

NOVEMBER 16–20 | WASHINGTON DC

LAW, JUSTICE AND DEVELOPMENT WEEK 2015

GOVERNANCE AND THE LAW



“PROMOTING GOOD PRACTICES FOR AGRICULTURAL INVESTMENT” Friday 20 November 2015, morning

Room MC13-121 World Bank | Washington DC

Sponsors

The International Institute for the Unification of Private Law - UNIDROIT / The Food and Agriculture Organization of the United Nations - FAO / The International Fund for Agricultural Development - IFAD / The World Bank / The World Farmers' Organisation – WFO

Speakers

Mr Alberto Mazzoni, President, UNIDROIT
Mr Henry Gabriel, Professor of Law, Elon University Law School, Greensboro, N.C., USA – Member of the UNIDROIT Governing Council, Chairman of the Unidroit Working Group on Contract Farming
Ms Margret Vidar, Legal Officer, Development Law Service, FAO
Mr Gerard Sanders, General Counsel, IFAD
Mr Jonathan Mills Lindsay, Legal Department, World Bank
Mr Justin Yap, Senior Private Sector Development Specialist, World Bank
Ms Yuliya Neyman, Land Governance and Legal Advisor, USAID
Mr Thomas M. Driscoll, US National Farmers Union, Government Relations Representative, WFO

Objectives of the Session:

Agricultural investments are crucially needed to meet global food security objectives. Focusing on two types of agricultural investments – i.e. contract farming and land investment contracts – the global session will explore how legal standards – in particular standards developed by intergovernmental agencies - can enhance good practices and make investments economically sound and sustainable for investors and beneficiaries as well as other stakeholders.

Main audience for the session are development practitioners (IFIs' lawyers and agriculture economists, government officials (including USAID and Embassies' Economic/Legal Attaches, private lawyers, NGOs). The participants to the session will also receive an electronic version of the Legal Guide on Contract Farming and will have the opportunity to interact with the experts from co-authoring organizations for clarifications.

1 : EXPERT MEETING 1: PROMOTING GOOD PRACTICES IN CONTRACT FARMING OPERATIONS 9.00 am – 10.30 am

Moderator: Mr Alberto Mazzoni (UNIDROIT)

Presentation 1 - The importance of a secured legal environment for agricultural investments

Mr Alberto Mazzoni (UNIDROIT) will highlight the importance of a secured legal environment for agricultural investments and the contribution that private law-formulating agencies can bring in setting legal standards for good practices and fair relationships

Presentation 2 - The UNIDROIT/FAO/IFAD Legal Guide on Contract Farming: an overview

Mr Henry Gabriel (UNIDROIT) will discuss how the recently adopted Unidroit/FAO/IFAD Legal Guide on Contract Farming provides legal guidance and promotes responsible contract farming practices between agricultural producers and buyers

Presentation 3 - Fostering contract enforcement in contract farming operations through appropriate dispute resolution procedures

Mr Justin Yap (World Bank) will discuss how appropriate dispute resolution procedures – in particular through alternative modes such as arbitration and amicable procedures - can foster better compliance and successful contract farming relationships

Panel discussion

Mr Sanders (IFAD), Ms Vidar (FAO) and Mr Driscoll (WFO) will offer comments, in particular in light of the experiences of their organizations, focusing on how they intend to use the Legal Guide in their organizations' practical operations

General discussion

2: EXPERT MEETING 2: PROMOTING GOOD PRACTICES IN LAND INVESTMENT CONTRACTS 11.00 am – 12.30 am

Moderator: Mr Henry Gabriel (UNIDROIT)

Presentation 1 – Legal Considerations for Investing in Markets with Weak Land Rights

Ms Yuliya Neyman (USAID), will discuss major legal issues at stake in land investment contracts and how legal standards could be designed to increase investors and beneficiaries – including local residents' – legal security and rights

Presentation 2 – Investing in Markets with Weak Land Rights – A Practical View

Based on case studies and practical experience on advising project teams and borrowing countries, Mr Jonathan Mills Lindsay (World Bank) will discuss legal risks and opportunities arising in the context of commercial agricultural investment

Presentation 3 – Operationalizing the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) for investors and all parties' benefit

Ms Margret Vidar (FAO) will present a number of Technical Guides being prepared by FAO to support the implementation of the VGGT related to investments in land

Panel discussion

Mr Sanders (IFAD) and Mr Driscoll (WFO) will offer comments and will share the experiences of their organisations regarding problems and recommended solutions

General discussion