

UGRD_YPHSL_2620_LAW4062_PHILIP TAN



Singapore Management University

COURSE INFORMATION

Course Code & Title

LAW4062 - International Energy Disputes

Effective Start Date

11/01/2027

Offering Unit / Department / School

YPHSL

Course Career

Undergraduate

Course Units

CU:

Grading Basis

GRD - Graded

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Course Description

The energy industry is a significant player in the international dispute resolution sphere, spanning across investor-state, public international law, commercial and construction related disputes. The course seeks to equip students with a broad understanding of issues relating to energy contracts and disputes, from both a substantive and practical perspective, viewed through the lifecycle of typical energy projects. This course will therefore be highly relevant to both aspiring transactional and dispute resolution lawyers, and qualifies as a capstone course for the Dispute Resolution track at the School of Law. Participants will be introduced to the key features of energy projects and investments, the parties involved, and some of the unique characteristics of disputes arising in the energy sector. On disputes, the course also involves a study of both commercial and investor-state arbitration, investment protection treaties and instruments in the energy sector, and related case law in international arbitration arising therefrom. Participants will then gain an understanding of the various strategic considerations on handling cross-border energy disputes, including how to prevent them from the outset, and managing a dispute across each stage of the dispute resolution process. The course will

involve leading practitioners who will share practical perspectives on the intersection between commercial and legal considerations. Participants will apply their knowledge through class presentations and group discussions.

Course Learning Outcomes

By the end of the course, students should be able to:

1. Understand and explain the structure and lifecycle of typical energy projects and investments, including the key parties, contractual arrangements, and risk allocation mechanisms that give rise to disputes.
2. Distinguish the substantive and procedural features of different forms of dispute resolution, including negotiation, mediation and arbitration as they arise in the energy sector.
3. Analyze key investment protection treaties and instruments applicable to energy investments, and critically evaluate relevant case law arising from investor-state disputes in the sector.
4. Develop and evaluate strategies for preventing and managing cross-border energy disputes at each stage of the dispute resolution process, from contract drafting through enforcement.
5. Apply their knowledge to realistic energy dispute scenarios through class presentations, group discussions and the final assignment

SMU Graduate Learning Outcomes

Interdisciplinary knowledge, Critical thinking & problem solving, Communication

Competencies

Business Negotiation, Conflict Resolution

Course Area(s)

AREA - Business Options, AREA - Econ Major Rel/Econ Options, AREA - Law Capstone, AREA - Legal Studies Electives, AREA - Social Sciences/PLE Major-related, ENRL - SS Enrolment: 6 ISEP; 1 SUSEP, TRCK - Law: Dispute Resolution Track

CLASS SECTION INFORMATION

Instructor(s)

PHILIP TAN - (philiptan@smu.edu.sg),
00023256

Course Instructor(s)

Philip Tan (White & Case)
Jennifer Lim (Duxton Hill Chambers)

Instruction Mode

In Person

Assessment Components (New)

Category*		Weightage*				
Class Participation		10				
Description	Individual Group?*	or	With Component?*	Writing	With Component?*	Oral
Class attendance and participation	Individual		No		Yes	

Category*		Weightage*		Assessment/Submission Period*		
Projects/Assignments		40		Week 7		
Description	Individual Group?*	or	With Component?*	Writing	With Component?*	Oral
Group project and presentation	Group		Yes		Yes	

Category*	Weightage*	Assessment/Submission Period*				
Projects/Assignments	50	Week 14				
Description	Individual Group?*	or	With Component?*	Writing	With Component?*	Oral
Individual take-home written assignment (short questions or hypotheticals)	Individual		Yes		No	

Instructional Methods and Expectations

Combination of lecture and class discussion, where students are expected to have done their readings before each class and contribute actively to class discussions.

ASSESSMENT METHOD

Class attendance and participation	10%
Group project and presentation	40%
Individual take-home written assignment (short questions or hypotheticals)	50%

There will be no sit-down examination for this course. Group projects and presentations will have a strong practical / industry-oriented focus, such as a gas repricing exercise.

No questions from past year papers or published test banks will be used verbatim for the graded continuous assessments and examinations in this course.

IMPORTANT: Plagiarism is strictly forbidden and will result in a failed grade or worse, as detailed below. All materials and ideas gleaned from other sources must therefore be appropriately attributed. There should be no collaboration of any kind for all written work product, even between members of the same group--all written work product must be completed individually.

Weekly Lesson Plan
SCHEDULE (SUBJECT TO CHANGE)

Week	Topic	Readings (if any)
1	· Introduction: The Energy Industry and Its Key Features - o Types of energy: fossil fuels vs renewables - o The commercialisation of energy: players, contracts and its value chain - o The life cycle of an energy project: from investment to dispute - o Energy security and State concerns - o Managing local stakeholders · Introduction: Resolving Energy Disputes - o Pros and cons of different dispute resolution mechanisms - o Relevance of energy disputes and arbitration	
2	· International Energy Contracting: Risks, Applicable Law and Procedural Issues - o Types of risks (e.g. change in government regulations) - o Recurring themes in energy disputes (e.g. force majeure and corruption) - o Contractual mechanisms to manage risks - o Applicable law (local law, international law etc.) - o Procedural considerations (e.g. timelines of dispute resolution)	

3	· Commercial Energy Agreements and Disputes (Upstream) - o Concession contracts - o Production-sharing contracts - o Joint operating agreements - o Shareholder, joint venture, and consortium disputes	
4	· Commercial Energy Agreements and Disputes (Mid- and Down-stream) - o LNG/gas contracting - o Take-or-pay, delivery and transport disputes - o Pricing disputes	
5	Research and consultation on group project	
6	Research and consultation on group project	
7	Presentations on group project	
8	Mid-Term Break	
9	· Energy Disputes under International Law - o Applicable legal instruments (e.g. the Energy Charter Treaty) - o Jurisdictional considerations - o Substantive standards of protection (expropriation, FET etc.)	

10	· Energy Disputes under International Law (II) - o Substantive standards of protection (cont'd) - o Damages · Planning for Energy Disputes - o Drafting dispute resolution clauses - o Treaty planning - o Investor-state protections (e.g. stabilization clauses, political risk insurance)	
11	· Strategic Considerations in Energy Disputes - o Negotiation, mediation, expert determination or arbitration? - o Interplay between investor-state and commercial arbitration - o Finding the right expertise: experts, judges and arbitrators	
12	· Resolution Outcomes in Energy Disputes - o Entering into a settlement agreement - o Implementing an agreed outcome - o Enforcement considerations · Looking to the Future - o Decarbonisation and its impact on traditional energy markets - o Climate change and environmental disputes	
13	Reading week	
14	Submission of final written assignment	

Note: The above syllabus/schedule is meant only as a guide and is subject to amendment.

Recommended Textbooks and Readings

RECOMMENDED TEXT AND READINGS

General Reading Materials

1. Energy Charter Treaty
2. Vienna Convention on the Law of Treaties
3. Convention on the Recognition and Enforcement of Foreign Arbitral Awards
4. Singapore International Arbitration Act (Cap. 143A)
5. UNCITRAL Model Law on International Commercial Arbitration
6. UN Convention on Transparency in Treaty-Based Investor-State Arbitration
7. UNCITRAL Model Provisions on Mediation for International Investment Disputes

Recommended Textbook

Students are strongly recommended to purchase the following text:

Maxi Scherer, International Arbitration in the Energy Sector (Oxford University Press, 2018)

Supplementary Readings

1. William Rowley KC, Doak Bishop and Gordon Kaiser, The Guide to Energy Arbitrations (5th ed., Law Business Research, 2022)
2. James Gaitis, Leading Practitioners' Guide to Oil & Gas Arbitrations (Juris Publishing, 2015)
3. Peter Cameron, International Energy Investment Law (2nd ed., Oxford University Press, 2010)

Additional materials will be provided on the eLearn platform.

Students will only be assessed based on their knowledge from the readings prescribed in each week's reading list, and are not expected to conduct independent research beyond those readings. However, students are of course free to read beyond the reading lists to help them better understand and apply what they learn in this course.

Other Information

DROPPING A COURSE

Students are reminded to follow the dates and procedures of add/drop modules found in (<https://smu.sharepoint.com/sites/oasis/SitePages/RO/All-About-BOSS.aspx#parentHorizontalTab5>). UG and JD students need to drop the electives via BOSS unless otherwise instructed by the School for specific electives (e.g. Moots). Students who fail to follow the correct procedures and stipulated timelines for dropping their modules will obtain a “W” or “F” grades as indicated on OASIS. Do note that a “W” and ‘F’ grade is reflected **permanently** on a student’s transcript

UNIVERSITY POLICIES

Academic Integrity

All acts of academic dishonesty (including, but not limited to, plagiarism, cheating, fabrication, facilitation of acts of academic dishonesty by others, unauthorized possession of exam questions, or tampering with the academic work of other students) are serious offences.

All work (whether oral or written) submitted for purposes of assessment must be the student’s own work. Penalties for violation of the policy range from zero marks for the component assessment to expulsion, depending on the nature of the offence.

When in doubt, students should consult the instructors of the course. Details on the SMU Code of Academic Integrity may be accessed at <https://smu.sharepoint.com/sites/oasis/SitePages/DOS-WKLSWC/UCSC.aspx>.

Responsible Use of AI

The University recognises the importance of equipping students with the skills to navigate an AI-driven world. While AI tools may support learning, they must be used judiciously and responsibly. Students must not present AI-generated output as their own work.

Each course may set specific guidelines on the use of AI in assessments. Students are required to follow these guidelines carefully and should seek clarification from the instructors if uncertain.

Misuse of AI constitutes a breach of academic integrity and will be subject to the same penalties as other acts of academic dishonesty.

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Accessibility

SMU strives to make learning experiences accessible for all. Students who anticipate or experience physical or academic barriers due to disability are encouraged to inform the course instructor as soon as possible. Students may also contact the university's disability services team if they have questions or concerns about academic provisions:

accessibility@smu.edu.sg. Please be aware that the accessible tables in our seminar room should remain available for students who require them.

Digital Readiness for Teaching and Learning (DRTL)

As part of emergency preparedness, instructors may conduct lessons online via the Zoom platform during the term, to prepare students for online learning. During an actual emergency, students will be notified to access the Zoom platform for their online lessons. The class schedule will mirror the current face-to-face class timetable unless otherwise stated.