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2019

9/18 - 9/19

ITA-IEL-ICC Joint Conference on International Energy Arbitration — Singapore

REGENT SINGAPORE
SINGAPORE

Organized by Conference Co-Chairs **Edmund Chan**
(Executive Legal Counsel, ExxonMobil Asia Pacific Pte
Ltd), **Wade Coriell** (King & Spalding LLP) and **Nicholas
Lingard** (Freshfields Bruckhaus Deringer)



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Highlights

- Keynotes by: **Edwin Tong, SC** (Senior Minister of State for the Ministry of Law and the Ministry of Health) and **Laura M. Robertson** (Deputy General Counsel, Litigation, Arbitration & IP, ConocoPhillips Company)
- A forward-looking program examining the future of international energy disputes featuring the client perspective with in-house counsel from **Chevron, ConocoPhillips, ExxonMobil, GE Renewable Energy, and INPEX**
- Energy Disputes Year in Review presented by **Craig Miles** (King & Spalding LLP)
- Oral History Luncheon Interview with **Loretta Malintoppi** (39 Essex Chambers)

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ITA-IEL-ICC Joint Conference on International Energy Arbitration — Singapore

Conference Co-Chairs

Edmund Chan
Executive Legal Counsel,
ExxonMobil Asia Pacific
Pte Ltd, Singapore

Wade M. Coriell
King & Spalding LLP
Singapore

Nicholas Lingard
Freshfields Bruckhaus
Deringer, Singapore

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Introduction to the Conference

For the first time in Asia, the ITA, IEL and ICC join together to bring you what has become the definitive annual program on international arbitration in the energy sector. Speakers from around the globe and across the industry gather in Singapore to focus on the key issues in this space – from recent developments in construction disputes in major energy projects through geopolitically significant boundary disputes to the new forms of “resource nationalism” emerging in the context of expiring production sharing contracts in the Asia-Pacific region. The program includes a keynote address from Singapore’s Senior Minister of State, Ministry of Law and Ministry of Health, Edwin Tong, SC; a luncheon interview with Loretta Malintoppi, one of the deans of the practice in Singapore; and all you need to know about last year’s energy disputes: the always-popular Year in Review.

WEDNESDAY, SEPTEMBER 18

12:30 Registration

1:30 Welcome Remarks

- **Alexis Mourre**, President, ICC International Court of Arbitration, Paris
- **Joseph E. Neuhaus**, ITA Chair, Sullivan & Cromwell LLP, New York
- **Laura M. Robertson**, IEL Vice Chair, Deputy General Counsel, Litigation, Arbitration & IP, ConocoPhillips Company, Houston

2:00 Introduction to the Conference

- **Edmund Chan**, Conference Co-Chair, Executive Legal Counsel, ExxonMobil Asia Pacific Pte Ltd, Singapore

2:10 Keynote Address

- **Edwin Tong, SC**, Senior Minister of State, Ministry of Law and Ministry of Health, Singapore

2:40 Efficient Management of Construction Disputes in Major Energy Projects

As major energy projects grow bigger and more complex, so too do the construction disputes they generate. In the Asia Pacific, Singapore has been at the center of this activity. Singapore has witnessed a wave of multi-billion dollar construction disputes emerging from LNG and other energy projects around the region. Using the recently released Report of the ICC Commission on Arbitration and ADR on Construction Industry Arbitration as a launching pad for discussion, this panel will explore techniques—the good, the bad and the ugly—for efficiently managing these cases, including recent developments in programming, document management and control, and the management of expert evidence.

Moderator: **Christopher Lau, SC**, 3 Verulam Buildings, Singapore & London

Panelists:

- **Chen Han Toh**, Chair of the Society of Construction Law, Pinsent Masons MPillay, Singapore
- **Mona Katigbak**, General Counsel Asia-Pacific, GE Renewable Energy, Singapore
- **Catherine McNeilly**, Legal Project Manager, INPEX Australia, Perth
- **Erin Miller Rankin**, Freshfields Bruckhaus Deringer, Singapore and Dubai

Audience Q&A

4:10 Coffee Break >

4:30 Debate: Price Reviews in Asia and Europe: Same-Same or Different?

The last two decades have seen a wave of contentious, mainly piped gas price reviews in Europe. Now, temperatures are rising in Asian LNG price reviews, with some boiling over into arbitration. The question many are asking is: will price reviews in Asia follow the same pattern as those in Europe? Or is the Asian LNG market – and are the legal issues arising in Asian price reviews – truly different?

Moderator: **Wade M. Coriell**, King & Spalding LLP, Singapore

Panelists:

- **Same-Same: Joaquin (Jack) Terceño**, Freshfields Bruckhaus Deringer, Tokyo
- **Different: Mark Mangan**, Dechert LLP, Singapore

5:30 Welcome Reception

7:30-9:30 Joint Conference Dinner

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Please indicate on the registration form if you wish to attend – ticket price: \$95 per person

THURSDAY, SEPTEMBER 19

8:00 Continental Breakfast Sponsored by:  **Freshfields**

9:00 Welcome Back

- **Wade M. Coriell**, Conference Co-Chair, King & Spalding LLP, Singapore

9:15 Keynote Interview: Trends in Energy Arbitration From the In-House Perspective

- **Laura M. Robertson**, Deputy General Counsel, Litigation, Arbitration & IP, ConocoPhillips Company, Houston

10:00 An Overview of Boundary Disputes in the Asia-Pacific Region

The stability of land and maritime boundaries is important for investor confidence in the energy and resources sector, yet there remain numerous unresolved sovereignty claims in the Asia-Pacific region. In this presentation, Professor Brown will review the more significant outstanding boundary disputes, explain the applicable rules of international law for the resolution of such disputes, and review the available mechanisms for the peaceful settlement of these controversies.

- **Prof. Chester Brown**, University of Sydney, Sydney; Essex Court Chambers, London

10:30 Coffee Break >

10:50 New Forms of Resource Nationalism: Decommissioning and Other “Exit” Disputes in the Asian Oil & Gas Patch

As numerous older generation Asian production sharing contracts come to the end of their terms, energy companies and host States face negotiations over a series of contentious issues for which the contracts do not always provide a clear path to resolution. The final years of a production sharing contract can involve serious disputes over decommissioning responsibilities, environmental liabilities, outstanding cost recovery claims, tax assessments, audits, and contract extensions. In the Asia Pacific, Indonesia, Thailand, and other host States are the scenes of such high-profile “exit” negotiations with energy companies. This panel will explore the panoply of potential disputes likely to arise in this context, strategies for resolving them, and the role of arbitration in the event such resolution proves unsuccessful.

Moderator: **Alastair Henderson**, Herbert Smith Freehills LLP, Singapore

Panelists:

- **Jennifer L. Ferratt**, Supervising Counsel, Chevron Asia Pacific Exploration & Production, Singapore
- **Christopher Moore**, Managing Director, Moyes & Co., Inc., Dallas
- **Nandakumar Ponniya**, Baker McKenzie, Singapore
- **Liz Snodgrass**, Three Crowns, Washington, D.C.

Audience Q&A

12:10 Luncheon Interview

This interview is the latest in a series organized by the ITA Academic Council to record the evolution of modern international arbitration in the words of those who have led it.

Sponsored by: **ExxonMobil**

A Conversation with

Loretta Malintoppi

39 Essex Chambers, Singapore

Interviewed by

Prof. Chester Brown

University of Sydney, Sydney
Essex Court Chambers, London

2:00 Innovations and Current Perspectives of Leading Arbitral Institutions

Senior representatives of several of the world's leading arbitral institutions will come together on one stage to discuss hot topics in the field, including reforms to their respective rules and what the year ahead holds in terms of key issues for the institutions and their respective case loads.

Moderator:

- **Alvin Yeo, SC**, WongPartnership LLP, Singapore

Panelists:

- **Alexander Fessas**, Secretary General, ICC International Court of Arbitration, Paris
- **Gonzalo Flores**, Deputy Secretary-General, International Centre for Settlement of Investment Disputes (ICSID), Washington, D.C.
- **Kevin Nash**, Deputy Registrar & Centre Director, Singapore International Arbitration Centre (SIAC), Singapore
- **Briana Young**, Council, Hong Kong International Arbitration Centre (HKIAC), Hong Kong

Audience Q&A

3:30 Coffee Break >

3:50 Energy Disputes Year in Review

The year-in-review presentation, a highlight of the annual Houston conference, will look back over the past year and identify key cases, issues and trends in energy disputes—both commercial and investor-State—over the past 12 months. For our first year in Singapore, the “year in review” will look at developments around the world, but with a particular eye to issues and themes in the Asia Pacific region.

- **Craig Miles**, King & Spalding LLP, Houston

4:30 Closing Remarks >

- **Nicholas Lingard**, Conference Co-Chair, Freshfields Bruckhaus Deringer, Singapore

4:45 Adjourn >

REGISTRATION

ITA-IEL-ICC JOINT CONFERENCE ON INTERNATIONAL ENERGY ARBITRATION — SINGAPORE

September 18-19, 2019

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Registration includes the conference, welcome reception, conference luncheon and the course material provided online, which may be printed or saved by registrant.

All prices are in US dollars.

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GENERAL INFORMATION

CANCELLATION POLICY: Tuition, less a \$50 cancellation fee will be refunded upon receipt of written cancellation received by August 18, 2019. E-mail cancellation notice to kjohnson@cailaw.org. After this date, no refunds, but substitution of attendees for this program will be permitted. Registrants not entitled to a refund will receive the course materials.

HOTEL INFORMATION: A limited number of rooms are reserved at the Regent Singapore Hotel at the special rate (single occupancy) of SGD \$300.00 + 10% service charge and 7% taxes/night (approximately USD \$260). The rate rises to SGD \$385 on September 19 due to the Formula One race in town. You can make your reservations by phone at +65 6725 3088 (refer to the room block "ITA") or online at ITA IEL ICC Joint conference. These special rates are available until August 27, 2019, or until the room block is sold out, so it's best to reserve your room well before this date.

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