

**Singapore International Arbitration Centre
Curriculum Vitae**



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| <u>Surname, First name</u> | <u>Martin, A. Timothy</u> |
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Educational/Professional Memberships

LL. B and J.D. - Osgoode Hall Law School, Toronto, Ontario, Canada
 Fellow & Chartered Arbitrator – The Chartered Institute of Arbitrators, London, UK
 Fellow – College of Commercial Arbitrators
 Distinguished Neutral - International Institute for Conflict Prevention & Resolution
 Panels: SIAC, ICDR, AAA, BCDR, SCCA, PIAC, KLRCA, IAI, Energy Arbitrators List
 Member: LCIA, AIPN, WCCAS
 Member: Law Society of Alberta, Canada
 Chair of Executive Committee & Editorial Board, *Journal of World Energy Law & Business*

Current Position

Managing Director
 Northumberland Chambers

Professional Experience/Areas of Expertise

40+ years of experience in the international energy industry in a variety of senior management positions, including General Counsel, General Manager, Finance Director, Commercial Manager and Petroleum Economist. Worked in more than 50 countries around the world as a senior executive in commercial, operational, financial and legal positions. Selected for the *International Who's Who of Commercial Arbitrators* and the *International Who's Who of Oil & Gas Lawyers*. Extensive experience in various legal systems including the common law, civil law, and *Shari'ah* with expertise in the following areas:

- Oil & Gas
- Petrochemicals
- Mining
- Construction

- International Trade & Investment
- Finance & Banking
- International Boundaries
- Compliance – Anti-Corruption, Sanctions, Boycott

Arbitration Experience

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:

- A construction arbitration dealing with a wind powered electric generation facility in Mexico. The governing law of the contract was the State of New York, USA, with the arbitration administered by the ICDR.
- A CPR non-administered arbitration dealing with an Asset Sale and Purchase Agreement and a related Transition Services Agreement, in which the Claimants sold the Respondent their interests in federal leases in a number of offshore Gulf of Mexico fields and the oil and gas facilities associated with those leases and fields. The contracts were governed by Texas law with their venue in Houston. The claims were for more than \$10 million.
- An arbitration that dealt with transfer and preferential rights and obligations under a Joint Operating Agreement (JOA) in a West African country. The value of the transaction was in the hundreds of millions US\$. This ICC arbitration had its place of arbitration in Paris, France.
- 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.
- Several ICC arbitrations that dealt with the relinquishment of production sharing contracts in a Middle East country as a result of unsafe and insecure conditions. Contractor claims and host country counterclaims were in the hundreds of millions of dollars. The contracts were governed by the law of the host country and the place of arbitration was 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 UNCITRAL arbitration administered by the LCIA dealing with debt claims under a shareholders agreement as a result of one of the shareholders failing to pay its share of cash calls, related to an offshore concession located in a Latin American country. The governing law of the JOA was a European civil law jurisdiction with the arbitral venue in Paris, France.

- 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 reseller 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.

Publications

A Global Review of Joint Operating Agreement Disputes

Journal of World Energy Law & Business, Volume 13, Issue 3, June 2020

Research Paper on : “A Global Review of Joint Operating Agreement Disputes”
(Available @ www.aipn.org)

“JOAs in the International Oil & Gas Industry: ICC Arbitral Awards”

ICC Dispute Resolution Bulletin, 35 Issue 3 (2019)

“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.

Languages

English