



**Strathmore University**  
Law School

## **Regional Consultation Workshop**

**The future UNIDROIT/FAO/IFAD Legal Guide on  
Agricultural Land Investment Contracts (ALIC)**  
*Raising awareness and seeking feedback from Kenya and Africa*

**Wednesday 23 October 2019 8:30 – 17:45**

**Strathmore Law School, Madaraka Estate, Ole Sangale Road, Keri Campus  
Sir Thomas More Building, 1<sup>st</sup> Floor, Policy Innovation Centre (Nairobi, Kenya)**

With the patronage of



**Food and Agriculture  
Organization of the  
United Nations**

Developed by a UNIDROIT Working Group in collaboration with the Food and Agriculture Organisation of the United Nations (FAO) and the International Fund for Agricultural Development (IFAD), the future Legal Guide on Agricultural Land Investment Contracts responds to the need for greater and more responsible investment in agriculture, incorporating necessary safeguards to enhance food security and nutrition and to protect legitimate tenure right holders, human rights, livelihoods and the environment while reducing investment risks.

As part of the finalization of the future Legal Guide, this workshop is designed to facilitate feedback on the ALIC Zero Draft from stakeholders in Africa, including investors' legal counsels, government officials, non-governmental organisations, academics and private sector representatives.

This regional consultation is supported by a grant from IFAD and the workshop language will be English.

Please confirm your participation (free of cost) by sending an email to: [info@unidroit.org](mailto:info@unidroit.org).

**Website for Online Consultation on the ALIC Zero Draft of the Guide:**

<https://www.unidroit.org/work-in-progress/agricultural-land-investment/online-consultation>

**The ALIC Zero Draft is accessible at:**

<https://www.unidroit.org/english/documents/2019/study80b/190601-alic-zero-draft.pdf>

**Wednesday 23 October**

<i>OPENING</i>	
<b>The future UNIDROIT/FAO/IFAD Legal Guide on Agricultural Land Investment Contracts and Africa</b>	
<b>8:30 – 9:00</b>	<b>Registration</b>
<b>9:00 – 9:20</b>	<b>Welcome address</b> <i>Francisco B. Lopez-Jurado (Acting Dean of Strathmore University, Law School)</i>
<i>SESSION 1</i>	
<b>The forthcoming UNIDROIT/FAO/IFAD Legal Guide on Agricultural Land Investment Contracts and Africa</b>	
	Moderator: Allan Mukuki (Strathmore)
<b>9:20 – 9:40</b>	<b>An introduction to the future UNIDROIT/FAO/IFAD Legal Guide on Agricultural Land Investment Contracts</b>
<b>9:40 – 10:00</b>	<i>Ignacio Tirado (Secretary-General, UNIDROIT)</i> <b>Land tenure rights and responsible investments as founding principles</b> <i>Charles Bebay (FAO Representative a.i. in Kenya)</i>
<b>10:00 – 10:20</b>	<b>The leasing of agricultural land in Kenya: trends and limitations for responsible investment</b> <i>Edith Kirumba (Environment, Climate and Safeguards Specialist, IFAD)</i>
<b>10:20 – 10:50</b>	<b>Setting the scene from an African perspective: an overview of legal issues regarding agricultural land investments</b> <i>James Gathii (Professor of International Law, Loyola University, Chicago)</i> <b>Questions and discussion</b>
<i>11:15 – 11:30</i>	<i>Coffee Break</i>
<i>SESSION 2</i>	
<b>Drafting and implementing responsible agricultural land investment contracts – A review of key issues</b>	
	Moderator: James Gathii (Loyola University)
<b>11:30 – 11:50</b>	<b>Agricultural land investment contracts in the African context</b> <i>Joan Kagwanja (Coordinator, African Land Policy Centre)</i>
<b>11:50 – 12:10</b>	<b>Contract formation, due diligence and contractual socio-environmental obligations in the Kenyan context</b> <i>Elizabeth Gachenga (Deputy Vice Chancellor, Strathmore University)</i>
<b>12:10 – 12:30</b>	<b>Land investment contracts and land governance reform in Kenya</b> <i>Joseph Kieyah (Kenya Institute of Policy Analysis)</i>
<b>12:30 – 12:50</b>	<b>Sustainability considerations and land investment contracts</b> <i>Robert Kibugi (Law Lecturer, University of Nairobi)</i> <b>Questions and discussion</b>

13:15 – 14:15	Lunch
<i>SESSION 3</i>	
<b>Rights and obligations of the parties to agricultural land investment contracts – Striking the right balance in the African context</b>	
14:15 – 14:35	Moderator: Elizabeth Gachenga (Strathmore) <b>Agricultural land investment, women’s rights and the environment</b> <i>Patricia Kameri-Mbote (Professor, University of Nairobi)</i>
14:35 – 14:55	<b>Due diligence in contract formation</b> <i>Rugemeleza Nshala (Executive Director of the Lawyers Environment Action Team, Tanzania)</i>
14:55 – 15:15	<b>Small holder farmers and the protection of intellectual property rights</b> <i>Titilayo Adebola (Lecturer, Aberdeen University, Law Faculty)</i>
15:15 – 15:35	<b>Issues and obligations with regard to the environment</b> <i>Aphrodite Smagadi (Law Division, UNEP)</i>
15:50 – 16:10	Coffee Break
<i>SESSION 4</i>	
<b>Remedies and dispute resolution in agricultural land investment contracts - What to do when things go wrong?</b>	
16:10 – 16:30	Moderator: André Smit (State Kaw Adviser, Dept. Intl Relations, South Africa) <b>Agricultural land investment contracts – A government perspective</b> <i>Mr. John Bosco Suuza, Ag. Commissioner (Contracts and Negotiations) Directorate of Legal Advisory Services, Ministry of Justice of Uganda</i>
16:30 – 16:50	<b>Contractual non-performance and remedies in agricultural land investment contracts</b> <i>Teresa Rodríguez de las Heras Ballell (Professor Commercial Law, University Carlos III Madrid)</i>
16:50 – 17:10	<b>Land investment contract disputes – A private practitioner’s perspective</b> <i>James Nyiha (Legal Practitioner, Lecturer at Strathmore University)</i>
17:10 – 17:30	<b>Grievance mechanisms and dispute resolution in agricultural land investment contracts</b> <i>Carlo Di Nicola (Senior Legal Officer, UNIDROIT)</i>
	<b>Questions and discussion</b>  <i>Final inputs for the UNIDROIT/FAO/IFAD Legal Guide on Agricultural Land Investment Contracts</i>
17:45	<b>Closing of the event</b>