

TIM MARTIN
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CAREER EXPERIENCE

Tim Martin has forty years experience throughout the world in all facets of the energy and infrastructure business, including:

- Senior executive in commercial, operational, financial and legal positions
- Country manager in the Middle East and Finance Director in the former Soviet Union
- Negotiated & drafted full range of international oil & gas agreements, including the industry's model contracts
- Project management of exploration & production operations
- Economic analyst of petroleum projects, including tax structures and fiscal stability provisions
- Project financing of energy projects
- Managed international banking and financial systems
- Managed acquisition and divestment of oil & gas properties
- Established, managed and shutdown international operations

Tim was President of the Association of International Petroleum Negotiators (AIPN), twice voted AIPN Member of the Year and has received its prestigious President's Award and Legacy Award. Tim was also President of the Canadian Association of Petroleum Landmen and a Director of the American Association of Petroleum Landmen.

Tim has provided strategic advice on acquisitions, divestments, joint venture agreements, host government contracts and concessions, construction and service contracts, financing agreements and corporate compliance programs. He has acted as counsel and business advisor to companies, governments and industry organizations in more than fifty countries around the world, including:

<i>Middle East</i>	<i>Africa</i>	<i>Asia</i>	<i>Americas</i>	<i>Europe & CIS</i>
Saudi Arabia	Egypt	Indonesia	Canada	United Kingdom
Yemen	Libya	Australia	United States	Netherlands
Bahrain	Algeria	Malaysia	Mexico	Italy
Iraq	Tunisia	Vietnam	Colombia	France
Iran	Sudan	China	Venezuela	Russia
Oman	Nigeria	Taiwan	Ecuador	Kazakhstan
UAE	Cote d'Ivoire	Thailand	Brazil	Turkmenistan
Kuwait	Niger	Myanmar	Peru	Azerbaijan
Qatar	Gabon	Pakistan	Argentina	Ukraine
Jordan	Angola	India	Suriname	Hungary
Syria	Madagascar	Mongolia	Guyana	Norway
	Equatorial Guinea	Papua New Guinea	Bolivia	Spain

LEGAL EXPERIENCE

Tim's peers have selected him for the *International Who's Who of Oil & Gas Lawyers*, the *International Who's Who of Commercial Arbitrators*, and as a leading practitioner in the *Who's Who Legal Canada*. Tim has been described in those publications as the "go to guy for energy disputes", "the best around for energy disputes", as a "true innovator" in international oil & gas law, and as "a true expert in the [oil & gas] sector".

Tim has extensive experience in various legal systems including the common law, civil law, *Shari'ah* law and the communist legal system with expertise in the following areas:

- Energy – Oil & Gas, Petrochemicals and Mining
- Construction
- International Trade & Investment
- Joint Ventures, Sale & Purchase Agreements, Drilling Contracts, Oilfield Service Agreements & Host Government Contracts
- Arbitration, Mediation, Dispute Management & Expert Witness
- Regulatory & Administrative
- Compliance – Anti-Corruption, Sanctions, Boycott
- Finance & Banking

DISPUTE RESOLUTION EXPERIENCE

Arbitration

Tim has been a sole arbitrator, party appointed arbitrator, institution appointed arbitrator and tribunal chair in institutional and *ad hoc* international arbitrations. He has also acted as counsel, mediator, expert witness and strategic advisor in the resolution of a wide range of disputes. Some of the arbitrations that he has been involved in include:

- An ICC arbitration under a services contract for the development of a Mexican mine with claims and counterclaims of several million dollars. The contract was governed by English law with its arbitral venue in Vancouver, Canada.
- An UNCITRAL arbitration administered by the LCIA dealing with claims by a non-operator that the operator was in material breach of its obligations and a counter-claim that the non-operator had failed to pay its cash calls, was in default and therefore had forfeited its interest in the offshore concession located in a Latin American country. The governing law of the JOA was a Latin American civil law jurisdiction with the arbitral venue in Paris, France.
- An ICC arbitration that dealt with the relinquishment of a production sharing contract in a Middle East country as a result of unsafe conditions. Contractor claims and host country counterclaims were in the hundreds of millions of dollars. The contract was governed by the law of the host country and the place of arbitration in Paris, France.
- An *ad hoc* arbitration between an Asian multinational oil company and the national oil company of a West African country arising from cost recovery claims of approximately US\$2 billion under a production sharing contract. The contract was governed by the host country law with the arbitral venue in that country.
- An ICC arbitration concerning a pipeline operating agreement between a Turkish company and a consortium of international oil companies that owned a crude oil pipeline between the Caspian and Mediterranean Seas. There were initial claims of approximately US\$ 100 million, in addition to a long term multi-billion dollar claim that extended for the life of the contract. The contract was governed by English law with the place of arbitration in London, UK.

- An *ad hoc* arbitration under UNCITRAL Arbitration Rules for a mining dispute with claims of approximately \$30 million. The governing law was Saudi/*Shari'ah* with the arbitration venue in Riyadh, Saudi Arabia.
- An ICC arbitration that dealt with the issue of whether non-operators were liable for the payment of drilling costs running into the hundreds of millions of dollars for an offshore deepwater concession in West Africa that allegedly arose under a Joint Operating Agreement. The JOA was based on the AIPN Model JOA and governed by English law with the place of arbitration in London, UK.
- An ICSID arbitration between an IOC and the Republic of Ecuador involving a Participation Contract, a farmout agreement and a joint operating agreement. Ecuador terminated the Participation Contract alleging that the farmout agreement was an unauthorized transfer of rights resulting in the material breach of the Participation Contract, which allowed it to terminate the Participation Contract. The arbitration resulted in the largest award for an ICSID arbitration at the time.
- An ICC arbitration between a large Russian operating company and a major American oilfield service company over a turnkey drilling contract in the Middle East with claims in the tens of millions of dollars. The contract was governed by English law with the place of arbitration in Paris, France.
- An *ad hoc* arbitration under the Alberta Arbitration Act for a claim of nearly \$40 million under a farmout agreement for exploration and production contracts in a Latin American country. The place of arbitration was Calgary, Canada. The contract was governed by Alberta law.
- An ICDR arbitration between an American company and a Chinese company involving a farmout agreement and operations management agreement, both of which were governed by Texas law. The disputed agreements related to a production sharing contract in an FSU state. The claims and counterclaims totaled approximately US\$ 100 million. The place of arbitration was Houston, Texas, USA.
- An LCIA arbitration on a joint operating agreement multi-million dollar dispute amongst multiple parties that involved the drilling of a well in a North African oil & gas concession. The contract was governed by English law with the place of arbitration in London, UK.
- An AAA arbitration involving a leasehold interest sales and assignment agreement for the sale and assignment of natural gas storage rights and gas wells located in a depleted gas field located in California, USA. The parties had total claims and counterclaims of approximately US\$ 10 million for breach of contract.
- An *ad hoc* arbitration under the Alberta Arbitration Act for a \$3 million claim concerning a dispute arising under farmout, joint operating and assignment agreements for a production sharing contract in Egypt.
- An ICSID arbitration between an IOC and the Bolivarian Republic of Venezuela involving an increase in royalty rates, the levying of an extraction tax, an increase in its income tax rate, and the eventual nationalization of the IOC's oil and gas projects in the country.
- UNCITRAL arbitration administered by the ICDR with its legal seat in Houston, Texas, involving a dispute between a major US oil company and a major European engineering company arising from multiple contracts governed by Texas law. There were 50+ claims and counterclaims totaling US\$ 300 million for cost overruns and deficiencies in the design and build of a deep draft, semi-submersible oil production facility and mooring system in the Gulf of Mexico, USA.
- An ICC arbitration arising under a Partnership Agreement for the construction of a clean hydro energy project in Western Canada.
- Request for emergency relief under the ICDR Arbitration Rules arising out of a re-seller agreement that dealt with the technology for buying and selling online advertising.
- An ICC arbitration for failure to provide, pursuant to an AMI agreement, the right to acquire an interest in licenses for the exploration and development of oil and gas in an FSU country, which was settled for US\$ 4 million.

- An ICC arbitration for US\$ 5.3 million under an operating agreement and a sale and transfer agreement involving several oil and gas properties in a South East Asian country. A parallel claim for US\$ 1.5 million was successfully made in the courts of the Turks and Caicos.
- A dispute under an AMI Agreement for an oil and gas property in a Middle Eastern country that settled for US\$ 135 million after an ICC arbitration award on the merits.
- An ICC arbitration that dealt with a stock sale and a preferential right under an oil & gas JOA (based upon the AIPN Model JOA) in a Latin American country.
- A claim for US\$ 8 million under a salvage contract resulting from a terrorist attack on a tanker about to load oil at a Middle East terminal. The salvage contract was a Lloyd's Open Form that provided for a single arbitrator appointed by Lloyd's Council using the Lloyd's Salvage Procedural Rules.
- Multi-billion dollar construction dispute under an *ad hoc* arbitration for the design, procurement and building of a major educational institution in Saudi Arabia under a series of cost-plus construction contracts with a total value of \$4.5 billion.
- Disputes of approximately US\$ 22 million and US\$ 38 million under an ICC arbitration resulting from extra costs incurred by contractors under lump sum construction contracts arising from the bankruptcy of a vendor pre-selected by the owner/operator under its approved vendors list and which they were required to use under the contracts' terms. The contracts were governed by English law with the place of arbitration in London, UK.
- An ICC arbitration involving an American oil service company and a Saudi company that dealt with a multimillion-dollar joint venture agreement governed by Saudi law, which provided petroleum services in the Kingdom of Saudi Arabia. The place of arbitration was Houston, Texas, USA.
- Claim of approximately US\$ 100 million under a lump-sum procurement and construction contract governed by Saudi law under an *ad hoc* arbitration for a state of the art building in Saudi Arabia.
- Delay impact claim of US\$ 2.2 million under an ICC arbitration in London, UK arising under a lump sum EPC contract governed by English law that resulted from the late delivery of equipment from a vendor pre-contracted by the owner/operator and assigned to the contractor.
- A multi-billion dollar claim in an arbitration administered by an Egyptian arbitration institute in Cairo arising from a dispute concerning the ownership of land located in a GCC country.
- A dispute on the ownership of scrap material arising from the construction of a US\$ 1.6 billion gas fired power plant under a turn key construction contract governed by English law that provided for an UNCITRAL *ad hoc* arbitration with its venue in London, UK.
- Application in the Saudi Administrative Court of Appeal to annul an arbitration award of approximately US\$ 8 million issued by a Saudi tribunal with its venue in Saudi Arabia arising out of a construction contract governed by Saudi law.
- A claim of approximately US\$ 8 million for extra pilings that were required because the actual subsoil conditions allegedly materially differed from the conditions that an experienced and competent contractor could reasonably have foreseen prior to entering into the contract. The contract provided for English law and a multi-step dispute resolution process that included an ICC Dispute Review Board and an ICC arbitration in London, UK.
- Warranty claims of more than US\$ 8 million arising from damaged gas compressors supplied under an EPC contract, which was governed by English law under an ICC arbitration in London, and a purchase order, which was governed by English law in the English courts.

Transnational Litigation

Tim has been responsible for the litigation strategy in a variety of national courts that dealt with the resolution of complex, multi-jurisdictional disputes, including:

- A series of claims (called *Acciones Populares & Acciones Contractuales*) for the recalculation and redistribution of royalties totaling US\$ 6 million made in the district courts of a Latin American country by the local government against an international oil company (IOC) and the national oil company (NOC).
- Claim in the Dutch courts for US\$ 97.5 million for an alleged drainage of oil from the claimants' block by the defendants' group which had an adjacent block in the North Sea.
- A claim of more than US\$ 10 million for the failure of two turbogenerator units at the claimant's central oil processing facilities in the Middle East. The purchase order provided for Alberta law but did not specify the forum. The equipment originated in the United States, the units failed in the Middle Eastern country, the claimant's company was incorporated in Jersey, Channel Islands and the defendant's company was a wholly owned Canadian subsidiary of a U.S. multinational. The defendant settled and replaced the failed turbogenerators.
- Multiple claims for US\$ 27 million in damages suffered to a pipeline located in a Middle East country from a flash flood. The claims for the defective design and construction of the pipeline were against three contractors under four different contracts with different governing law and dispute resolution mechanisms, including courts and arbitration. In addition, there was a claim under an insurance contract governed by New York law.
- Sovereign immunity defence on behalf of a Middle East government in a European court. This involved a claim of Euro 12 million arising from an alleged contract to provide the urban planning design for a multi-billion dollar economic city.

Boundary Disputes

Tim was counsel for IOCs involved in international boundary disputes arising from oil & gas concessions issued by sovereign governments, including:

- Boundary dispute that involved the acquisition of six PSCs within an area disputed between Yemen and Saudi Arabia for more than seventy-five years that was eventually resolved in a bilateral treaty.
- A border dispute between Equatorial Guinea and Gabon involving ownership of islands and the establishment of a boundary line. The dispute involved the demarcation of the maritime boundary and the creation of a Joint Development Zone (JDZ) within the Exclusive Economic Zone (EEZ) of the two countries.
- Represented an IOC that operated an offshore oil & gas facility located in an area disputed by Timor-Leste (formerly known as East Timor) and Australia. Managed claims initiated by Timor-Leste against oil companies operating blocks issued by Australia within disputed waters.
- Counsel for the operator of an O&G block issued by Nigeria located in waters disputed by Cameroon and for a consortium participant of another O&G block issued by Nigeria that was in waters disputed by Equatorial Guinea.

Arbitration Panels

Tim has been elected to the following international arbitration panels:

American Arbitration Association (New York, USA)

- Board Director

Chartered Institute of Arbitrators (London, England)

- Fellow of Institute
- Panel of Chartered Arbitrators

International Centre for Dispute Resolution (New York, USA)

- Member of ICDR Panel of Arbitrators and Roster of Neutrals
- Member of Canadian Advisory Committee

London Court of International Arbitration (London, England)

- Member

Western Canada Commercial Arbitration Society

- Member

Energy Arbitrators List

- Panel of Energy Arbitrators

International Arbitration Institute (Paris, France)

- Member

Singapore International Arbitration Centre

- Panel of Arbitrators

Kuala Lumpur Regional Arbitration Centre

- Panel of Arbitrators

Saudi Center for Commercial Arbitration

- Panel of Arbitrators

Bahrain Chamber of Dispute Resolution

- Arbitrator Roster

Pacific International Arbitration Center (Vietnam)

- Panel of International Arbitrators

Dispute Resolution Advice

Tim has advised governments, industry organizations, major IOC's and NOC's on dispute resolution matters, including:

- Led original development and publication of model arbitration clauses and agreements for the Association of International Petroleum Negotiators in 2004 that are used by petroleum lawyers & negotiators worldwide. Co-chaired the drafting committee that updated the AIPN Model Dispute Resolution Agreement and accompanying Guidance Notes in 2017.
- Advised the Minister of Intergovernmental Affairs for the Province of Alberta on Canada's ratification of the International Convention for the Settlement of Investment Disputes (ICSID or Washington Convention). Canada eventually ratified the Washington Convention.

- Advised Head of Yemeni Senate and Yemeni Ambassador to Canada on ratification of the New York Convention and the Washington Convention by the Republic of Yemen. Yemen eventually ratified the Washington Convention.
- Advised the Saudi Arabian General Investment Authority on the revision of its domestic laws and policies dealing with international trade and investment.
- Advised on and drafted the dispute resolution and governing law provisions in the oil service and infrastructure agreements for the world's largest NOC.
- Advised on the enforceability of liquidated damages, consequential damages and loss of profit under Saudi law.
- Provided opinions on dispute resolution and governing law clauses for confidentiality and non-disclosure agreements used in the GCC region.
- Advised the Independent Petroleum Association of America and its members on managing international disputes, along with writing & publishing its primer on international dispute resolution.
- Organizer and Conference Chair for the leading annual conference on Dispute Resolution in the International Oil & Gas Business, co-organized by the AIPN and the following international arbitration institutions:
 - Dubai International Arbitration Centre (DIAC) - Dubai, UAE (2006)
 - ICC International Court of Arbitration (ICC) - Paris, France (2007)
 - International Centre for Dispute Resolution (ICDR) - Rio de Janeiro, Brazil (2008)
 - Singapore International Arbitration Centre (SIAC) - Singapore (2009)
 - International Centre for Dispute Resolution (ICDR) - Houston, Texas, USA (2010)
 - ICC International Court of Arbitration (ICC) - Paris, France (2011)
 - London Court of International Arbitration (LCIA) – New Delhi, India (2012)
 - Bahrain Chamber of Dispute Resolution (BCDR) – Manama, Bahrain (2013)
 - International Centre for Dispute Resolution (ICDR) – Calgary, Alberta, Canada (2014)
 - London Court of International Arbitration (LCIA) – London, UK (2015)
 - International Centre for Dispute Resolution (ICDR) – Houston, Texas, USA (2016)
 - International Centre for Dispute Resolution (ICDR) – Mexico City, Mexico (2017)
 - London Court of International Arbitration (LCIA) – London, UK (2018)
 - International Centre for Dispute Resolution (ICDR) – Houston, Texas, USA (2019)
 - Singapore International Arbitration Centre (SIAC) - Singapore (2020)

PUBLICATIONS

"Oil & Gas Arbitrations in the Middle East and North Africa"

International Arbitration in the Energy Sector: A Practitioner's Handbook (January 2019)

"ICC Oil and Gas Cases in the MENA Region"

ICC ICArb. Bulletin, Vol. 25, Issue 2. p. 21, (2014).

"Energy and International Boundaries"

Research Handbook on International Energy Law, pp. 181-195 (2014)

"Arbitration in the Kingdom of Saudi Arabia"

Arbitration International, Volume 30, Number 2, pp. 387-408 (June 2014)

"Primer on International Corruption Law"

Independent Petroleum Association of America (2013)

"Lex Petrolea in International Law"

Dispute Resolution in the Energy Sector: A Practitioner's Handbook (May 2012)

"Primer on International Dispute Resolution"

Independent Petroleum Association of America & Association of International Petroleum Negotiators

"Dispute Resolution in the International Energy Sector: an Overview"
Journal of World Energy Law & Business Volume 4, No. 4, pp. 332-368 (December 2011)

"International Mediation: An Evolving Market"
Contemporary Issues in International Arbitration and Mediation, The Fordham Papers 2010

"Global Petroleum Industry Model Contracts Revisited: Higher, Faster, Stronger"
Journal of World Energy Law & Business Volume 3, No. 1, p. 4 (March 2010)

"Bifurcation of Title in International Oil & Gas Agreements"
A Liber Amicorum: Thomas Wälde, p. 171 (2009)

"Using Local Consultants in Foreign Lands"
59th Institute on Oil & Gas Law, Publication 640, Chapter 16-1 (September 2008).

"Decommissioning of International Petroleum Facilities: Evolving Standards & Key Issues"
International Energy Law Course, RMMLF Mineral Law Series, (October 2004).

"International Arbitration and Corruption: An Evolving Standard"
International Energy and Minerals Arbitration, Mineral Law Series, Volume 2002, Number 2, RMMLF (Spring 2002)

"Model Contracts: A Survey of the Global Petroleum Industry"
Journal of Energy & Natural Resources Law, August 2004, Vol 22 No 3 pp 281-340.

"Ethics Principles for the Global Lawyer"
54 Institute on Oil & Gas Law, 1-1 (2003)

"The Development of International Bribery Law"
Natural Resources & Environment, (Fall 1999) Volume 14, Issue 2

"Canadian Law on Corruption of Foreign Public Officials"
National Journal of Constitutional Law 189, (June 1999) Volume 10, No. 2

"Corruption and Improper Payments: Global Trends and Applicable Laws"
Alberta Law Review 416. (April 1998) Volume 36, No. 2.

SPEECHES

Tim has spoken extensively on the subjects of dispute resolution, international arbitration, energy transactions, model contracts, decommissioning, corruption, corporate governance and international law in North & South America, Europe, Africa, Asia and the Middle East. He has given more than 100+ speeches in conferences around the world.

ACADEMIA

Chair of Executive Committee & Editorial Board
Journal of World Energy Law & Business
<https://academic.oup.com/jwelb>

The JWELB is the official journal of the Association of International Petroleum Negotiators and is a leading journal in the international energy industry that is published by the Oxford University Press.

The Journal covers the business, commercial, legal, financial, economic and policy issues relating to energy. It combines academic excellence with professional relevance in articles that include:

- International law and comparative regulatory & commercial law relating to oil, gas and energy
- Energy transactions, negotiations, financing issues (including disputes, project finance, commercial transactions, pipelines, shipping, LNG, accounting, taxation, environment)
- International energy policy: energy security; access to energy resources; renewable and non-conventional energy development; energy efficiency; international energy organizations.