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A conference presented by the IBA Section on Energy,  
Environment, Natural Resources and Infrastructure Law (SEERIL)

# Biennial Conference of the Section on Energy, Environment, Natural Resources and Infrastructure Law (SEERIL) 2022: Resource development at a crossroads



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16–18 May 2022

Bocconi School of Law, Milan, Italy

## Working programme

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**Michelle Ouellette** *Riverside, California; Council Member, IBA Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL)*

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**Sarah Fitts** *ArentFox Schiff, New York; Co-Chair, IBA Power Law Committee*

**Casper Herler** *Borenus Attorneys, Helsinki; Co-Chair, IBA Mining Law Committee*

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# Working Programme

## Timetable of working sessions and social events

\*Denotes function open to all delegates and registered guests for which there is no charge.

### Monday 16 May

0800 – 0900	<b>Welcome remarks</b>
0900 – 1230	<b>Working sessions</b>
1230 – 1400	<b>Delegate lunch</b>
1400 – 1430	<b>Welcome remarks</b>
1430 – 1800	<b>Working sessions</b>
1930	<b>*Welcome reception hosted by the Milan Host Committee</b> Museo Nazionale Scienza e Tecnologia Leonardo da Vinci (Milan Science Museum) Via San Vittore 21, Milan

### Tuesday 17 May

0800 – 0810	<b>Welcome remarks</b>
0810 – 0840	<b>Update from Legal Practice Division</b>
0840 – 0850	<b>Welcome remarks</b>
0850 – 0930	<b>Keynote speech</b>
0930 – 1300	<b>Working sessions</b>
1300 – 1430	<b>Delegate lunch</b>
1430 – 1800	<b>Working sessions</b>
2000	<b>Conference dinner</b> Grand Hotel et de Milan Via Alessandro Manzoni 29, Milan

### Wednesday 18 May

0800 – 0830	<b>SEERIL Annual Meeting</b>
08:30–0900	<b>Overview of SEERIL activities and programmes</b>
0900–1300	<b>Working sessions</b>
1300–1400	<b>*Delegate and registered guest lunch</b>

## Monday 16 May

All working sessions will take place in the Aula Magna Room  
All networking breaks and lunches will take place in the Aula Magna Foyers

0730 – 1800	<b>Registration</b> Aula Magna foyer
0800 – 0815	<b>Welcome remarks</b> Professor Gianmario Verona <i>Rector of Bocconi University, Milan</i>
0815 – 0900	<b>Welcome remarks</b> Shane Freitag <i>Borden Ladner Gervais, Toronto, Ontario; Chair, IBA Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL)</i>

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# Monday continued

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0830 – 0900

## Welcome remarks

**Sternford Moyo** *Scanlen & Holderness, Harare; President, International Bar Association*

0900 – 1030

## Addressing and preparing for the consequences of the global energy transition

As the planet's leaders work to address global climate change, no effort is more front and centre than the global energy transition. We are in the midst of an unprecedented transition toward zero and low carbon energy, on the cusp of breakthrough technologies and addressing the impacts to economies that have been built around generations of fossil fuel development. At the same time, the focus on ensuring that everyone has access to reliable, affordable and sustainable energy has never been more important. This panel will provide insight into broader ramifications of the energy transition; the intersection of environmental, social and governance considerations and sustainable finance, corporate climate governance, litigation; and carbon markets and the role of law and lawyers.

*Moderator*

**Florencia Heredia** *Allende Brea, Buenos Aires; Vice-Chair, IBA Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL)*

*Speakers*

**Ana Elizabeth Bastida** *Senior Lecturer, Global Law, Resource Governance & Sustainability Programme Director, MSc in Sustainability, Center for Energy, Petroleum and Mineral Law & Policy, School of Social Sciences University of Dundee, Dundee; Secretary, IBA Mining Law Committee*

**Kaveh Guilanpour** *Vice President, Center for Climate and Energy Solutions, London*

**Diane Holdorf** *Executive Vice President, World Business Council Sustainable Development, Geneva*

**Maria Carmela Macri** *Head of Legal Affairs, Italgas SPA, Turin*

**Carlo Emanuele Rossi** *Pavia e Ansaldo Studio Legale, Milan*

1030 – 1100

## Networking break

1100 – 1230

## Keeping the lights on – oil and gas development in a low-carbon world

We exist in the era of decarbonisation and energy transition, where the impacts and experiences vary widely across jurisdictions. In recent years, the trend against funding oil and gas projects has grown, and the uncertainty of investment has contributed to commodity price volatility and heightened concerns regarding energy supply and security in the mid-to-long term. This volatility and rapidly rising commodity prices have been exacerbated recently by Russia's invasion of Ukraine, with associated sanctions and turmoil in energy markets. These market realities are broadly impacting resource exporting and consuming countries, energy companies, workers, consumers and the global economy. While there is widely-accepted recognition that energy transition must happen, global unrest and market realities are demonstrating that it also needs to occur in an orderly and properly-paced fashion that is economically and politically sustainable in order to mitigate adverse outcomes.

This panel will explore the balancing act of keeping the oil and gas industry healthy and stable in an era of transition, covering the following topics:

- The need to continue to support the development of oil and gas projects that are aligned with current and future climate standards
- The regulatory trends to accelerate the reduction of carbon emissions and achieve the right pace of energy transition, while ensuring the 'lights stay on' and other sustainable development goals are also met. We will explore possible best practices to promote the energy transition in different jurisdictions, discussing the impacts of energy poverty and energy security, who will bear the costs of energy transition, and the need to reconcile the demand for development with the demand for decarbonisation.

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# Monday continued

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- How sophisticated oil and gas companies are adapting their strategies and balancing their ESG priorities with increased focus on maintaining social and environmental stewardship, reducing greenhouse gas emissions and aligning with current and future climate standards. The role of ESG lawyers in support of this process.
- The manner in which M&A and investment strategies are evolving in the sector. We will also discuss the potential negative repercussions of divestment and moving high carbon assets out of the hands of current owners into less accountable ones, and the opportunities presented by different groups of buyers.

## Moderators

**Maria Cristina Breida** *Environment, Climate Change & Sustainability Leader, EY SLT, Milan; Programme Officer, IBA Environment, Health and Safety Law Committee*

**Claudia Santos Cruz** *Morais Leitão, Lisbon; Diversity & Inclusion Officer, IBA Oil and Gas Committee*

## Speakers

**Andrea Forabosco** *Energy Transition Counsel, Shell International, The Hague; Energy Transition Officer, IBA Oil and Gas Committee*

**Emanuela Gallo** *Legal Affairs, Head of HSE, Sustainability and Climate Change legal assistance, Eni, Milan*

**Jaine Miller** *General Counsel, Cheiron Petroleum Corporation, Cairo*

**Leonardo Sempertegui** *General Counsel, Organization of the Petroleum Exporting Countries (OPEC), Vienna; Oil and Energy Regulation Officer, IBA Oil and Gas Committee*

1230 – 1400

## Lunch

1400 – 1430

## Welcome remarks

**Claudio Visco** *Macchi di Cellere Gangemi, Rome; Secretary-General, International Bar Association*

1430–1600

## Resilience in energy, infrastructure and natural resources law: examining legal pathways for sustainability in times of disruption

Extreme weather events including floods, wildfires, hurricanes and other natural disasters have become both more frequent and more severe, while events such as the Covid-19 pandemic represent a global threat to public health with huge economic effects that recovery packages tried to address. These disruptive events, alone and in combination, have dramatic consequences on nature, human life and the economy, calling for urgent action to mitigate their causes and adapt to their impacts.

The latest book by the SEERIL Academic Advisory Group (AAG) uses the concept of ‘resilience’ as a common framework for the interpretation and development of energy, infrastructure and natural resources law in the response to nature-based disruptions. It offers a systematic review of the legal responses provided at international, national and entity level, both from a public and private law perspective. It proposes a forward-looking analysis of how the concept of resilience could be understood better, so that our world may be strengthened and better prepared for disruptions and disasters that may yet come our way. During this session, AAG authors will present the main conclusions from the book.

## Moderators

**Catherine Banet** *Associate Professor, Scandinavian Institute of Maritime Law, Oslo*

**Matthias Lang** *Bird & Bird, Düsseldorf; Secretary-Treasurer, IBA Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL)*

## Speakers

**Louis de Fontenelle** *Maître de conférences en droit public; Chaire E2S UPPA Move, Université de Pau et des Pays de l’Adour (France) TREE - Transitions énergétiques et environnementales, Pau*

**Íñigo del Guayo** *Professor in Administrative Law, Universidad de Almería, Almería; Chair, Academic Advisory Group, IBA Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL)*

**José Juan González Márquez** *Professor, Universidad Autónoma Metropolitana, Mexico City*

**Hanri Mostert** *DST/NRF SARChI Research Chair: Mineral Law in Africa and Professor of Private Law, University of Cape Town, Rondebosch*

**Damilola S Olawuyi SAN** *Professor of Energy and Environmental Law, College of Law, Hamad Bin Khalifa University, Doha*

**Lee Paddock** *Associate Dean for Environmental Studies; Professorial Lecturer in Law, George Washington University Law School, Washington, DC*

**Don Smith** *Professor of the Practice of Law, University of Denver Sturm College of Law, Denver, Colorado*

**Professor Miriam Allena** *Bocconi University, Milan; External Communicator*

1600 – 1630

## Networking break

### MOBILE TELEPHONES

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# Monday continued

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1630 – 1800

## **The future of the electric system**

Governments around the world have made major commitments to reduce dependence on fossil fuels and to 'electrify' everything. But current electric systems were not built to be clean or renewable, and their resilience will be tested in new ways in the face of changing demand and climate change. Clearly, as part of reducing fossil dependence, there will need to be major investments in upgrading electric generation and delivery. But with change comes challenges. How are governments, investors, utilities, project developers and consumers dealing with the competing demands for best-in-class-technology, carbon footprint reduction and reliable service at reasonable rates, and what can consumers afford or be required to pay for? Are different parts of the world addressing these issues differently? How are different legal systems promoting or hindering the transformation of the electric system?

### *Moderators*

**Carola Antonini** *Chiomenti, Milan; Diversity and Inclusion Officer, IBA Power Law Committee*

**Gabriela Mancero-Bucheli** *Peña Mancero Abogados, Bogotá; Co-Chair, IBA Power Law Committee*

### *Speakers*

**Marc Baltus** *Heuking Kühn Lüer Wojtek, Düsseldorf*

**Giuseppe Conti** *Head of legal, Enel Italia, Rome*

**Donia El-Mazghouny** *Mazghouny & Co, Cairo; Arab Regional Forum Liaison Officer, IBA Power Law Committee*

**John Vellone** *Bordner Ladner Gervais, Toronto, Ontario*

**Kunihiko Yokoi** *Anderson Mōri & Tomotsune, Tokyo; Committee Liaison Officer, IBA Power Law Committee*

1930

## **Welcome reception hosted by the Milan Host Committee**

Museo Nazionale Scienza e Tecnologia Leonardo da Vinci (Milan Science Museum)

Via San Vittore 21, Milan

One place per registered delegate and registered guest is permitted.

### **MOBILE TELEPHONES**

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All working sessions will take place in the Aula Magna Room  
All networking breaks and lunches will take place in the Aula Magna Foyers

- 0730 – 1800 **Registration**  
Aula Magna foyer
- 0800 – 0810 **Welcome remarks**  
Professor Pietro Sirena *Dean of Bocconi Law School, Milan*
- 0810 – 0840 **Update from Legal Practice Division (LPD)**  
Peter Bartlett *MinterEllison, Melbourne, Victoria; Chair, IBA Legal Practice Division*
- 0840 – 0850 **Welcome remarks**  
Francesca Zanasi *President of the International Affairs Committee, Milan Bar Association, Milan*
- 0850 – 0900 **Introduction of Keynote**  
Shane Freitag *Borden Ladner Gervais, Toronto, Ontario; Chair, IBA Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL)*
- 0900 – 0930 **Keynote Speaker**  
Alain de Serres *Director of the Environment Directorate, Organization for Economic Co-Operation and Development (OECD), Paris*
- 0930 – 1100 **Can mining be a sustainable business?**
- The world is increasingly waking up to the need for so called critical minerals, including lithium, nickel, cobalt and copper (among others) to power the “clean energy demand”.
- The International Energy Agency report has recently concluded that there is a need to mainstream higher environmental, social and governance standards to support the transition to low-carbon energy in a manner that does not harm people and the environment.
- Responsible investors and financiers increasingly focus on commitments to support net zero emissions and corporate engagement to ensure the respect of human rights in their portfolio or to finance corporate projects. Common to many initiatives is an interest to use shared frameworks, tools and standards.
- The panel seeks to discuss and debate how sustainable mining should be measured, understood and regulated, and to the role of circularity in mining.
- The panel looks to understand how (i) finance providers and (ii) regulatory bodies are helping to differentiate ‘sustainable’ mining projects and provide access to capital (or indeed lower cost capital) and help to achieve our global decarbonization goals.
- Key Issues to be discussed:
- How should sustainability of mining be understood and assessed?
  - How can mining be rethought? Is it given to be so resource inefficient in a circular economy perspective e.g. waste, water, chemicals, energy
  - Is there an opportunity for investors and financiers to consider market leaders in sustainability to receive sustainable finance for their mining projects?
- Moderators*  
Casper Herler *Borenus Attorneys, Helsinki; Co-Chair, IBA Mining Law Committee*  
Kate Southwell *General Counsel, Pala Investments, Zug; Mining Innovation Project Officer, IBA Mining Law Committee*
- Speakers*  
Mark Rachovides *Partner, Euromines, Brussels*  
Yulia Solomina *Director, ING, Amsterdam*  
Karin Tynelius *Non-Executive Director, Keliber Oy, Paris*
- 1100 – 1130 **Networking break**

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1130 – 1300

## **Supercharging ecosystems: are conservation parks to become key in the future economic recovery**

All around the world companies are stating their commitment to a green recovery; funds and financial entities are relying on the review of ESG factors to evaluate risks in their investments and many governments are aiming to reach their net zero pledges. This shapes how businesses and industries need to develop and what governments need to focus on in the coming years. Can natural ecosystems and wildlife conservation parks play a critical role in reducing carbon emissions and helping companies and governments reach their climate change obligations while keeping their economic growth?

This panel will answer this question by discussing if there is evidence that supercharging ecosystem carbon sinks and restoring species can indeed magnify carbon uptake as well as addressing what type of financing is needed, which governance practices are efficient and which legal framework is adequate to make it work.

### *Moderators*

**Chiara Colamonico** *Macchi di Cellere Gangemi, Rome; European Regional Forum Liaison Officer, IBA Environmental Health and Safety Law Committee*

**Angeles Murgier** *Fundación Rewilding Argentina, Buenos Aires; Membership Officer, IBA Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL)*

### *Speakers*

**Scott Fulton** *President Emeritus and International Envoy, Environmental Law Institute, Washington, DC*

**Avi Garbow** *President, Resources Legacy Fund, Washington, DC*

**Nathalie Hilmi** *Head of Environmental Economics, Scientific Centre, Monaco*

**Maria Cecilia Wey de Brito** *Institutional Relations and Projects supervision, Instituto Ekos Brasil, Brasil, Member of the Scientific and Technical Panel for Rio Doce/IMG (IUCN), São Paulo*

1300 – 1430

## **Lunch**

1430 – 1600

## **Water development at a crossroads – environmental constraints on water and impacts to economic development and public health**

The panel will discuss constraints on water development around the world with case studies focusing on new regulation, constraints on supply caused by climate change, and perspectives on investment.

### *Moderators*

**Gonzalo Delaveau** *Honorato Delaveau, Santiago; Senior Vice-Chair, IBA Water Law Committee*

**Mariana Herrero** *Galicia Abogados, Mexico City; North American Forum Liaison Officer, IBA Water Law Committee*

### *Speakers*

**Alyssa Boyer** *Executive Director, United States Agency for International Development (USAID) Water, Sanitation and Hygiene Finance (WASH-FIN) Program, Lisbon*

**Lani Lutar** *Director, Responsible Solutions, San Diego, California*

**Robert Steiner** *Operating Partner, Upwell Water, San Diego, California*

**Guillermo Tejeiro Gutierrez** *Brigard Urrutia, Bogotá; Communications Officer, IBA Environment, Health and Safety Law Committee*

1600 – 1630

## **Networking break**

1630–1800

## **Renewable fuels**

It is now technologically possible to produce alternative fuels (renewable natural gas, hydrogen, synthetic fuel and refined fuels such as renewable jet fuel) from non-fossil sources such as municipal waste and biomass, and improved processes such as hydrolysis. These are recognised bridge fuels on the global energy transition to a lower carbon energy system. But the alternative fuels' low carbon analysis often is based on a life cycle comparison rather than a point of use emissions analysis. The processes that create alternative fuels may both address other problems (eg, reuse of solid and bio waste and reductions in methane emissions) and create new challenges (eg, energy used in process, disposal of by-products, water use, capital costs for building new facilities and encouraging continued dependence on high carbon energy sources). Panellists will discuss recent developments in alternative fuel regulations and deployments in their jurisdictions, how alternative fuels are viewed under ESG metrics and how alternative fuels may fit into an overall carbon reduction strategy. The panel will also consider how the cost-benefit analysis and role in the energy transition for alternative fuels might differ in advanced economies and the rest of the world.

### **MOBILE TELEPHONES**

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# Tuesday continued

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*Moderator*

**Sarah Fitts** *Arent Fox Schiff, New York; Co-Chair, IBA Power Law Committee*

*Speakers*

**Nuno Antunes** *Miranda & Associados, Lisbon; European Regional Forum Liaison Officer, IBA Power Law Committee*

**Jonathan Cocker** *Borden Ladner Gervais, Toronto, Ontario; Sustainability Initiatives Officer, IBA Environment, Health and Safety Law Committee*

**Sadayuki Matsudaira** *Nishimura & Asahi, Tokyo*

**Patrizia Rutigliano** *EVP Government Affairs, ESG Communication & Marketing, Snam, Italy*

**Umberto Penco Salvi** *Clifford Chance, Milan*

2000

**Conference dinner**

Grand Hotel et de Milan

Via Alessandro Manzoni 29, Milan

Entry by ticket. Transport will not be provided.

**MOBILE TELEPHONES**

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All working sessions will take place in the Aula Magna Room  
All networking breaks and lunches will take place in the Aula Magna Foyers

- 0745 – 1400 **Registration**  
Aula Magna foyer
- 0800 – 0830 **SEERIL General meeting**  
**Shane Freitag** *Borden Ladner Gervais, Toronto, Ontario; Chair, IBA Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL)*
- 0830 – 0900 **Overview of SEERIL activities and programmes**  
**Shane Freitag** *Borden Ladner Gervais, Toronto, Ontario; Chair, IBA Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL)*
- 0900 – 1030 **The future of infrastructure delivery**  
Governments around the world have made major infrastructure investment pledges which are at the heart of their post-pandemic economic recovery plans. These include physical infrastructure but there is also a significant focus on digital infrastructure with telecoms and data being considered the fourth utility.  
This brings with it a need for investment – both public and private – and governments are considering a range of new funding models to facilitate this.  
  
Overlaying this is an increased focus on ESG. Many governments have made net zero commitments, corporates are required to make disclosures on their ESG performance and investors are putting ESG considerations at the heart of investment decisions with shareholder activism and litigation an increasing trend.  
Against this backdrop, this session will consider the future of infrastructure delivery – funding models, the investment environment and the impact of net zero.  
  
*Moderator*  
**Virginie Colaiuta** *LMS Legal, London; Vice-Chair, IBA International Construction Projects Committee*  
  
*Speakers*  
**Simone Arena** *Senior Legal Counsel, JLL, Milan*  
**Marine Assadollahi** *Director of Risk and Compliance, FIVES, Paris*  
**Nasir Khan MBE** *Director, Head of Contract Solutions, Currie & Brown, London*  
**Pierpaolo Mastromarini** *Bird & Bird, Milan*  
**Professor Renato Nazzini** *Director, Centre of Construction Law and Dispute Resolution, King's College London, London*
- 1030 – 1100 **Networking break**
- 1100 – 1300 **Energy transition in Italy - challenges and opportunities in the European context**  
As climate and decarbonisation policies are gaining momentum in the EU, several European countries – including Italy – are implementing new instruments to facilitate their transition towards more sustainable energy sources. The funding of the Recovery Plan, of which Italy is the largest beneficiary, could be an important catalyst to the achievement of Italy's climate objectives. At the same time, Italy's transition faces significant obstacles in the form of changing regulations, structural constraints of the Italian energy sector and different infrastructure development between different parts of the country. Also conflicting interests and popular opposition, especially from those that see this transition as a potential threat to their wellbeing and jobs, could pose a challenge to the Italian policy-makers. At a time of increasing energy prices, when access to affordable energy has never been more important, this session explores both opportunities and challenges of the energy transition in Italy in the context of the new EU 'Fit for 55' framework and its future developments, and provides insight into the intersection of the economic, environmental and governance considerations that will accompany the transition of the country.  
  
*Moderator*  
**Professor Giuseppe Ferrari** *Public Law Professor, Bocconi University, Milan*  
  
*Introductory remarks*  
**Professor Pietro Sirena** *Dean of the Law School and Faculty Deputy of the Knowledge Group "Law and Regulation", SDA School of Management, Milan*  
**Professor Edoardo Croci** *Coordinator of the "Smart City Observatory", GREEN Centre Università Bocconi, Milan*

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# Wednesday continued

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## *Speakers*

**Anne-Charlotte Bournoville** *Head of Unit Planning and Legal Affairs, DG Energy, Brussels*

**Fabio Bulgarelli** *Manager Regulatory Affairs, Terna S.p.A, Rome*

**Nunzio Ferrulli** *Chief Institutional and Regulatory Affairs Officer, Chairman - Italgas Reti SPA, Milan*

**Marco Marsili** *Vice President Italy and Country Chair, Shell Italia, Rome*

**Marco Piredda** *Head of International Affairs Analysis & Business Support, ENI S.p.A, Rome*

**Clara Poletti** *General Director, Arera: The Italian Energy Regulation Experience, Milan*

**Alberto Pototschnig** *former General Director, European Energy Agency for the Cooperation of Energy Regulatory Agencies in Europe, Ljubljana*

1300 – 1400

**Lunch**

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