Focused on disputes in the oil and gas industry
International arbitration and international law

Why oil and gas disputes matter

In this era of diminishing natural resources, the world’s petroleum reserves are increasingly hotly contested. As such, the oil and gas sector gives rise to more and more high value international disputes – involving States, State-entities and private international oil companies. These disputes come in a wide variety of shapes and sizes including disputed performance of petroleum agreements, disputed investor rights and even inter-State boundary disputes.

What we do for our clients

Eversheds’ International Arbitration Group (IAG) advises States, NOCs and IOCs in the following areas:

International commercial arbitration: In the event of a dispute, oil and gas contracts increasingly provide for recourse to international arbitration rather than to national courts. We have participated in some of the largest oil and gas arbitrations of the last 25 years, particularly in the upstream sector. Today, we continue to act in numerous arbitral proceedings in the petroleum industry and we are familiar with the full range of relevant contentious issues – including price revisions, stabilization/renegotiation, force majeure, cost recovery and contested contractual rights generally. We also advise on construction and performance related disputes, as well as on contested charter-party arrangements and shipping disputes. Additionally, we are regularly instructed by oil companies with respect to domestic court proceedings arising out of international arbitrations.

Investment arbitration: Our IAG acts in major arbitrations arising under bilateral investment treaties (BITs), advising both claimant investors and host States, including in the energy sector. We advise prospective investors with respect to investment structuring, ensuring that maximum advantage is taken of available treaty protections. Eversheds is also one of the few firms to advise governments and State entities, including NOCs, on the negotiation and operation of investment instruments.

Public international law (PIL): Our team features some of the world’s leading PIL practitioners; as such, we are often called upon to advise on the many international law issues affecting the oil and gas industry. For example, we have acted before the International Court of Justice (ICJ) and ad hoc arbitral tribunals in more than a dozen State-to-State boundary disputes, many of which originated in the context of contested oil and gas resources.

Why Eversheds is different

Eversheds’ IAG is one of the world’s leading arbitration practices. We believe that five key characteristics set us apart:

• Industry expertise: First, and foremost, our sector focus means we offer a team of disputes lawyers with an intimate understanding of the oil and gas industry, upstream to downstream. Our lawyers are thereby able to appreciate your specific industry needs and objectives.

• Specialist legal expertise: Our practitioners are multi-lingual and qualified in common-law and civil-law jurisdictions. As such, they routinely conduct arbitration proceedings pursuant to the rules of all the major arbitral institutions, as well as ad hoc proceedings, at venues all around the world. Our PIL specialists regularly appear before the ICJ and other international State-to-State tribunals.

• Practical expertise: We take pride in being a genuine ‘one-stop-shop’, capable of seamlessly assisting you at every step of the dispute resolution process – including advocacy and witness examination at oral hearings.

• Global reach: We can offer the services of dedicated arbitration lawyers in numerous jurisdictions around the world, each providing both local and international expertise. In locations where we do not have a permanent presence, our network of best friend firms allows us effectively to meet client needs.

• Value for money: We limit costs by employment of our unique dispute management system, ‘RAPID’, which allows us to assist in the resolution of disputes efficiently and transparently. Our in-depth understanding of the oil and gas business means that we work effectively, without wasting time or resources.
Focused on disputes in the oil and gas industry

Did you know?

1. Global Arbitration Review consistently ranks us in the world’s top 30 arbitration teams (the “GAR 30”).

2. Legal 500 (2012) describes David Sellers’ and Will Thomas’ oil and gas disputes team as “excellent and professional” and offering “fast, astute and in-depth” advice.

3. Chambers Global (2012) recommends our PIL team as “at the top of the game”, with Rodman Bundy cited as “first-class”.

4. We have participated in some of the seminal lex petrolea arbitrations of recent years – including, the Phillips Petroleum, Amoco, Amoco Finance and Consortium cases before the Iran-US Claims Tribunal, as well as the Mobil Oil and Sun Oil arbitrations arising out of operations in Libya.

5. Our team recently advised a Middle Eastern gas company on a $1 billion price revision arbitration.

6. We represented Pakistan in a $750 million BIT arbitration arising in the context of an energy project. All claims were dismissed.

7. Our disputes lawyers regularly advise on risk-related clauses in oil and gas contracts – including as regards stabilization/renegotiation, force majeure and dispute resolution provisions.

8. We regularly produce bespoke reports and workshops for States, State-entities and private companies on the subject of international dispute resolution in the oil and gas sector.

9. One of our team recently authored an article examining competing State claims over the Arctic Ocean and their potential relevance to exploitation of the petroleum resources in the region.

10. International law issues on which oil and gas companies regularly ask us to advise include: the United Nations Convention on the Law of the Sea (UNCLOS), the ‘rule of capture’, joint development agreements, unitization agreements, international sanctions and embargoes, State responsibility, negotiation of inter-State treaties and agreements and international environmental obligations.

Key contacts
For more information, please contact:

Will Thomas
Partner, Paris
+33 1 55 73 41 15
williamthomas@eversheds.com

David Sellers
Partner, Paris
+33 1 55 73 41 10
davidsellers@eversheds.com

Rodman Bundy
Partner, Paris
+33 1 55 73 41 03
rodnambundy@eversheds.com

Oommen Mathew
Partner, Singapore
+65 65 72 55 99
oommenmathew@eversheds.com

Mark Yeadon
Partner, Hong Kong
+85 22 18 63 22 5
markyeadon@eversheds.com

Claudius Triebold
Partner, Zurich/Geneva
+41 44 20 49 29 5
claudius.triebold@eversheds.com

Stuart Dutson
Partner, London
+44 20 7919 0813
stuartdutson@eversheds.com

Jason Lovell
Partner, London
+44 20 7919 4554
jasonlovell@eversheds.com

Stephen Mackin
Partner, Newcastle
+44 191 241 6251
stephenmackin@eversheds.com

Jonas Löttiger
Partner, Stockholm
+46 85 45 32 20 0
jonas.loettiger@eversheds.se

Christopher Jobson
Partner, Doha
+974 4496 7393
chrisjobson@eversheds.com

Andy Moody
Partner, London
+44 20 7919 4585
andymoody@eversheds.com