Minutes of the IENRC Monthly Call of Thursday, January 19, 2017

1. Welcome

Participants in alphabetic order:

Telonya Adams
Mariana Ardizzone – Co-Chair
Kristin Drecktrah Paz – Co-Chair
Eileen Jones
Marcia Moulon-Atherley
Belle Toren – Co-Chair
Markus Zwicky – Minute Taker

1. Announcements

Mariana Adrizzone and Kristin Drecktrah welcomed the attendees to the call.

Markus Zwicky, m.zwicky@zwplaw.ch was appointed to take the minutes of this call.

Thanks were given to Amala Nath and Nick Kowalski for taking the minutes during the December 15, 2016 IENRC Monthly Call. The minutes of the December 15, 2016 call had been attached to the email notice for the January call.

1.1. SIL Boot Camps Schedule (Kristin Dreckrath)

Boot Camp Calls start at 11:30 a.m. ET on the days noted. The following schedule is again brought to the attention of everyone.

<table>
<thead>
<tr>
<th>IENRC Participant</th>
<th>Bootcamp Date &amp; Theme</th>
<th>To be reported on IENRC Monthly call 11a.m. ET</th>
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</thead>
<tbody>
<tr>
<td>Cynthia Sullivan-Brown; Rony Zimmerman</td>
<td>Thursday, February 9, 2017 Technology Officer Caryl Ben Basat</td>
<td>Thursday, February 16th, 2016</td>
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<td>Sacha Kathuria Melina Juarez Segura</td>
<td>Thursday, March 2, 2017 – Programs Officer Marcy Stras</td>
<td>Thursday, March 16th, 2016</td>
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<td>Patricia Sims; Jorge Alejandro Mestre</td>
<td>Thursday, April 6, 2017 Policy Officer David Schwartz</td>
<td>Thursday, April 20th, 2016</td>
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<tr>
<td>Mariana Ardizzone; Kristin Dreckrath</td>
<td>Thursday, June 1, 2017 Chair Sara Sandford</td>
<td>Thursday, June 15th, 2016</td>
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Designated participants were asked to kindly confirm their availability to dial into these bootcamps and provide a brief verbal report at the following IENRC monthly call.

1.2. Hot Topic for the next telephone conference:

Kristin Drecktrah Paz (kpaz@shutts.com) informed about the upcoming Hot Topics Program by David M. Sims; Debarment Program Director; US Department of the Interior scheduled for February 16, 2017. Everyone is encouraged to join.

1.3. February 22, 2017: Free Webinar & In Person Program on South China Sea at George Washington University

Live from L: International Law and the South China Sea
Moderator:
Susan L. Karamanian
Burnett Family Professorial Lecturer in International and Comparative Law and Policy, Associate Dean for International and Comparative Legal Studies, George Washington University Law School
Speakers:
Richard C. Visek
Principal Deputy Legal Adviser
Robert K. Harris
Assistant Legal Adviser, Office of East Asia and Pacific Affairs
Oliver M. Lewis
Attorney Adviser, Office of Oceans, International Environmental and Scientific Affairs

Interested members can either attend the program in person at GW Law or from the convenience of your desk by webcast. Time permitting, the audience will be given the opportunity to ask questions; those who participate by webcast will be provided an email address for questions.

You can register online at:
http://shop.americanbar.org/ebus/ABAEventsCalendar/EventDetails.aspx?productId=268751715

1.4. ABA Center for Innovation Fellowships:

Applications are now being accepted for the Inaugural 2017 Fellows Program. This exciting new program will bring creative thinkers to the Center for Innovation Fellowships to develop and launch new projects to address critical needs in the legal sector. There will be two categories of fellows:

NextGen Fellows are recent law school graduates who will spend one year in-residence at the ABA Headquarters in Chicago, IL. These fellows will receive a stipend of $45,000, plus benefits, during their time in the program. There are two (2) NextGen fellowships available with an August 2017 start date.

Innovation Fellows will rotate in and out of the Chicago office on a 9-12 week basis, beginning in April 2017. There is no stipend for this fellowship, but sponsorships might be available. Detailed information about the programs,
requirements, and application guidelines can be found on the homepage. The application deadline was January 31, 2017.

1.5. 2017-2018 Leadership Appointments

Kristin Drecktrah Paz (kpaz@shutts.com) informs that the application process is coming to an end this week. She asked participants if they wanted to volunteer for co-chairs to brief IENRC members of applications received and appointment process. She underlined that self-nomination for vice-chairs or leadership positions is important, there still are positions available.

1.6. 2016-2017 IENRC Business Plan Update:

The IENRC Business Plan Update is due to the Section of International Law next February 26th, 2017. All Vice Chairs are kindly requested to assess the progress they made on in their respective areas and mark up their updates on the 2nd column of the attached template and return it by February 10, 2017 to Mariana Ardizzone, mariana@ardizzone.com.ar and Kristin Drecktrah Paz, kpaz@shutts.com. Kirstin will also reach out to the vice chairs for this purpose.

2. Programs

Sacha Kathuria skathuria@intlgroupmarketing.com and Melina Juarez-Segura melina.juarez@sotorisolve.com are in charge of program for the committee.

2.1. Spring Meeting on April 25-29, 2017 in Washington DC (Capital Hilton);

Registration is now open at Early Bid Rates until March 17, 2017. We will try to organize a social event for the committee. Markus Zwicky and John Coogan are asked to see whether the committee can hop on with another committee.

2.1.1. Own program on Issues of Climate Change

The IENRC will be presenting the following program chaired by Sacha Kathuria skathuria@intlgroupmarketing.com:

Climate Change, The Clean Power Plan, and Electricity Transmission: A Road To Innovative Solutions Or A Stalemate?: 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.

2.1.2. Co-sponsored Programs:

U.S. Treaty Practice and Implementation of Multilateral Environmental Agreements (MEA), primarily sponsored by the International Environmental Law Committee.

We’ll always have Paris: How the Outcomes of the COP22 Meeting Build Upon the Landmark Paris Agreement Adopted at COP21 primarily sponsored by the International Environmental Law Committee.

The Europe Committee is spearheading this Forum. The IENRC proposed a program titled “Biofuels on the Spotlight” but the program was not selected. Selected programs were focused on international trade, international litigation, real estate and anticorruption.

2.3. 2017 Africa Regional Forum on June 25-27, 2017

The Africa Regional Forum will take place according to a new schedule in Cape Town, South Africa: The Africa Committee is spearheading this Forum.

With much dedication from John Coogan, the IENRC and the International Anti-Corruption Committee prepared and submitted this proposal chaired by Severin Wirz, swirz@traceinternational.org, consultant, East and Southern Africa, TRACE International. There has been no feedback from the organizers.

Skillfully Walking the Tightrope when Addressing Corruption Risks in the African Extractive Sector – Causes, Effects and Mitigation Strategies

Perceived and actual corruption risks in the extractives sector are high worldwide – including in Africa. Incentives for corruption by unscrupulous companies and government officials can be particularly high in states with governance and accountability challenges. There are many dimensions: In many countries, foreign companies are subject to local content laws that may be abused to pay bribes. And projects are often associated with military and police security who may themselves seek to extort improper payments.

It is no surprise, then, that the OECD has reported that companies from the extractive sector comprise the largest percentage of foreign bribery cases worldwide. Often times, these cases involve grand corruption, with the most senior-level government officials involved.

In this panel, we will explore corruption in the extractive space across the African continent, looking both at its causes and effects as well as the success stories: What companies are doing to avoid such behavior.

Specific topics for discussion will include:

- A survey of local laws regulating the extractives sector, and how those laws both positively and negatively affect bribery risks;
- contracting issues that arise when doing business with government counterparties in the natural resources space;
- risks stemming from changing political environments in long-term projects;
- practical steps that companies in the extractive sector use to mitigate corruption risks; and
- how corruption in the natural resources space undermines the rule of law.

Suggested Speakers:

Mr. Elvis A. Angyiembe, Regional Ethics & Compliance Counsel, Africa (minus Egypt), Weatherford* (Moderator)
Ms. Kathleen Mbau, Head of Compliance (Kenya), Tullow Oil
Mr. Dominique Abrokwa, Sector Compliance Officer Oil & Gas, SNC-Lavalin*
Mr. Steven Powell, Director of Forensics, ENS Africa*
2.4. 2017 Fall Meeting, October 24-27, 2017 in Miami.

2.4.1. Own Program on Renewables Developments

The IENRC submitted the following program chaired by Kristin Drecktrath Paz:

The New Age of Energy in the Americas: Renewables Developments, Deals and Disputes:
Latin America has experienced a proliferation of renewable energy developments and projects in recent years. This panel will discuss the reasons for the surge in renewables across the region, trends in types of renewable energy, issues concerning financing, regulatory frameworks, mergers and acquisitions and the potential fallout resulting in dispute resolution. Who wants in, and how are they financing their deals? What is the role of private capital versus development banks? This panel will examine the current regulatory landscape concerning renewable energy throughout the region, including subsidies and fiscal incentives, the impact of shifting regulatory regimes, and restrictions on foreign participation and local content requirements. In light of the explosion of investor-state disputes across Europe arising from the Energy Charter Treaty (ECT), and in particular in Spain with regards to renewable energy projects, the panel will explore lessons Latin American nations can learn from the ECT cases to insulate themselves from such disputes, and conversely, the recourse private investors may have in the event their expectations are frustrated.

Panel Chair(s): Kristin Drecktrath Paz, (kpaz@shutts.com)

Suggested Speakers:
Senior transactional attorney from leading law firm in Latin America
Senior investment dispute resolution attorney from leading law firm
Senior procurement/regulatory attorney
Counsel from development bank
International law professor or counsel/executive from NGO

Other Potential Co-Sponsoring Committees: Latin American and Caribbean Committee; International Environmental Law Committee; International Investment and Development Committee; International Arbitration Committee; International Mergers & Acquisitions Committee

Kristin will check where to best implement a social event for the committee. We will try to get more co-sponsorship from other committees.

2.4.2. Co-Sponsored programs

“Securing Real Property Rights for Projects in Latin America”, primarily sponsored by the International Investment and Development Committee.

“U.S. Treaty Practice and Implementation of Multilateral Environmental Agreements (MEA)”, primarily sponsored by the International Environmental Law Committee.

How the Outcomes of the COP22 Meeting Build Upon the Landmark Paris Agreement Adopted at COP21 primarily sponsored by the International Environmental Law Committee.
3. Publications

Year in Review (Update by Petra Stewart). Last December 1, 2016, Petra Stewart submitted the aggregate edited contributions she received from the different IENRC contributors.

Committee Newsletter (Update by Mark Gould) – Please contact Mark Gould regarding articles for the next newsletter that should be circulated in the spring of 2017 at mark.gould@agg.com. Everybody is encouraged to participate and to send in articles. Mariana will send an e-mail to everyone via listserv.

International Law News - You can access past issues of the ILN at this webpage: http://www.americanbar.org/publications/international_law_news/2015/summer.html

Spring 2017 December 1, 2016 Issue: The deadline has passed. Theme: Arbitration, Mediation, and Online Dispute Resolution (ODR)
International Law News (ILN) publishes high-quality submissions on topics of interest to international law practitioners, researchers, and students. ILN editors are interested in articles addressing each issue’s theme, but articles on other topics are also appreciated.
To submit an article or ask questions about the process, e-mail Editor Lori Lyons at lori@lyonscorner.net. Lori Lyons at lori@lyonscorner.net also welcomes ideas for future themes and articles.

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

4.1. Hydraulic Fracturing Subcommittee:
The participants discussed and assessed the degree of interest in continuing with this sub-committee or integrating the Hydraulic Fracturing Subcommittee efforts into the main IENRC. It was decided to discontinue this work as a separate subcommittee and to merge it again with the general committee because of a lack of interest by members to carry this topic forward.

4.2. Book proposal

Ben Kirchner and Mariana Ardizzone are in the process of submitting a preliminary book proposal to Patrick De Luca, Section Publications Officer, and Kimberly Rosenfield, Executive Editor, ABA Book Publishing.

The proposed book would 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 would 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.

To qualify for publication, it shall also include considerable analytical work. Mariana Ardizzone is ready to take on this work during 2017.

If you are interested in joining the book project, please email Mariana Ardizzone at mariana@ardizzone.com.ar.
5. Other activities

5.1. Policy
If you have new Policy initiatives, please contact Patricia Sims, Vice Chair 2016-2017, Policy, at

5.2. Rule of Law
If you have Rule of Law initiatives for 2016-2017, please contact John Regis Coogan, the Vice Chair 2016-2017, Rule of Law, at jcoogan@IFC.ORG.

5.3. Diversity
If you have Diversity initiatives for 2016-2017, please contact Tammie Smith Long, Vice Chair 2016-2017, Diversity at tsmith126@hotmail.com.

5.4. Membership
If you have Membership initiatives for 2016-2017, please contact Rose Rameau, Vice Chair 2016-2017, Membership at roserameau@gmail.com.

5.5. Communications
If you wish to work on invigorating the IENRC LinkedIn page, please contact Eddie Varon Levy, Vice Chair 2016-2017, Communications at eddiemxlaw@aol.com. Thanks to Mfon Etukeren for accepting to manage our LinkedIn account! IENRC on LinkedIn: http://www.linkedin.com/groups?gid=5174728.

5.6. 10. Liaison - AIPN - IEL
The Liaisons Bootcamp (where Mfon Etukeren and Elvis A. Angyiembe were responsible and will report soon) has recently taken place. Belle Toren read from the notes she received from the call that Ben Kirchner had prepared. During the call the attendants spoke about liaising with other associations in particular. There are about 200 liaisons to other entities, so it is important to self-nominate for a one year term. One major task is to alert the ABA SIL leadership about other opportunities arising from the work of the entity the liaison officer is in contact with. There are about 30 events per year that are being co-sponsored by the ABA SIL outside its regular program.

In particular, the co-operation and the activities of the AIPN (where Elvis Angyiembe is the liaison) shall be pursued. There would be an opportunity to liaise with the Rocky Mountain Mineral Law Foundation (Mariana will get into touch with them), and with the Eastern Mineral Law Foundation. There also would be an interest to liaise with the International Energy Institute.

Self-nomination is encouraged!

5.7. Website
Mfon Etukeren was appointed due to resignation of Cynthia Sullivan-Brown. Thanks to Mfon Etukeren for accepting to update our IENRC website! The site can be found under https://apps.americanbar.org/dch/committee.cfm?com=IC742000.
5.8. New Business and New Members

There was no discussion on this point. The next call will be on Feb 9, 2017. Sacha Kathuria will write the minutes together with Jorge Alejandro Mestre.

For the minutes:
Markus Zwicky

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

Emails

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Kristin Drekrath Paz, kpaz@shutts.com

Website: https://apps.americanbar.org/dch/committee.cfm?com=IC742000
IENRC on LinkedIn: http://www.linkedin.com/groups?gid=5174728

Thank you for your continued interest in this list. If you have any issues you may contact the list owner via email: LISTNAME-request@mail.americanbar.org, the ABA Service Center at phone: 1-800-285-2221 or email service@americanbar.org or International Law Support Staff at SILcomtech@americanbar.org.

For other issues, please see:

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