MINUTES – Thursday, July 14, 2016

Present:

Belle Toren (Co-Chair), belle@belletoren.com
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1. Announcements (Belle Toren)

- Thank you to Anna Mance and Rony Zimerman for taking the minutes during the June 9, 2016 IENRC monthly call. Thank you to Carrie Ciliberto and Rose Rameau for taking the minutes during the July 14, 2016 IENRC monthly call. The Section’s minutes are included on the Committee’s website: http://apps.americanbar.org/dch/committee.cfm?com=IC742000

- Thank you to David Schwartz, Section Policy Officer, for presenting the IENRC’s second Hot Topics program on last month’s call, “Energizing Policy Efforts of the Energy Committee,” and additional thanks to Linda Lowson, IENRC member, on her presentation on her current policy initiative, “Sustainability Financial Reporting”. Please feel free to contact David or Linda for more information. Contact information:
  Linda Lowson: lmlowson@gmail.com
  David Schwartz: DASchwartz@wlrk.com

- Hot Topics: Caryl Ben Basat attended the American Wind Energy Association’s Wind Power Conference in New Orleans at the end of May and reported on the success of this conference and its format. Belle Toren suggested an overview of the wind energy industry as a potential “hot topic” to be discussed on a future call. Please submit other hot topic ideas to Eddie Varon Levy (eddiemxlaw@aol.com) and copy Kristin Drecktrah Paz and Mariana Ardizzone. The last hot topic program was on policy (see above). The first one was on emergency arbitration, which had a nice synergy with the Committee. While not directly applicable, this issue does affect our Committee members indirectly. Sheila Hollis suggested as a hot topic, “The curious second life of LNG from imports to exports and where that business is headed, while tying in NEPA (National Environmental Policy Act) issues”. Belle Toren mentioned the developments in Britain (Brexit) and how they may impact US energy as another possible topic. Sheila Hollis also mentioned today’s Financial Times article about a nuclear waste dumpsite being developed in France which raised, among other things, the question of how to warn generations tens of thousands of years in the future about the highly toxic dangers of the site. http://www.ft.com/cms/s/2/db87c16c-4947-11e6-b387-64ab0a67014c.html

- Reminder: Change of time of IENRC Monthly Call due to conflicts with SIL Boot Camps. The IENRC leadership is considering moving the monthly call to a new time and date to avoid conflict with SIL Boot Camp calls. Call attendees expressed some preference for 3rd Thursday at 11 EST/EDT because it offered more flexibility if members find it difficult to devote 2 hours to the IENRC and Boot Camp calls on the same date and the 10 EST/EDT time as being too early for
the Pacific time zone members. The final decision will be made by Mariana Ardizzone and Kristin Drecktrah Paz and announced to the membership.

- **SIL Leadership Boot Camp:** Caryl Ben Basat attended last month’s Boot Camp call on long-range planning with Lisa Savitt, the current Chair of the Section and reported on it. Lisa began by discussing her goals for the Section and what had been done to accomplish those goals. The first goal is to establish diversity as a core value of the Section. Diversity is more than gender balance, but inclusion in the fullest sense of the word. The diversity initiative is an ongoing effort to reflect the rainbow of backgrounds that make up SIL’s membership, in terms of gender, ethnicity, age, race, type of practice and geographical location in both programming and the Section’s leadership appointment process. To this end, the Diversity Officer has taken an active role in reviewing proposed programs and leadership appointment lists, and counseling members on ways to increase diversity as needed.

The second goal is to increase the number of young lawyers who are active members of the Section. The Young Lawyers Interest Network (“YIN”) and the Law Student Outreach Committees have been working together to accomplish this goal. In addition, YIN and the Young Lawyers Section of the ABA held a joint Pathways program at the Spring Meeting in New York. Lisa Savitt encouraged Sara Sandford, the Chair Elect, to continue these and other efforts to engage younger lawyers for the ongoing life of the Section and committees. Another goal is to increase the effectiveness of the Section’s officers. To this end, each officer has one or more deputies, to get more people actively involved in the governing process and assist with responsibilities.

The **future of the Forums** was another topic of discussion. The purpose of Forums is to bring programming to the regional level to reach members and potential members who may not be able to attend the national conferences. This year the Section held regional Forums in Beijing, Miami and Rome. Forums tend to be shorter in length and less well-attended than seasonal meetings due to their regional focus, but the intimacy has created more meaningful networking opportunities for participants than they might otherwise have at the larger seasonal meetings. The Forums were quite successful this year; the forum approach will continue to be fine-tuned.

A big issue within the Section is how to respond to sudden rule of law crises occurring around the world. Last summer a group of human rights lawyers was detained in China. There has been much ongoing discussion at the Council level about how the Section — and the greater ABA — should respond. A statement was issued by the ABA President, Paulette Brown, who also attended our Beijing Forum, but some felt it was not strong enough. The ABA has a Rule of Law Initiative (ROLI), with staff, consultants and volunteers working in many countries, including China, to promote the rule of law. Hence there is a balancing act between development and advocacy. Lisa Savitt has created three Working Groups to address rule of law crisis response. The first group is devising strategies to address the situation in China that the Section could implement itself, without the approval of the larger ABA, such as the development of programs, articles and webinars alerting the membership to the situation. The second group is examining and fine-tuning the current protocol that exists when a rule of rule crisis occurs anywhere, to ensure that our internal approach is consistent and coordinated. The third group is devising strategies to work with the larger ABA when a rule of law crisis occurs. The Working Groups will be reporting back to the Council in August on their progress.

Lisa Savitt touched on two additional topics during the call. First, she encouraged Committee Vice Chairs to reach out to officers, either directly or through their Co-Chairs or Division Chairs, when specific issues arise within those officers’ areas of responsibility, since the Section wants to foster both bottom up and top down lines of communication. Secondly, she described ongoing City Chapter development efforts. City Chapters have been created to encourage local engagement and increase Section membership. Chapter success varies, depending upon interest, critical membership mass within a particular city and the skill and commitment of local leaders. Three City Chapters that have been especially successful are the Buenos Aires, Seoul and San Diego – Tijuana City Chapters.
Minutes: IENRC Monthly Call of Thursday, July 14 2016

You can listen to prior Boot Camps at the Leadership Portal for the SIL (you must log into the ABA website first): http://www.americanbar.org/groups/international_law/leadership.html

A brief discussion of Section-wide communications issues followed, since some IENRC members were not aware of the existence of City Chapters. If IENRC members are interested in volunteering to assist with the Communications function, they should contact:
Eddie Varon Levy (incoming Vice Chair, Communications), eddiemxlaw@aol.com
Mariana Ardizzone, mariana@ardizzone.com.ar
Kristin Drecktrah Paz, kpaz@fowler-white.com.

- **2016-2017 IENRC Leadership.** Please contact Mariana Ardizzone and Kristin Drecktrah Paz if you are interested in joining the IENRC Steering Group, which supports the IENRC Co-Chairs and Vice Chairs in their responsibilities throughout the year and gives you an opportunity to be identified as a member of the IENRC leadership. The 2016-2017 Co-Chairs are reviewing last year’s business plan and will be drafting this year’s business plan.

- **SIL Leadership Retreat.** The Section’s Leadership Retreat will be held at the beautiful Ritz Carlton Half Moon Bay Resort from August 3 – 5, 2016. You can register and access all the information at the Retreat Website, including hotel reservations, the agenda, and transportation information. http://www.americanbar.org/groups/international_law/section_retreat.html. The retreat is an excellent way to get involved. Leaders as well as prospective leaders are encouraged to attend the Retreat.

- **ABA Annual Meeting,** San Francisco, California, on August 4- 9, 2016. Theme is “Greatness in Every Direction.” It will offer over 100 CLE programs including nine CLE Showcase programs focused on key issues facing today’s legal professionals. Additional information and registration: http://www.americanbar.org/calendar/annual.html?sc_cid=ANN2016-A2

2. Programs


  **IENRC Program: Opportunity or Barrier: The Effects of Trans-Pacific Partnership on Energy Trade and Investment**

  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.

  **Moderator:** Jennifer L. Radford, Partner, Borden Ladner Gervais LLP, Ottawa, Canada (noted change in moderator because Greg Tereposky now has a scheduling conflict, he will continue to co-chair the program)

  **Speakers:**
  Max Bonnell, King & Wood Mallesons, Sydney, Australia
  Eduardo Diaz Gavito, Chevez Ruiz Zamarripa, Mexico City, Mexico
Osamu Umejima, White & Case, Tokyo, Japan
Marney Cheek, Washington DC, United States

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http://shop.americanbar.org/ebus/ABAEventsCalendar/EventDetails.aspx?productId=239900551


The IENRC submitted to the Section one panel proposal to the Selection Committee for the Section’s 2017 Spring Meeting with the theme of “New Leaders, New Laws: 2017 and Beyond” when creating your proposals. Thank you to the Program Vice Chair, Sacha A. Kathuria.

Chair or Co-Chairs: Sacha Kathuria: Midwestern Governors Association, Washington, DC

Title: Climate Change, the Clean Power Plan, and Electricity Transmission: a road to innovative solutions or a stalemate?

Description: The pressure toward emission reductions by the United Nations Framework Convention on Climate Change (UNFCCC) and the U.S. Clean Power Plan combined with the geostrategic realities are leading toward greater innovation in the renewable energy sector. Nevertheless, this push toward new energy sources have in some ways alienated traditional sources of energy, such as oil and coal. Is the push toward renewables leaving traditional energy in the dust? Or, is it possible to utilize renewables and traditionally energy sources together? This panel will discuss how the pressure to reduce emissions is affecting electricity transmission internationally.

- SIL Regional Forums

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

Update on program proposal chaired by Fabian Pal Fabian.pal@hklaw.com, with the IENRC as one of the primary committee sponsors:

“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)

2017 Africa Regional Forum is in the early stages of planning. Africa Committee is spearheading this Forum. The conference may be held in March or April 2017 in the Republic of South Africa with the probable location as Cape Town, South Africa. Please contact Belle Toren if you are interested in getting involved.

3. Publications

- **2015 Year in Review** has been released. Thank you to Kirstin Drecktrah Paz, YIR Editor, for her excellent work on this YIR!

  Here is the link to the 2015 YIR:

  IENRC 2015 YIR article:
  [http://www.americanbar.org/content/dam/aba/uncategorized/international_law_/yir621.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/uncategorized/international_law_/yir621.authcheckdam.pdf)

- **2016 Call for Articles for the 2016 Year in Review**. If you are interested in contributing to the IENRC’s 2016 YIR article, please email Petra Stewart, 2016 IENRC YIR Editor, at petra.stewart@gmail.com by August 21, 2016. In that email, indicate the country or countries that you would like to cover (you are welcome to cover more than one and are encouraged to do so). Submissions should identify and summarize significant events affecting the law or the judicial system of the country(ies) / institution(s) of your choosing that occurred in 2016 or whose impact was felt in 2016. The submissions should be factual representations about the legal developments and should not contain personal opinions. In addition, submissions should contain citations to verifiable sources, including reliable websites.

- **Committee Newsletter (Mark Gould)** – The IENRC Newsletter was distributed on June 20, 2016. Thank you to Mark Gould, Editor and Wojciech Wiktor Bagniski, Asst. Editor. Please contact Mark Gould regarding articles for the next newsletter that should be circulated in the Fall 2016 at mark.gould@agg.com. Mark is always looking for contributions on topical issues versus footnoted annual review-type contributions that would be more appropriate for the Year in Review publication. The newsletter generally includes 2-3 news articles, as well as committee updates. The editors are looking to add a new section featuring personal interest stories (e.g., new job, kids, etc.) with the goal of making it more personal to the members.

- **International Law News** - You can access past issues of the ILN at this webpage:

  Fall Issue Deadline: **August 1, 2016**
  Theme: Arbitration, Mediation, and Online Dispute Resolution (ODR)
Minutes: IENRC Monthly Call of Thursday, July 14 2016

Lori Lions, Managing Editor, ABA Publishing, Periodicals
Email: lori@lyonscorner.net

Articles are typically 2,000–3,000 words in length; short “Briefly Noted” articles of about 400–650 words may also be submitted. ILN editors are seeking interviews with notable contributors to the field of international law for our “ILN Interviews” column. If you would like to interview someone, please submit your idea for Editorial Board approval.

4. Projects

Mariana Ardizzone is interested in preparing a global review of unconventional hydrocarbons regulations. If you are interested in providing an article on a particular jurisdiction, then please contact her at mariana@ardizzone.com.ar. She welcomes your participation/assistance, articles and comments. Please contact her if you are interested in getting involved in the editing process as well.

5. New Business

- Caryl Ben Basat briefly discussed wind energy and the growing need for wind energy technicians. She will write an article for Mark Gould to include in the IENRC Newsletter.

Thank you.

Belle Toren and Mariana Ardizzone, Co-Chairs
International Energy and Natural Resources Committee
ABA Section of International Law

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