



London  
UK

# DISPUTE RESOLUTION IN THE OIL AND GAS BUSINESS

*A two day conference hosted by AIPN and LCIA*



**Thursday 25 and Friday 26 October 2018**

*The Corinthia Hotel, London*

*Conference sponsors*

CLYDE & CO

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*Faculty Dinner Sponsor*

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## About the co-hosts

**LCIA** The London Court of International Arbitration (LCIA) is one of the world's leading international institutions for commercial dispute resolution. The LCIA provides efficient, flexible and impartial administration of arbitration and other ADR proceedings, regardless of location, and under any system of law. The LCIA is renowned not only for its arbitration administration services but also for its conferences and symposia.

**AIPN** The Association of International Petroleum Negotiators (AIPN) is the leading professional organization of commercial negotiators and energy lawyers in the international oil & gas industry. 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 and gas transactions amongst companies, government and their advisors.

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## The conference will cover the following topics:

- Boundary Disputes
- State Investment Disputes
- Joint Operating Agreement Disputes
- Human Rights & Environmental Disputes
- Damages in Oil & Gas Disputes
- Oil & Gas Pricing Disputes
- Oil & Gas Infrastructure Disputes
- Improving Dispute Resolution in the International Oil & Gas Business

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## Conference format

The conference consists of speaker panels that will address each of the listed topics. The speakers are leading advocates, counsel, experts and arbitrators in the energy field who will provide speeches, presentations, interviews, round table discussions and Q&A's in an interactive and interesting format. The number of registrants will be limited to ensure that attendees can fully interact with their colleagues and the speakers at the conference.

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## Who should attend?

In-house counsel of oil and gas companies, independent practitioners and law firms who represent/advise parties from the oil and gas sector, commercial, economic and technical personnel of oil and gas companies, senior officers from government departments and ministries, arbitrators and mediators interested in knowing more about oil and gas disputes, advisors and consultants in the oil and gas business, and academics and members of the local and international business community interested in, and affected by, current developments and best practice in the oil and gas business.

## About the venue

**The Corinthia** is an award-winning hotel positioned in the heart of London close to the River Thames, just a short walk from Trafalgar Square, the Embankment, Westminster and Covent Garden and only a short distance from Mayfair and the City.

**Website** [www.corinthia.com/hotels/london/](http://www.corinthia.com/hotels/london/)

**Location** The Corinthia Hotel London, Whitehall Place, London SW1A 2BD [www.corinthia.com/hotels/london/](http://www.corinthia.com/hotels/london/)

**Accommodation** A limited number of rooms have been reserved at the Corinthia Hotel London at a special reduced rate of £395pn excluding breakfast and taxes.

To take advantage of the special rate please call reservations at The Corinthia on +44 (0) 20 7321 3000 and quote the reference LCIA161018.

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## CPD/CLE

SRA/BSB of England and Wales: **12 hours CPD**

Texas: Pending 12 MCLE credits through the State Bar of Texas

Other jurisdictions: The LCIA will provide a certificate of attendance which may be used, subject to requirements, to obtain equivalent accreditation.

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## How to register

### **LCIA members and non-members**

Please register via the LCIA website: [http://www.lcia.org/lcia-events/events\\_schedule.aspx](http://www.lcia.org/lcia-events/events_schedule.aspx)

### **AIPN members**

Please register via the AIPN website: <https://www.aipn.org/forms/meeting/Microsite/DR2018>

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## Registration fees

The registration fee covers:

- working sessions
- lunches
- coffee/tea breaks
- conference documentation
- drinks reception

LCIA member

£1,182

On or before 2 July\*    After 2 July\*

£1,422

AIPN member

US\$1,600

US\$1,920

Non-member\*\*

£1,422

£1,662

*\* all registration fees are inclusive of UK VAT, applicable at 20%*

*\*\*please email [membership@lcia.org](mailto:membership@lcia.org) to receive details of the current LCIA membership promotion or [membership@aipn.org](mailto:membership@aipn.org) with questions regarding AIPN membership*

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**To register please visit:**

[www.lcia.org/lcia-events/events\\_schedule](http://www.lcia.org/lcia-events/events_schedule)

( if you are a member of the AIPN you can register here: <https://www.aipn.org/forms/meeting/Microsite/DR2018> )

*As there are a limited number of places at the symposium, early registration is recommended.*

## Thursday 25 October 2018

08:30 - 09:00

### Registration

09:00 - 09:15

### Opening Remarks

**Tim Martin** *Conference Chair, Calgary, Canada*  
**Dr Jacomijn J van Haersolte-van Hof** *LCIA Director General;  
Member of the LCIA Court and Board*  
**Graham Cooper** *AIPN President*

09:15 - 10:45

### Session One: *Boundary Disputes*

The delimitation of boundaries is a major area of disputes amongst sovereign states. A large majority of them deal with competing governments wanting to access oil & gas reserves. This panel will discuss sovereign boundary disputes involving oil & gas fields around the world and the role of the energy sector in those disputes.

Chair: **Robert Volterra** *Volterra Fietta, London, UK*  
Speakers: **Ziv Bødtker** *Bødtker Consulting, Oslo, Norway*  
**Dr Derek C Smith** *Foley Hoag LLP, Washington DC, USA*  
**Dr Richard Schofield** *King's College, London, UK*

10:45 - 11:15

### Break

11:15 - 12:45

### Session Two: *State Investment Disputes*

The energy sector has experienced some of the biggest and most famous state investment disputes over the last century. The panel will present a review of state investment oil & gas disputes arising from treaties & contracts. Speakers will discuss issues such as investor protection, expropriation, fair & equitable treatment, no less favorable treatment, umbrella clauses and most favored nation treatment. The session will also provide a review of disputes arising from attempts to stabilize terms in oil & gas investment contracts and the alternative mechanisms of renegotiation and adaptation of contractual terms.

Chair: **Jason Doughty** *Kosmos Energy, Dallas, USA*  
Speakers: **John P Bowman** *King & Spalding LLP, Houston, USA*  
**Nigel Blackaby** *Freshfields Bruckhaus Deringer US LLP, Washington DC, USA*  
**Dr Yas Banifatemi** *Shearman & Sterling LLP, Paris, France  
Member of the LCIA Court*

12:45 - 14:00

### Lunch

14:00 - 15:30

### Session Three: *Joint Operating Agreement Disputes*

The Joint Operating Agreement (JOA) is one of the cornerstone contracts in the upstream oil & gas business. Most petroleum upstream investments are made through JOAs, which generate some of the most complex and high impact disputes in the industry. The AIPN recently commissioned a research study to complete the most comprehensive review of JOA disputes from around the world. This panel will conduct the first public discussion of the results from this study.

Chair: **Tim Martin** *Northumberland Chambers, Calgary, Canada*  
Speakers: **John Gilbert** *Bracewell LLP, London, UK*  
**Ann Ryan Robertson** *Locke Lord LLP, Houston, USA*  
**Paula Hodges QC** *Herbert Smith Freehills LLP, London  
Vice President of the LCIA Court and Member of the LCIA Board*

15:30 - 16:00

### Break

16:00 - 17:30

### Session Four: *Human Rights & Environmental Disputes*

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

Chair: **Sophie Nappert** *3 Verulam Buildings, London, UK*  
Speakers: **James Castello** *King & Spalding LLP, Paris, France  
President of the LCIA European Users' Council and  
Member of the LCIA Board*  
**Marnix Leijten** *De Brauw Blackstone Westbroek, Amsterdam, Netherlands*  
**Olufunke Adekoya SAN** *Aelx, Lagos, Nigeria  
Vice President of the LCIA African Users' Council*

17:30 - 19:30

### Drinks reception

## Friday 26 October 2018

- 9:00 - 10:30      **Session Five**                      ***Damages in Oil & Gas Disputes***
- The primary remedy provided in international oil & gas arbitration 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.
- Chair:                      **Mark Kantor**                                      *Arbitrator, Washington DC, USA*
- Speakers:                **Daniel Johnston**                                      *Daniel Johnston & Co, Hancock, USA*  
                                 **Alexis Maniatis**                                      *The Brattle Group Ltd, Washington DC, USA*  
                                 **Kathleen Paisley**                                      *Ambos NGBO, Brussels, Belgium*
- 10:30 - 11:00      **Break**
- 11:00 - 12:30      **Session Six:**                                      ***Oil & Gas Pricing Disputes***
- The number of pricing disputes in the energy sector has increased significantly as a result of the liberalisation and volatility in the commodity markets, the development of gas hubs and the increase of alternative energy sources, including liquefied natural gas (LNG). Speakers will present a review of those disputes and other energy pricing disputes in multiple jurisdictions.
- Chair:                      **Dr Jacomijn J van Haersolte van Hof**      *LCIA Director General*
- Speakers:                **Jonathan Stern**                                      *Oxford Institute for Energy Studies, Oxford, UK*  
                                 **Stephen Anway**                                      *Squire Patton Boggs, New York, USA*  
                                 **Mark Levy**    *Allen & Overy LLP, London, UK*
- 12:30 - 14:00      **Lunch**
- 14:00 - 15:30      **Session Seven: *Oil & Gas Infrastructure Disputes***
- Oil & gas companies are involved in some of the largest construction projects in the world. This session provides an in-depth analysis of the infrastructure and construction disputes that arise in the international oil & gas business.
- Chair:                      **Michelle MacPhee**                                      *BP plc, London, UK*
- Speakers:                **Michael Young QC**                                      *Quinn Emanuel Urquhart & Sullivan LLP, Paris, France*  
                                 **James Lloyd Loftis**                                      *Vinson & Elkins LLP, Houston, USA*  
                                    *Vice President of the LCIA Court*  
                                 **Michael Polkinghorne**                                      *White & Case LLP, Paris, France*
- 15:30 - 16:00      **Break**
- 16:00 - 17:30      **Session Eight: *Improving Dispute Resolution in the International Oil & Gas Business***
- Critics in the corporate world have expressed frustration with the increasing cost, duration and complexity of some dispute resolution methods, in particular, litigation and arbitration. This panel discusses the use of other dispute resolution methods, such as mediation, conciliation, dispute boards, expertise and other variants, to improve the process. Amongst other topics, the panel will discuss the results of the Global Pound Conference Series that took place in more than 30 countries, which provided views from users and practitioners on different forms of dispute resolution, along with actionable data.
- Chair:                      **Richard Hill**    *Shell, London, UK*  
                                    *Member of the LCIA Board*
- Speakers:                **Audley Sheppard QC**                                      *Clifford Chance LLP, London, UK*  
                                    *Chairman of the LCIA Board and Member of the LCIA Court*  
                                 **Lindy Patterson QC**                                      *39 Essex Chambers, London, UK*  
                                 **Michael Mcllwraith**                                      *GE Oil & Gas, Florence, Italy*
- 17:30 - 17:45      **Closing Remarks**
- Tim Martin**  
                                 **Dr Jacomijn van Haersolte-van Hof**

