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Statement on the establishment of the Asia Pacific SEERIL Group

The Asia Pacific SEERIL Group (APSG) is a joint practice group of the IBA Section on Energy, Environment, Resources and Infrastructure Law (SEERIL) and the Asia Pacific Regional Forum (APRF). The group will continue until such time that the SEERIL and the APRF agree or the IBA decides that the group is to be discontinued.

The purpose

This initiative is inspired by the IBA's policy to encourage geographic diversity and reinforce permanent cooperation and exchanges between its specialist committees and the regional fora. The purpose of the APSG is to promote and further the objectives of both the SEERIL and the APRF, specifically to encourage the development of sound SEERIL practice in the Asia Pacific. This is in view of the recent economic growth in the region and the increasing amount of investment in energy, resources and infrastructure in the Asia Pacific. The APSG will therefore place the IBA at the centre of the development of SEERIL practice in the Asia Pacific, allowing it to take a leading role. This can be achieved, for example, by maintaining high visibility in organising and supporting major SEERIL events in the Asia Pacific, promoting the SEERIL in the region and attracting more Asia Pacific lawyers to join as SEERIL members. The APSG will also create an avenue for the discussion of issues that are of interest to practitioners based in the Asia Pacific Region and more broadly, those with an interest in the region.

The structure

The APSG is a new joint practice group led by the SEERIL and the APRF. The ultimate decision makers of the APSG are the chair of SEERIL and the Co-Chairs of the APRF who, for the purpose of this statement, shall be referred to collectively as the 'Board'.

The APSG will be led by two leading Co-Chairs along with two alternative Co-Chairs (referred to collectively as the 'Co-Chairs') when the two leading Co-Chairs are absent from meetings. The leading and alternative Co-Chairs are appointed by the Board for a period of two years. The SEERIL will appoint one Co-Chair and one alternative Co-Chair, while the APRF will do the same. If for any reason a Co-Chair of the APSG is unable to perform the role and function of that position, a replacement may be appointed by the SEERIL or the APRF.

The co-chairs of the APRF and the SEERIL will have an equal say in the Board, each pair focused on its IBA area of competence.

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The programme

At the inception of the APSG, its co-chairs will prepare a two-year programme for approval by the Board. The APSG Co-Chairs will present the two-year programme to the Board, explaining it in detail at a meeting attended by the Board for the Board's consideration. The SEERIL, the APRF and the APSG Co-Chairs will treat all work done and comments contributed with respect and strive toward agreement whenever possible. The Board will consider and approve the programme with or without qualifications and thereby authorise the APAG Co-Chairs to execute the programme.

The programme shall cover the following plan and measures:

- how to support the SEERIL's and the APRF's events in IBA annual conferences;
- how to support the SEERIL and the APRF's events in the Asia Pacific; and
- how to promote the SEERIL among Asia Pacific lawyers.

Renewal of the programme

Before or upon the expiry of the two-year period in the initial programme, the then Co-Chairs of APSG shall prepare another two-year programme and the process outlined above shall repeat itself.

The Board may consult internally or with the APSG Co-Chairs by email, phone or in any other manner which the Board may agree, whenever necessary and in any event no later than periods of three months, to consider, further consider and approve, or observe the execution of the approved programme.

The APSG will perform only those activities and organise those conferences and seminars that are included in the programme previously approved by the Board.

The APSG Co-Chairs may contact other organisations in the Asia Pacific Region with respect to activities and conferences included in the programme previously approved by the Board.

The dispute

If any dispute shall arise between the SEERIL and the APRF, the SEERIL and the APRF agree to negotiate in good faith a resolution of the dispute. If, despite good faith negotiation, a resolution is not possible, the dispute will be referred to the Chair of the LPD of the IBA for decision.