

# WEBINAR APRIL 2021

UNIDROIT/FAO/IFAD  
LEGAL STRUCTURE OF AGRICULTURAL  
ENTERPRISES PROJECT

15-16 APRIL 2021  
13:00-17:30 CEST  
ZOOM PLATFORM



## 15 APRIL

### Opening remarks

#### ► Speakers



#### **Maria Chiara Malaguti**

Professor Maria Chiara Malaguti was appointed President of UNIDROIT in August 2020. She is Full Professor of International Law at the *Università Cattolica Sacro Cuore* (Milan/Rome, Italy) and, since 2003, she is legal advisor to the Italian Ministry for Foreign Affairs and to the World Bank. As a lawyer, in Rome, her main areas of practice are: trade and investment law, commercial law, anti-trust and conflicts of law and jurisdiction. Prof. Malaguti holds a bachelor's degrees in law and in economics, an LLM from Harvard Law School and a PhD from the European University Institute.



#### **Donata Rugarabamu**

Donata Rugarabamu is Legal Counsel of FAO. She has served in a number of intergovernmental organizations, including the Organization for the Prohibition of Chemical Weapons, the United Nations Environment Programme, the United Nations Compensation Commission and the Commonwealth Secretariat. She has a MA in Law from the University of Cambridge and an LLM in Public International Law from the London School of Economics and Political Science. She is a Member of the Bar of England and Wales.



#### **Katherine Meighan**

Katherine Meighan is the General Counsel of IFAD and a member of the Executive Management Committee (EMC). Ms Meighan has over 25 years of experience in development finance and international institutional matters. At IFAD, she has led complex legal initiatives including amending IFAD's Articles to enable lending to the private sector, structuring new financial instruments such as a unique impact investment fund for small-holder farmers, and leading the legal work to attain IFAD's historic credit rating (as the first UN fund to be rated). Katherine Meighan holds a Juris Doctor from the University of Virginia School of Law and a Bachelor of Arts with a double major in Economics and French



#### **Ricardo Luis Lorenzetti**

Ricardo Luis Lorenzetti is Justice of the Supreme Court of Argentina, Organization of American States Goodwill Ambassador for Environmental Justice, Member of the Interim Governing Committee Global Judicial Institute on the Environment, President of the Argentine Civil and Commercial Code Reform Commission, Professor of Contracts at the University of Buenos Aires, Director of the Master on Environmental Law at the University of Buenos Aires, Member of the Advisory Committee of United Nations Environment Programme, Member of the World Commission on Environmental Law of the International Union for the Conservation of Nature and Member of the UNIDROIT Governing Council.

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## Session 1: Regulatory demands and new technology scenarios

## ► Speakers

**Teemu Viinikainen (Chair)**

Teemu Viinikainen is a Finnish jurist who has been working as a consultant with the Development Law Service (LEGN) of FAO since 2016. Prior to his current position, he has worked both with IFAD and UNIDROIT. He has an extensive background on contract farming, and his current work also extends to the analysis of other food supply chain contracts.

**Siobhan Kelly**

Siobhan Kelly is an Agribusiness Economist with FAO's Food Systems and Food Safety Division. She leads normative work on areas related to the role of the private sector in food systems transformation, including topics covering small and medium sized food manufacturing, tools and processes that facilitate multisectoral and private sector engagement in agri-food sector strategy development, and the impact of COVID-19 on food systems. She has a Professional Post-Grad Diploma in Food Sector Strategy, an MA in International Relations and a BA (Hons) in International Business with Spanish.

**Jennifer Bair**

Jennifer Bair is Professor and Chair of the Department of Sociology at the University of Virginia. She is the editor of four books, including *Frontiers of Commodity Chains Research* (Stanford, 2009). She has conducted extensive research on global value chains, development, and labor in Latin America, and is currently studying efforts to develop labor standards and human rights protections for migrant workers in U.S. agriculture.

**Erik Van Ingen**

Erik Van Ingen is a Blockchain and Data Specialist in FAO. He works as the blockchain focal point for FAO's IT division and he helps projects with digital agriculture, data analytics and blockchain for climate action and agrifood value chain.

**Cornelia J. Boesch**

Cornelia J. Boesch, Dr. sc. techn. ETH. Food Safety Officer at FAO, with a focus on food safety capacity building for small and medium enterprises. Previously employed in the private sector to develop quality and safety management systems for businesses in the beverage sector.

**Tomislav Ivančić**

Tomislav Ivančić works as an advisor on global agricultural value chains and responsible business conduct, which includes the OECD-FAO Guidance for Responsible Agricultural Supply Chains. He previously worked as an advisor to several multinational companies on social and environmental due diligence in their supply chains, and worked for the European Commission as a Team Leader on Responsible Business Conduct. He holds a MSc in economic development from the London School of Economics, an MA in International Relations and European Studies from the Central European University, and a Bachelor of Arts from the University of Toronto. He is also an alumni of Harvard Business School's executive programme on social impact and global value chains, and is completing a PhD in due diligence, risk and development at the University of Lisbon.

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## Session 2: Contractual structures for collaboration and integration of agricultural enterprises

### ► Speakers



#### Carlo Di Nicola (Chair)

Carlo Di Nicola is a Senior Legal Officer at UNIDROIT in Rome where he works to develop private international law instruments. He is a Canadian lawyer (Law Society of Ontario and the Barreau du Québec) and holds a Master's degree in international law from the London School of Economics and Political Science (LSE).



#### Karina Fernandez-Stark

Karina Fernandez-Stark is an international consultant and a Duke Global Value Chains Center Affiliate, who has led numerous research projects related to economic development and competitiveness around the world. She has consulted for the African Development Bank, ECLAC, Inter-American Development Bank, OECD, UNCTAD and the World Bank, amongst others. Her areas of expertise cover a wide range of economic sectors including agriculture, mining and services. In addition, she is an expert in policy development for trade, competitiveness, skills development, gender and SMEs. Karina is a Chilean who holds a BA in Journalism and Political Science and a Master's degree in International Development Policy from Duke University.



#### Fabrizio Cafaggi

Fabrizio Cafaggi is Councilor of State and has held positions as a Professor at the Italian School of National Administration (SNA), at the University of Trento, and at the European University Institute, where he has been also the Co-Director of the Centre for Judicial Cooperation. He has taught abroad in the United States at Columbia Law School, NYU Law School, and University of Pennsylvania Law School. Professor Cafaggi teaches "Nudging: Behavioral Insights for Regulation and Public Policy" (together with Giacomo Sillari) at Luiss, Department of Political Science and Department of Economics and Management. He has collaborated with UNIDROIT and UNCITRAL on the theme of contracts and global value chains. An expert in European and Comparative Private Law, with a specific focus on regulation, he has authored several books and international articles on transnational regulation in the EU and at international level.



#### Lorenzo Cotula

Lorenzo Cotula is a principal researcher in law and sustainable development at the International Institute for Environment and Development (IIED), a policy research institute based in the United Kingdom. He is also a visiting professor at the University of Strathclyde, School of Law.



#### Carmen Bullón Caro

Carmen Bullón Caro is a lawyer by background with an LLM on European and International Law and postgraduate in trade law. She is a Legal Officer in the Development Law Service of the FAO Legal Office, where she has served for the past 16 years. Before FAO Carmen has served in regional public administration and worked for the Government of Chile in the framework of the EU-Chile trade Agreement. Her main areas of expertise are trade law, food, plants and animals' legislation. She has also worked on the development of the UNIDROIT/FAO/IFAD Legal Guide on Contract Farming.

## ► Speakers



### Ammar Kawash

Ammar Kawash is a value chain development expert with 12 years of international experience, currently serving as the head of the Head of Smallholder Agricultural Market Support (SAMS) unit at WFP Rwanda and Farm to Market Alliance (FtMA) coordinator since early 2017. Before Rwanda, Ammar was working in Cambodia, Ethiopia, Malawi and Jordan among others. He holds an M.Sc. in International Development and Management (specialized in rural development) from Lund University in Sweden and B.Sc. (Hons) in management (specialized in International Business Economic) from the University of Manchester, UK.

## Session 3: Remedies and dispute settlement mechanisms



### Paola Iamiceli (Chair)

Paola Iamiceli is Professor of Private Law at the University of Trento. Member of the Council of the European Law Institute, she is also responsible for national and international projects in the field of global supply chains, business networks, European private law, fundamental rights.



### Carlo Russo

Carlo Russo is associate professor of agricultural economics at the University of Cassino and Lazio Meridionale. He received his PhD at the University of California, Davis and authored several publications about the organization of the agrifood value chains. Recently, he coordinated an international research project about Unfair Trading Practices in the European Food System and their effects on the value chain.



### Axel Marx

Axel Marx is Deputy Director Leuven Centre for Global Governance Studies, University of Leuven. His research interests include voluntary sustainability standards, sustainable development, human rights, global governance and EU trade policy.



### Matthew Jennejohn

Matthew Jennejohn is a Professor of Law at the Brigham Young University (BYU) Law School, where he teaches courses on transactional design, corporate law, and mergers & acquisitions. His research focuses on the legal infrastructure for innovation clusters and supply chains, and on the M&A market. He is a graduate of Columbia Law School, the London School of Economics, and BYU.



### Kristina Bishop

Kristina Bishop is a PhD candidate in Economics at Southern Methodist University, where she researches in the fields of applied microeconomics and labor economics. Her research focuses on the geography of intergenerational mobility and the speed of recovery from income shocks. She is also an empirical research fellow at the Brigham Young University Law School.

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## Session 4: Corporate structures for the organisation of farmers and agricultural enter-

## ► Speakers

**Priscila Pereira de Andrade (Chair)**

Priscila Pereira de Andrade is a Legal Officer at UNIDROIT. She holds a PhD in International Law (*Université Paris I Panthéon-Sorbonne*), a Master's degree in International Relations (Centre University of Brasília) and a specialization in International Environmental Law from UNITAR. She is a qualified lawyer admitted to the Brazilian Bar.

**Virgilio Ramos de los Reyes**

Virgilio Ramos de los Reyes is the dean of the College of Law at De La Salle University (Manila, Philippines). He was the Secretary of Agrarian Reform of the Philippines and director of the Land Bank of the Philippines (2010-2016). He earned his professional degree in law at the University of the Philippines. Virgilio obtained advanced degrees from the Fletcher School of Law and Diplomacy, Tufts University, and the Stanford Law School as a fellow of the Stanford Program in International Legal Studies (SPILS).

**Hagen Henry**

Hagen Henry studied law and qualified as a judge in Germany in 1981. Post graduate studies in development issues and development law in Geneva and Paris. Professorship qualification in law, University of Helsinki. Prior to working at that university (2011-2020) he worked as Chief of the Cooperative Branch of the ILO, as legal advisor to the German Federal Government and at the universities of Geneva and Saarbrücken. Since 1994 Henry has consulted on cooperative policy and legislation in/for some 65 countries for numerous national, regional and international governmental and non-governmental organization.

**Georg Miribung**

Georg Miribung is a researcher at the Free University of Bozen-Bolzano, Faculty of Science and Technology. His main areas of research are Agricultural law, Food law, Cooperative law and cooperative economic theory, sustainability and law, commons, social cooperatives, and empirical legal research.

**Antonio Zanette**

Antonio Zanette is a Brazilian lawyer. Professor and coordinator of the specialization program in Agricultural and Agribusiness Law of the Superior School of the Foundation of the Public Prosecutor's Office - FMC, in Brazil.

**Sukhpal Singh**

Sukhpal Singh is a Professor at Centre for Management in Agriculture (CMA), Indian Institute of Management (IIM), Ahmedabad; Former Director General at Centre for Research in Rural and Industrial Development (CRRID), Chandigarh, and Former Professor and Head, Institute of Economic Growth (IEG), Delhi. He is Fellow of the Indian Society of Agricultural Economics (ISAE), Mumbai and founding Editor, *Millennial Asia-An International Journal of Asian Studies*. He has been a visiting fellow at the IDS, Sussex, Chulalongkorn University, Bangkok, University of Manchester; and the Copenhagen Business School.

## Speakers



### Monica Canafoglia

Monica Canafoglia is a legal officer at the International Trade Law Division (ITLD) of the UN Office of Legal Affairs, which is the substantive secretariat for the United Nations Commission on International Trade Law (UNCITRAL). She is currently serving as secretary of UNCITRAL Working Group I (Micro, Small and Medium-sized Enterprises) and coordinating the UNCITRAL presence on social media. Before joining the International Trade Law Division, Monica worked for other agencies of the United Nations system. Monica is a licensed lawyer in Italy, her home country. She also holds a Master's degree in Public Policy and Management.

## Session 5: Challenges for agricultural finance and access to credit



### Anna Veneziano (Chair)

Anna Veneziano is the Deputy Secretary-General of UNIDROIT. She is a Professor of Comparative Law at the University of Teramo (Italy), where she was formerly the Director of the Department of Private Law. In the period 2013-2017 she was tenured Professor of European Property Law at the University of Amsterdam (UvA). She has a Law Degree with honours from the University of Rome La Sapienza, an LL.M degree from the Yale Law School funded by a Fulbright scholarship, and a PhD degree from the University of Florence. Her main research and publication areas are on secured transactions as well as international, comparative, and European contract and sales law.



### Jeannette Tramhel

Jeannette Tramhel is a Senior Legal Officer with the Department of International Law of the Secretariat for Legal Affairs at the Organization of American States, where she is responsible for matters related to private international law. She also volunteers as course advisor for the International Law Institute on "Achieving Food Security through Public-Private Partnerships." Jeannette holds a Master of Laws in International and Comparative Law from Georgetown University, and undergraduate degrees in law and agriculture. She is a member of the bar in New York and Ontario (Canada), served with the UNCITRAL secretariat, with Agriculture Canada and has experience in private practice and academia.



### Christopher Brett

Christopher Brett was appointed as the Lead Agribusiness Specialist with the World Bank in November 2016 and joined the Agriculture and Food Global Agricultural Practice, based in Washington DC. He has a Master's Degree in Management for Agricultural Development from Cranfield University in the United Kingdom. He has more than thirty years' experience of working within the public private and voluntary sectors in Africa, Asia and Latin America. Prior to working with the World Bank, he worked for 9 years as the Global Head of Sustainability for a large multi-national agricultural supply chain management company, as part of the senior management team, Chris supported the company's transition from a trading-based company to a global agri-business supply chain management company.



### Massimo Pera

Massimo Pera works at FAO as an agribusiness investment officer, in charge for the coordination of the project "AGRINVEST-Enabling inclusive and efficient private sector investment in agrifood systems". For the past 14 years, Mr Pera has been working in the formulation and implementation of projects related to agricultural finance and value chains' development, mostly in Africa. He is one of the organizers and faculty of the Rural and Agricultural Finance Programme offered as part of the Boulder Microfinance training.

## ► Speakers



### Dagmawi Habte-Selassie

Dagmawi Habte-Selassie is a sustainable development professional with extensive experience in structuring financial vehicles to fill specific gaps in the agribusiness financial ecosystem. He is currently working with IFAD in Uganda leading their engagement with private sector and rural finance institutions.



### Steve Nocka

Steve Nocka is a founding partner of a fintech start-up based in Singapore with applications for SMEs in the developing world that will launch in Q3-2021. He previously headed up Lending at Root Capital, an NGO dedicated to agricultural finance in the developing world, and prior to that was an MD at Bank of America where among other roles he led the Global Trade Finance Business. Based in Boston, he has degrees from Yale, Columbia and Colgate.



### Isabelle Deschamps

Isabelle Deschamps is a doctoral candidate at the Faculty of Law of McGill University, Canada. She researches the interactions between regional business law reform and the practices of market women in Benin, Cameroon and Côte d'Ivoire. Over the past years, she has been a member of the Canadian delegation at UNCITRAL's Working Group I sessions on MSMEs. Moreover, Isabelle practiced commercial litigation in Montreal and London (UK) from 2005 to 2009. In 2011, she founded Health and Education Now!, an NGO seeking to assist disadvantaged communities in Benin through projects developed and managed on the ground.

## Session 6: Next steps towards the delineation of the LSAE Project

## ► Concluding remarks



### Ignacio Tirado

Professor Ignacio Tirado, PhD (Bologna), PhD (Madrid), LLM (London) is the Secretary-General of the International Institute for the Unification of Private Law (UNIDROIT). He teaches Commercial, Corporate, and Insolvency Law at the Universidad Autónoma of Madrid (Spain). Previously, he has been Senior Legal Consultant at the World Bank's Financial Sector Practice. A qualified lawyer, Ignacio was Of Counsel of the Business Restructuring and Insolvency Practice of Hogan Lovells, LLP (Madrid Office, then Lovells LLP), until he joined the World Bank. Ignacio is a member of the Executive and a Director of the International Insolvency Institute, where he is also Co-Chair of the Academic Committee. He is the Vice-Chair of the pan-European think-tank Conference of European Restructuring and Insolvency Law (CERIL). Ignacio has represented the World Bank in UNCITRAL's Working Group V (insolvency) and Spain and the III in Working Group VI (secured transactions). Lead Researcher at the UAM in a European Commission's DG Justice Project on out of court workouts, Professor Tirado is a founding member of the Academic Board of the European Banking Institute and an International Fellow of the American College of Bankruptcy.

## ► Roundtable with Chairs of each session and other experts