Course Description and Purpose. The course begins with an introduction to International Energy Arbitration, followed by discussion of the International Energy Industry, its sources, segments, and players. Next comes the Science of Oil & Gas Disputes, an essential building block for any lawyer engaged in this field. An extensive presentation on the Legal Framework for International Energy Arbitration covers international laws and norms, national constitutions, national petroleum laws and regulations, and, in particular detail, the historical evolution of upstream host government petroleum contracts, including petroleum fiscal systems. To place the subject of host government contracts in its proper setting, the next section describes resource cycles and resource nationalism, as well as the legal status of host government contracts. Segments on contract stabilization and choice of law come next. The subject of international oil and gas dispute resolution explains the process and procedure for resolving these disputes through international arbitration, drawing on examples from international energy disputes. Discussion then moves to the early international oil and gas arbitration awards, from there to several modern international oil and gas arbitration awards, and finally to three contemporary energy disputes with host governments. The next sections of the course deal with commercial disputes arising out of joint operating agreements, gas contracts, and LNG sales contracts. Following a brief discussion of enforcement of energy awards, the final segments address advocacy in international energy arbitration and building an international energy arbitration practice. The course is designed to provide an in-depth knowledge of the main types and key drivers of international energy disputes, past and present, not only to aid in understanding the international energy industry, its business relationships and contracts, its broader legal framework, and its disputes, but to build better advocates to represent international energy companies and host governments in these contentious proceedings.
Class Attendance: Pursuant to the 2016-2017 Georgetown Law Student Handbook of Academic Policies, “Regular and punctual attendance at all class sessions is required of each student. . . . A student who, even though registered for a course, has not regularly attended, participated, or otherwise met class requirements may, at the professor’s option: . . . be withdrawn. . . . be excluded from attending class sessions. . . . be excluded from sitting for a final examination or submitting a final paper (with the same consequences as a voluntary failure to appear for a final examination or submit a final paper). . . . [or] may receive a lowered grade in the course.”

Specifically, absent extraordinary circumstances, if you miss more than 1 class, you may be withdrawn from the class. I will circulate a sign-in sheet at every class.

Grade: Your final grade will be based upon a final examination that will be given at 6:00 pm on December 7, 2016. Class participation will be rewarded, but will not factor negatively into your final grade.

Office Hours and Email: I do not have an office on campus, and therefore do not have formal office hours. However, I encourage you to contact me by email if you have any questions. If you would like to meet with me, a meeting can be arranged at a mutually agreeable time before or after class.

Day 1 November 4, 2016
Discussion Topics:

- Introduction to International Energy Arbitration
- International Energy Industry: Sources, Segments & Players
- Science of Oil & Gas Disputes
- Legal Framework for International Energy Arbitration

Day 2 November 5, 2016
Discussion Topics:

- Resource Cycles and Resource Nationalism
- Legal Status of Host Government Petroleum Contracts
Contract Stabilization
Choice of Law

Day 3  November 11, 2016
Discussion Topics:

International Oil & Gas Dispute Resolution
Types of Host Government Disputes
Early International Oil & Gas Arbitration Awards
Modern International Oil & Gas Arbitration Awards
Three Contemporary Energy Disputes with Host Governments

Day 4  November 12, 2016
Discussion Topics:

Disputes over What Constitutes Good International Petroleum Industry Practices
Joint Operating Agreement Disputes
Gas Contract and LNG Sales Contract Disputes
Enforcement of Energy Awards / Awards Set Aside at Seat
Advocacy in International Arbitration
Building an International Arbitration Practice