Minutes: IENRC Monthly Call of September 15, 2016

Present:

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John Coogan, jcoogan@ifc.org

1. Announcements & Notices (Mariana Ardizzone / Kristin Drecktrah Paz)

- Introduction of and thank you to John Coogan as this Call’s Minute Taker.
- Thank you to Ben Kirchner and Petra Stewart for taking the minutes during the Aug 18, 2016 IENRC Monthly Call.
- The minutes of the August Call are included on the Committee’s website: http://apps.americanbar.org/dch/committee.cfm?com=IC742000

It was noted that a request had been received from the Environmental Committee for contributions to their Committee newsletter.

Linda Lowson noted the ABA Policy Initiative on Sustainability Financial Reporting concerning capital markets reporting for ESG sustainability. Interested members should contact Linda Lowson.

Forthcoming deadlines:

- **Business Plan:** Vice Chairs were asked to submit their draft plans to Kristin Drecktrah Paz by September 16, 2016. The Business Plan is due to Section September 29, 2016, and will later be updated in February. Last year’s (2015-2016) Business Plan was circulated to give a sense of what the Committee has done in the past. Belle Toren noted that the Boot Camps also are valuable in developing Business Plan ideas.

- **Tokyo Fall Meeting Early Bird Registration expires Friday 16 September.**

- **Boot Camps:** It was noted that the relevant Vice Chairs should attend their Boot Camp and report back to the Committee at the next Committee call. **Boot Camp Calls** start at 11:30 a.m. ET on the days noted:

  Thursday, October 6, 2016 – Communications Officer Ingrid Busson-Hall
  Thursday, November 3, 2016 - Rule of Law Officer Nancy Stafford
  Thursday, December 1, 2016 – Membership Officer Marcos Rios
  Thursday, January 12, 2017 – Liaison Officer Lelia Mooney
  Thursday, February 9, 2017 – Technology Officer Caryl Ben Basat
  Thursday, March 2, 2017 – Programs Officer Marcy Stras
  Thursday, April 6, 2017 – Policy Officer David Schwartz
  Thursday, May 4, 2017 – Diversity Officer Mark Wojcik
  Thursday, June 1, 2017 – Chair Sara Sandford

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Thursday, July 6, 2017 – Incoming Chair Steven Richman

- **Hot Topics**: Please e-mail Eddie Varon Levy, Kristin Drecktrah Paz and Mariana Ardizzone on any proposed Hot Topics, including the general topic area and proposed speaker. The Committee would like to include at least three Hot Topics throughout the membership year during our monthly calls, in which a speaker delivers a 15-minute presentation during the call on a timely topic or initiative.

2. Programs

- **Tokyo Fall Meeting**: Early Bird registration expires Friday. Rose Rameau and John Coogan will represent the Committee in Tokyo. The IENRC will feature a TPP program:

  **Opportunity or Barrier: The Effects of Trans-Pacific Partnership on Energy Trade and Investment**
  
  **Moderator**: Jennifer L. Radford, BLG, Toronto, Canada

  **Speakers will include**:
  - 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

- **2nd 2016 Americas Regional Forum** on November 14, 2016 Bogotá, Colombia:

  **Ride the Energy Wave: An Overview of Key Legal Issues in M&A and JV transactions in the Latin American Energy Sector**

  **Moderator**: Marisa Bascope, General Counsel, Globeleq Mesoamerica Energy

  **Speakers**:
  - Jose V. Zapata - Holland & Knight (Bogotá)
  - María Teresa Quiñones – Estudio Rodrigo, Elías & Medrano Abogados
  - Juan Francisco Mackenna - Carey
  - M. Lorena Schiariti – Marval, O’Farrel & Mairal

2017 **Europe Forum** on June 11-13 in Barcelona, Spain. The Europe Committee is spearheading this Forum. Proposals are due September 26.

2017 **Africa Regional Forum** possibly to be in early March. Belle Toren and Rose Rameau updated the Committee including input from yesterday's Africa Committee call. It was noted that there would not likely be much time for program proposals, but deadlines and date of Forum TBD. Stabilization clauses were noted as a potential Hot Topic.

3. Publications (Petra Stewart / Amala Nath)

- **Year in Review**: Petra Stewart reported that the Year-In-Review deadline is October 9, 2016. Authors should submit their contributions to Petra by that date to ensure a timely editing process.

- Amala Nath summarized the Publications Boot Camp call and the Section's publication platforms. Mark Gould reported that our Committee's next Newsletter will report on the Tokyo Fall meeting.
• **International Law News** (ILN) : Past issues of the ILN are available at this webpage:  

• **Winter 2017 Issue Deadline: November 1, 2016**  
  Theme: Trade Partnerships, including the Trans-Pacific Partnership (TPP) and the Transatlantic Trade and Investment Partnership (TTIP)

• **Spring 2017 Issue Deadline: January 1, 2017**  
  Theme: Arbitration, Mediation, and Online Dispute Resolution (ODR)

Volume 50 of *The International Lawyer* is coming up and will be a volume featuring articles of greater than usual depth.

Contact Lori Lyons at lori@lyonscorner.net if you are interested in contributing to the ILN or to ask questions about the process.

Please attach your article submission as a Word document and provide each author's name and email address. The ILN does not publish footnotes or endnotes; please embed important cites within your text. You may also refer to the *ILN Author Guidelines*.

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

Ben Kirchner reported that we are awaiting response from the Section on whether they would like our survey of unconventional hydrocarbon laws as a book. We will do the survey in any case.

The proposed book will compare the legal regimes applicable to exploration and production of unconventional resources in the top 20 ranking countries covered by the World Shale Resource Assessments Report issued by the EIA (https://www.eia.gov/analysis/studies/worldshalegas/) through a comparative law questionnaire tailored and responded by experts in energy and natural resources in the different jurisdictions.

The comparison will provide useful benchmarks for practitioners, regulators and policy makers to shed light on issues affecting the industry and communities and exchange lessons learned and good policy across boundaries. Surveys will be sent out if/when the project is approved.

If you are interested, please let Ben Kirchner benedict.kirchner@steptoe-johnson.com and Mariana Ardizzone know at mariana@ardizzone.com.ar. They welcome your participation and comments!

5. **Rule of Law** (John Coogan)

John Coogan raised a discussion about what classic Rule of Law issues might come within the Committee's ambit. It was agreed that corruption can be viewed as undermining Rule of Law, so programs addressing corruption and natural resources licenses and concessions might be a possible approach.

Caryl Ben Basat and others also offered the thought that other ESG issues, including social licensing, could be considered, noting, *e.g.* pipeline protests in North Dakota; dovetailing with similar protests in other countries, such as Argentina.

Rose Rameau noted similar issues in Africa, and added that under concession arbitration clauses, injured people may not have standing. It was noted that the prior meetings in Buenos Aires and Montreal had included interesting discussions of sustainability, social licensing, and interface with local communities.

It was agreed that the Committee would consider, together with the Africa Committee, a possible program on natural resources licensing and corruption as a rule of law program for the Africa Forum. John
Coogan will take it up with the Anti-Corruption Committee for possible co-sponsorship. A program on social licensing and ESG will also be considered.

6. Liaisons (Ben Kirchner)

Ben Kirchner is the AIPN and International Institute for Energy Law liaison. The Institute for Energy Law is sponsoring the following events that may be of interest to the committee:

   - International Oil & Gas Law, Contracts and Negotiations Part II – From Discovery to Decommissioning – October 3-7, 2016
   - International Oil and Gas Law Conference – June, 2017 (No website yet)

7. Membership (Rose Rameau)

Caryl Ben Basat and Rose Rameau discussed follow up from ABA Annual Meeting with respect to certain potential new members. Rose also discussed initiatives to attract interest from students.

8. Diversity (Tammie Smith Long)

Tammie Smith Long reported that she will be submitting her section of the Committee’s Business Plan. She indicated some interest in reaching out to younger members including students. Mariana Ardizzone noted the desire to broaden diversity of our Vice Chair and Steering Group members, including in-house participation, and all dimensions of diversity. The Committee will be trying to be more conscious of diversity not just among speakers on our programs but more generally in our Committee’s life and activities.

Thank you.

Mariana Ardizzone, Kristin Drecktrah Paz Co-Chairs
International Energy and Natural Resources Committee
ABA Section of International Law

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