

# International Arbitration and Dispute Resolution in the Oil & Gas Industry Workshop

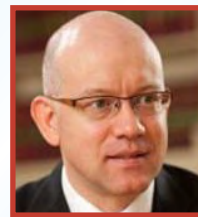
Grand Park City Hall, Singapore  
13-16 February 2012

Learn Through Real Life Projects & Case Studies

Jointly Led by Three Expert Practitioners & Trainers from



**Alan Jones**  
Founder and  
Managing Partner  
LXL LLP ("LXL"), UK



**Shaen Catherwood**  
Barrister  
Devereux Chambers,  
UK



**Tony Levitt**  
Co-founder  
RGL Forensics, UK

## About Past Delegates

Companies that have participated in the previous rounds of the oil, gas and LNG courses organised by Neoedge Pte Ltd include virtually all of the majors such as: CNPC China, Guangdong Dapeng LNG, China Light & Power, Pertamina, PT BPMiGas, PT Perusahaan Gas Negara Tbk, PT PLN, PT Kaltim Methanol Industri, Itochu Japan, Daewoo International Corporation Petronas, INPEX, Petronas Carigali, Malaysia LNG, ONGC, Gail India, Gujarat State Petronet Ltd, PetroBangla, IHS, Petrovietnam, Cifal Elan Petroleum Ltd and SOCAR, Comisión Nacional de Energía Chile, Atlantic LNG, National Gas Company Trinidad & Tobago (TT), Ministry of Energy and Energy Affairs TT, Repsol LNG TT, Petroleum Corporation of Jamaica, Ministry of Energy & Mining Jamaica, Office of Cabinet Jamaica, National Commission of Hydrocarbons Mexico, Grupo Terra, Pan Caribbean Bank, Angola LNG, TPDC, Ministry of Energy & Minerals Tanzania, BP, Shell, ChevronTexaco, BHP Billiton, Hess Group, ENI, OMV, TOTAL, BG Group, Lukoil Overseas, Sakhalin Energy, RWE DEA, Woodside Energy, Santos, GLNG, PetroSA, Sasol, South Africa Gas Dev, NNOC, Nigeria LNG, Brass LNG, Qatar Gas, ADNOC, QalhatLNG, Danagas, Dolphin Energy, Ministry of Oil & Gas Oman, ENOC, Margham Dubai Establishment, NNPC, etc.

\* Color printing of charts in Course Material for your easy reading!

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# International Arbitration and Dispute Resolution in the Oil & Gas Industry

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## Overview & Why You Should Attend

At a time when global LNG/gas markets are experiencing dramatic changes and global economics fuels the competition for oil and gas supplies, more and more energy buyers and sellers are resorting to international arbitration to resolve commercial disputes concerning the interpretation of significant energy contracts, including concessions, pipeline agreements and major LNG and Gas supply contracts and the associated construction and facility management agreements. The growth of price review and other disputes is caused by a variety of factors including: liberalisation of key gas markets, high oil and oil linked products, increased liquidity and transparency in some markets and uncertainty over demand. The tendency of companies to assert and protect their rights negotiated in contracts is an increasing sign of the times, where global competition to secure reliable energy supplies and the cost of investing in energy projects is significantly increasing. Using real case studies, this four day course is designed to provide delegates with practical guidance and information on the process and stages of international arbitrations. The course will also focus on the issue of quantifying and calculating loss of profit and damages as well as how parties can act to significantly reduce their exposure to claims.

The course addresses the causation of a dispute through contract uncertainty, the different forums and rules for dispute resolution, the methodology of the dispute process, the importance of the evidence, the art of settlement, the role of experts, arbitrators and judges, the fundamentals of calculating damages, the advocacy skills required to achieve success and the enforcement of the award.

The sessions will be interactive and real case studies will be explored when discussing each stage of the dispute process and delegates will be invited to share their experiences. The final day and a half will focus on a mock arbitration before an experienced barrister.

This comprehensive and topical course will be valuable both to those who already have experience in international arbitration as well as to new comers to the legal sector involved in resolving disputes within the energy industry.

## IN-HOUSE TRAINING (Save 35%)

This course can be presented exclusively for your organisation on an in-house basis, tailored to meet your specific needs, at a place and time of your convenience. We have successfully conducted in-house training for **BG India** in 2008, **RWE Dea AG, VRA Ghana** in 2009, **Petronas Carigali** in 2010 and **PetroVietnam, Roshan Afghanistan and Puerto Rico Electric Power Authority** in 2011.

To discuss how we can work with you to meet your training requirements please contact:

**Daniel Lau**  
Senior Corporate Learning Specialist  
DID: +65 6557 9169  
Email: [daniel.lau@neo-edge.com](mailto:daniel.lau@neo-edge.com)

## Who Should Attend

The course is designed for professionals from a large range of commercial, technical and legal backgrounds looking to gain in-depth insights into the various procedural stages and tactics from start to finish of an international arbitration process. With particular focus on arbitrations involving governments and/or State owned energy companies as well as the resolution of disputed price review clauses, this course will benefit all those involved in the oil gas supply chain including but not limited to:

- Government officials
- Negotiators
- Commercial Managers
- Project Managers
- Project Owners
- Lawyers/Advisors
- Finance & Accounting Managers
- Operation Managers
- Corporate & Administration Professionals
- Buyers & Sellers
- Business Development Managers
- Contract/Agreements Managers/Specialists
- E&P Professionals
- Students

## Course Format

*This course will be held in a highly interactive workshop format with Real Life Projects & Case Study for a small class.*

## Pre-course Questionnaires

*Alan, Shaen and Tony would like to customize the training based on your specific needs. Pre-Course Questionnaire will be sent to you prior to the workshop to complete and for the trainers to analyse in advance and address during the course.*

## Certificate of Attendance

*Upon the successful completion of this course, you will receive a Certificate of Attendance bearing the signatures from both the Expert Trainers and the Course Organizer. This Certificate will testify your endeavour and serve towards your professional advancement.*

## Course Material

- All delegates will receive hard copy course material as well as a CD-Rom containing all the presentation material.
- Color printing of charts in Course Material for your easy reading!

## PROGRAM SCHEDULE DAY 1 - 4

08:30	- Registration & Tea
<b>09:00</b>	- <b>Morning Session Begins</b>
10:40-11:00	- Refreshments & Networking
12:30	- Lunch
13:45	- Afternoon Session Begins
15:10-15:30	- Refreshments & Networking
<b>17:00</b>	- <b>Finish of Day/Course</b>

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## About your three Expert Trainers & Practitioners



**Alan Jones** is the founder and Managing Partner of LXL LLP ("LXL"). As energy lawyer with many years experience acting in the UK and internationally, Alan has advised on some of the largest energy projects and disputes nationally and globally in the **past twenty – five years**. Working closely with clients he assists them throughout all stages of a transaction, in negotiating and concluding energy related deals and assisting with resolving any disputes which may arise in a client's business.

Recent transactional experience includes advising State Petroleum companies on the development, construction, shareholder participation and financing of LNG Terminals in the UK, Europe, North and West Africa, the acquisition of exploration and producing interests in the UK North Sea and Egyptian Mediterranean Sea, and the negotiation of long term LNG sale and purchase agreements for national oil and gas company sellers and buyers of LNG. Alan has equally extensive experience guiding and advising clients through all stages of the dispute resolution process. Considering all eventual outcomes, from avoiding disputes, bringing or defending a claim or securing the most favourable settlement Alan strives to protect the client's interests prior to and during any international dispute/arbitration proceedings in order to secure the best possible commercial outcome.

Alan and LXL's latest international arbitration experience includes; jointly defending three State owned Petroleum companies in a multi-billion dollar claim brought under the **UNCITRAL rules** by an African government in respect of the potential nationalisation of a pipeline, advising an Asian State petroleum company on its **multi million transportation arbitration** with an international Russian pipeline operator, and advising an African State utility company in an arbitral dispute with a private company in respect of the bulk supply of power.

Alan was educated at **University College London** and became a partner at **Clifford Chance (and head of its Energy Group)** in 1991 before joining the US firm of LeBoeuf Lamb Greene & MacRae, where he became the Joint Managing Partner of the office in London.

After working for 21 years in the City, Alan founded LXL in January 2003 where the firm focuses almost exclusively on advising State owned energy companies.



**Shaen Catherwood** is a Barrister practising at **Devereux Chambers** in London. He was called to the English Bar in 2000 and his principal areas of practice include international commercial arbitration (particularly concerning Energy and Natural Resources), High Court commercial litigation and telecommunications.

Shaen has developed a strong reputation in the field of **Energy and Natural Resources** and he has advised and acted for a wide range of international companies in relation to disputes concerning operations around the globe, including in Asia, Africa, and Europe. He is currently acting for an international oil and gas company in defending an arbitral claim for **breach of a farm-in agreement** concerning an **off-shore Vietnamese drilling project**. He is also advising on a potential adjudication concerning the supply and **installation of transformers in a hydro-electric dam**.

Previously, Shaen acted for three national oil companies in defending a US\$1.276 billion claim in an arbitration concerning rights to an **oil transportation system**, and also acted for an international oil major in relation to a dispute concerning the operation of an **oil pipeline quality bank**. He appeared for a national electricity company in a US\$50 million claim in an arbitration concerning **exclusive rights of power supply** and acted in an expert determination concerning a petrochemical construction project.

Shaen obtained a First Class BA Degree from **New College, Oxford University** and a Commendation for his legal Common Professional Examination. He received a major scholarship from Gray's Inn and was the only Bar Finals Student to be graded as "Outstanding" in 2000.



**Tony Levitt** is a co-founder of RGL Forensics, a member of the firm's Strategic Governing Board, and partner in charge of the London office and its international practice. In addition to being a chartered accountant, he is also a certified fraud examiner, an accredited expert witness, mediator and arbitrator.

Tony focuses his **international practice on cases involving the calculation of damages** including loss of profits, loss of income, fraud and financial investigation. Many of his cases are complex, and involve substantial sums.

Tony has **testified on about 30 occasions**, giving evidence in the High Court in London, Crown and District Courts, the Technology and Construction Court, and in arbitrations in the UK, USA, Switzerland and Southern Africa. Tony has been deposed on cases in the USA. Apart from the United Kingdom, Tony's assignments take him to the rest of Europe, Middle East, Far East, Australia, Africa, and North and South America.

In the oil, gas and petrochemical arena, Tony has extensive **experience in quantification of damages and loss of profits**. He has analysed oil gas and petrochemical losses in Australia, Israel, South Africa, Europe, USA, Sweden and Sudan. Some of his cases have involved governments and parastatals.

After running his own accounting firm in South Africa for a number of years, Tony moved to London in 1984 to head the London office of Campos & Stratis, until co-founding RGL in 1996.

### About RGL Forensics

RGL is an independent worldwide firm of forensic accountants and consultants, with 24 offices in the UK, USA, Australia and Singapore. RGL specialises in investigating and evaluating damages, economic losses and determining business value in a broad range of industries throughout the world.



# International Arbitration and Dispute Resolution in the Oil & Gas Industry

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## COURSE OUTLINE (4-DAY)

The course follows from beginning to end real case studies involving multi-party disputes between State and International Oil Companies. It addresses the causation of a dispute through contract uncertainty and through the different forums for dispute resolution, the methodology of the dispute process, the importance of the evidence, the art of settlement, the role of experts, arbitrators and judges, the fundamentals of calculating damages, the advocacy skills required to achieve success and the enforcement of the award.

The sessions will be **interactive** and **real examples** will be explored when discussing each stage of the dispute process with delegates being invited to share their experiences. The final day and a half will focus on a **mock arbitration before an experienced barrister**.

The course is specially structured in 5 Modules:

- Module 1** The Origins and Impact of Disputes
- Module 2** Choice of Mechanism: Mediation, Expert Determination, Arbitration and Court Litigation
- Module 3** Multi-Party Disputes, Disputes Involving Governments and Settlement
- Module 4** Quantum of Damages in International Arbitration
- Module 5** International Arbitration: Process, Strategy and Tactics

### **Module 1:** *The Origins and Impact of Disputes*

- 1.1 Avoiding and Managing Disputes: Why it Matters and Dangers of Using Precedents**
  - Avoiding and Managing Disputes: Avoiding Pitfalls.
  - Clarity of drafting and capturing intent of the parties
- 1.2 Considerations before Agreeing the Contractual Dispute Resolution Mechanisms**
  - Group review of typical dispute resolution provisions in various types of Oil & Gas contracts
  - Introduction to the case studies and reviewing the dispute resolution provisions

### **Module 2:** *Choice of Mechanism: Mediation, Expert Determination, Arbitration and Court Litigation*

- 2.1 The choices available for dispute resolution**
  - Range of choices from having nothing to full court room procedures
- 2.2 Mediation**
  - When is it suitable? Can senior management meetings help?
- 2.3 Expert Determination**
  - The role of the Expert
  - Technical and operational issues
  - Appropriateness of binding determinations
- 2.4 Court Litigation v. Arbitration**
  - The pros and cons of court litigation and arbitration
  - Team allocations for the mock arbitration

### **Module 3:** *Multi-Party Disputes, Disputes Involving Government and Settlement*

- 3.1 Multi-party disputes / multi-contract disputes**
  - Group review based on a dispute with multiple parties
  - Special considerations in a multi-party dispute
  - Special considerations when dealing with local governments
- 3.2 Settlement**
  - Identifying merits of a case and analysing chances of success
  - Choosing the settlement moment and achieving settlement
  - Role of the Arbitral Tribunal in the settlement process

### **Module 4:** *Quantum of damages in international arbitration*

- 4.1 Quantum of Damages**
  - Fundamentals of damages calculations
  - Loss of profit
- 4.2 Issues relevant to the oil and gas industry**
- 4.3 Minimising claims exposure**
- 4.4 Role of the accountancy forensic expert in international arbitration**

### **Module 5:** *International Arbitration: Process, Strategy and Tactics*

- 5.1 Arbitration Rules: The difference between the main arbitration rules (i.e. ICC, UNCITRAL, SCC etc.)**
  - Arbitration: The International Arbitral Framework: Process, Strategy, and Tactics
  - The Arbitration Clause. Individual Exercise: Drafting an Arbitration Clause
- 5.2 Selection of the Arbitral Panel**
  - Ad hoc v international institution and other issues
  - Group review: Determining the "seat of arbitration", "place of arbitration", "governing law" and "rules of arbitration"
- 5.3 Commencing and Managing International Arbitration**
  - Overview of the most common seats of arbitration – Singapore, London, Paris, the United States etc
  - Preparing your case. The notice of arbitration and pleadings
  - Setting the procedural timetable
  - Identifying jurisdictional and other preliminary issues
  - Collection and assessment of evidence
  - Rules of Disclosure – IBA Rules. Do's and don'ts
  - The role of witnesses of fact
  - The role of experts
  - Group review: Early Case Analysis (ECA)
- 5.4 Appointing the Arbitrators**
  - Ethics and independence
  - Selection criteria
  - Terms of Appointment
  - Challenging appointment of an arbitrator
- 5.5 The Hearing and Enforcement of Awards**
  - How the hearing is conducted and what to expect
  - Presentation of the opening submissions
  - Rights to reply
  - Use of witnesses of fact and experts at the hearing
  - Advocacy skills
  - Importance of closing submissions
  - Partial and final Awards
  - How to enforce an Award
- 5.6 Mock Arbitration**



# International Arbitration and Dispute Resolution in the Oil & Gas Industry

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## Sales Contract

To confirm your position kindly complete this form and fax back to:

**Fax: +65 65579188**

### Delegate Details

#### Delegate 1

Name

Position

E-mail

#### Delegate 2

Name

Position

E-mail

#### Delegate 3

Name

Position

E-mail

### Organisation Details

Company Name

Address

Telephone  Fax

### Authorization

This contract is not valid without a signature

Name

Position

Signature

### Payment

Visa  Mastercard  AMEX  Wire Transfer

Name on card

Card number

Security Code

Expiry Date  Today's Date

Signature

Billing Address

Postal Code  Country

## REGISTRATION & ENQUIRIES

### Neoedge Pte Ltd

3 Phillip Street  
#13-04 Commerce Point  
Singapore 048693

**Contact:** Maria Aquino

**DID:** +65 65579234

**Main:** +65 65579166

**Fax:** +65 65579188

**Email:** mspaquino@neo-edge.com

### YOUR INVESTMENT

- SGD 6,595 per delegate
- SGD 5,995 per delegate if you register and pay by 9 December 2011

#### The investment includes:

Course documentation, lunches, refreshments and 15% service charge but does not include hotel room

### VENUE INFORMATION

The course fee does not include accommodation or travel costs. It is recommended to book the hotel rooms early as there are only limited rooms available at discounted corporate rate. Kindly contact the following for reservation:

#### Grand Park City Hall

Grand Park City Hall  
10 Coleman Street  
Singapore 179809  
Contact: Janice Ee  
DID: (65) 6432 5649  
Tel: (65) 6336 3456  
Fax: (65) 6333 1574  
Email: [janice.ee@parkhotelgroup.com](mailto:janice.ee@parkhotelgroup.com)  
Website: [www.parkhotelgroup.com](http://www.parkhotelgroup.com)

Please quote **International Arbitration and Dispute Resolution in the Oil & Gas Industry by Neoedge Pte Ltd** to enjoy Corporate Rate.

#### Booking Conditions

Should you be unable to attend, a substitute is always welcomed at no additional cost. Please inform us as early as possible. Alternatively, a credit voucher equivalent to the full amount will be issued for you to attend any Neoedge events for up to 18 months. No refund for cancellation within 4 weeks prior to the event.

**Event Code:** T1202AD

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