

UNIDROIT COLLOQUIUM

PROMOTING INVESTMENT IN AGRICULTURAL PRODUCTION: PRIVATE LAW ASPECTS

Villa Aldobrandini, Via Panisperna 28, 00184 Rome (Italy)

8-10 November 2011

PROGRAMME

Tuesday 8 November – Private law and responsible agricultural investment

– *Opening remarks by:*

Ms Karen Johnson, Chargé d’Affaires, Permanent Representation of the United States to the United Nations Agencies for Food and Agriculture in Rome

Mr José Angelo Estrella Faria, Secretary-General of UNIDROIT

1st session – Title to land, mortgages and agricultural finance

CHAIR : DR. RUTSEL S. MARTHA, GENERAL COUNSEL AND DIRECTOR OF LEGAL AFFAIRS, INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT (IFAD)

– *Investment in land – opportunities and risks: lessons learned from land titling programmes*

Dr. Jonathan M. Lindsay, Senior Counsel, Environmental and International Law (LEGEN), Legal Department, World Bank

– *Property rights over land*

Prof. Alfredo Massart, Santa Anna School of Advanced Studies, Pisa (Italy)

– *The public registration system for land mortgages in the Russian Federation*

Dr. Eduard Galishin, Real Estate Department, Ministry of Economic Development, Russian Federation

– *The land titling action of the International Union of Notaries and the Simplified Secure Deed*

Me Didier Nourissat, Vice-President of the Working Group on Land Titling of the International Union of Notaries

– *The Global Land Tool Network (GLTN): developing a pro-poor land recordation system*

Prof. Leon Verstappen, Faculty of Law, University of Groningen (Netherlands)

Comments and questions by participants

2nd session – Foreign investment in agricultural land

CHAIR : PROF. DON WALLACE JR., CHAIRMAN OF THE INTERNATIONAL LAW INSTITUTE, WASHINGTON DC (USA); PRESIDENT OF THE AMERICAN FOUNDATION FOR INTERNATIONAL UNIFORM LAW

- *The legal framework: investment v. commercial law – national v. international*
Prof. François Collart Dutilleul, Faculty of Law, University of Nantes (France)
- *Key issues in ensuring a fair balance between investor interests and host country benefits*
Mr Antonio Flavio Camilo de Lima, Secretary of State for agriculture and irrigation, State of Goiás (Brazil)
- *Program for the promotion of public and private investment in rural property : the Mexican case*
Lic. Jorge Alberto Arrambive Montemayor, Director-General for the Support to the Ordination of Rural Property, Agrarian Legal Bureau, Ministry of Land Reform of Mexico (SRA)
- *Devising transparent and efficient concession award procedures*
Ms Caroline Nicholas, Senior Legal Officer, United Nations Commission of International Trade Law (UNCITRAL)

3rd session – Long term investment in land: select legal issues

- *Principles for Responsible Agricultural Investment and Voluntary Guidelines on Responsible Governance of Tenure of Land*
Dr. Greg Myers, Senior Advisor, Land Tenure and Property Rights Unit, USAID (USA); Chair of the FAO/CFS Working Group on Voluntary Guidelines for Land Tenure
- *A review of crucial issues under the contract of investment in agricultural land and water*
Dr. Howard Mann, Senior International Law Advisor, International Institute for Sustainable Development (Canada)
- *General contract law – a place for the UNIDROIT Principles of International Commercial Contracts (UPICC) ?*
Prof. Michael Joachim Bonell, Professor Emeritus, Faculty of Law, University of Rome I (Italy); Consultant, UNIDROIT

Comments and questions by participants

**Wednesday 9 November – Legal tools for including smallholder farmers
in the value chain**

1st session – Farmers’ organisations: legal structure and operation

CHAIR : MR LOUIS GAGNON, LEGAL COUNSEL, FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)

- *Bringing smallholder farmers into the value chain: opportunities and risks – a review of the legal issues*

Dr. Rutsel S. Martha, General Counsel and Director of Legal Affairs, International Fund for Agricultural Development (IFAD)

- *Basics and new features of cooperative legislation*

Prof. Hagen Henry, Ruralia Institute, University of Helsinki (Finland)

- *Farmers’ organisations: select issues – membership and ownership, liabilities and profits, management and governance*

Prof. Andres Miguel Cosialls Ubach, Faculty of Law, University of Barcelona (Spain)

- *The promotion of the agricultural enterprise under OHADA law*

Mr Daniel Tricot, Honorary President of the Commercial, Financial and Economic Chamber of the Cour de Cassation (France); Member of the UNIDROIT Governing Council

- *Farm structure and market constraints: a focus on CEE and CIS countries*

Prof. Zvi Lerman, Department of Agricultural Economics and Management, Faculty of Agriculture, Hebrew University (Israel)

- *Access to credit and equipment finance*

Mr Gerard van Empel, Managing Director Rabo International Advisory Services, Director Rabo Development BV (Netherlands)

Comments and questions by participants

2nd session – Collaborative strategies: organisational and contractual business models

CHAIR : MR DANIEL TRICOT, HONORARY PRESIDENT OF THE COMMERCIAL, FINANCIAL AND ECONOMIC CHAMBER OF THE COUR DE CASSATION (FRANCE); MEMBER OF THE UNIDROIT GOVERNING COUNCIL

- *Contractual frameworks and inter-firm cooperation*

Prof. Antonio Iannarelli, Faculty of Law, University of Bari (Italy)

- *Contract farming: a review of crucial issues*

Dr. Carlos Da Silva, Senior Agribusiness Economist, Food and Agriculture Organization of the United Nations (FAO)

- *Contract farming: business models that maximise benefits of farmers’ inclusion in the value chain*

Ms Ayelech Tiruwha Melese, Project officer, Stichting Dir (Netherlands)

Comments and questions by participants

Thursday 10 November (morning) – Increasing capital mobilisation and equipment finance for agricultural production through secured transactions law

CHAIR : PROF. ALBERTO MAZZONI, PRESIDENT OF UNIDROIT

1st session - *Agricultural receivables financing*

- *Financing instruments and structures for agricultural production: an overview*
Mr Gerard van Empel, Managing Director Rabo International Advisory Services, Director Rabo Development BV (Netherlands)
- *Loan collateral in rural finance based on NENA region: experience, issues and solutions*
Dr. Mohammed R. Mustafa, Secretary General, Near East North Africa Rural and Agricultural Credit Association (NENARACA)
- *Warehouse receipts and securitization in agricultural finance*
Prof. Henry D. Gabriel, School of Law, Elon University, Greensboro, North Carolina (USA); Member of the UNIDROIT Governing Council

2nd session - *Agricultural equipment financing*

- *Equipment lease: relevance of the legal framework*
Mr Murat Sultanov, IFC Advisory Services in Middle East and North Africa (MENA), Program Manager, International Finance Corporation (IFC)
- *The UNIDROIT model law on leasing*
Mr Martin Stanford, Deputy Secretary General, UNIDROIT
- *Equipment import and security interests: possible benefits of extending the Cape Town system to agricultural equipment*
Mr John Atwood, Senior Officer, UNIDROIT

Comments and questions by participants

Closing remarks by Prof. Alberto Mazzoni, President of UNIDROIT

End of the Colloquium