Minutes of the IENRC Monthly Call held Thursday, March 10, 2016 (the “Call”)

Welcome

Mariana Paula Ardizzone welcomed the attendees to the Call.

In attendance:

Mariana Paula Ardizzone – Co-Chair, mariana@ardizzone.com.ar
Caryl Ben Basat - cwbenbasat@gmail.com
Melina Juarez- melina.juarez@sotorisolve.com
Benedict Kirchner – benedict.kirchner@steptoe-johnson.com
Linda M. Lowson - lmlowson@gmail.com
Allin Seward (“Chip”)- chipseward2011@hotmail.com
Petra Stewart.- petra.stewart@gmail.com
Cynthia Sullivan-Brown cynthia@sullivanbrownlaw.com

1. Announcements (Mariana Ardizzone)

- Introduction of Melina Juarez-Segura and Chip Seward as this Call’s Minute Takers.

- Cynthia Sullivan-Brown joined our call after several months, so, Mariana welcomed her.

- Forthcoming Events: Mariana Ardizzone informed about these forthcoming events:
  
  o Two future 2016 Boot Camps:
    
    ▪ April 2016 Marcos Rios – Membership Officer – Thursday, April 21
    ▪ May 2016 Nancy Stafford - Rule of Law Officer – Thursday, May 12
Section Teleconference Immediately Following the IENRC Monthly Call: Implementing the COP-21 Paris Agreement

- Immediately following the IENRC Monthly Call on Thursday, March 10, 2016, from 12:00 p.m. - 1:00 p.m. Eastern. To register: http://tinyurl.com/hbb6spj. The costs is only USD$20.00.

- Teleconference: On European Holding Companies hosted by the International Tax Committee of the ABA’s Section of International Law on March 22. If you are interested in attending, please contact Robert J. Misey, Jr. at rmisey@reinhartlaw.com

2. Communications Bootcamp (Petra Stewart)

Petra Stewart provided a thorough report of the Communications Bootcamp which she attended on behalf of the our Committee last February 11, 2016 with the Section’s Communications Officer, Ingrid Busson-Hall and the Section’s Vice Chair, Steven Richman.

- Business Plan updates due February 26, 2016: In connection with the Business Plan, Petra Stewart reported that Steven Richman highlighted at the call that this exercise is not just form filling and that the committees should come up with realistic goals. The Section Leadership wants to make this exercise realistic for the committees, so the committees should focus on a few things that can make a difference for the committee. Mariana Ardizzone pointed that the IENRC’s Business Plan was submitted by February 26th, 2016 as required by the Section.

- Leadership Nominations: Petra Stewart mentioned as well that Steven Richman noted that they had gone through about half of the committee nominations and found that certain officer positions have not been filled, and asked that committees report any changes with that. It was noted that the new system for committee nominations had been a bit rushed in the way it rolled out. The Vice-Chair noted it was a fair criticism and that he would mention it to Sarah Sanford and Leanne Pfautz. He also noted that the goal was to have increased transparency and to have the committee directly involved in the nominations. He invited anyone to email him with concerns or self-nominations.

It was also noted that some positions were not included on the nomination form, but that the missing positions and nominations for them had been included anyway. The Vice-Chair responded that the omissions were an oversight, that it was good that she included those nominations, and that they will get back to the committees with respect to the missing positions.
The appointment of committee members will be revised to make it more efficient and user friendly. If there are any questions, please ask and they will be forwarded to the Section leadership.

**Caryl Ben Basat** commented that the Committee should be prepared to submit nominations for these open positions soon.

The Section is ready to answer any questions the committees may have.

- **2016 Spring Meeting committee activities information due March 1, 2016:**

- The time allotted for the committee breakfast will be extended. These occasions should be treated seriously as business meetings and a time to think about possible committee programs, etc. The Vice-Chair noted that programs can be proposed throughout the year not just at/for fall/spring meetings.

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- **Role of the Communications Officer:** At the Bootcamp, Ingrid Busson Hall described the role of the Office briefly as facilitating communication between the committees, to the ABA and to the world.

- **Communications Protocol:** At the Bootcamp, the Communications officer noted that the Communications Protocol was completed last fall, distributed and is available on the website. She noted that the committees/committee members do not speak on behalf of the Section, except for the Chair and that we do not speak on behalf of the ABA.
She gave an example of the detention of attorneys in China without due process. She noted that this issue with respect to which the Section would/did want to respond in some way, but that the Section cannot simply speak on behalf of the ABA. So, there was communication between the leadership of the Section and the ABA to put out a message consistent with protocol by the president of the ABA.

The Communications Officer noted that nonetheless, committees are the lifeblood of the Section/ABA and can still do several things that address hot topic/controversial issues such as programs centered on these issues.

Clarification was requested when committees could use the ABA logo on communications. The Communications Officer responded that it should be fine to use the logo on things related to a committee’s work such as promotional material for committee events and on newsletters; however, committees may not use the ABA name and logo on, say, material taking a position on current world events.

The Program Associate noted that there was a special process to get the okay to use the logo for programs run by another entity.

Steven Richman made it clear that, if a committee had a program that featured, for example, a speaker from China, that speaker could articulate whatever position he/she had. The committees and their members simply cannot publicly speak on behalf of the ABA.

- **Spring Meeting:** The Section will determine the marketing plan which will include highlighting programs. However, things like the monthly E-Update and ILN, among others, can be used to highlight anything from programs to specific individuals.

- **Social Media:** The Communications Officer relies on the committees to leverage all tools to get the word out on what they/we were doing. The Section does not have an integrated approach to social media use. Some committees are very active users and some are not. She noted that the Communications Office’s intention is to do a survey to assess social media use by the committees. Based on the responses to the surveys and discussion with the Section, the Office will put out guidelines and best practices for social media use. They are particularly interested in hearing from those who are heavy users of social media.

**Mariana Ardizzone** reminded that we needed an administrator for the Committee LinkedIn page. For some time Caryl Ben Basat has been handling it and it is time that someone new helps with that. **Caryl Ben Basat** explained that it is not that much work, just a couple of times a month checking the administration, requests to join the group, and the news. Mariana said that
this year we have 2 nominated of Communication Vice-Chairs and one of them could take over the responsibility of being the Linkedin group administrator.

**Caryl Ben Basat and Mariana Ardizzone** believe the Committee’s Linkedin group could be more active and used to increase our membership.

- **Resource for LL.M. students:** The Communications Officer wants to put together a resource for LL.M. students that lists concrete ways that these students can be involved in the Section. The Communications Office will want two lists from committees listing: (1) internship opportunities and (2) other concrete ways that LL.M. students can be involved (e.g. contributing articles to newsletters).

A committee representative asked whether there was a sense of how many LL.M. students actually participate in the Section. The response was that there isn’t a count but there is a belief, based on interaction with students, that if concrete ways to participate are known and clear, it will increase participation.

Another committee representative suggested that an email be sent out asking for desired information and any suggestions committees may have on the topic.

The Communications Officer has thought about having a quarterly call with the vice-chairs for communications, but is cognizant that people are busy. It was suggested that maybe a meeting twice a year would be useful and noted that meetings and “how to” tutorials for social media within our committee and in conjunction with other committee vice-chairs had been well attended and useful.

The Vice-Chair noted that members were doing great things and suggested that committees send the Communications Officer an email with that type of information so that these individuals could be acknowledged in a monthly communication. The committees should let everybody know about exceptional leadership in committees. The Section would like to know about this. Committees are encouraged to email the Communications Officer about their member’s contribution or anything that they have done in the committee or in their professional life. Committees can also let the Communications Officer know about issued newsletters, publications, etc.

The Vice-Chair also noted that he was the first Vice-Chair of Communications when the office was created, thanked Ingrid for her work in this role, and said the goal of the office was to help the committees better communicate with each other.”

3. **Nominations for IENRC Co-Chairs and Vice Chairs.** (Caryl Ben Basat & Mariana Ardizzone).
The Section has changed the process for choosing future leaders for its Committees.

Mariana Ardizzone went over the submitted nominations and concluded open positions would be Membership, Publications, Liaisons and Steering Group. Those interested in them are encouraged to self-nominate. Caryl Ben Basat asked about Projects and Mariana Ardizzone replied Ben Kirchner was nominated to continue with that role.

Caryl Ben Basat explained that the “Liaisons” position is a different process; the discussions are still going on. Petra Stewart explained also the role of a Liaison. Ben Kirchner confirmed that he is liaison with the Institute for Energy Law.

4. Programs

- Miami Forum.
  - Nobody on the call attended the Miami Forum.

- 2016 SIL Spring Meeting, April 12-16, 2016 at the Grand Hyatt New York Hotel in New York City.
  - BOOM or BUST: How it is Shaping the Future of the Petroleum Industry in the Americas
    - Mariana told us that Ben and she are still trying to recruit a speaker. They are having problems having a female speaker for that conference. If somebody has an option, please send an email to Mariana or Ben Kirchner. Karen suggested that maybe some people from Chevron could attend, so she will try to send the invitation to them.

- Programs that IENRC will be co-sponsoring at the NYC Spring Meeting:

<table>
<thead>
<tr>
<th>Primary Committee</th>
<th>Title</th>
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<tbody>
<tr>
<td>International Environmental Law</td>
<td>Charting the Path Forward: Sustainable Development Goals and the post-2015 Development Agenda</td>
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<tr>
<td>Foreign Legal Consultant Committee</td>
<td>Promoting the Diversity of Legal Cultures and Bridging the Gap between Civil Law and Common Law systems (and Traditional Laws)</td>
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Mariana Ardizzone asked who would attend the NY Meeting – Mariana Ardizzone, Ben Kirchner, Melina Juarez Segura and Petra Stewart have plans to attend. Mauricio Becerra de la Roca from Bolivia and Sabin Volciuc-Ionescu from Romania have also emailed to advise they plan to attend the Spring Meeting. We have soft reservations for two alternative restaurants for the Wednesday April 13th offsite dinner: a Greek Restaurant on 1st & 51st Street (http://www.ethosrestaurants.com/) farther away from Gotham Hall and an American Restaurant that it is walking distance from Gotham Hall (http://www.davidburkefabrick.com/about.php). Mariana will reconfirm by email regarding the venue. Also, the Committee will host its breakfast at the hotel on Thursday April 14th.

  - Four programs were submitted:
    - “The Rising Tide in Asia: Maritime Boundary Disputes, Sovereignty and the Law of the Sea” (Christopher Flynn, Partner, Gilbert + Tobin, and Chris Ward, SC, Sydney Bar, AU),
    - “The Shifting International Paradigm in Facing Liability for Natural Resource Damages – A Legal Evolution” (Cymie Payne, and Kathryn Kovacs, Professors, Rutgers),
    - “Project Development and Community Engagement in Asian Natural Resources Projects – A License to Operate?” (Rony Zimmerman, Bofill Mir & Alvarez Jana), and
    - “Opportunity or Barrier: The Effects of Trans-Pacific Partnership on Energy Trading and Investment in the Pacific Rim” (Jeffrey Read and Greg Tereposky, Borden Ladner Gervais LLP).
Unfortunately, Sasha Kathuria was not at the conference to report how the process is going. Sasha should report on the status of the selection process at our next call.

- **SIL Regional Forums**

  - **2016 Americas Regional Forum**, which focused on Central and Latin America, Miami USA, February 29 - March 1, 2016. Unfortunately, *Eddie Levy* was not at the conference to report on it.

  - **2016 Europe Forum** on May 30 - 31, 2016, in Parco dei Principi - Rome, Italy, is an interactive conference that will address recent legal developments in Europe and the United States, as well as legal issues that are unique to cross-border deals and disputes. Participants will learn how to spot potential problems and how to prevent or resolve them.

  - **2017 Africa Regional Forum** is in the early stages of planning. Africa Committee is spearheading this Forum. Possible locations are Egypt, Morocco, Ghana and South Africa. The latter two are most favored.

5. **Publications**

- The themes and deadlines for upcoming ILN issues:

- **Summer Issue Deadline: May 2, 2016**

  - **Theme**: Trade Partnerships, including the Trans-Pacific Partnership (TPP) and the Transatlantic Trade and Investment Partnership (TTIP). If somebody is interested, contact Leonardo Sempértegui Vallejo, the IENRC steering group member available to assist in proposals and articles with the ILN. lsv@sempertegui.com.

6. **Projects** *(Benedict Kirchner (Hydraulic Fracturing Subcommittee Chair))*

- **Ben Kirchner** reported that he would start a survey in May to be submitted to the committee regarding the topic: Hydraulic Fracturing. It will focus on regulation and health concerns.

7. **Policy**
• Next Hot Topics planned for June 9, 2016 IENRC Monthly Call with David Schwartz, Section’s Policy Officer (topic: “Energizing the Policy Efforts of the Section”). Karen urged to assist, because it is an important topic, and David is an amazing speaker.

• Linda Lowson referred to the ABA proposal to issue a Policy Paper on sustainability reporting. She explained that it was a very important precedent in the world to report as a “Task Force” regarding Sustainability Issues, Climate Change, Legal recommendations, and David will look at which Committees will participate actively. ABA is one of the very few organizations that have the legal expertise and resources to help with the elaboration of policies. Mariana encouraged us to check the report; she will help to circulate to all the committee members.

Linda also mentioned that climate change issues are now viewed as critical to the world financial system.

The ABA is being solicited on this issue, because of its objectivity and clout.

8. Next Call

Different suggestions were made regarding our next call for concern of coinciding with the Spring Conference: Mariana Ardizzone suggested to participants to skip it since it overlaps with the NY conference. Cynthia Sullivan Brown suggested to email the listserve to ask if members not prefer instead to do an in person+dial in call from NY. Melina Juarez-Segura suggested to postpone the call one week. Mariana Ardizzone will confer with Belle Toren and advise.