Minutes of the IENRC Monthly Call of Thursday, May 12, 2016 (the “Call”)

Welcome

Belle Toren welcomed the attendees to this Call.

In attendance:

Belle Toren
Mariana Ardizzone
Cynthia Sullivan-Brown
Wojciech Baginski
Mark Gould
Nicholas J. Kowalski
Jay Ray
Markus Zwicky
Caryl Ben-Basat
Sacha Kathuria
Ben Kirchner
Petra Stewart

Announcements

- Introduction of Wojciech Baginski and Cynthia Sullivan-Brown as this Call’s Minute Takers

- Belle Toren thanked Leonardo Sempértegui V. and Jorge Kamine for taking the minutes during the April 7, 2016 IENRC Monthly Call. The minutes for the April Call were attached to the Notice for this Call and are available on the Committee’s website.

- Next Hot Topics is planned for 11 AM EDT on Thursday, June 9, 2016, during the IENRC Monthly Call with David Schwartz, Section’s Policy Officer on “Energizing Policy Efforts of the Energy Committee”. We hope to have Linda Lowson, an IENRC member, join the call and provide a short presentation on her current policy initiative. Contact Carrie Ciliberto, cilibertoc@agc.org, regarding this program. Make sure to block out time on your calendar for this presentation and monthly call.

- Rule of Law and Membership Boot Camp: Is being conducted contemporaneously with this Call. Tammie Smith Long is attending as the IENRC representatives and will report on it at the IENRC June Call. Rule of Law Officer Nancy Stafford and Membership Officer Marcos Rios will participate in the Boot Camp.

If IENRC members are interested in any area covered by the Section’s Boot Camps, they are encouraged to communicate their interest to the Co-Chairs so that they can provide the dial in instructions for the specific Boot Camp. Everyone identified as Vice Chair in the subject area should attend next year’s Boot Camps and report back to the membership during the subsequent Monthly Call. Unfortunately, this year (2015 – 2016) more than 50% of these Boot Camp calls conflicted with those of the IENRC. Vice Chairs and Steering Group members are always encouraged to dial in to the Boot Camps, which are highly recommended and informative.
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- Appointments for 2016-17 IENRC Co-Chairs, Vice Chairs and Steering Group Members.

Co-Chairs: Mariana Ardizzone – 2nd year
mariana@ardizzone.com.ar

Kristin Drecktrah Paz – 1st year
k paz@fowler-white.com

Immediate Past Co-Chair: Belle Toren
belle@belletoren.com

Vice Chairs:
Communications Eddie Varon Levy eddiemxlaw@aol.com
Publications Wojciech Baginski w.baginski.office@gmail.com
Amala Nath amala.nath@nortonrosefulbright.com
Membership Rose Rameau roserameau@gmail.com
Diversity Tamnie Smith Long tsmith126@hotmail.com
Policy Carrie Ciliberto cilibertoc@agc.org
Programs Sacha Kathuria skathuria@intlgroupmarketing.com
Melina Juarez-Segura, melina.juarez@sotorisolve.com
Projects Benedict Kirchner benedict.kirchner@steptoe-johnson.com
Rule of Law John Coogan jcoogan@ifc.org
Year-in-Review Petra Stewart petra.stewart@gmail.com
Website Cynthia Sullivan-Brown cynthia@sullivanbrownlaw.com

Senior Advisors: Jeffery Alan Barnes
ibarnes@blg.com

Renee Dopplick renee@dopplick.com

Mark Allen Gould, Jr.
mark.gould@agg.com

Steering Group: Mfon Etukeren
Yvonne Fiadjo
Nicholas J. Kowalski
Anna Mance
Jorge Mestre
Puteri Sari Mas Pian
Allin “Chip” Seward
Patricia Sims
Markus Zwicky

Appointed individuals should be notified later on the day of this call via email with a letter from the ABA. Once an appointee receives the letter, he or she is encouraged to respond affirmatively in a timely fashion.
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Nicholas J. Kowalski enquired about the responsibilities attaching to the role of a Vice Chair and Steering Group Member. Mariana Ardizzone clarified Vice Chairs’ duties depend on the role, while the Steering Group members are free to devote more time to the Committee as a whole. A member can nominate oneself to different Vice-Chair positions. Examples are as follows: If one has a gift for technology, one can be responsible for the website. If a member is interested in rule of law, then one can take on that responsibility.

Steering Group members are expected to prepare minutes from the Committee’s monthly Calls at least once a year during the ABA year. In the past two years, the Committee always needs support from its membership for the Year in Review (“YIR”), so the YIR Editor may access Steering Group as a resource. Programs and the Committee’s Newsletter need volunteers, so the Co-Chairs or Vice Chairs will call upon Steering Group members to assist. For the upcoming new ABA year, Kristin Drecktrah Paz and Mariana Ardizzone (2016-2017 Co-Chairs) will follow up with the Steering Group and ask the members for their individual strengths and interests.

Mariana Ardizzone also asked Steering Group members to review their calendars in order to check for availability to present items of interest to IENRC members as a Hot Topic. The focus of these topics should be in line with the speaker’s field of practice and within the realm of energy and natural resources law. During each Hot Topic session of up to 15 minutes prior to Q & A, a specific area of the law is discussed in depth. One may present material from a publication or book. If a Committee member has a subject one would like to present for Hot Topic in 2016-2017, that individual can send Kristin Drecktrah Paz and Mariana Ardizzone an email in order to coordinate, schedule, and send notices out regarding the topic. Belle Toren noted that Hot Topics presentations during our Monthly Calls are a good tool to invite prospective new members of the Committee to join our Monthly Calls both as speakers and attendees. One other purpose of the Hot Topic session is to provide topical information that’s free to our members. Since the listserv goes out to 900 people, the Hot Topics’ presenter will receive a lot of publicity.

- **ABA Annual Meeting**, San Francisco, California, on August 4-9, 2016. Caryl Ben Basat mentioned that prior to the ABA Meeting, the Section is holding a retreat session at Half Moon Bay. These retreats used to be open only to the Section leadership, including Committee Vice Chairs, but now all Section members can attend. The retreat offers no CLE credits, but deals with Section organization and administration and planning. In order to participate, early sign-up is mandatory, especially this year since the hotel seems to be popular and the room block is being filled.

The retreats are especially helpful to Vice Chairs to learn how to prepare and work together in the upcoming year, especially when there is more than one Vice Chair appointed for a Committee responsibility like Programs. These issues are discussed in the retreat. Let Mariana Ardizzone and Kristin Drecktrah Paz know if you plan to attend the Retreat at Half Moon Bay this August.

The theme for the ABA Annual Meeting is “Greatness in Every Direction.” It will offer over 100 CLE programs including 9 CLE Showcase programs focused on key issues facing today’s legal professionals.
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For additional information and registration.  
http://www.americanbar.org/calendar/annual.html

For more information about the Section’s Retreat please click here: http://www.americanbar.org/groups/international_law/section_retreat.html

- **XVI World Water Congress** (a triennial event), May 29 – June 2, 2017, in Cancun, Mexico. Energy will be highlighted as an important topic. Gabriel Eckstein, an IENRC member notified the Co-Chairs that abstract and special session submissions from IENRC members are welcomed. If you have any questions, please contact Gabriel Eckstein who has been appointed to chair the International Scientific Committee for Congress and is an IENRC member.

Gabriel Eckstein | Professor of Law  
Chair, International Scientific Committee, IWRA XVI World Water Congress  
Texas A&M University School of Law  
Twitter @GabrielEckstein  
Director, International Water Law Project  
Executive Council, International Association for Water Law  
SSRN: http://ssrn.com/author=359622  
ORCID iD: 0000-0002-9393-2362  
office: 817.212.3912 | mobile: 806.441.7172 | gabrieleckstein@law.tamu.edu

2. **Programs** (Sacha Ahmad Kathuria / Melina Juarez-Segura)

- **2016 SIL Spring Meeting**, April 12-16, 2016, took place at the Grand Hyatt New York Hotel in New York City

Mariana Ardizzone reported on the Meeting in general and on the IENRC program and events specifically. Our Committee sponsored “Boom or Bust: How it is Shaping the Future of the Petroleum Industry in the Americas”, Chairs: Ben Kirchner and Mariana Ardizzone; Speakers: Carlos de Maria y Campos Segura and Mariana Ardizzone. This panel was scheduled for the first time slot on the first day of the Conference. At the 9 am the room was halfway full. Jay Ray, on the Call, and Carlos De María were newcomers to the Spring Meeting. Carlos De Maria spoke on the Pemex Round One and on the Mexican Hydrocarbons Reform, and Mariana presented on Argentina perspective. She advised that at the CLE materials she posted for the program are related to an idea she would like the IENRC to pursue for the future regarding the Hydraulic Fracturing Subcommittee.

Attached to the agenda for this Call is a draft questionnaire which Mariana Ardizzone proposes to have distributed among and responded to by members from different countries where unconventional resources are exploited. Perhaps the questionnaire was not framed as universally as possible, so Mariana asked that IENRC members take a look at the questionnaire and make comments and identify compelling subjects in one’s own jurisdiction. When members have thoroughly reviewed it and given their different perspectives, Mariana Ardizzone will send an approved and completed copy for members to complete. In the next six months to a year, she hopes that the IENRC will put together a joint publication on the status of unconventional hydrocarbons legislation around the world. If anyone wishes to
get involved, they can join the Hydraulic Fracturing Subcommittee of the IENRC. Contact Ben Kirchner and Mariana Ardizzone if interested.

IENRC Events Summary

- **IENRC Sponsored Panel:** “BOOM or BUST: How it is Shaping the Future of the Petroleum Industry in the Americas”, Chairs: Ben Kirchner and Mariana Ardizzone; Speakers: Carlos de Maria y Campos Segura; Mariana Ardizzone

- **Wednesday April 13th Lunch:** in attendance: John Boscariol (McCarthy Tetrault); Hassan Abbas; Dixon Miller (Section Liaison Officer); Ireneo Reus; Rosa Ertze (Duane Morris)

- **Wednesday April 13th Off-Site Dinner at the NY Central Restaurant, Grand Hyatt:** in attendance: Ben Kirchner (Steptoe Johnson); Petra Stewart (VC); Melina Juarez Segura (Soto Risolve); Sidney Weiss; Sabin Volciuc Ionescu; Roland Senhold (Zwicky, Windlin); Jay Ray (IEL)

- **Thursday April 14th Breakfast:** in attendance: Jeff Barnes (Borden Ladner); Melina Juarez Segura (Soto Risolve); Prof Kati Kovacs (Rutgers Law); Brian Zuercher (SAS Institute); Javier Etcheverry Boneo (Marval O’Farrell); (Gustavo Cedrone Mitrani, Caballero); Mariana Ardizzone. Mariana Ardizzone thanked Jeff Barnes, IENRC Senior Advisor, for joining our Committee Breakfast. It was great to see all of those who attended.


Update on IENRC Proposal selected by the Meeting’s Selection Committee. Those going to Tokyo should notify Sacha Kathuria, Vice Chair Programs. There was some confusion regarding the publication deadline for committee co-sponsorship and panelists. While May 13 was the deadline for providing program details for inclusion in the publication of the Meeting’s printed brochure, the SIL gave the Committee’s TPP program an extension until May 17. Committee members were asked to suggest an in-house female speaker on Trans-Pacific Partnership (“TPP”) who can go to Japan.

Additionally, Sacha Kathuria needs to know where to have the dinner and, since much work is required in its coordination, members who would like to assist or who know someone in Tokyo are welcome to contact Sacha Kathuria with that information. For example, the Committee took considerable time last year in choosing the appropriate Montreal restaurant, especially due to capture the ambience and culture of Quebec.

Sacha Kathuria noted that she had not received any requests for co-sponsorship from another SIL committee, which is unusual since there is normally a flurry of sponsorship requests shortly before the deadline. There may be a possibility that the sponsorship requests have gone to an individual not on the call. Greg Tereposky has the responsibility to obtain co-sponsors for the TPP program. It is possible that there have been issues with regard to co-sponsorship due to a lack of focus and other committees seem to be under the impression that the deadline for
co-sponsorships has passed. Despite that, the IENRC will proceed to acquire co-sponsors for its TPP program.

Carol Ben Basat advised that another issue is that ABA staff has gone through a lot of changes. Julie Pasatiempo, who had worked for the Section for 8 years and at the ABA for a total of 20 years, passed away on December 28, 2014, and the Section has never been able to fill her shoes. Also lacking are reminders and notices for important deadlines plus guidelines, which Mariana Ardizzone will bring up in the retreat. This results in, unless one is proactive as a Vice Chair, vice chairs having to do more investigation and shortcomings often result hampering the timely involvement of our Committee membership in Section events.

**TPP Program for Tokyo Meeting:**

“Opportunity or Barrier: The Effects of Trans-Pacific Partnership on Energy Trading and Investment” (Jeffrey Read and Greg Tereposky, Borden Ladner Gervais LLP)

**Panel Description**

The Trans-Pacific Partnership (TPP), the first major multilateral trade agreement in two decades, is not yet a reality, but governments, energy sector and investors need to consider its effects on energy trade and investment. The TPP will impact the energy sector in many ways, including the elimination of tariffs, the opening up of new countries for investment, and the implementation of transparent environmental regulations. The 12 participating countries will be impacted in varying degrees: will it be a boon to LNG exports from Canada and Australia or a revival of the economy of Japan? Will it affect investment in Mexico? What about the non-participating countries, like Korea and China, might they ultimately join the “club”? This panel, comprising speakers from [Australia, Canada, Japan, Mexico and the United States], will uncover the provisions of the TPP that facilitate/inhibit trade and investment in energy products and sector-related services, including exploration, extraction, engineering, power generation, environmental management and training within participating countries and lead to the prognosis: opportunity or barrier.

The Tokyo Meeting will have a track devoted to the TPP in which the IENRC program is included.

**Trans-Pacific Partnership**

- Transpacific Partnership: Progress Made and Expected Impact on Trade with the Asia-Pacific Region with a Focus on Customs, Rules of Origin and Market Access
- Transpacific Partnership: Progress and Predictions for the Largest International Trade Agreement in History
- The Ballad of East and West: Will Local Approaches to Litigation Affect TPP Investment Cases?
- **Opportunity or Barrier: The Effects of the Transpacific Partnership on Energy Trading and Investment in the Pacific Rim**
- The Transpacific Partnership: Perspectives and Predictions through the Antitrust Looking Glass

The Section/SIL sent out the requests for proposals for upcoming Spring Meeting a month earlier than last year. **IENRC must have a final proposal from its members by June 16.** The Co-Chairs, Sacha Kathuria and Melina Juarez-Segura (Vice Chairs, Programs) will be involved in putting together the IENRC committee’s proposal and are uncertain how many proposals they will need to consider. When reviewing proposals, the team considers diversity, sponsorship, etc. and then ranks them prior to submitting to the SIL. Last year, however, the fourth-ranked program was chosen by the Selection Committee because it satisfied a special track of programs to be available at the Meeting regarding the TPP. This information on the TPP was not known to the IENRC leadership. The Committee must rank the proposals prior to submitting its recommendation to the SIL, therefore, the review takes time due to the multiple criteria required by the Section.

For the 2017 Spring Meeting, if anyone has a proposal, please submit it prior to June 16 to the Co-Chairs, Sacha Kathura or Melina Juarez-Segura. Sacha Kathuria stated that she would like the IENRC to submit a proposal on “Electricity and Clean Power Plan”. Members are encouraged to submit ideas to the Co-Chairs or Program Vice Chairs early before the deadline. Mariana Ardizzone mentioned that she will put Jorge Kamine in touch with Sacha Kathura, because he is based in DC, experienced in clean power and has said that he wanted to get involved in future IENRC programs since he could not come to NY for the Boom or Bust panel.

Belle Toren urged that the members considering a proposal should familiarize themselves with the Guidelines attached to the notice for this Call. She also provided a few tips to consider when thinking about making a proposal: Two speakers from the same firm cannot be on panel (including moderator), but can be co-chairs. The rationale here is that the ABA does not want a single firm to monopolize speaking opportunities. Additionally, panelists almost always have last minute cancelations, so the panel organizer must always procure backups. The Vice Chairs for Programs, Sacha Kathuria and Melina Juarez-Segura, will assist in that endeavor. Since speakers and moderators, unlike program chairs, are not required to be ABA members, including non-ABA members on a panel has provided a means to attract new members to the ABA, Section and this Committee. If limited for time, a panel member can register for one day of the Meeting. Some exceptions to the Meeting registration requirement can be arranged, and then the individual panelist would just attend the panel and none of the other Meeting programs or events.

**DEADLINE FOR PROGRAM SUBMISSIONS TO THE COMMITTEE LEADERSHIP IS JUNE 16, 2016.** See program proposal guidelines attached to the email from Melina Juarez Segura sent to the Committee membership via the Listserv on May 10, 2016. Queries and draft program proposals should be submitted to the Co-Chairs, Sacha Kathuria, skathuria@intlgroupmarketing.com and Melina Juarez Segura, melina.juarez@sotorisolve.com.

New Feature - Two Program Formats
Panels can be 60 or 90 minutes. The standard used to only be 90 minutes, but the SIL is now offering shorter programs. Therefore, for each program proposal, please recommend whether the program should be 90 minutes long (the standard) or a shorter 60 minute session.

- **SIL Regional Forums** (Melina Juárez Segura or Markus Zwicky to report)


Program Topics:
- corporate counsel roundtable
- state of international ethics in Europe
- cross-border estate planning in the region
- collective actions in the U.S. and EU
- complex cross-border criminal law issues
- dispute resolution under TTIP
- international trade agreements in the 21st century
- International Criminal Court
- mergers and acquisitions
- privacy and cyber security

Links available


**2nd 2016 Americas Regional Forum** on November 14, 2016 in Bogota, Colombia

IENRC is a primary sponsor of a program proposal chaired by Fabian Pal of Holland & Knight, Miami, Florida, Fabian.pal@hklaw.com, Holland & Knight LLP, submitted to the SIL on April 29, 2016:

“Ride the Energy Wave: An overview of key legal issues in M&A and JV transactions in the Latin American Energy Sector”

Energy is trending in Latin America from investments in renewable energy and government bids to the divestiture of energy assets by international conglomerates. In acquiring companies or entering into joint venture agreements in Latin America there are many key legal issues and regulatory pitfalls that must be taken into consideration. This panel will discuss local regulatory, environmental, customs, security and labor issues as well as prior public consultation of the native populations. The panel will further discuss situations they have encountered and methods used to resolve them.

**Primary sponsoring committees for this proposed program:**

IMAJV Committee
Latin America and Caribbean Committee  
International Energy and Natural Resources  
Young Lawyers Interest Network Committee

**Suggested Speakers:**  
Moderator: Preferably In-House Counsel  
Jose V. Zapata - Holland & Knight (Bogota)  
María Teresa Quiñones  
Speaker from Chile (currently discussing with one candidate)  
Speaker from Argentina (currently discussing with two candidates)

Not just co-sponsorship, but sponsorship. This is being encouraged. Not have to identify speakers in proposal.

**2017 Africa Regional Forum**  
No additional news on this forum.

### 3. Publications (Kristin Drecktrah Paz (YIR Editor) / Mark Gould (Newsletter Editor))

- **Year in Review Update:** Belle Toren noted that this year Kristin Drecktrah Paz did an excellent work in working with a variety of authors on topics covering a wide range of countries. We need to confirm the status of the proof of the IENRC article given that the Africa Committee has committed work on its proof. The Africa Committee expects the YIR to be released by early July.

- **Committee Newsletter (Update by Mark Gould)** – Is looking really good with articles on China and Senegal. Expecting, however, that **two additional articles** may not arrive. Since the required information was received in NY, most likely, the newsletter should be out in 2-3 weeks. However, its release is pending a good body of articles. Ideally, the committee receives four full-size articles, but there are only two now. Please let Mark know if you can write something within two weeks. Mariana stated that she will contribute at least one additional article.

- **International Law News** – **August 1 deadline for submission.**  
Theme: Arbitration, Mediation, and Online Dispute Resolution (ODR)

  Lisa V. Comforty, Managing Editor, ABA Publishing, Periodicals  
  Email: lisa.comforty@americanbar.org

  Wojciech Baginski and Amala Nath will be stepping up to assist with the ILN next year. **PLEASE SUBMIT ARTICLES FOR PUBLICATIONS!**

### 4. Projects (Benedict Kirchner (Hydraulic Fracturing Subcommittee Chair))

- See # 2 (2016 SIL Spring Meeting) above for joint publication initiative by Mariana Ardizzone on the status of unconventional hydrocarbons legislation around the world.

### 5. Policy (Eddie Varon Levy / Carrie Ciliberto)
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- “Hot Topics” programs are to be held as part of the IENRC monthly call at least twice a year.

Next Hot Topics is planned for 11 AM EDT on Thursday, June 9, 2016 during the IENRC Monthly Call with David Schwartz, Section’s Policy Officer on “Energizing Policy Efforts of the Energy Committee”. We hope to have Linda Lowson, an IENRC member, join the call and provide a short presentation on her current policy initiative. Please contact Carrie Ciliberto, Vice Chair Policy, to learn more about this program or to propose new Hot Topics for 2016 -2017. IENRC leadership is looking forward to strong attendance during the monthly Calls next year by having a number of Hot Topics presentations at the start of the Monthly Calls. Making Hot Topic programs available to the IENRC membership provides an opportunity for members to become familiar with issues related to but outside their current practice. So far the Hot Topic presented on emergency arbitrators on January 7, 2016 was well received.

6. Membership (Belle Toren reporting)

- Promotion of the ABA’s new recruitment campaign, Powerful Career Women, which includes a free 6-month trial ABA membership and free practice specialty group. Reply by May 31, 2016, to be eligible to win a $500 Brooks Brothers gift card.

- Belle Toren mentioned that approximately 30 new members have joined the AIPN as a result of work she has done with the Strathmore University School of Law (Nairobi) and its Extractives Industry Centre (SEIC) as a result of the Section’s Africa Region Forum held in June 2015. Because the AIPN requires a sponsor for student membership, she is aware of the new AIPN members. She is hoping that the students at the SEIC have also joined the ABA, the SIL and this Committee.

7. AIPN Liaison (Belle Toren reporting)

- Cooperating entity status has been approved for the upcoming AIPN 2016 conference:

  Model Contracts Workshop - SIL is a co-sponsor – equivalent to “cooperating entity” status. Section members attend this Workshop at the AIPN member rate.
  June 28 – July 1, 2016
  Banff Springs Hotel,
  Banff, Alberta, Canada

8. New Business and New Members

Welcome to Jay Ray and Nicholas Kowalski who were on the Call.

Belle Toren and Mariana Ardizzone, Co-Chairs
International Energy and Natural Resources Committee
ABA Section of International Law
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June 9, 2016 is the next IENRC Monthly Call with a Hot Topic, so call in and please invite your friends to join!