

DAY 1

Introduction to International Disputes in the Oil and Gas Industry

- Overview of types of disputes in the Oil and Gas Industry
- Contribution of the oil & gas sector to the development of arbitration
- Substantive/commercial issues that have arisen in recent oil & gas arbitrations
- Preference for International Arbitration to Litigation
 - Neutrality of Process
 - Party autonomy
 - Cost Effectiveness and Speed
 - Enforceability of the Award
 - Confidentiality of Proceedings
- International Arbitral Institutions
 - International Chamber of Commerce (ICC) International Court of Arbitration
 - The London Court of International Arbitration (LCIA)
 - The American Arbitration Association's International Center for Dispute Resolution (AAA) / ICDR
- Ad Hoc Arbitration
 - Arbitration under UNCITRAL Rules

DAY 2

Dispute Resolution and Arbitration Clauses in Oil and Gas Contracts

- Dispute resolution clause in:
 - Acquisition Contracts
 - Production Sharing Contracts
 - Joint Operating Agreements
 - Service Agreements
 - Charter Party
 - Analysis of various clauses
- Disputes in the oil and gas sector
 - Disputes with host governments
 - Environmental claims
 - Shareholder value related issues
 - Regulatory issues
 - Boundary Issues

- Trade restriction among others
- Breach of contracts

DAY 3

Applicable Law and Dispute Resolution

- Legal Framework for International Arbitration
 - Arbitration Agreement or Clause
 - Arbitration Conventions and Investment Treaties
 - Arbitration Procedural Rules
 - National Laws
 - National Courts
- Legal environment in which oil and gas contract operates:
 - Constitution
 - Domestic law
 - Common law
 - Civil law
 - Islamic law
 - International law
- Multilateral and bilateral treaties
 - Energy charter treaty
 - Proper law of contract
- Legal position of conciliation and mediation
 - Law of arbitration
 - Procedure of arbitration
 - Curial law of the venue of arbitration

DAY 4

Various Modes of International Dispute Resolution

- Expert determination
- Mediation
- Conciliation
- Arbitration
- Ad-hoc and institutional arbitration
- Venue of arbitration
- Enforcement of award

- Sovereign immunity and other problems of suing foreign governments
- Benefits and challenges of mediation of oil and gas disputes over arbitration
- Understanding implied waiver of Sovereign Immunity
- Mock arbitration & Mediation

DAY 5

Limitations of International Arbitration, Strategy, Tactics and Enforcement

- Limitations of International Arbitration
 - Costs of arbitration
 - Limited power of the arbitrators
 - The difficulty of bringing three or more parties before the same arbitral tribunal
 - Delay due to the difficulty of communication and language and inconsistency
 - Fees and expenses of arbitrators
 - Substantial expenses depending on the weight of the dispute in question
- Litigation and arbitration: Strategy, tactics, and enforcement
 - Appointment of an arbitrator
 - Appointment of legal counsel
 - Making of claim and counter claim
 - Disclosure of documents
 - Witnesses and cross – examination
 - Injunctions and other interim orders
- Enforcement proceedings
 - Identifying assets
 - Enforcement methods
 - Treaties
 - Local laws relating to enforcement
 - Problems in multiparty disputes
 - Confirmation of final awards - the oil & gas experience
- Public Policy on enforcement of awards
- Settlement of Disputes
 - When to consider settlement
 - Commencing negotiation
 - Documentation of settlement
 - Full and final settlement