules, our experienced international pool of arbitrators and our commitment to excellence in serving our clients.

www.siac.org.sg



ASSOCIATION OF INTERNATIONAL PETROLEUM NEGOTIATORS®

The Association of International Petroleum Negotiators® (AIPN) is the leading professional organisation 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 premier forum for dialogues on oil & gas transactions amongst companies, governments and their advisors.

www.aipn.org



INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION®

The International Centre for Dispute Resolution® (ICDR), the international division of the AAA, was established in 1996 to provide the same high-quality alternative dispute resolution (ADR) services available in the US to individuals and organisations around the globe. The ICDR has established cooperative agreements with 62 arbitral institutions in 43 countries worldwide. These agreements enable arbitration cases to be filed and heard virtually anywhere in the world. The ICDR maintains a worldwide panel of more than 400 independent arbitrators and mediators to hear and resolve cases. The ICDR, which handles several hundred multinational cases each year, also maintains offices in Singapore, Dublin, Ireland, and Mexico City, Mexico.

www.icdr.org

26 - 27 October 2009
Capella Hotel, Singapore

DISPUTE RESOLUTION

SIAC
The Singapore International
Arbitration Centre



The Association of International
Petroleum Negotiators



The International Centre for
Dispute Resolution

jointly present

in the International Oil & Gas Sector

Topics

- Historical overview of dispute resolution in the international oil & gas industry
- Current and emerging issues in international oil & gas dispute resolution
- Effective drafting and negotiation of dispute resolution clauses in oil & gas agreements
- Framework of national and international law in oil & gas investment disputes
- State investment treaties and disputes
- Review of boundary, environmental and decommissioning disputes in the oil & gas sector



Who should attend?

- In-house counsel for oil & gas companies
- Law firms representing clients in the oil & gas sector
- Senior executives and management personnel in international oil & gas companies
- Senior representatives from energy ministries and state oil & gas companies
- Arbitrators and mediators in oil & gas dispute resolution
- Advisors and consultants in the oil & gas business



DAY ONE

26 October 2009



08:30 – 09:00 Registration and Refreshments

09:00 – 09:30 **OPENING REMARKS**

Chair : Tim Martin (Independent Arbitrator, Calgary, Canada)
Richard Naimark (Senior Vice President, ICDR)
Michael Pryles (Chairman, SIAC)
Karen Krug (President, ALPN)

09:30 – 10:45 **FIRST SESSION – LEX PETROLIA**

The session explores 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 50 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 (Independent Arbitrator, Calgary, Canada)
John Bowman (King & Spalding, Houston, USA)
Professor M Sornarajah (National University of Singapore, Singapore)
Professor Peter Cameron (University of Dundee, Scotland, United Kingdom)

10:45 – 11:15 Break

11:15 – 12:30 **SECOND SESSION – DISPUTES AMONGST COMPANIES**

Oil & gas companies encounter a multitude of disputes arising from their transactions and contracts. Speakers will discuss disputes arising from joint operating agreements, confidentiality agreements, area of mutual interest agreements, fiduciary obligations and acquisition of oil & gas properties.

Chair : Skip Maryan (Thompson & Knight, Seoul, South Korea)
David R. Haigh QC (Burnet, Duckworth & Palmer, Calgary, Canada)
Vinayak Pradhan (Skrine, Kuala Lumpur, Malaysia)
Guy Spooner (Norton Rose, Singapore)

12:30 – 14:00 Lunch

Speaker: Richard Naimark (Senior Vice President, ICDR)

14:00 – 15:15 **THIRD SESSION – STATE INVESTMENT DISPUTES**

This session analyses disputes between energy companies and states. Topics for discussion include arbitrations arising from investor state treaties and contracts. The panel will also explore concepts such as investor protection, expropriation, fair & equitable treatment and no less favourable treatment. The speakers will present an overview of investment treaties such as ICSID, the Energy Charter and Bilateral Investment Treaties (BITS). There will be a discussion of the issue of national laws on the implementation of treaties. This session will conclude with a discussion on the issue of stabilisation and the alternative mechanisms of renegotiation and amendment of contractual terms.

Chair : Michael Hwang SC (Independent Arbitrator, Singapore)
Nigel Blackaby (Freshfields Bruckhaus Deringer, Washington DC, USA)
Kim M. Rooney (White & Case, Hong Kong)
Matthew Gearing (Allen & Overy, Hong Kong)

15:15 – 15:45 Break

15:45 – 17:00 **FOURTH SESSION – BOUNDARY DISPUTES**

An overview of state-to-state disputes on boundaries (with an emphasis on Asia) involving major oil & gas fields in the world.

Chair : Rod Bundy (Eversheds Frere Cholmeley, Paris, France)
O. Thomas Johnson Jr. (Covington & Burling, Washington DC, USA)
Dominic Roughton (Herbert Smith, Tokyo, Japan)
Gavin MacLaren (Allens Arthur Robinson, Singapore)

Dinner will be at the Sapphire Pavilion, located at Siloso Beach where you can enjoy an unobstructed oceanfront view. Conference members may bring guests to dinner for an additional charge.

DAY TWO

27 October 2009

09:30 – 10:45 **FIRST SESSION – REMEDIES AND DAMAGES IN OIL & GAS DISPUTES**

This session will review remedies available in oil & gas disputes and outline how damages are assessed in large, complex, energy transactions.

Chair : Professor Dr Michael Pryles (SIAC, Singapore)
Daniel Johnston (Daniel Johnston & Company, Inc., New Hampshire, USA)
Mark Kantor (Independent Arbitrator, Washington DC, USA)
Marcus Gordon (Watson, Farley & Williams LLP, Singapore)

10:45 – 11:15 Break

11:15 – 12:30 **SECOND SESSION – 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 & NOCs. An overview of decommissioning in the international oil & gas industry will be provided with an emphasis on the Asian market.

Chair : Hans Hirschmanner (Salamander Energy, Singapore)
Steven Lim (Baker Botts, Hong Kong)
John Bowman (King & Spalding, Houston, USA)
Dr Ian Borthwick (Salamander Energy Limited, Bangkok, Thailand)

12:30 – 14:00 Lunch

14:00 – 15:15 **THIRD SESSION – OIL & GAS DISPUTES IN ASIA**

This segment will review the most significant oil & gas disputes arising in Asia over the last decade.

Chair : Dr Michael Moser (Chairman, Hong Kong International Arbitration Centre, Hong Kong)
Christopher Walker (Vinson & Elkins, Hong Kong)
Dr Kamal Hossain (Dr Kamal Hossain & Associates, Dhaka, Bangladesh)
Karen Mills (KarimSyah, Jakarta, Indonesia)

15:15 – 15:45 Break

15:45 – 17:00 **FOURTH SESSION – ASIAN OIL & GAS ADR PRACTITIONERS' ROUNDTABLE**

This section will focus on the potential advantages and challenges in using ADR to resolve oil & gas disputes in Asia. The Panel will provide advice on: potential problems to avoid, selection of the forum for disputes, the application of institutional rules vs ad hoc arbitration, drafting clauses and practical points to consider when managing oil & gas cases.

Chair : Richard Naimark (ICDR, New York, USA)
Professor Lawrence Boo (Independent Arbitrator, Singapore)
David Howell (Fulbright & Jaworski, London, United Kingdom)
Mee Foo Moh (Chevron, Singapore)

17:00 **CLOSING REMARKS**

Tim Martin (AIPN)
Minn Naing Oo (SIAC)
Richard Naimark (ICDR)

