

INTERNATIONAL PETROLEUM CONTRACTS & PRACTICE IN NEGOTIATIONS

24 – 26 August 2015 | Kuala Lumpur | Malaysia

Course Overview

This course will help you develop an in-depth knowledge of the legal and contractual framework in which the upstream oil industry conducts its operations. It opens with an explanation of the geopolitical forces which shape the modern oil industry and then covers the major technical, legal/contractual and financial/economic/taxation/fiscal issues that form modern E&P agreements worldwide. You will learn the philosophy, evolution and fundamentals of international petroleum contracts. You will take part in life-like negotiating sessions mastering many negotiating techniques, where a mistake is a learning experience not a disaster.

The course continues with an explanation of the principles and strategy of petroleum negotiations and then proceeds to a worked example of the negotiation of an actual upstream petroleum agreement. In the latter, the course attendees will split up into two or more teams. One team will represent the government in the negotiations and the other(s) or more of the IOC's who are attempting to secure the government and E&P agreement.

The classes include participants from both NOC's, IOC's contractors, which adds further realism to the exercises.

Who should attend?

Petroleum business managers from Government Oil Ministries, NOC's, IOC's and international contractors. This will include from professionals from geosciences, engineering, legal, finance, economics, tax, lawyers in multilateral funding agencies and bankers.

Course Content in Summary

- Sovereignty, the state and the ownership of the petroleum resource
- Petroleum legislation and key issues within it: the Petroleum Ministries and Petroleum Licensing and Monitoring Units. The State Oil Company: two modern examples (Pertamina and EGPC). Ten key steps in petroleum licensing and an example of modern petroleum legislation
- Petroleum leases, concessions, agreements and contracts. The modern Equity (Royalty-Tax) Agreement versus the modern Contractor (Production Sharing) Agreement
- Technical issues in petroleum agreements: term (duration), work programme (duration and content: seismic and wells), exploration periods and relinquishment, exploration and production licences, discovery, the development plan
- Legal and contractual issues in petroleum agreements: the rights, duties, obligations and liabilities of the parties
- Financial issues in negotiations: royalty, tax, additional profits taxes, OPEX, CAPEX, cost oil, profit oil

Key Learning objectives:

- Understand the key constituents of Petroleum legislation across the world in various regions
- Understand the fiscal instruments in petroleum agreements, equity agreements and contractor agreements in play
- Learn how to negotiate contracts from different view points

Your Expert Trainer: Dr. Ken Mildwaters



Dr Mildwaters is the managing partner of Mildwaters Consulting LLP, a consultancy specialising in the provision of advisory services to participants in the natural resources sector across the world. Prior to establishing Mildwaters Consulting LLP in 2004, Dr Mildwaters was a partner with law firms in England, Europe and Australia, general counsel at Guinness Plc, subsequently Diageo Plc, and was a partner at the investment bank Babcock & Brown.

In a career spanning more than 30 years Dr Mildwaters has advised on investment, exploration, development, production, supply and sales activities in the natural resources sector in Asia, Australia, Africa, Europe, the Middle East, and the Former Soviet Union. He has extensive experience in relation to oil and gas and mineral projects, electrical power generation projects (coal, gas and renewables); transport, storage and other natural resources sector related infrastructure projects. He has been actively involved in joint bidding agreements, joint ventures, joint operating agreements, strategic alliances, licensing arrangements, farm-in and farm-out agreements, drilling contracts, unitisation agreements, off-take agreements, lifting agreements, abandonment and decommissioning agreements, royalty agreements, service agreements, transport agreements, and the acquisition, disposal and financing of interests, capital raising activities and direct foreign investments in the natural resources sector.

A sought-after speaker and regular presenter of papers to audiences around the world, each year Dr Mildwaters conducts a limited number of workshops in Asia, Africa, Europe, the Middle East and the Former Soviet Union, on specific aspects of natural resources law relating to the oil, gas and mining industries. Workshop participants range from government officials through to senior executives of natural resource companies, in-house legal departments, financial institutions, and law firms.

Dr Mildwaters is a member of the global faculty at the Centre for Energy, Petroleum and Mineral Law and Policy at the University Dundee and every year lectures students on commercial contracts in the oil and gas industry. In addition he is a member of the Australian Mining and Petroleum Law Association, the Energy Law Association Inc. (New Zealand), the International Bar Association Section on Energy, Environment, Natural Resources and Infrastructure Law and its sub-committee the United Kingdom Energy Lawyers Group, the Institute for Energy Law advisory board, and Rocky Mountain Mineral Law Foundation.

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