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Rocky Mountain Mineral Law Institute - Rocky Mountain Mineral Law Institute 2007

International Arbitration in Latin America - Gloria M. Alvarez 2021-04-08

Energy projects in Latin America are a major contributor to economic growth worldwide. This book is the first to offer a comprehensive, in-depth analysis of specific issues arising from energy and natural resources contracts and disputes in the region, covering a wide range of procedural, substantive, and socio-legal issues. The book also includes how states have shifted from passive business partners to more active controlling players. The book contains an extensive treatment and examination of the particularities of arbitration practice in Latin America, including arbitrability, public order, enforcement, and the complex public-private nature of energy transactions. Specialists experienced in resolving international energy and natural disputes throughout the region provide detailed analysis of such issues and topics, including: state-owned entities as co-investors or contracting parties; role of environmental law, indigenous rights and public participation; issues related to political changes, corruption, and quantification of damages; climate change, renewable energy, and the energy transition; force majeure, hardship, and price reopeners; arbitration in the electricity sector; take-or-pay contracts; recognition and enforcement of awards; tension between stabilization clauses and human rights; mediation as a method for dispute settlement in the energy and natural resources sector; and different comparative approaches taken by national courts in key Latin American jurisdictions. The book also delivers a clear explanation on the impact made to the arbitration process by Covid-19, emerging laws, changes of political circumstances, the economic global trends in the oil & gas market, the energy transition, and the rise of new technologies. This invaluable book will be welcomed by in-house lawyers, government officials, as well as academics and rest of the arbitration community involved in international arbitration with particular interest in the energy and natural resources sector.

The Regulation of Decommissioning, Abandonment and Reuse Initiatives in the Oil and Gas Industry - André Pereira da Fonseca, 2020-08-10

In the process of resolving disputes, it is not uncommon for parties to justify actions otherwise in breach of their obligations by invoking the need to protect some aspect of the elusive concept of public order. Until this thoroughly researched book, the criteria and factors against which international dispute bodies assess such claims have remained unclear. Now, by providing an in-depth comparative analysis of relevant jurisprudence under four distinct international dispute resolution systems – trade, investment, human rights and international commercial arbitration – the author of this invaluable book identifies common core benchmarks for the application of the public order exception. To achieve the broadest possible scope for her analysis, the author examines the public order exception’s function, role and application within the following international dispute resolution systems: relevant World Trade Organization (WTO) agreements as enforced by the organization’s Dispute Settlement Body and Appellate Body; international investment agreements as enforced by competent Arbitral Tribunals and Annulment Committees under the International Center for Settlement of Investment Disputes; provisions under the Inter-American Convention of Human Rights and the European Convention of Human Rights as enforced by the Inter-

American Court of Human Rights and the European Court of Human Rights, respectively; and the New York Convention as enforced by national tribunals across the world. Controversies, tensions and pitfalls inherent in invoking the public order exception are elucidated, along with clear guidelines on how arguments may be crafted in order to enhance prospects of success. Throughout, tables and graphs systematize key aspects of the relevant jurisprudence under each of the dispute resolution systems analysed. As an immediate practical resource for lawyers on any side of a dispute who wish to invoke or strengthen a public order exception claim, the book’s systematic analysis will be welcomed by lawyers active in WTO disputes, international investment arbitration, human rights law or enforcement of foreign arbitral awards. Academics and policymakers will find a signal contribution to the ongoing debate on the existence, legal basis, content and functions of the transnational public order.

Oil, Gas, and Mining - Peter D. Cameron 2017-06-01

Oil, Gas, and Mining: A Sourcebook for Understanding the Extractive Industries provides developing countries with a technical understanding and practical options around oil, gas, and mining sector development issues. A central premise of the Sourcebook is that good technical knowledge can better inform political, economic, and social choices with respect to sector development and the related risks and opportunities. The guidance provided by the Sourcebook assumes a broad set of overarching principles, all centered on good governance and directed at achieving positive and broadly based sustainable development outcomes. This Sourcebook is rich in presenting options to challenges, on the understanding that contexts and needs vary, and that there is much to be gained from appreciating the lessons learned from a broad set of experiences.

International Commercial Arbitration Practice: 21st Century Perspectives - Horacio Grigera Naon 2020-11-13

The scope and importance of International Commercial Arbitration (ICA) has expanded exponentially in the last few decades and has become the natural and logical method to resolve international business and economic disputes. This collective work captures the development of ICA from different perspectives and uniquely brings together the ideas, suggestions and perspectives of in-house counsel as the most important users of ICA, along with outside counsel, arbitrators themselves, and major arbitration organizations who all help provide the service. Most, if not all, of the contributing authors have served as counsel or arbitrator in arbitrations and have further contributed, through their writings, teachings or activities in arbitral and other institutions, to the evolution of ICA covered by this collective work. Accordingly, International Commercial Arbitration Practice: 21st Century Perspectives is an indispensable tool for the reader-practitioner, arbitrator, academic, magistrate or student—not only to obtain useful general information on ICA practice today but to gain insightful views as to the influence of this institution in the settlement of international commercial disputes in specific economic areas, industries and commercial activities. International Commercial Arbitration Practice: 21st Century Perspectives brings the process alive and provides the reader with a useful practice guide whether he or she represents a client participating in an international commercial arbitration, is in-house counsel for a company considering arbitration as a possible method of dispute resolution, or is an arbitrator with cases at hand. The book is

organized by Parts which contain thematically related chapters. Part I deals with an overview of key elements in ICA practice and includes chapters on how arbitration is conducted under different legal systems such as common law, civil law, and shari'a law, as well as a chapter on cultural issues in international arbitration. Part II contains geographical regional overviews covering most regions of the world (Western Europe, Russia/NIS countries, Asia (particularly China & Hong Kong and the Indian Subcontinent), Middle East & North Africa, Latin America, the U.S., Canada, and Australia & New Zealand. Part III includes individual industry sector views of how ICA is conducted in individual industry and business sectors such as oil & gas, LNG, mining, construction, telecommunications, satellite communications, intellectual property, sports, banking & finance, insurance & reinsurance, securities, shipping & maritime, corporate shareholder and bankruptcy settings. These chapters are highly instructive because many of them were written by current or former in-house counsel in these industries or, in some cases, by outside counsel who focus on these industries. Part IV of the book describes recent trends at several major global commercial arbitration institutions such as the ICC, ICDR, LCIA, CPR and WIPO. Part V deals with questions of how technology has been changing ICA practice in recent years, including chapters relating to the use of technology by some major arbitral institutions, videoconferencing in ICA, and online arbitration of internet domain name and e-commerce cases.

The AIPN Joint Operating Agreement - Reginald Fowler 2019-02-28

The book will be invaluable to legal representatives, financiers, commercial managers, operational personnel and government parties who are dealing with the AIPN JOA, whether for the first time or from a position of relative familiarity.

Energy for the 21st Century - Susan L. Sakmar 2013-04-01

Professor Sakmar's book is a must-read for anyone interested in gaining a better understanding of the most dynamic segment of the global energy industry. Jay Copan, Executive Director, LNG 17 Professor Sakmar's book provides a well-rounded overview of the global role that natural gas is expected to play in the future and the important role of LNG as a means of transporting gas to where it is needed. Readers will find the book to be a very convenient compendium of relevant global information and an important educational, informational resource. Ronald D. Ripple, Director, Centre for Research in Energy and Minerals Economics, Curtin University, Australia Understanding global energy markets what forces shape them and what trends define them is critical for any professional trying to evaluate new energy developments and technological directions. Susan Sakmar's impressive ability to provide this context in terms of LNG markets makes her book valuable. Warren R. True, Sr., Chief Technology Editor, Oil & Gas Journal With clear and direct text, supplemented with key maps, charts and graphics from government, industry and other sources, the book moves the reader smoothly through the early history of LNG up to current developments, including shale gas and North American LNG exports. The book is a valuable resource for anyone interested in understanding global gas markets and the energy policy challenges facing us in the 21st century. Jacqueline L. Weaver, A.A. White Professor of Law, University of Houston Law Center, US Countries around the world are increasingly looking to liquefied natural gas (LNG) natural gas that has been cooled until it forms a transportable liquid to meet growing energy demand. Energy for the 21st Century provides critical insights into the opportunities and challenges LNG faces, including its potential role in a carbon-constrained world. This comprehensive study covers topics such as the LNG value chain, the historical background and evolution of global LNG markets, trading and contracts, and an analysis of the various legal, policy, safety and environmental issues pertaining to this important fuel. Additionally, the author discusses emerging issues and technologies that may impact global LNG markets, such as the development of shale gas, the prospects of North American LNG exports, the potential role of the Gas Exporting Countries Forum and floating LNG. The author contextualizes the discussion about the importance of LNG with an analysis of why the 21st century will be the 'golden age' of natural gas. Accessible and non-technical in nature, this timely book will serve as an essential reference for practitioners, scholars and anyone else interested in 21st century energy solutions.

The Oxford Handbook of Transnational Law - Peer Zumbansen 2021-04-30

The Oxford Handbook of Transnational Law offers a unique and unparalleled treatment and presentation in the field of Transnational Law that has become one of the most intriguing and innovative developments in

legal doctrine, scholarship, theory, and practice today. This in itself constitutes an ambitious editorial project, not only within law and legal doctrine, but also with regard to an increasing interest in an interdisciplinary engagement of law with social sciences - including sociology, anthropology, political science, geography, and political theory. Closely tied into the substantive transformation that many legal fields are undergoing is the observation that many of these developments are driven by changes in an increasingly global legal practice today. The concept then, of 'transnational law' aims at capturing the distinctly border-crossing nature even of those legal fields which had for the longest time been seen as having merely 'domestic' relevance. This shift also requires a conscious effort among law school classroom instructors, casebook authors, and curriculum reformers to adapt their teaching content to these circumstances. As the authors of this Handbook make clear, this adaptation requires a close dialogue between a scholarly investigation into the transnational 'concept of law' and the challenges faced by practicing lawyers, be that as solicitor, in-house counsel, as judges, or as bureaucrats in a globalized regulatory and socio-economic environment. While the main thrust is on the transnationalization of legal doctrine and legal theory, with a considerable contribution from and engagement with social sciences, the Handbook features numerous reflections on the relationship between transnational law and legal practice.

International Construction Arbitration Law - Jane Jenkins 2021-02-10

Arbitration in Context Series Volume 1 There is probably no area of activity more in need of reliable dispute resolution procedures than construction projects, especially if more than one jurisdiction is involved. The third edition of this eminently practical guide greatly facilitates the process for all parties concerned. The text, updated to include the latest edition of arbitral rules and introducing the Prague Rules, considers the full range of available dispute resolution methods, including mediation, conciliation and determination by dispute review boards, before focusing specifically on arbitration. The book then looks in detail at all aspects of arbitration, from commencement of proceedings, selection of the tribunal, through preparation and collection of the evidence necessary in complex construction cases, to common procedural issues, the conduct of the hearing, the effect of the award, challenges to it and its enforcement. The third edition addresses fresh thinking on MedArb, guidance on preparation for and conduct of virtual hearings in the wake of COVID-19, technological advances to assist collection and presentation of evidence, litigation funding and includes a new chapter on the role of arbitration in tender disputes. Specific valuable features include the following: guidance on the drafting of dispute resolution provisions designed to minimise disputes and facilitate their swift resolution; flowcharts to illustrate the stages in dispute procedures and arbitration; a comparison between common law and civil law approaches to key concepts; details of the key features of a construction contract, common standard forms and procurement structures; expert guidance on effective contract administration; step-by-step advice on the conduct of a construction arbitration to maximise efficiency; and coverage of particular issues thrown up by complex construction disputes which differentiate them from other commercial disputes, with guidelines on how to approach such issues in the presentation before a tribunal. As an easy-to-use resource for both general counsel and the lawyers in private practice, this book has no peers. It has proved to be of particular value to commercial contract negotiators and corporate counsel who may have many years of experience but have not had to live through a construction dispute or manage a construction contract during the life of a project. Lawyers in private practice embarking on a construction dispute for the first time will also find this book of value, as will students of dispute resolution.

Petroleum Contracts and International Law - Rudolf Dolzer 2018-10-11

This book addresses aspects of international law relating to petroleum contracts, examining oil and gas agreements between states and private companies and their intersection with rules of international law. It provides detailed and insightful coverage of the current practice as well as commentary and analysis based on the authors' extensive experience. The book covers topics such as the nature of international petroleum contracts, petroleum agreements as state contracts, issues of contract stability, the development of bilateral investment treaties, natural resource cycles, political risks and the specific petroleum policies of the International Bank for Reconstruction and Development, the International Monetary Fund and the International Development Association. This is a timely and comprehensive book on this important area of law.

Proceedings of the ... Annual Institute on Oil and Gas Law and Taxation - 2001

Offshore Contracts and Liabilities - Baris Soyer 2014-09-25

Written by a team of top academics and highly-experienced legal practitioners, this is a very complex area of law. It provides both a critical analysis on contemporary legal issues concerning offshore contracts, and an in-depth account of the numerous liability regimes inherently connected to offshore operations. Key features of *Offshore Contracts and Liabilities*: Detailed insight into contemporary legal issues concerning offshore contracts, including Supplytime and Heavycon In-depth analysis of the current liability regimes with clear reference to contemporary industry practice Thorough examination of the current state of the law from national, regional and international perspectives Up-to-date coverage of hot topics such as liability for offshore installations, knock-for knock agreements in offshore contracts and recently-developed new standard forms, such as Windtime. This book is an indispensable guide for legal practitioners, academics and industry professionals worldwide

Model Form International Operating Agreement - Andrew B. Derman 1997

International Energy Law - Mohammad Naseem 2021-04-20

Derived from the renowned multi-volume International Encyclopaedia of Laws, this book provides a systematic approach to legislation and legal practice concerning energy resources and production in International Energy Law. The book describes the administrative organization, regulatory framework, and relevant case law pertaining to the development, application, and use of such forms of energy as electricity, gas, petroleum, and coal, with attention as needed to the pervasive legal effects of competition law, environmental law, and tax law. A general introduction covers the geography of energy resources, sources and basic principles of energy law, and the relevant governmental institutions. Then follows a detailed description of specific legislation and regulation affecting such factors as documentation, undertakings, facilities, storage, pricing, procurement and sales, transportation, transmission, distribution, and supply of each form of energy. Case law, intergovernmental cooperation agreements, and interactions with environmental, tax, and competition law are explained. Its succinct yet scholarly nature, as well as the practical quality of the information it provides, make this book a valuable resource for energy sector policymakers and energy firm counsel handling cases affecting International Energy Law. It will also be welcomed by researchers and academics for its contribution to the study of a complex field that today stands at the foreground of comparative law.

Commercial Dispute Resolution in China - Beijing Arbitration Commission / Beijing International Arbitration 2019-08-23

Twenty-eight marked the 40th anniversary of China's reform and opening-up policy. Profound changes have been seen internally and externally, prior to 2018, during 2018, and continuing beyond 2018, which echo China's great quest for reform and engaging with the world, and shape the future of the dispute resolution industry in China. "Economic stability", "economic restructuring and upgrading", and "Sino-US trade friction" are clues to internal and external changes in 2018. Reviewing changing conditions in dispute resolution across a wide range of industries, the authors of *Commercial Dispute Resolution in China: An Annual Review and Preview (2019)* [hereinafter referred to as the "An Annual Review and Preview (2019)"] preview challenges that are yet to come. In *Annual Review on Real Estate Dispute Resolution in China (2019)*, for example, the authors present a case study on the Linkage of the First and Second Level Projects and preview potential disputes of Securitization of real estate. In *Annual Review on Investment Dispute Resolution in China (2019)*, the authors describe the arrangement of fixed income and equity repurchase under the backdrop of a slowing economy. In *Annual Review on Energy Dispute Resolution in China (2019)*, the author focuses on policies and cases relating to Chinese transnational M&As, illustrating opportunities and challenges for future "Going Global" transactions in the energy sector. In *Annual Review on International Trade Dispute Resolution in China (2019)*, the authors analyze the challenges posed by the China-US Trade War, and call for better compliance, industrial upgrading, and better understanding of the

legal environment and trade protection measures in different jurisdictions in the process of "Going Global." Decentralization and a continuing opening-up of China's markets are also key in understanding economic and international changes. In *Annual Review on Construction Dispute Resolution in China (2019)*, the authors introduce two examples, namely the promulgation of the Interpretation II on Issues Concerning the Application of Law for the Trial of Cases of Dispute over Construction Contracts by the Supreme People's Court, and cancellation of construction contract record-filing by the Ministry of Housing and Urban-Rural Development, which reflect the ongoing transformation of social governance and the reforms of "delegate power, improve regulation and optimize services" ("DIO" reform) in the construction sector. In *Annual Review on Financial Dispute Resolution in China (2019)*, the author describes the opening of the futures market, clearly demonstrating the Chinese government's determination to open financial and capital markets. In *Annual Review on Film and Television Dispute Resolution in China (2019)*, the authors investigate the phenomenon of black and white contracts and tax evasion in the field and analyze the governing regulations, especially those relating to unreasonable remuneration and unregulated online information. The question, then, would be how these regulations and administrative supervision affect dispute resolution. In *Annual Review on Civil Aviation Dispute Resolution in China (2019)*, the authors review the management of Unmanned Aerial Vehicles and the reform of low-altitude airspace management, stating that new technology often encourages good regulations. Internal and external changes also require further development of the Chinese dispute resolution industry. In *Annual Review on Commercial Arbitration in China (2019)*, new developments of practice such as non-party challenge to non-enforcement of arbitral awards, unexpected birth and end of "pre-dispute arbitration", and the establishment of China's International Commercial Court have been included and demonstrate a maturing environment for arbitration. The "Fengqiao Experience in the New Era", participation in drafting the United Nations Convention on International Settlement Agreements Resulting from Mediation, and perfecting the relationship between mediation and arbitration are examples in *Annual Review on Commercial Mediation in China (2019)*, which draw attention to the blending of eastern and western types of mediation in China. Trial reform in intellectual property cases regarding "single color trademark", "sound trademark", and transnational disputes over Chinese intellectual property protections, are included in *Annual Review on Intellectual Property Dispute Resolution in China (2019)*, which display the innovative moves and progress of China's judicial system. The Beijing Arbitration Commission/Beijing International Arbitration Center (hereinafter referred to as "BAC") endeavors to present a comprehensive picture of Chinese commercial dispute resolution throughout this book. *An Annual Review and Preview (2019)* delivers 11 articles in specific fields: commercial arbitration, commercial mediation, construction, real estate, energy, international trade, investment, finance, intellectual property, film and television, and civil aviation. Each article includes an overview, major update of laws and regulations and normative documents, case studies, practical and academic focus, and conclusion and preview. In this way, we look back at 2018 and look ahead. In 2019, the related Annual Summit based on *An Annual Review and Preview (2019)* will address dispute resolution communities in Toronto, New York, and San Francisco, as well as those in Hong Kong, Singapore, and Kuala Lumpur. With these steps, the BAC will keep practitioners in China and abroad connected, sharing knowledge of Chinese commercial dispute resolution, fostering better and faster development of Chinese dispute resolution, and making a fruitful contribution to the international dispute resolution community. At the same time, we look for the readers to share their expertise in future editions of *An Annual Review and Preview*. Working cooperatively, we can expect more advancements in Chinese dispute resolution.

The APPEA Journal - 2004

Joint Operating Agreements - Eduardo G. Pereira 2015-07-23

Historically oil and gas upstream activities were developed in common law jurisdictions. In the same manner the first model form of Joint Operating Agreements (JOAs) was developed in 1956 by the American Association of Professional Landmen. This historical model form provided the industry with guidance for future generations of JOAs. Although the JOAs were initially used in common law jurisdictions (US, Canada, UK, etc.) later on it was used in civil law jurisdictions throughout South America, Africa, Europe and Asia.

There is no JOA model available in the industry to address all of the requirements from a large variety of civil law perspectives. The Norwegian and Greenlandic authorities offer their own JOA models, which are suitable within these jurisdictions. The AIPN JOA model form 2012 issued a short guidance note for civil law issues. Although this initiative was very much welcomed by the industry, it was not possible to provide extensive guidance on every detail and provide advice on exactly what your JOA provisions should look like at the very end. Therefore, the main issue for the petroleum industry is the fact that large upstream investments could be done based on a contract that might not be enforceable in a civil law jurisdiction. This book analyses the main issues that a JOA might face within seventeen civil jurisdictions with large oil and gas reserves or at least large potential (including but not limited to Angola, Argentina, Brazil, China, France, Holland, Indonesia, Kazakhstan, Mexico, Mozambique, Norway, Russia, Uzbekistan, Venezuela, etc.). It is a unique and valuable publication for practitioners, legal counsel, businessmen, and academics involved in the upstream industry around the world.

Research Handbook on International Law and Natural Resources - Elisa Morgera 2016-11-25

Research Handbook on International Law and Natural Resources provides a systematic and comprehensive analysis of the role of international law in regulating the exploration and exploitation of natural resources. It illuminates interactions and tensions between international environmental law, human rights law and international economic law. It also discusses the relevance of soft law, international dispute settlement, as well as of various unilateral, bilateral, regional and transnational initiatives in the governance of natural resources. While the Handbook is accessible to those approaching the subject for the first time, it identifies pressing areas for further investigation that will be of interest to advanced researchers.

International Energy Investment Law - Peter D. Cameron 2010

At a time of unprecedented growth in arbitrations between investors and States over energy resources, International Energy Investment Law: The Pursuit of Stability examines and assesses the variety of contract- and treaty-based instruments in commercial and international law that strive to protect the respective interests of investors and States in the international energy industry. It covers most forms of energy, especially oil and gas, and considers issues arising from energy network operation including transit. It pays particular attention to their practical impact through an analysis of their enforcement by arbitration tribunals and bodies, such as ICSID, the ICC and the LCIA. The book also examines growing challenges presented by environmental and human rights concerns to the stability of long-term agreements. Investors in the international energy industry have long sought to secure guarantees from host States to mitigate the risk of unilateral revision of the deal at a future date. In recent years the traditional method of securing such guarantees has been supplemented by an unprecedented growth of international investment law in the form of BITs, MITs and other treaty-based instruments. Many States have also introduced guarantees into their domestic legislation. This 'multi-tier' regime of stability has fundamentally altered the legal framework for energy investors and host States and offers extensive scope for international arbitration in the event of disputes. It is a system that is currently being tested in a number of high-value commercial disputes as a result of a wave of unilateral State action, most evidently in Latin America and East Europe. The protections for investors are being tested as arbitrators develop new notions of 'legitimate expectations' and give content to 'fair and equitable treatment', while mapping out more precisely the duties which investors have to host States. This book examines critically the interaction between contract and treaty forms of stability in the new multi-tier setting, including two highly detailed regional case studies of Latin America and East Europe. In its concluding section, it looks forward to new challenges arising from climate change, human rights and environmental issues.

The Landman - 2005

The Application of Contracts in Developing Offshore Oil and Gas Projects - Philip Loots 2019-03-14

This book provides a comprehensive overview of the key aspects and contracts involved in the process of developing oil and gas projects, with an emphasis on offshore developments. Project development in oil and gas carries with it numerous unique risks and challenges. By identifying and managing risk through the various contract stages, each stage of the project is seen in perspective and therefore gives readers a better understanding of how that stage was arrived at and what is expected to come later. To do this, the authors

use illustrative international case studies from past and current projects, thereby deepening the reader's understanding and awareness of risk from practical experience, as well as suggesting answers for those who are involved in developing oil and gas projects. The Application of Contracts in Developing Offshore Oil and Gas Projects is intended for project owners, project managers, contractors, finance managers, commercial managers and lawyers who seek to understand the subject from a practical point of view.

Arbitration in Argentina - Fabricio Fortese 2020-11-17

This publication is the most comprehensive international book on arbitration in Argentina. It provides a complete description and analysis of the historical and contemporary structure of arbitration law and practice in the country, which is based on the UNCITRAL Model Law. Its chapters are authored by many of the most regarded Argentine authorities, many of whom are responsible for drafting Argentina's current arbitration regulation. Throughout its thirty-one chapters, the book covers an ample number of topics in commercial and investment arbitration, and an exhaustive analysis of arbitration in different specific fields (energy, sports, consumers, among others). Some of the topics addressed in this book include the following: regulatory framework of arbitration in Argentina; arbitration agreements; arbitral proceedings and the applicable law; issues of arbitrability; interim measures; costs and financing of arbitrations; validity, recognition and enforcement of awards; arbitration and the MERCOSUR. This publication also includes some particular studies, for example those related to the tensions between investment arbitration and human rights, as well as the relationship between the country and the ICC, and the PCA. Although mainly focused in Argentina, the discussions contained in several contributions exceed such geographical boundaries. Given that the law and practice of arbitration in Argentina has seen remarkable changes in recent decades, this book is an essential tool for arbitrators, judges, in-house counsels, global law firms, large- and medium-sized companies doing transnational business, interested academics, and international arbitration centres. Because this publication draws from the teachings and experience of leading academics and practitioners, arbitration specialists will find in it all the guidance needed to identify and assess the different theoretical and practical legal avenues available when working on arbitrations with a seat in Argentina or with an Argentine element.

Guide to Energy Arbitrations - J William Rowley QC 2017-06-21

Global Arbitration Review's The Guide to Energy Arbitrations is an essential desk-top reference tool for energy companies, their advisers and arbitrators, bringing together a number of pre-eminent authors and pulling together the latest and best approaches to the myriad issues confronted in today's energy disputes. J William Rowley QC of 20 Essex St, acts as General Editor, editors are Doak Bishop of King & Spalding and Gordon Kaiser, with contributions from leading firms across the world. The book has 18 chapters split into 4 sections: I. Investor-State Disputes in the Energy Sector II. Commercial Disputes in the Energy Sector III. Contractual Terms IV. Procedural Issues in Energy Arbitrations. "The Guide to Energy Arbitration is a very useful and unique contribution to the literature in the area...it...assembles the views and insights of leading counsel and arbitrators on many of the key issues and trends in the energy arbitration world. It should be a valuable guide to energy companies and their internal and external counsel, in addition to being of interest to commercial and litigation lawyers generally." - Glenn Zacher, Partner, Stikeman Elliot

Project Finance for the International Petroleum Industry - Robert Clews 2016-04-07

This overview of project finance for the oil and gas industry covers financial markets, sources and providers of finance, financial structures, and capital raising processes. About US\$300 billion of project finance debt is raised annually across several capital intensive sectors—including oil and gas, energy, infrastructure, and mining—and the oil and gas industry represents around 30% of the global project finance market. With over 25 year's project finance experience in international banking and industry, author Robert Clews explores project finance techniques and their effectiveness in the petroleum industry. He highlights the petroleum industry players, risks, economics, and commercial/legal arrangements. With petroleum industry projects representing amongst the largest industrial activities in the world, this book ties together concepts and tools through real examples and aims to ensure that project finance will continue to play a central role in bringing together investors and lenders to finance these ventures. Combines the theory and practice of raising long-term funding for capital intensive projects with insights about the appeal of project finance to

the international oil and gas industry Includes case studies and examples covering projects in the Arctic, East Africa, Latin America, North America, and Australia Emphasizes the full downstream value chain of the industry instead of limiting itself to upstream and pipeline project financing Highlights petroleum industry players, risks, economics, and commercial and legal arrangements

Civil Liability and Financial Security for Offshore Oil and Gas Activities - 1958- ... Faure 2016-10-20
7.2.1.2 Application to Offshore-Related Risks

The Law on Petroleum Unitization - Paul F. Worthington 2020-05-29

This comprehensive book addresses both the principles and the practicalities of petroleum unitization. Paul F. Worthington draws on both his extensive experience of the global petroleum industry and his insights into petroleum unitization in some 90 jurisdictions worldwide to map out the evolution of and rationale for unitization in legislation and to provide much-needed guidance on the formulation of a legislative framework for effective regulatory governance of the unitization process.

Offshore Construction - Stuart Beadnall 2021-12-30

This updated book provides practical guidance on avoiding and resolving disputes in the construction of offshore units and vessels, including FPSOs, drilling units, OSVs, FLNG, FSRU and fixed platforms. Written by a leading team at Stephenson Harwood, it covers the entire construction process from initial concept right through to installation, at each stage commenting on typical contract terms and offering expert advice based on real-life examples. With 30 per cent of the world's oil and gas production coming from offshore areas, the construction of specialist vessels to perform offshore operations is a crucial part of the industry. However, with exploration and production being performed in increasingly exacting locations, the scope for disputes arising from cost overruns, scheduling delays and technical difficulties is immense. This second edition has been updated to include new case law as well as a new chapter on financing. The existing chapters will feature more information on payment mechanisms and on transportation and installation. This unique text will be of enormous assistance both to legal practitioners and offshore construction professionals including project managers, financiers, insurers and subcontractors.

Gas Sales and Gas Transportation Agreements - Peter Roberts 2011

A practical and comprehensive guide to the law and practice of structuring projects for the sale and transportation of gas and LNG, based on the author's own vast experience. The discussion is augmented by five precedent agreements which demonstrate the practical mechanics of putting the deal together, also provided on CD for electronic access

Mediation in International Commercial and Investment Disputes - Catharine Titi 2019-07-30

Until now, the resolution of international commercial and investment disputes has been dominated almost exclusively by international arbitration. But that is changing. Whilst they may be complementary mechanisms, international mediation and conciliation are now coming to the fore. Mediation rules that were in disuse gather momentum, and dispute settlement centres are introducing new mediation rules. The European Union is encouraging international mediation in both the commercial and investment spheres. The 2019 Singapore Mediation Convention of the United Nations Commission on International Trade Law (UNCITRAL) is aiming to ensure enforcement of international commercial settlement agreements resulting from mediation. The first investor-State disputes are mediated under the International Bar Association (IBA) rules. The International Centre for Settlement of Investment Disputes (ICSID)'s conciliation mechanism is resorted to more often than in the past. The International Chamber of Commerce (ICC) has recently administered its first mediation case based on a bilateral investment treaty, and a new training market on mediation is flourishing. Mediation in Commercial and Investment Disputes brings together a line-up of outstanding, highly-qualified experts from academia, mediation and arbitration institutions, and international legal practice, to address this highly topical, complex subject from a variety of angles.

International Agreements between Non-State Actors as a Source of International Law - Melissa Loja 2022-09-22

This book examines whether international agreements between non-state actors can be identified as a source of international law using objective criteria. It asks whether, beyond Article 38 of the Statute of the International Court of Justice, there is a system of rules, processes, beliefs or semantics by which these agreements can be objectively identified as a source of international law. Departing from the more usual

state-centric analysis, it adopts postmodern legal positivism as its analytical tool. This allows for the reality that international law-making takes place in subjective social landscapes. To test the effectiveness of this approach, it is applied to agreements between petroleum agencies and corporations which allow two or more states to exploit disputed resources across boundaries looking in particular at arrangements involving China, Vietnam and the Philippines. By so doing it illustrates an alternative way that states can manage disputes, without having to resort to conflict. It will appeal to both scholars and practitioners of public international law, as well as civil servants.

Research Handbook on International and Comparative Sale of Goods Law - Djakhongir Saidov 2019

This thorough and detailed Research Handbook explores the complexity of governance of sales contracts in the modern world. It examines many topical aspects of sales law and practice, with considerable emphasis being placed on the diversity of: commercial and transactional contexts; in which sales contracts are made and performed, including digital technologies, long-term contracts and global supply chains and sources governing such contracts, particularly those emanating from commercial players, such as standard form contracts, trade usages and trade terms. Written by leading experts from an international and comparative perspective, the Research Handbook is relevant to anyone with an interest in commercial sales and contract law.

Shipping and the Environment - Colin De La Rue 2022-12-30

From the time it was first published in 1998, *Shipping and the Environment* has been the leading text on international and US law and practice in this field. Written by renowned legal and insurance practitioners with over 100 years of combined specialist experience, including first-hand knowledge of many major incidents, it is not only a comprehensive reference work but an abundant source of introductory material and practical insights, all explained with a clarity appreciated by lawyers and non-lawyers alike in a broad international readership. While updating its core subjects of pollution from ships, wreck removal and dumping at sea, this enlarged text extends into other modern areas including pollution from offshore operations after Deepwater Horizon, plastics released into the sea, recycling of vessels, polar operations, and the fast-changing restrictions on carbon emissions from ships, as well as safety threats such as cyberattacks, terrorism and modern forms of piracy. With a highly readable introductory chapter amounting to a book within a book, this is a volume of great importance to all whose work or studies are concerned with marine environmental affairs, whether in government, international bodies, industry, technical organizations, the professions, environmental NGOs, the academic world or other walks of life. *Oil and Gas Joint Operating Agreements: A Comparative World-wide Analysis, 2015 Edition* - David H. Sweeney 2016-08-10

This publication provides in-depth analysis of worldwide joint operating agreements (JOAs), unit operating agreements, and similar agreements based on commonly-used forms in different jurisdictions, common modifications to those forms and rationales for those changes, and cases and secondary source material interpreting joint operating agreements. Joint operating agreements are one of the most common, and important, types of upstream oil and gas agreements. Though JOAs worldwide deal with similar issues, the ways in which these issues are handled can differ depending on the jurisdiction and type of form. By dealing with JOAs on a global scale, this publication will facilitate an understanding of these agreements generally, the terms of any particular JOA, how and why parties from other jurisdictions may view a project differently, and creative cross-cultural solutions for common JOA-related issues. The JOA treatise is unmatched by any other publication and features:

- Comprehensive coverage of the issues which have broad geographic appeal.
- Comparative analysis of different types of joint operating agreements and explanations of how the oil and gas industry functions in other jurisdictions.
- An examination of how counterparties may view certain clauses along with creative ways to deal with problems that arise during the negotiation of a JOA and the administration of an executed agreement.
- High-level discussions that permit readers new to this type of agreement to develop a solid understanding of what a joint operating is and does.
- Citations to common forms, cases, and secondary source material that serve as a reference guide for further study. Note that this publication was originally published by The Institute for Energy Law of The Center for American and International Law and was peer reviewed by expert practitioners.

Does the operator in a Joint Operating Agreement owe a fiduciary duty to non-operators? - Shamsu Yahaya

2010-01-28

Studienarbeit aus dem Jahr 2009 im Fachbereich Politik - Internationale Politik - Region: USA, University of Abertay Dundee (Centre for energy, petroleum and mineral law and policy), Sprache: Deutsch, Abstract: The classification of the operator's relationship with the non-operators in a Joint Operating Agreement is an issue that deserves some scrutiny. Is the operator a fiduciary or not? In an attempt to answer this question, this paper will take a case study of the United States model Joint Operating Agreement forms and undertake an analysis of judicial interpretations and approaches to the provisions in the Model Forms regarding the duties and liabilities of operators. Both Common Law and Equity have classically imposed fiduciary duties on trustees and agents. The courts, as we shall see, have, however rendered different connotations in ascertaining the operator's duties despite the clear language used in the Model Forms exempting the operator from fiduciary obligations. The conclusion at the end will highlight the position of the law in other jurisdictions outside the USA.

Joint Operating Agreements - Eduardo G. Pereira 2015

Historically oil and gas upstream activities were developed in common law jurisdictions. In the same manner the first model form of Joint Operating Agreements (JOAs) was developed in 1956 by the American Association of Professional Landmen. This historical model form provided the industry with guidance for future generations of JOAs. Although the JOAs were initially used in common law jurisdictions (US, Canada, UK, etc.) later on it was used in civil law jurisdictions throughout South America, Africa, Europe and Asia. There is no JOA model available in the industry to address all of the requirements from a large variety of civil law perspectives. The Norwegian and Greenlandic authorities offer their own JOA models, which are suitable within these jurisdictions. The AIPN JOA model form 2012 issued a short guidance note for civil law issues. Although this initiative was very much welcomed by the industry, it was not possible to provide extensive guidance on every detail and provide advice on exactly what your JOA provisions should look like at the very end. Therefore, the main issue for the petroleum industry is the fact that large upstream investments could be done based on a contract that might not be enforceable in a civil law jurisdiction. This book analyses the main issues that a JOA might face within seventeen civil jurisdictions with large oil and gas reserves or at least large potential (including but not limited to Angola, Argentina, Brazil, China, France, Holland, Indonesia, Kazakhstan, Mexico, Mozambique, Norway, Russia, Uzbekistan, Venezuela, etc.). It is a unique and valuable publication for practitioners, legal counsel, businessmen, and academics involved in the upstream industry around the world.

International Arbitration in the Energy Sector - Maxi Scherer 2018-02-22

Disputes in the energy and natural resources sector are at the heart of international arbitration. With more arbitrations arising in the international energy sector than in any other sector, it is not surprising that the highest valued awards in the history of arbitration come from energy-related arbitrations. Energy disputes often involve complex and controversial issues relating to security, sovereignty, and public welfare. International Arbitration in the Energy Sector puts international energy disputes into a global context, providing broad coverage of different forms and systems of dispute resolution across both renewable and non-renewable sectors. With contributions from leading practitioners, arbitrators, academics, and industry experts from across the globe, the eighteen chapters in the book enable readers to compare the approaches to, and learnings from, energy arbitrations across various legal systems and geographic regions. After

outlining the international energy arbitration legal framework, the text delves into a detailed analysis of the problems which regularly arise in practice. These include, among other things, commercial disputes in Part I (e.g. over the upstream oil sector and long-term gas supply contracts), investor-state disputes in Part II (e.g. under the Energy Charter Treaty), and public international law disputes in Part III (e.g. concerning international boundaries and the distribution of natural resources). Alongside recent developments in the international energy sector, attention is given to climate and sustainable development disputes, which raise important questions about enforcing sustainability objectives on individuals, corporations, and states. Backed by analyses of arbitral awards, national court and international tribunal decisions, treaties, and other international legal instruments, as well as current events and news in the energy industry, this text offers a unique contribution to international energy literature and provides insightful commentary on the prevalent issues in the field. It is essential reading for any practitioner or researcher in the energy and natural resources sector.

A Liber Amicorum : Thomas Wälde - Thomas W. Waelde 2009

Sustainable Commodity Use - Maximilian Eduard Oehl 2021-12-07

This open access book examines the governance and legal landscape of the global commodity sector. For that purpose, the author conceptualises both Global Commodity Governance (GCG) as well as Transnational Commodity Law (TCL). He defines the key terms of Global Commodity Governance, delineates the underlying legal framework of Transnational Commodity Law, and assesses the effectiveness of Transnational Commodity Law in fostering a functional commodity sector. "Sustainable Commodity Use" is based on a comprehensive analysis of over 250 international agreements, standards, and guiding documents. The author distils the main findings into a conceptualisation of Transnational Commodity Law and provides the reader with a succinct overview of its normative configurations as well as regulatory gaps. Moreover, he elaborates a taxonomy of International Commodity Agreements. In addition, an outline of the normative substance of Transnational Commodity Law features in an appendix to the main text. The author concludes by making concrete suggestions on how rules regulating commodity activities de lege ferenda could and should be designed to improve the effectiveness of law regulating transnational commodity activity. In doing so, he demonstrates the application of the sustainable use principle as the overall objective and purpose of Transnational Commodity Law and discusses International Commodity Agreements as future regulatory instruments. This book may assist lawmakers, practitioners, civil society advocates, and academics worldwide in developing a legal framework for sustainable global commodity activity.

Governing Law and Dispute Resolution in the Oil and Gas Industry - Pereira, Eduardo G. 2022-08-23

The oil and gas industry's wide international exposure and constantly changing landscape leave it particularly vulnerable to disputes. As this practical book demonstrates, the risks associated with disputes can be mitigated by parties utilising governing law and dispute resolution clauses in contractual agreements within the sector. Examining a global range of jurisdictions, the book offers clear guidance on the most appropriate choice of law and choice of dispute resolution forum for oil and gas contracts, analysing the key issues and defining the legal contours involved.