



London  
UK

# Dispute Resolution in the International Energy Business

A two day conference hosted by the AIEN and the LCIA

Wednesday 18 and Thursday 19 October 2023

116 Pall Mall, London, UK



Faculty Dinner Sponsors



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## About the co-hosts

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**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.

**AIEN** – The Association of International Energy Negotiators (formerly the Association of International Petroleum Negotiators) is an independent not-for-profit professional membership association that supports international energy negotiators around the world and enhances their effectiveness and professionalism in the international energy community.

## The conference will cover the following topics

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- Energy Boundary Disputes
- State Investment Disputes
- Joint Venture Disputes
- Disputes in the European Energy Market
- The Energy Charter Treaty
- Alternative Energy Disputes
- Energy Infrastructure Disputes
- Damages in Energy Disputes

## Conference Format

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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, roundtable discussions and Q&As 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.

## Who should attend?

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In-house counsel of oil, gas and alternative energy companies, independent practitioners and law firms who represent/advise parties from the oil, gas and alternative energy sector, commercial, economic and technical personnel of oil, gas and alternative energy companies, senior officers from government departments and ministries, arbitrators and mediators interested in knowing more about oil, gas and alternative energy disputes, advisors and consultants in the oil, gas and alternative energy 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, gas and alternative energy business.



## About the venue

**116 Pall Mall** is a magnificent Georgian building in the heart of London, just moments from some of the city's most sought-after spots. Opened in 1828, it's now home to the Institute of Directors.

**Website** <https://www.116pallmall.com>

**Location** 116 Pall Mall, London SW1Y 5ED, United Kingdom.

## CPD/CLE /MCLE

This symposium qualifies for up to 12 hours CPD/CLE. Following the event, the LCIA will be pleased to provide attendees a certificate of attendance which, subject to the exact CPD/CLE requirements of the attendee's jurisdiction, may be used to obtain accreditation. AIEN is an accredited sponsor approved by the State Bar of Texas Committee on MCLE. A maximum of 12 MCLE credit hours will be awarded based on individual attendance for this event.

## How to register

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

Please register via the LCIA website: <https://www.lcia.org/events/2023-lcia-aien-dispute-resolution-in-the-international-energy-bu-283.aspx>

### **AIEN members**

Please register via the AIEN website: <https://www.aien.org/forms/meeting/Microsite/DR2023,0>

## Registration fees

		On or before 30 June*	After 30 June*
The registration fee covers:	LCIA member	£1,152	£1,392
• working sessions	AIEN member	\$1,440	\$1,740
• lunches	Non-member**	£1,392	£1,632
• coffee/tea breaks	* all UK registration fees are inclusive of VAT, applicable at 20%		
• conference documentation	**please email <a href="mailto:membership@lcia.org">membership@lcia.org</a> to receive details of the current LCIA membership promotion or <a href="mailto:membership@aien.org">membership@aien.org</a> with questions regarding AIEN membership.		
• drinks reception			

To register please visit:

<https://www.lcia.org/events/2023-lcia-aien-dispute-resolution-in-the-international-energy-bu-283.aspx>

(if you are a member of the AIEN you can register here: <https://www.aien.org/forms/meeting/Microsite/DR2023,0> As there are a limited number of places at the symposium, early registration is recommended.

# DAY 1 – Wednesday 18 October 2023

08:30 – 09:00

## Registration and Refreshments

09:00 – 09:15

## Opening Remarks

Chair: **Tim Martin** *Conference Co-Chair*  
**Jacomijn van Haersolte-van Hof** *Director General, LCIA*  
**Ricardo Silva** *President, AIEN*

09:15 – 10:45

## Session One: *Energy 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 and mineral deposits. This panel will discuss sovereign boundary disputes that have arisen in South America and the Caribbean as a result of the recent discovery of world class oil fields in offshore Guyana. Major legal, economic and geopolitical issues have arisen between adjacent states that have been exacerbated by the complexities of the shifting coastline in South America and the difficulties in delimiting the outer continental shelf.

Chair: **Robert Volterra** *Volterra Fietta, London, UK*  
Speakers: **Robin Cleverly** *Marbdy Consulting, UK*  
**Robert van de Poll** *Fugro, Hanwell, NB, Canada*  
**Derek Smith** *Foley Hoag, Washington DC, USA*

10:45 – 11:15

## Tea/Coffee Break

11:15 – 12:45

## Session Two: *State Investment Disputes*

This panel will present a review of state investment disputes arising from treaties & contracts. The session will focus on recent state investment disputes in the energy sector, the evolving nature of issues commonly in dispute in investor-state arbitrations, and emerging trends in their resolution. The panel will discuss investment arbitrations that have dealt with cost recovery, tax disputes, decommissioning, prudent operator standards and the stabilization of financial terms in energy investment contracts, in addition to human rights and ESG issues that are now arising in state investment disputes.

Chair: **Kathryn Barnes** *Chevron, San Ramon, USA*  
Speakers: **Dorine Farah** *Baker Botts, London, UK*  
**Leilah Bruton** *Three Crowns, London, UK*  
**Catherine Amirfar** *Debevoise & Plimpton, New York, USA*

12:45 – 14:00

## Lunch

14:00 – 15:30

## Session Three: *Joint Venture Disputes*

The energy sector's projects are predominantly done through joint ventures. The members of this panel recently published the leading textbook on disputes arising from joint ventures in the energy and natural resource sectors. Their discussion will cover disputes arising from both incorporated and non-incorporated joint ventures in the oil & gas, solar, wind and nuclear industries in addition to the mining and natural resource sectors. Their research and analysis covers nearly 400 cases from around the world, including previously unpublished international arbitral awards.

Chair: **Paula Hodges KC** *Herbert Smith Freehills, London, UK*  
Speakers: **Tim Martin** *Northumberland Chambers, Calgary, Canada*  
**John Gilbert** *Bracewell, London, UK*  
**Peter Roberts** *Cross Keys Energy, London, UK*

15:30 – 16:00

## Tea/Coffee Break

16:00 – 17:30

## Session Four: *Disputes in the European Energy Market*

Recent destabilizing global events of historic proportions have brought the issue of energy security, and access to reliable and affordable energy, into sharp focus. Industrial and consumer demand for energy in the post-pandemic era is occurring concurrently with disruptions to supplies due to war, economic sanctions, and the impact of national and transnational energy policies. The resulting risks of dramatic energy price spikes and critical supply shortfalls are particularly acute in Europe with the impact of the ongoing war in Ukraine. This panel will focus on existing and potential disputes arising from access to energy in Europe. The discussions will include the impact of sanctions on Russia and Russian countermeasures on the delivery of energy supplies, such as disputes arising from shutdowns of pipelines and infrastructure, withdrawals from projects and joint venture arrangements, potential nationalizations of assets of withdrawing firms, and disputes arising due to pricing revisions and changes in payment terms under energy supply arrangements.

Chair: **Lucy Greenwood** *Greenwood Arbitration, Alresford, UK*  
Speakers: **Mark Levy** *Allen & Overy, London, UK*  
**Marco Lorefice** *Edison SpA, Milan, Italy*  
**Michael Polkinghorne** *White & Case, Paris, France*

17:30 – 19:30

## Drinks Reception

# DAY 2 – Thursday 19 October 2023

9:00 – 10:30

## Session One: *The Energy Charter Treaty*

The Energy Charter Treaty (ECT) is a multilateral investment treaty with more than 50 signatories, including the EU and its member states. The ECT covers energy trade, transit and investment between member states. It provides foreign investors with substantive protections and the right to bring claims against member states by way of investor-state arbitration. Approximately 150 arbitrations have taken place under the ECT. The future of the ECT is in question on several fronts, including opposition from the EU to investor-state arbitration involving intra-EU parties. This panel will discuss the prominent cases under the ECT applicable to the energy industry. It will also explore criticisms of the ECT, the merits of those criticisms from the perspective of investors and states, the implications of the decision of the European Court of Justice in *Slovak Republic v. Achmea BV*, and European efforts to reform the ECT.

Chair: **Jacomijn van Haersolte-van Hof** *Director General, LCIA*  
Speakers: **Graham Coop** *Pinsent Masons, London, UK*  
**Christopher Vajda KC** *Monckton Chambers, London, UK*  
**James Castello** *King & Spalding, Paris, France*

10:30 – 11:00

## Tea/Coffee Break

11:00 – 12:30

## Session Two: *Alternative Energy Disputes*

As alternative energy sources expand their share of energy projects, so do their disputes. This panel will discuss emerging disputes from the solar, wind, nuclear and power generation industries. These include state investment, joint venture, financing, IP technology, licensing, regulatory and construction disputes in the alternative energy sector.

Chair: **Matthew Saunders** *Ashurst, London, UK*  
Speakers: **Oisin Brady** *Independent Expert, Strasbourg, France*  
**Joshua Simmons** *Wiley Rein, Washington DC, USA*  
**James Loftis** *Vinson & Elkins, Houston, USA*

12:30 - 14:00

## Lunch

14:00 – 15:30

## Session Three: *Energy Infrastructure Disputes*

Energy 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 energy business.

Chair: **Andrew White KC** *Atkin Chambers, London, UK*  
Speakers: **Lindy Patterson KC** *39 Essex Chambers, London, UK*  
**Erin Miller Rankin** *Freshfields Bruckhaus Deringer, Dubai, UAE*  
**Chris Hillier** *Hillier International, London, UK*

15:30 – 16:00

## Tea/Coffee Break

16:00 – 17:30

## Session Four: *Damages in Energy Disputes*

The primary remedy provided in international energy 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 such disputes and how damages are assessed in large, complex energy transactions.

Chair: **Kathleen Paisley** *Ambos NBGO, Brussels, Belgium*  
Speakers: **Laura Hardin** *Alvarez and Marsal, Houston, USA*  
**Daniel Johnston** *Petroleum Economist, Ft. Worth, USA*  
**Mark Kantor** *Independent Arbitrator, Washington DC, USA*

17:30 – 17:45

## Closing Remarks

**Mike Josephson** *Conference Co-Chair*  
**Jacomijn van Haersolte-van Hof** *Director General, LCIA*



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