Global Agenda Council on the Future of Oil & Gas

Trust Challenge Facing the Global Oil & Gas Industry

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Introduction

The enormous economic contribution of the oil and gas industry to many national economies makes its future of critical importance to the global community. Yet despite the instrumental role oil and gas plays in economic transformation and mobility, the industry itself is facing some of the most profound challenges in its history. Oil and gas is likely to be a major source of energy for decades to come. But for the industry to be seen as a partner in energy solutions and economic prosperity – rather than a source of environmental damage and driver of sectarian conflict – it will need to address the serious trust challenges created by the failures of the worst among its ranks.

Why is there a Trust Challenge?
Increasingly, policy-makers and the public from around the world are re-evaluating the central role oil and gas plays in modern life. This is particularly the case in light of the commitments of nearly 200 governments at the UNFCCC COP21 climate change meeting in Paris in December 2015; each country committed itself to reducing its carbon emissions and to revisit the ambition of its commitment every five years. In effect, they committed to increasing their decarbonization plans on an ongoing basis.

With rising concerns over future demand, climate change, the cost of project development, governance and deteriorating community-level relationships, the industry finds itself in a delicate situation. Only by recognizing the true scope of these ongoing challenges and addressing their implications by offering leadership towards solutions can the industry continue to prosper in an increasingly complex world.

According a 2013 Gallop poll, the oil and gas industry was ranked as the least trusted industry, tied for last place with the tobacco industry, despite the pivotal importance of energy in daily life. This loss of trust has been amplified by the industry’s lobbying on environmental and safety regulations and even law suits against climate change policies. The industry tends to see the solution as better communications of technical issues. However, the public is seeking both measurable improvement in performance and greater transparency and disclosure.

A leaner and more efficient oil and gas industry will be required, both in terms of project execution and operation, to deliver significant volumes of oil and gas at competitive returns – a point that has been reinforced by the current low oil price environment. Pricing carbon externalities more accurately, ensuring higher end-consumer prices, will likely squeeze margins for producers. The industry will undergo a new technical revolution, with significantly higher levels of artificial intelligence and automation with remote operation and management, particularly in higher cost locations. This new, leaner environment will impact the supplier industry, including local content in host nations. It will compress the rents of the low-cost producers and adversely affect the fiscal revenues achievable from their oil and gas sectors.

The more challenging environment for oil and gas investment increases the stakes for addressing above ground risks that prevent or delay resource development. Even with more stringent climate policies, petroleum products will likely remain the fuels of choice for transportation in the next two to three decades. Indeed, the targets for greenhouse gas (GHG) emission reductions neither require the total elimination of oil and gas consumption nor would this result in the most economically efficient path forward. And yet, oil and gas companies around the world are often met with sharp resistance in communities that have experienced negative environmental, social and geopolitical consequences from oil and gas exploration and development. The stakeholder narrative may become one of how to eliminate reliance on the fossil fuels industry rather than how the oil and gas industry can contribute to a low-carbon future at minimum cost to society.

This document outlines the trust challenges facing the oil and gas industry and recommends actions that can be taken to rebuild confidence, showing that the industry can be a partner in solutions, not a source of society’s problems. Scenarios leading to climate change mitigation are considered in the Future Oil Demand Scenarios.

Trust in Environmental Performance
High visibility accidents and legal disputes related to environmental performance – such as the Macondo Gulf of Mexico spill, the Lago Agrio dispute in Ecuador and the legacy of oil development in the Niger Delta areas of Nigeria – have, in several important and influential constituencies around the world, undermined confidence in the oil and gas sector’s ability to deliver the benefits of fuels without imposing onerous environmental costs on local communities. The loss of trust has been amplified by the perception of many that industry was slow to take climate change seriously3. Furthermore, industry’s involvement in helping to shape environmental and safety regulations has the consequence of being judged with the benefit of hindsight if an incident subsequently occurs.5

Oil and gas companies have set expectations among their stakeholders that they can operate without negative environmental impacts, but actual performance has fallen short of these expectations in many instances. There are documented cases where risks of oil and gas-related environmental impacts have been presented as negligible or even non-existent during local community consultations and environmental assessment processes. In fact, some

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5. See, for example, the application of categorical exclusions to the obligation to conduct environmental assessments in offshore development in the Gulf of Mexico prior to the Macondo blowout. Click here.
failures in performance have been reported in the media such as surface spills of fracking fluids into drinking water aquifers or the continued practice of flaring gas despite its known impacts on health and air quality.

Successful environmental strategies require both minimizing the risks and mitigating the impacts of incidents when they occur. Many operators work to high standards and go beyond reasonable efforts to clean up spills and to reinstate the environment to its condition prior to the event. Furthermore, they compensate those affected for their losses. Ameliorating local impact is often in the interests of the company and can be justified regardless of any benefit to the reputation of the wider industry. Still, highly publicized lapses in environmental performance have reduced the willingness of some communities to open their doors to oil and gas activity. Companies with high standards believe that they have been defined by a few “bad actors” among their ranks. This is not a unique challenge. All industrial activity runs the risk of incidents, including the oil and gas industry.

The industry tends to see the solution as better communications of technical issues. However, the public is seeking both measurable improvement in performance and greater transparency and disclosure. Several aspects contribute to the tragedy of commons with regard to the collective reputation of the sector:

• The market does not reward high environmental performance above the minimum requirements because end products are priced as commodities; no environmental or social price premium exists today.

• There is no widely credible independent global yardstick for good practice in environmental performance. Elements of such measurements are emerging, including the IFC performance standards, the Equator Principles and ISO 14001. An encouraging effort to define a cross-cutting standard for environmental performance that would reward good practice is underway with a focus in Latin America, with over 200,000 b/d of certified production4.

• The absence of a widely-credible “environmental ombudsman” or arbitration mechanism hinders operators seeking to reduce the confrontational interaction between those who feel they have suffered from industry impacts and companies seeking to protect themselves from spurious claims. There are encouraging efforts to establish such mechanisms at the project level, particularly in countries with weak governance5.

• Industry relies too heavily upon regulators and the courts to hold bad actors to account and thereby runs the risk of appearing to shirk responsibility. Relying on regulators can undermine trust in the performance promises of the industry, particularly in the face of extended legal battles and in light of political lobbying against tightening of safety and environmental regulations.

• In the wake of an environmental event, boards of companies have an obligation to their shareholders to minimize their losses. This can give the impression that companies are seeking to avoid their “legitimate” responsibility. Attempts to protect their investors through legal suits and countersuits regarding liability and legal responsibility impose a “reputational externality” on all of their peers because they are all damaged in the eyes of stakeholders by the behaviour of the bad actor and by continued finger-pointing in the media.

**Addressing the Environmental Trust Challenge**

The oil and gas industry can seek to rebuild trust through a combination of actions and measures:

• Hold each other accountable to consistent standards and accept responsibility for the performance of the industry at large rather than hoping they will avoid an incident themselves.

• Provide credible voluntary mechanisms for recourse.

• Advance progressive public policy rather than appearing to drag their feet.

• Develop an industry-wide standard for environmental performance with transparent reporting. In time, such approaches may be combined with independent verification and allow investors and other stakeholders to measure and reward such performance. In addition to holding each other accountable, mutualizing risks has proven successful in other industries.

For example, childhood vaccinations benefit society at large, conferring protection on the community generally, if a sufficient proportion of children are immunized. However, vaccinations expose a small percentage of individual recipients of vaccines to potential injury. In the United States, the National Childhood Vaccine Injury Act of 1986 provides immunity to vaccine manufacturers in exchange for a small excise tax on each dose. Anyone injured by vaccines files a claim in the Court of Federal Claims and injuries found linked to vaccines are compensated from the fund.

Another example is Responsible Care, which was established by the Chemical Manufacturers Association in 1988 in response to declining public confidence in the chemical industry following the Bhopal tragedy. Patterned after a similar programme first developed by the Canadian Chemical Producers Association (CCPA), participation in the adoption and verification of practices against a comprehensive management system standard is a condition of membership for CMA’s 190 member companies, and has expanded to encompass 42 non-member companies and 24 additional trade associations. The system is used in over 40 countries, covering more

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4 [http://www.equitableorigin.org/home](http://www.equitableorigin.org/home)
5 [http://pubs.iied.org/16529/1IEDI.html](http://pubs.iied.org/16529/1IEDI.html)
than 80% of the global chemical industry’s output\(^6\).

There are also well-established examples in the oil and gas sector of industry players working together to reduce risk and collaborate on technology innovation. These include:

- Tanker Pools such as OPOL (the Oil Pollution Liability Association) and Tankers International provide for mutual underwriting of pollution risks from crude and product carriers, as long as they meet jointly enforced safety and environmental standards. The pools provide a shared incentive to enforce quality standards and provide a clear signal to society that an operator does not meet minimum acceptable standards if it is unable to join one of the pools.

- The Canadian Oil Sands Innovation Alliance (COSIA) is an initiative to share freely (among Canadian oil sands operators) any intellectual property that relates to environmental performance. It was formed following recognition that, regardless of whether individual operators maintained high environmental standards (both locally and in terms of greenhouse gas emissions), the industry’s ability to maintain its license to operate was under threat. The bad actors were undermining trust in the good, to a point where the operations of all were threatened.

There may be benefits for operators in establishing similar pooling arrangements to accelerate environmental technology development and deployment in order to pool risks, establish a non-partisan mechanism for dispute resolution, and jointly audit operations against common good practice expectations, building upon existing performance and management standards. Such approaches are likely to build confidence in the ability of the oil and gas industry to operate to high standards while accepting responsibility for accidents.

The geographical scope of collaboration would depend on the specific nature of the operations. For example, unconventional and legacy upstream oil and gas operations onshore in the United States may be more local, granular and diverse than those offshore or in a less intensely active country. Statewide pools may be sufficient in the former case; while national or even global pools may be required in the latter. Downstream, a large refiner may operate in isolation within a country while some centres of refining have a range of operators clustered in a single location. Such clusters might benefit from local pooling of risks. Industry cannot assume that in countries where care for the environment and safety is not high on the social agenda or prospecting for hydrocarbons is nascent, they can afford to apply lower standards. Indeed, there will be value in working proactively with and educating policy-makers to enshrine globally accepted standards, knowing that it is just a matter of time before the populace becomes sensitized and turns on industry as a soft target.

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Addressing the Governance Trust Challenge
The oil and gas industry has, in many instances, taken a leadership role on international anti-corruption activities. For example, Fluor Corporation is a founding member of the World Economic Forum’s Partnering Against Corruption Initiative (PACI), which commits companies to action by implementing zero-tolerance policies towards bribery and corruption and maintaining anti-corruption programs to guide the behaviour of their employees. Fluor also co-chairs the B20 task force on Improving Transparency and Anti-Corruption, which establishes collective action hubs to implement targeted industry or regional or country initiatives joining corporations together in collective action strategies that include greater levels of transparency and anti-corruption training.

Working with governments and non-governmental organizations such as Transparency International can also contribute to successful outcomes. One example is Mexico’s CFE, which partners with Transparencia Mexicana in the bidding process for access to its pipeline capacity as part of its strategy to eliminate corruption.

Companies can also join governments in promoting and endorsing voluntary codes of conduct such as the Japan Stewardship Code and India’s New Delhi Principles for Voluntary Codes of Conduct for the Engineering and Construction Sector. Broadening the coalition of companies working with and consolidating the capacities of the Extractive Industries Transparency Initiative (EITI) is another way to strengthen the global fight against corruption in the oil and gas sector. Beyond civil society, the industry will benefit through supporting the broader anti-corruption ecosystem, including government, media and public education.

The OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions will require OECD oil companies to disclose tax payments on a project by project basis, aiding transparency of government revenues. Governments in the developing world can promote this same kind of transparency by requiring their national oil companies to meet international accounting and reporting standards by releasing publicly their annual reports and mirroring the independently audited financial statements prepared by corporations listed on the New York Stock Exchange or other major global stock exchanges.

Finally, as with environmental trust challenges, a degree of mutualization may provide a path to rebuilding trust. Creation and support of an international industry watchdog to improve reporting and verify reports of corruption among its members would provide a visible means for the industry to demonstrate its commitment to transparency. Revoking the membership and pulling back from joint ventures with any company that failed to adhere to the standards of the watchdog would send a clear message to stakeholders that the industry could be trusted to be part of the solution rather than tacitly absolving itself by turning a blind eye to the actions of a corrupt organization.

Trust Challenge: Meeting Communities’ Expectations
Conflict with communities can cause flagship projects of the oil and gas industry to be abandoned or delayed. The stereotypical narrative is one of “Big Oil” or “Big Mining” collaborating with national government elites taking advantage of often poor, naïve local communities that do not get their fair share of the rewards from resource extraction and development.

In recent years, communities have found increasing capacity and will to oppose and shut down operations in the extractive industries sector. Mining and energy companies have lost millions of dollars invested in projects that have experienced clashes with local populations, to say nothing of the costly reputational hits these conflicts engender.

Mistrust, strained relations and conflicts with local communities remain a common occurrence in the sector, despite substantial and extensive industry efforts at initiatives to engage communities and promote social and environmental responsibility. The trust deficit varies across countries, with higher trust in countries where national oil companies play a dominant role in their petroleum sector. This may be a significant distinction and indicate that, in those countries, the oil sector is more successful in meeting public expectations. National oil company mandates often include non-commercial, national goals that reflect a wider range of community and national needs such as employment, income redistribution, energy security and foreign relations.

Where trust is lower, there is often a push for governments to impose stronger regulation. For example, a private Goldman Sachs study found that nearly half of the risks facing projects were non-technical in nature, with stakeholder-related risks as the single largest issue. Moreover, participants in financial markets are increasingly factoring community conflict in the prospect of delays in valuations of projects. Conflicts with communities can bring significant costs to the industry, including increased security requirements, project modification, material damage, lost productivity and reputational losses.

Causes of Community Trust Deficits
The quality of the company’s consultation processes, its role in the political process and the distribution of project benefits are critical features influencing the level of trust generated by oil and gas companies in local communities. Visible political lobbying against public goods such as stringent environmental regulations or financial disclosure

7 Analysis of survey results provided in the Edelman Trust Barometer 2014 available here.
8 Edelman Trust Barometer 2014.
10 An economy wide valuation of environmental, social and governance risks across the Australian Stock Market in 2012 by Credit Suisse identified AUS$21.4 billion in negative share price valuation impact, with mining and hydrocarbon the sectors at greatest risk (AUS$8.4 billion; and an average of 2.2% impact on the target share price) (Davis, Rachel and Daniel M. Franks, op. cit.)
11 Davis, Rachel and Daniel M. Franks, op. cit.
and anti-corruption regulations have damaged the public’s attitudes towards the industry. The distinctions between “excessive” and “stringent” environmental regulations or between “commercial secrets” and “unnecessary opaqueness” are not material in public minds, particularly if successful regulatory capture is coupled with accidents or corporate failures. Regardless of any causal link, these can be particularly damaging. Communities expect real economic benefits and in some environments, oil and gas development does indeed bring substantial employment and economic development. Still, there is a common perception that the ruling elite of the country and the oil companies have shared the windfall, leaving little for communities. This is true not only in the developing world where oil and gas companies have also fallen short of community expectations of greater access to energy, but also in industrialized economies such as the US where sentiment towards the industry is influenced by the retail prices of gasoline.

**Addressing the Communities’ Expectations Trust Challenge**

Unlike the trust challenges relating to environmental performance and governance, where the appropriate standards of performance are more universal, this trust challenge faces a more granular and diverse set of expectations depending on the circumstances of the affected communities and their relationship with the national government. However, there are several strategies that can begin to change the narrative and re-establish trust in extractive industries as a positive contributor to societal welfare.

- **Provide more information.** A World Bank Institute survey of 10 producing countries demonstrated that their publics perceived an information gap concerning the oil and gas sector. Oil companies can help communities to access information about the project and to communicate frankly over the value that may be created as well as any potential negative impacts. Outlining related mitigation measures in a way that allows accountability in the event of a mishap may also build confidence. Reporting both successes (discoveries) and failures (dry wells) can reinforce alignment between investors and communities. Where the industry suffers from a trust deficit, it may be more appropriate to rely on a trusted messenger to convey information to communities. Professional bodies, such as national institutes of chartered accountants or engineers, are commonly trusted by both communities and companies. Companies can have the relevant data audited or verified by these bodies, enabling them to communicate with communities what they know about the planned petroleum projects in a more objective manner.

- **Engage communities.** Successful companies have shifted from a one way flow of information from companies to communities to a higher standard requiring free, prior and informed consent (FPIC). The principle of FPIC requires that indigenous peoples and local communities be adequately informed about projects that affect their lands in a timely manner, free of coercion and manipulation, and that they should be given the opportunity to approve or reject a project prior to the commencement of all activities. FPIC is emerging more broadly as a principle of best practice for sustainable development and a risk management tool, used to reduce social conflict as well as increase the legitimacy of the project in the eyes of all stakeholders and rights holders.

- **Follow a protocol for ethical lobbying.** Oil and gas companies can develop industry-wide standards for ethical lobbying and create an independent industry organization that can monitor and engage peers who do not abide by the protocol for ethical lobbying and arms-length relationship with regulators. Taking responsibility at the industry level by holding to account those companies that cross the line positions the industry as part of the solution rather than ignoring the problem.

- **Avoid providing “government” public services.** Communities may come to oil and gas producers to deliver goods and services normally provided by government. It can be tempting to respond to such requests within the umbrella of corporate social responsibility activities. This allows companies to provide a public service that may make economic sense to them and lessen opposition to their operations. But, it can create greater problems in the long term by interfering with needed calls for the establishment of well-functioning public institutions. Companies expose themselves and the industry to financial and reputational risks when they take on the role of government, though they can support government efforts.

- **Support stewardship of local windfalls from projects.** There is some evidence to suggest that aligning the interests of the community and the investor can reduce friction in the relationship. One approach might be to establish a community trust to hold a carried equity interest in each petroleum project (a very small stake in exploration acreage or a small stake in a development and production project). A collateral benefit of this participation is that it would allow communities to better understand the project life-cycle and upstream costs and risks. Furthermore, it provides an auditable perspective on the profitability of the project to prevent unrealistic expectations becoming entrenched. An example of a community trust being successfully implemented comes from Niger Delta Exploration & Production Plc. The company placed a net profit interest into a trust on behalf of all the villages within the Ogbele field area in Nigeria, allowing accrued funds to be disbursed by the village leaderships through a...
transparent process. This programme successfully minimized shutdowns caused by local unrest or maintenance issues.

- Maximize the economic spillovers. Host governments are increasingly intent on capturing as much of the activity within their economies as possible. This can be driven by economic diversification objectives, balance of payment concerns or even simple rent capture. Many companies undertake successful “local content” development efforts. These focus on national programmes to develop the skills, goods, services and infrastructure that they know will be needed during a project’s lifecycle. Oil companies can enhance the likelihood of success by preparing a forward needs assessment for projects. This enables governments to map out a skills development plan that is aligned with industry requirements. The project planning process can also incorporate the lead time required for local suppliers to prepare themselves. For its part, host governments can restrict the practice of imposing preselected local content partners on international operators but allow local content to be developed through transparent tender processes.

- Deliver energy to the local economy. In countries where access to energy remains a problem, companies that focus only on exporting their produced commodities will be seen as having no stake in the local economy. Those that work with governments to ensure that project development planning incorporates improving the producing country’s access to energy – without damaging the profitability of the project – in addition to monetization through exports. Community engagement is improved through solutions that provide distributed and small scale energy production and infrastructure, particularly in remote communities.

Attracting Talent to the Oil and Gas Industry
The economic, sustainability and trust challenges facing the oil and gas industry have the potential to prevent its voice being heard in future public discourse. This might reduce the weighting of oil and gas in the future energy mix below what is economically optimum in meeting climate concerns. A more immediate consequence of these challenges is that they may add to existing difficulties, in some locations, recruiting the most talented candidates entering the workforce.

The industry has made significant progress towards balanced recruitment that engages women and younger workers through more flexibility around timing and location of work. There is a danger, particularly in a low oil price environment, with its associated “efficiency” drive, that some of this progress could be lost. Besides flexibility, the millennial generation also values a corporate commitment to social responsibility, which goes hand-in-hand with maintaining support among polity and civil society.

Opportunities for a Collaborative Industry Response
The oil and gas industry can help avoid being perceived as a sunset industry by positioning itself as a destination of choice for those seeking to build their careers. This is not a function of competitive salaries alone. The industry has used a range of strategies to recruit future role models and build a better understanding of the positive role oil and gas companies can play in society. Some can be company specific and others can achieve greater impact through collaboration.

- Invest in education. Lower barriers to choosing a career in the oil and gas industry through bursaries, internships and scholarships. The industry can build on promotion of STEM (Science, Technology, Engineering and Mathematics) subjects in schools at all levels by working with universities and community colleges to develop more relevant and engaging curricula.

- Increase geographical job mobility. Promote standardization across the industry through industry sponsored trans-national training facilities and institutes, utilizing a mixture of online training modules and geographically distributed training facilities. The attraction of such courses is enhanced when combined with guaranteed placements in the industry on graduation.

- Challenge the narrative of a sunset industry. Position the industry as offering interesting, challenging and adventurous roles (along the lines of recruitment advertisements for the armed forces in various countries). There is a strong narrative about the transferrable skills and technologies that have come out of the hydrocarbon industry and are now deployed in other aspects of life – from household products to healthcare – distinct form products made from hydrocarbons. Perhaps the analogue is NASA bringing space-tech to everyday life. This positioning can be reinforced by providing “cool workplaces” such as the Houston Campus developed by ExxonMobil, mirroring Silicon Valley formats, and taking technology out to recruitment fairs.

- Offer flexible working. Evolve roles to be more gender agnostic, encouraging more balanced gender participation; use technology to enhance potential for remote working/contribution.

- Engage more with local communities. Find ways to make facilities more open to public tours where possible. This might include creating a visit scheme for school children to visit rigs and refineries. Examples include the Shell Experience in the Netherlands or the Galveston Texas Offshore Industry museum. There is also an opportunity to provide/improve websites for each local facility, advising what is happening at the site, to increase engagement and transparency during normal times as well as emergency events.
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