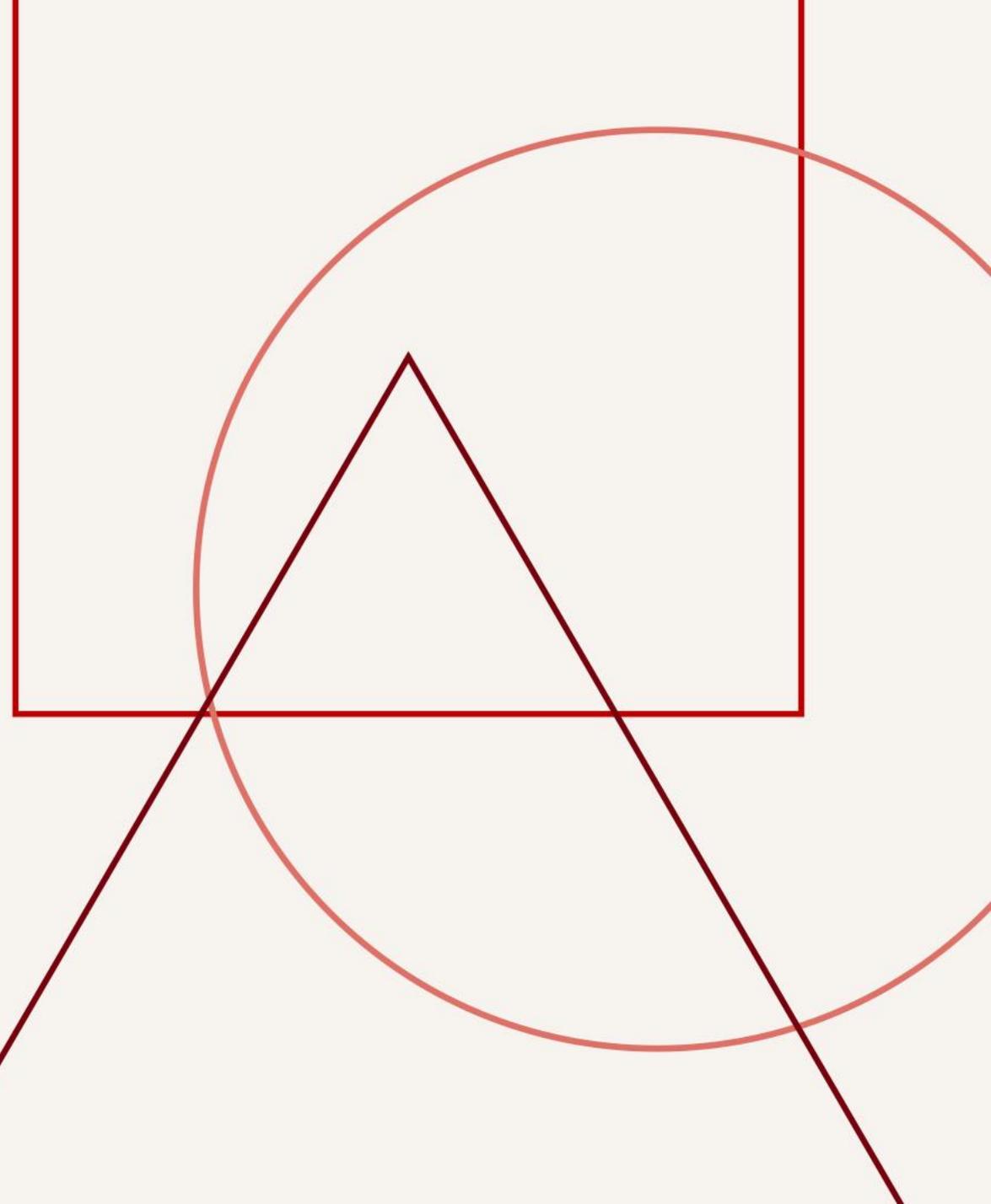




# Energy and Extraction: Current Trends and Likely Developments

Thursday, 19 January 2023. 14:00 – 18:00.

CMS Cameron McKenna Nabarro Olswang LLP  
Cannon Place, 78 Cannon Street, London EC4N 6AF



# Karina Albers FCIArb



Karina Albers FCIArb is a full-time commercial arbitrator and mediator based in the United Kingdom. She possesses both British and German Citizenship. Her profession as arbitrator and mediator has been built from her experience in derivative trading, the maritime industry and commodity trade. She has received over 60 appointments so far, participated in hearings and has published 17 awards with claims amounting up to USD 15 million under LMAA, SIAC and GMAA rules. The type of disputes she covers involve any type of maritime claim, energy, commodity and derivative disputes.

Karina has acted as sole arbitrator, sole arbitrator by default and as part of a tribunal of three. She is a Fellow of the Chartered Institute of Arbitrators, Chair of the Chartered Institute of Arbitrators London Branch, Aspiring Full Member of the London Maritime Arbitration Association, Panel member of the Singapore Chamber of Maritime Arbitration, Freeman of the Worshipful Company of Arbitrators, Member of the International Chamber of Commerce, Member of the German Maritime Arbitration Association, Member of the Baltic Exchange since 1993, Member of the Moot Alumni Association, NGO representative at the United Nations Commission on International Trade Law (UNCITRAL) and an accredited Expert at the Federal Court of New York and acted as expert in leading cases in London, New York and Singapore.

# Paul Kinninmont



Paul is an effective and commercially minded disputes lawyer. A partner at disputes boutique CANDEY, his extensive experience includes full trials, appeals, injunctions, interim applications, jurisdictional battles and enforcement proceedings across several sectors and jurisdictions. Paul often helps sophisticated clients to realise business objectives through mediation and negotiation. He also helps multinationals to navigate risks arising from international treaties, international sanctions and bribery issues.

Recent representative matters include:

- Settling consolidated \$2.8 billion LCIA arbitration proceedings arising from joint venture shareholder documentation
- Margin Squeeze claim for breaches of competition law against market incumbents
- Successfully resisting enforcement of a \$900 million ICSID award in the High Court
- Defending a large bank during investigations into its LIBOR submissions across several jurisdictions
- Multi-million GBP civil fraud claims involving HNWIs
- Settling \$1.1 billion BVI enforcement proceedings on appeal to the Privy Council

Paul has co-authored successive editions of “Dispute Resolution in Project Finance Transactions”, International Project Finance – Law and Practice, Oxford University Press (2015, 2019), as well as the CIArb Framework Guideline on the Use of Technology in International Arbitration (2021). Other recent articles include “The Inevitability of Predictive Coding in International Arbitration”, in the Young Arbitration Review and “US Sanctions and the EU Blocking Regulation: ‘Catch 22’” on Lexology.

Paul is a Fellow of the Chartered Institute of Arbitrators and a Liveryman of the Worshipful Company of Arbitrators. He serves on the Committees of the CIArb London Branch and the Energy Arbitration Club. Paul accepts appointments as arbitrator and has rendered several New York Convention awards. He volunteers as arbitrator at several moots, including the Vis Moot.

# Tom Melbye-Eide



Experienced Executive and GC - Independent Consultant - International Arbitrator and Mediator CIArb / CEDR

Tom has more than 20 years' experience as Executive and General Counsel; more specifically in the Oil & Gas Industry having been EVP & General Counsel for Shell Upstream, BG Group PLC and Equinor ASA but also in other industries: Sapa (Aluminium Downstream) and If P&C Insurance (Financial Services).

Tom has been involved in a number of large M&A transactions; he was legal decision executive on the combination between BG Group and Shell. In Equinor, he lead the legal work stream on the combination between Statoil and Norse Hydro. In addition, Tom has experience from a number of large M&A transactions in the Oil & Gas, Industrial and Insurance markets.

As GC, Tom has also been legal decision executive on a number of large disputes in the Oil & Gas sector and in the Insurance market.

Tom left Shell by the end of 2021 and is now an Independent Consultant and International Arbitrator/ Mediator.

# George Comyn



George is Chief Counsel (International) at Harbour Energy plc. He is responsible for legal, compliance and governance related matters for Harbour's international business, as well as working on significant M&A opportunities at a Group level. George has over 15 years' experience in the energy industry, in both private practice and in-house roles. He has worked on a wide range of projects and transactions, with a focus on M&A, joint venture arrangements, host government agreements, corporate finance, governance and compliance, and general company and commercial matters. George manages a team of lawyers working on a variety of matters globally and he has worked in multiple jurisdictions, with significant experience in Europe, South East Asia and Latin America.

George is also part of the "Harbour Leadership Group" and is involved in identifying and addressing the company's strategic corporate challenges. As a leader in the Legal function, George is responsible for the development and implementation of the company's compliance programme and the setting and implementation of Harbour's legal strategy.

# Oliver Irwin



Oliver advises lenders and sponsors on the development and financing of cross-border energy and infrastructure projects across a broad range of industries, many of which are the first of its kind in their sector. He has significant experience advising on multi-sourced project financings involving export credit agencies, multilaterals and development finance institutions as well as commercial banks and traders.

IFLR1000 has identified Oliver as a “Rising Star” or “Highly Regarded” every year since 2013, and he has been ranked by Chambers UK each year since 2012, where clients report that Oliver is considered “truly outstanding” and highlight his “knowledge of debt financing” and “drive to get the deal done.” and that, “Oliver is calm, cool, collected – he knows his stuff, which shows through in tough moments of negotiations.” and he “is very pragmatic, very thorough and commercial.” Oliver is also ranked as a “Next Generation Partner” for Projects, Energy & Natural Resources – Infrastructure in The Legal 500 United Kingdom (2018–2023). Legal 500 UK 2023 noted that Oliver “has provided a decisive contribution in very complex ground-breaking transactions” and that he “has an unparalleled ability to understand the client’s needs and to provide very sound and reliable advice to fulfill them.” Oliver was also recognized by Law360 as a 2019 MVP for Project Finance and serves on Law360’s Project Finance Editorial Advisory Board (2020–2022).

# Milena Szuniewicz-Wenzel



Milena has represented a wide range of clients including state governments, major integrated trading companies and their shipping arms, and national energy companies. Most recently she has been running a large multi-jurisdictional team handling a variety of claims in the energy, pharmaceutical, transportation and telecoms sectors. Milena has particular expertise in relation to all stages of production sharing agreements used in the energy and oil and gas sector.

Milena has handled a multitude of cases under the rules of the leading international arbitration institutions (including ICSID, ICDR, ICC, LCIA and many of the leading trade institutions) and has particular experience representing clients in the Middle East, where she has spent a considerable amount of time in recent years representing the Government of Yemen. She understands the cultural background to the cases she handles and is not afraid to use innovative solutions to get the right result for the client. Milena takes a commercial approach to her cases, but will drive them hard to a final hearing, if that is in the interests of the client.

Milena has a European bachelors law degree (Queen Mary, UCL and Wurzburg) and a Masters from UCL, and is fluent in English, German and Polish.

# Phillip Ashley

Phillip Ashley, partner at CMS Cameron McKenna Nabarro, "specialises in contentious matters relating to the oil and gas and power sectors" and has advised on "matters relating to oil and gas investments in every continent except Antarctica" (Global Arbitration Review). He has "extensive experience of ICC and LCIA arbitrations, as well as court proceedings, concerning both oil and gas and conventional power assets" (Chambers Global). As a solicitor-advocate and regularly appears as counsel in significant energy related commercial arbitrations and expert determinations, including relating to LNG and natural gas sales agreements, joint operating agreements, transportation agreements, hydrocarbon ownership rights and FPSO charters. He is has appeared as counsel in energy related disputes in the High Court in London.

He is internationally recognised as being a specialist in high value energy disputes, including "energy pricing disputes, acting in a series of natural gas and liquefied natural gas price review arbitrations seated in London and Geneva, which were worth around US\$10 billion" and "a US\$16 billion pricing dispute over a long-term crude oil supply contract" (Global Arbitration Review). He is author of "Natural Gas Price Reviews: Past, Present and Future" (Journal of Energy & Natural Resources Law, 2012).



# Norah Gallagher



Norah is a public international lawyer specialised in international dispute resolution for over twenty years. She has advised on a range of issues on international commercial and investment cases and sits regularly as arbitrator. Norah worked at Clifford Chance, Herbert Smith and was Director of the Investment Treaty Forum at the British Institute of International and Comparative Law from December 2007 before moving to Singapore in 2010. Previously, she was a Research Fellow of the Lauterpacht Research Centre for International Law, Cambridge for several years working on international claims from deep off shore projects to investment disputes under NAFTA, bilateral investment treaties and the Energy Charter Treaty.

Norah is Director of the School of International Arbitration and Academic Director of the Energy & Climate Change Law Institute at the Centre for Commercial Law Studies. She teaches international energy law & climate change, investment and commercial arbitration on the LLM in London, Paris and Distance Learning programmes.

# José Manuel Gutierrez Delgado



I read my Law degree and my Economics degree at the Universidad Pontificia Comillas ICADE in Madrid.

Doctoral Diploma in International Law at the UNED University.

I have worked for 31 years in senior positions in many different fields at the Ministry of Justice and the Ministry of Economy and Taxes. Just to mention some of them:

- In 2002 I was appointed General Director of Legal Policy and International Affairs in the Ministry of Justice.
- I have also been Secretary of the Taxpayer Ombudsman.
- Secretary of the board of directors of different state own companies.
- From 2012 to 2017 I worked as Financial Counsellor of the Spanish Embassy to the United Kingdom.
- From 2018 to 2021 I was Head of the International Arbitration Department of the General Attorney's Office of the Kingdom of Spain.
- Currently I am Legal Counsellor of the Spanish Permanent Representation to the European Union.

# Diego Santacruz Descartin



I joined the State Attorney's Office in 2003, obtaining voluntary leave in 2018. At present I work as Legal Director of the legal firm LCS Abogados S.P.L., specialized in litigation.

In 2013, I joined the Department of International Arbitration of the State Legal Office and was appointed Head of the Department in 2015. During this stage I coordinated the defense of the Kingdom of Spain in a total of 44 investment arbitrations under the ICSID, UNCITRAL and Stockholm Chamber of Commerce rules, mainly in energy matters but also in the urban and mining sectors.

The Head of the Department of Arbitration implied the development of multiple tasks aimed at guaranteeing a correct defense of the Kingdom of Spain. Those functions can be summarized in four main areas:

- Firstly, it was necessary to design and implement an organizational structure that, provided exclusively with human and material resources of a public nature, would allow the defense of a high number of arbitration proceedings in a short period of time. During this period, I coordinated, in addition to the members of the State Lawyers Corps, Tax Inspectors and Technicians of the State Civil Administration assigned to the Arbitration Department, teams of lawyers and experts from different cultural and legal backgrounds.
- Secondly, it was necessary the legal and economic coordination of the different Administrations of the Kingdom of Spain (state, autonomic and local) that were going to be affected by the investment arbitrations.
- Thirdly, the Head of the Arbitration Department was required to define the defense strategy of the Kingdom of Spain against the arbitration claims, the preparation and assistance to the hearings as well as the coordination of the annulment appeals that were submitted against the adverse awards.
- Fourthly and finally, it was necessary to coordinate the defense of the Kingdom of Spain against investment arbitrations with the defense of the same regulatory measures before the national Courts of Justice, the European Commission and the Court of Justice of the European Union.

In my capacity as Head of the Department, I participated, in collaboration with the Directorate General of Foreign Trade of the Ministry of Economy, in the preparatory work for the modification of the ICSID Arbitration Rules and the drafting of the proposals for the modification of the Agreement for the Reciprocal Protection of Investments between the Kingdom of Spain and the Republic of Colombia. I also had an active participation in the exchange of views with the Legal Services of the European Commission on the effects of the Achmea ruling on intra-EU arbitrations.

# Shai Wade



Shai Wade advises on international arbitration, serving both as counsel and arbitrator in complex and large-scale disputes.

Shai is an international arbitration lawyer with a particularly strong expertise in cases arising from the upstream oil and gas and energy sectors as well as in joint-venture, shareholder and partnership disputes and cases involving IT, telecoms, construction, infrastructure, mining and international sale of goods disputes.

He is the co-author of a leading textbook on LCIA arbitration and serves as counsel and arbitrator under rules of the major arbitration institutions, including the ICC, LCIA, UNCITRAL, ICSID and others.

Shai has represented clients from every continent around the world in disputes concerning a variety of national laws. He is an expert in international investment law regularly advising clients on their rights under international treaties.

# Süleyman Bosca



Süleyman BOŞÇA is the founding and managing partner at BOSCA Law. He graduated from Ankara University, Faculty of Law in 2001 and registered with the Ankara Bar Association in 2002. He completed his LL.M. at Ankara University Faculty of Law in the field of Private Law. He continues his doctoral studies with the dissertation on "Energy Performance Contracts" at Ankara Hacı Bayram Veli University, Faculty of Law. He also successfully completed the Energy Law Certificate Program organized by the Banking and Commercial Law Research Institute.

He is currently Chairman of the Energy Law Research Institute, Chairman of the Energy Disputes Arbitration Center (EDAC), Chairman of Energy Disputes Mediation Center, Executive Board Member of Turkey–Libya Business Council of the Foreign Economic Relations Board (DEİK), Chairman of the Disciplinary Board of the Turkish Rugby Federation, Member of the Turkish National Committee of the World Energy Council, Member of the Italian Chamber of Commerce and Industry.

He has a broad experience in the areas of Energy Law and Commercial and Corporate Law.

# Tunde Fagbohunlu SAN



Tunde specialises in commercial litigation and arbitration, and has litigated on an extensive range of issues, including maritime, intellectual property, telecommunications, taxation, finance and banking, contracts, receiverships and insolvency, commercial law transactions and general litigation both at trial and appellate levels. He has advised clients in numerous industries, including oil and gas, construction and infrastructure, financial services and telecommunications.

He regularly represents Nigerian as well as foreign and multinational clients in ad hoc arbitrations and arbitrations administered by arbitral institutions such as the International Court of Arbitration of the International Chamber of Commerce.

# Veronika Korom



Veronika Korom is a professor in business law and arbitration at ESSEC Business School in Paris and acts as independent counsel and arbitrator. She is admitted to practice in England & Wales, France and Hungary.

She is the President of the Hungarian Arbitration Association and is a member of the Board of the Vienna International Arbitral Centre (VIAC).

She has almost 15-years of experience acting both as counsel and as arbitrator in investment treaty and commercial disputes related to the energy sector in Central and Eastern Europe (oil & gas, electricity, renewables).

# Rashid Gaissin



Rashid Gaissin is a partner in Armstrong Teasdale's Corporate law practice with over 20 years of experience advising local and international clients on a wide range of legal issues. His experience spans numerous sectors including banking and corporate finance, oil and gas, pharmaceuticals, retail and consumer markets, metals and mining, aviation and electronics.

Rashid also works with public- and private-sector clients, their shareholders and top management, and has advised on various finance transactions, international investments, regulatory work and negotiations.

Rashid has been recognised as a leading legal practitioner in the areas of natural resources, finance and corporate law in various directories, and has presented at more than 300 conferences and seminars in Kazakhstan, the U.K. and internationally over the last 15 years.

# Tunde Ogunseitan



Tunde Ogunseitan is an independent arbitrator. He has substantial practical experience from several international law firms, specialising in dispute resolution, asset tracing, maritime law, oil and gas, insurance, structured finance and debt capital markets. Tunde regularly consults internationally for a variety of arbitral institutions, businesses and firms.

He is also a teaching fellow in alternative dispute resolution and international commercial arbitration at various universities in England and France. He is a trustee of ODRAfrica. He is a court member of the Lagos Court of Arbitration (LCA) and Saudi Center for Commercial Arbitration (SCCA). Tunde is a member of the Chartered Institute of Arbitrators Professional Development Advisory Group and is part of its teaching faculty in London. He is also a Fellow of the Chartered Institute of Arbitrators. He was a founding member of the IBA 40 under 40.

He led the Common Law jurisdictions as Counsel of the International Court of Arbitration including the United Kingdom, Ireland, the Caribbean, Anglophone Africa, and the Indian subcontinent for over 7 years.

He is admitted as a Solicitor of the Supreme Court of England and Wales (n.p.) and a Solicitor and Advocate of the Supreme Court of Nigeria.



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