Minutes: IENRC Monthly Call of October 20, 2016

Present:
Mariana Ardizzone (Co-Chair), mariana@ardizzone.com.ar
Kristin Drecktrah Paz (Co-Chair), kpaz@fowler-white.com
Belle Toren, belle@belletoren.com
Linda Lowson, globalregulatoryacademy@comcast.net
Allin Seward, chipseward2011@hotmail.com
Melina Juarez-Segura melina.juarez@sotorisolve.com
Rony Zimerman rzimerman@bmaj.cl

1. Announcements (Mariana Ardizzone and Kristin Drecktrah Paz)

- Mariana Ardizzone and Kristin Drecktrah Paz began by welcoming all the participants

- **Hot Topics:** Mariana Ardizzone then stated that the Hot Topics presentation for the November and December calls were not yet confirmed and asked that, if anyone had proposals or were available, would they please so advise.

- **SIL Boot Camps Schedule**

  **Boot Camp Calls** start at **11:30 a.m. ET** on the days noted

<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>John Coogan</td>
<td>Thursday, November 3, 2016 Rule of Law Officer Nancy Stafford</td>
<td>Thursday, November 17th, 2016</td>
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<td>Rose Rameau;</td>
<td>Thursday, December 1, 2016 Membership Officer Marcos Rios</td>
<td>Thursday, December 15th, 2016</td>
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<td>Mfon Etukeren;</td>
<td>Thursday, January 12, 2017 Liaison Officer Lelia Mooney</td>
<td>Thursday, January 19th, 2016</td>
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<td>Nicholas J. Kowalski; Ben Kirchner</td>
<td>Thursday, February 9, 2017 Technology Officer Caryl Ben Basat</td>
<td>Thursday, February 16th, 2016</td>
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<tr>
<td>Cynthia Sullivan-Brown; Rony Zimmerman</td>
<td>Thursday, March 2, 2017 –Programs Officer Marcy Stras</td>
<td>Thursday, March 16th, 2016</td>
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<tr>
<td>Sacha Kathuria Melina Juarez Segura</td>
<td>Thursday, April 6, 2017 Policy Officer David Schwartz</td>
<td>Thursday, April 20th, 2016</td>
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<tr>
<td>IENRC Participant</td>
<td>Bootcamp Date &amp; Theme</td>
<td>To be reported on IENRC Monthly call</td>
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<td>Mariana Ardizzone; Kristin Drekrath</td>
<td>Thursday, June 1, 2017 Chair Sara Sandford</td>
<td>Thursday, June 15th, 2016</td>
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<td>Mariana Ardizzone; Kristin Drekrath; Petra Stewart</td>
<td>Thursday, July 6, 2017 Incoming Chair Steven Richman</td>
<td>Thursday, July 20th, 2016</td>
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Designated participants kindly confirm their availability to dial into these bootcamps and provide a brief verbal report at the following IENRC monthly call.

- Request for future **Hot Topics** programs for the 2016 – 2017 ABA Calendar Year. Contact Kristin Drekrath Paz (kpaz@fowler-white.com), with your suggestions. Kristin to provide update.

2. **Programs** (Sacha Kathuria [skathuria@intlgroupmarketing.com](mailto:skathuria@intlgroupmarketing.com) and Melina Juarez-Segura [melina.juarez@sotonisolve.com](mailto:melina.juarez@sotonisolve.com))


Mariana Arzizzone stated that several committee members were in Tokyo for the Fall Meeting of the International Section of the ABA.

Mariana also noted that it would be ideal in the future to avoid having two sponsored programs presented at the same time, as was happening at the Tokyo meeting. Mariana Ardizzone advised that several programs were being presented by Committee members, including the program called, "Opportunity or Barrier: The Effects of Trans-Pacific Partnership on Energy Trade and Investment", noted below.

**IENRC Program:**

**Friday October 21st, 2016 - 9:00 AM – 10:30 AM Katsura & Kasuga**

**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.
Committee Sponsor: International Energy and Natural Resources

Committee Co-Sponsors: Asia/Pacific; Canada; Customs Law; International Environmental Law; International Investment and Development; International Procurement; International Trade; International Transportation

Panel Chairs:
Jeffrey Read, Borden Ladner Gervais LLP, Vancouver, Canada
Jennifer Radford, Borden Ladner Gervais LLP, Ottawa, Canada

Moderator: Jennifer Radford, Borden Ladner Gervais LLP, Ottawa, Canada

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

Other Programs Co-sponsored by the IENRC

Thursday October 20th, 2016
2:30 PM – 4:00 PM - Yamato Minami
Lessons Learned: Mediation of Mass Claims in Natural and Man-Made Disasters: In today’s world of accelerating climate change and man-made disasters, there is a continuing need to handle mass claims arising from such disasters expeditiously. This program will examine some dispute resolution programs that were established to handle mass claims arising from natural and man-made disasters. In Japan, damage claims arising from the Fukushima nuclear disaster have been mediated by a government-established entity, the Dispute Resolution Centre for Nuclear Damage Compensation. In the aftermath of Storm Sandy, insurance claims brought by home and business owners against their insurers have been mediated in a program administered by a private ADR provider selected by the New York state government. Following the Deepwater Horizon oil spill in the Gulf of Mexico, at President Obama’s request, BP funded a claims facility coordinated by noted claims administrator Kenneth Feinberg. An examination and comparison of these programs might yield “lessons learned” that could be applied in handling mass claims expeditiously in the future.

Committee Sponsor: International Mediation

Committee Co-Sponsors: International Environmental Law; International Energy & Natural Resources Committee; Asia/Pacific

Panel Chair: Michele S. Riley, International Center for Cooperation and Conflict Resolution, Columbia University, New York, NY

Moderator: Michele S. Riley, International Center for Cooperation and Conflict Resolution, Columbia University, New York, NY

Speakers:
Naoki Idei, Kojima Law Offices, Secretary General of the Japan Federation of Bar Associations, and former deputy chief of the Nuclear Damage Claim Dispute Resolution Center, Tokyo, Japan

Isomi Suzuki, Koga & Partners, former President of LawAsia, and former member of supervising committee of the Nuclear Damage Claim Dispute Resolution Center, Tokyo, Japan

Byron Stier, Southwestern Law School, Los Angeles, CA

Shinsuke Toyonaga, Daiichi Law Office, Tokyo, Japan

Friday October 21st, 2016
9:00 AM – 10:30 AM Kiku Foyer

A New Wave: Renewable Energy Technologies in Japan  After the devastating crisis at Fukushima in 2011, Japan reduced its nuclear energy targets to 20% of generation and turned to renewable energy technologies to meet its growing energy needs. Japan is now a leader in solar and wind power, including offshore wind power. Japan is also empowering its cities to take the lead in this initiative by aiming to have 1,000 city-operated renewable energy development corporations by 2021. Deregulation of Japan’s electricity markets is expected to begin in 2016. Furthermore, Japan is world renowned as a technological leader, including in the field of environmental and energy technologies. There have been demonstration projects involving the integration of electric vehicles, renewable energy, and heat pumps to manage energy supply and demand in Malaga, Spain, in Lyon, France, in Manchester in the United Kingdom, in Java, Indonesia, and in Hawaii and New Mexico, in the United States. This panel will provide an overview of Japanese energy policy and opportunities for international investment. This panel will also explore recent innovations in energy management developed in Japan and the legal challenges associated with exporting these technologies around the world.

Committee Sponsor: International Environmental Law

Committee Co-Sponsors: International Energy & Natural Resources; China; Canada; Europe

Panel Chairs: Alicia Cate, Oceana, Washington, DC  Roya Vasseghi, Wilson Elser Moskowitz Edelman & Dicker LLP, McLean, VA

Moderator: Hisako Takahashi, Low-Carbon Solutions Strategy Group Environment and Energy Research Division, Mitsubishi Research Institute, Inc., Tokyo, Japan

Speakers:

Yoshifumi Fukunaga, Energy Conservation and Renewable Energy Department, Agency for Natural Resources and Energy, Ministry of Economy, Trade and Industry (METI), Tokyo, Japan

Kiyoshi Honda, Nagashima Ohno & Tsunematsu, Tokyo, Japan

Hezy Ram, Ram Energy, Inc., Frisco, TX

The IENRC submitted to the Section one panel proposals 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.

Mariana Aridzonne noted that Sacha Kathuria - skathuria@intlgroupmarketing.com was looking for female speakers from Latin America for the above noted a panel – Those who have information should contact Sacha.

- **SIL Regional Fora**

  The intent behind the Fora is to have several committees work together to create programs of wide interest that will reach Section members who may not be able to attend the two Section seasonal meetings. By having committees work together, more Section members also have an opportunity to participate.

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

  **Program Co-sponsored by the IENRC**


  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: Marisa Bascope, General Counsel at Globeleq Mesoamerica Energy
Jose V. Zapata - Holland & Knight (Bogota)
María Teresa Quiñones – Estudio Rodrigo, Elias & Medrano Abogados
Juan Francisco Mackenna - Carey
M. Lorena Schiariti – Marval, O’Farrel & Mairal

2017 Europe Forum on June 11-13 in Barcelona, Spain. Europe Committee is spearheading this Forum.

The IENRC has invited the European Committee, the International Transportation Committee; the International Trade Committee; the International Environmental Law Committee; the Export Controls and Economic Sanctions Committee and the Asia/Pacific Committee to develop a joint program on biofuels tentatively called, “Biofuels on the Spotlight” targeting legal issues facing the production, trade and use of biodiesel and bioethanol, the EU Renewable Energy Directive (RED), its enforcement under Spanish domestic laws and the European Court of Justice (ECJ) and World Trade Organization (WTO) rulings striking down the EU’s wide anti-dumping duties on all ethanol imported from the United States and biodiesel imported from Argentina and Indonesia.

Mariana Ardizzone mariana@ardizzone.com.ar and Melina Juarez-Segura melina.juarez@sotorisolve.com are coordinating attempts to put the Biofuels on the Spotlight program.

In this regard Mariana Ardizzone mariana@ardizzone.com.ar asked if there were members who had any contacts in the Asia, Europe, Customs or International Trade Committees in order to set up a possible co-sponsorship or a joint program or input on getting speakers and improving the program in general for the Barcelona meeting with one of these groups. Linda Lowson, globalregulatoryacademy@comcast.net noted that she had contacts in the Europe committee and would reach out to them.

She noted that the Intl. Environmental Law Committee had already reached out to undertake a joint program or cosponsor a program for Barcelona.

Africa Regional Forum on March 6-7, 2017 in Cape Town, South Africa: The Africa Committee is spearheading this Forum. The Anti-Corruption Committee has invited the IENRC to develop together a program on corruption and the natural resources tentatively named “Analyzing corruption risks in the extractive sector -- causes, effects and mitigation strategies”. Such program would address 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; and how corruption in the natural resources space undermines the rule of law.

John Coogan jcoogan@ifc.org is coordinating this effort on behalf of the IENRC together with Severin Ian Wirz from the Anti-Corruption Committee. Melina Juarez-Segura melina.juarez@sotorisolve.com will assist John Coogan.

Finally, the Russia and Eurasia Committee ( Zachary N. Klein znklein@gmail.com) is working on a series of programs regarding legal developments in the Arctic. Their first program, tentatively planned for November or December, will concern energy rights and exploration, and they are currently looking for speakers familiar with legal developments in the Arctic as they relate to this topic.
Please touch base with Mariana Ardizzone mariana@ardizzone.com.ar and Kristin Drecktrah Paz, kpaz@fowler-white.com, if you have experience with respect to the Arctic or know of good speakers to address this subject.

Mariana Ardizzone noted that she had asked Benedict Kirchner who has been very active in the Russia Committee, to see if he could assist with ideas or participants for this program.

There was a discussion regarding the value of canvassing the entire listserv to see if there was expertise in the Arctic sector. It was agreed finally to raise this issue in the email by which the meeting minute are sent.

She noted that the next meeting would be in Washington D.C. and was looking for speakers from Latin America for the a panel on environmental matters for the D.C. meetings – Those who have information should speak to Sacha Kathuria - skathuria@intlgrouppmarketing.com

3. Publications (Petra Stewart / Mark Gould / Amala Nath)

- 2016 Call for Articles for the 2016 Year in Review (Update by Petra Stewart). Contributions from these jurisdictions have already been committed:
  - Argentina
  - Brazil
  - Ecuador
  - Nigeria
  - Russia and/or Belarus

Actual submissions were due to Petra Stewart on October 9, 2016. If you have not to date either: (1) emailed her your submission or (2) emailed her to arrange an extension, please do so as soon as possible. The internal deadline (October 9, 2016) was set to allow sufficient time to edit submissions, communicate with authors as needed and make sure submissions are up to date and accurate before the deadline to submit the IENRC's final submission on December 1, 2016.

Contents

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.

Format Requirements

Times New Roman, 12 pt. font for the body and footnotes
Double-space the body and single-space the footnotes
Each country submission should be no more than one page (our Committee's entire submission has a word limit)
Ensure citations are verifiable and in Bluebook format
• Mariana Ardizzone noted that Articles for the next Committee Newsletter were being requested (Update by Mark Gould) –. Please contact Mark Gould regarding articles for the next newsletter that should be circulated in the Fall 2016 at mark.gould@agg.com.

• 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
  
  o Winter 2017 Issue Deadline: November 1, 2016
    Theme: Trade Partnerships, including the Trans-Pacific Partnership (TPP) and the Transatlantic Trade and Investment Partnership (TTIP)
  
  o Spring 2017 Issue Deadline: January 1, 2017
    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 Contract Editor Lori Lyons at lori@lyonscorner.net

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

- Feature 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.

Ideas for future themes and articles are welcome.

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

• Hydraulic Fracturing Subcommittee. Ben Kirchner will advise on the status of this Subcommittee. Please contact Ben if you wish to join this subcommittee or be involved in the planning of the webinars, benedict.kirchner@steptoe-johnson.com

Ben Kirchner and Mariana Ardizzone submitted 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.

If you are interested in joining the book project, please dial into the call with Kimberly Rosenfield, Executive Editor, ABA Book Publishing scheduled for Friday October 21st at 10am EST.

Toll-free dial-in number in U.S. and Canada: +1-866-646-6488.

5. Policy

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

6. Rule of Law

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

The Anti-Corruption Committee has invited the IENRC to develop together a program for the Africa Regional Forum (March 6-7, 2017 in Cape Town, South Africa): on corruption and the natural resources tentatively named “Analyzing corruption risks in the extractive sector -- causes, effects and mitigation strategies”. Such program would address 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; and how corruption in the natural resources space undermines the rule of law.

John Coogan jcoogan@ifc.org is coordinating this effort on behalf of the IENRC together with Severin Ian Wirz from the Anti-Corruption Committee. Melina Juarez-Segura melina.juarez@sotorisolve.com will assist John Coogan.

7. Diversity

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

8. Membership

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

- Mariana Aridzonne, It was discussed that if there were any persons interested in working on LinkedIn that they should please advise mariana@ardizzone.com.ar
- If you wish to work on invigorating the IENRC LinkedIn page, please contact, Eddie Varon Levy, incoming Vice Chair 2016 - 2017, Communications at eddiemxlaw@aol.com.

IENRC on LinkedIn: http://www.linkedin.com/groups?gid=5174728

10. Liaison - AIPN - IEL

IEL Liaison: Ben Kirchner benedict.kirchner@steptoe-johnson.com

AIPN Liaison: Elvis Angyiembe ELVIS.ANGYIEMBE@Weatherford.com

11. Website (Cynthia Sullivan-Brown)

The link to the IENRC Website:

https://apps.americanbar.org/dch/committee.cfm?com=IC742000

You can contact the web site administrator at cynthia@sullivanbrownlaw.com.

Mariana Aridzonee added that the website had not been update in several months and persons interested in working on the website should contact Cynthia Sullivan-Brown noted above.

12. New Business and New Members

Chip Seward advised that he had previously been based in Europe, but was now based in Washington D.C.

Next call was set for November 17th.

Thank you.

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

Emails

Mariana Ardizzone, mariana@ardizzone.com.ar
Kristin Drecktrath Paz, kpaz@fowler-white.com

Website: https://apps.americanbar.org/dch/committee.cfm?com=IC742000

IENRC on LinkedIn: http://www.linkedin.com/groups?gid=5174728

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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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