CONCEPT NOTE:

**Objective:** Law, Justice and Development (LJD) Week 2011 will be a forum to explore how legal innovation and empowerment can contribute to development.

**World Bank Group Effort:** For the first time, LJD Week will be a Bank Group event co-organized by the World Bank’s Legal Vice Presidency, IFC and MIGA Legal Departments, and ICSID.

**Themes:** LJD Week 2011 intends to focus on three key issues: (a) **Global issues**, such as challenges relating to international financial regulation, the use of intellectual property rights in development settings, legal challenges/solutions in fragile and conflict states, public-private partnerships, stolen asset recovery, and others; (b) **Regional challenges**, which will include the role of law in supporting economic and social stability in the Middle East and North Africa region, and legal harmonization as a tool for regional integration; (c) **Country cases**, which will look at examples of how legal innovation and empowerment have contributed to a rise in global economic power (China), and helped manage emergencies and catastrophic risks (Haiti).

**Structure:** LJD Week is scheduled for November 14 - 17, 2011, at World Bank headquarters in Washington D.C., and will include parallel sessions during the four days, with an opening session and a plenary round table of General Counsel on November 14, and some sessions dedicated to training on November 17.

The first meeting of partners of the new global knowledge initiative “Global Forum on Law, Justice, and Development” will take place on November 16.

**Audience:** In addition to Bank Group staff, LJD Week will bring together senior officials from IFIs, international development practitioners, government officials, lawyers and judges, scholars and academics, and representatives from civil society.

External (private) participants will be limited and subject to a registration fee to cover costs (students will pay a discounted rate).
External Partners: The American Bankruptcy Institute, American Bar Association, George Washington University, Harvard University, International Development Law Organization, Ministério Público do Estado de Minas Gerais, Syracuse University, Tsinghua University School of Law, and other IFIs will contribute to specific sessions.

AGENDA:

Monday, November 14, 2011

Opening Session:
Opening Remarks Sri Mulyani Indrawati, World Bank Managing Director,
Keynote Speaker Mr. Sang-Hyun Song, President of the International Criminal Court

- Rule of Law, Governance & Development: Perspectives from MENA
- Global Risk in Today's Changing Landscape
- Carbon Credits: Exploring Issues of Title, Title Transfer and Taking Security Over this 'Regulatory Commodity' in Common Law and Civil Law Jurisdictions
- Rebuilding After Catastrophe - Must Knows of Emergency Financing
- Financing Women Entrepreneurs in Emerging Markets
- Global Perspectives on the Role of Intellectual Property Rights in Innovation and Development
- Legal Framework for International Financial Regulation: Challenges and Opportunities
- Persons with Disabilities: Innovation and Empowerment through the Convention on the Rights of Persons with Disabilities

Tuesday, November 15, 2011

- Innovation in Asset Recovery and International Legal Cooperation
- Problem-Solving Approaches for Development Projects
- Development of New Legal Norms and Rules to Combat Corruption through Imposition of Sanctions
- Public Private Partnerships in Development – What Are the Broad Challenges to Implementation of PPPs in Developing Countries and Possible Ingredients for Success
- Fostering Learning and Innovation – Women’s Access to Justice and the World Development Report 2012 on Gender Equality and Development
- What Will This Fight Cost? Mediation vs. Arbitration vs. Litigation
- New Directions in Criminal Justice Work at the World Bank
- Recent Developments in ICSID Arbitration
- Getting It Together: Structuring Partnership Programs for Collective Action

**Wednesday, November 16, 2011**

- Law and Development in China: Opportunities and Challenges
- Intellectual Property and Related Legal Issues for IGOs in Open Access, Open Data, Social Media
- Achieving Sustainable Development: The Lawyer’s Key Role
- Innovative Approaches to Insolvency & Restructuring
- Conflict Between an International Financial Agreement and the Borrower’s Domestic Law: Which one Prevails?
- Global Forum on Law, Justice & Development: Partners’ Consultation
- Legal Harmonization as a Tool for Regional Integration: The OHADA’s Experience
- Gaps and Convergence: Emerging Trends in Land Acquisition Law and Their Implications for Development Institutions
- The What, Where and Why of Political Risk Insurance

**Thursday, November 17, 2011**

- The Regulation of the Insolvency of Natural Persons (Continuing Legal Education accreditation pending)
- Enhancing Legal Support in Bank Operations (WBG staff only)
- Trends in Climate Change Negotiations and Challenging Issues in Carbon
- Empowering Governments in Investment of Reserves (WBG staff only)
- International White Collar Crime and Corruption – One of the Key challenges for Development in the 21st Century
- Alternative Responses to Crime and Crime Prevention
- Journeys in Leadership: Innovation and Empowerment of ACS Staff
- Role of ACS in the Project Cycles across the WB Group
- International Law and Rule of Law Development
- BBL - WBG Risk Mitigation and Guarantee Products - An Introduction to the Different Products and When They Could be Used
- Public Private Partnerships in Development – Training (WBG staff only)
INTERNATIONAL FORUM - November 14 - 16

November 14

• Rule of Law, Governance & Development: Perspectives from MENA

Background and Context:

A call for justice sparked what some call the “second Arab revolution”, across the Middle East. When a young Tunisian fruit vendor set himself on fire out of frustration with his dire situation this call for justice spread quickly across the region.

Most international support for the rule of law in the Middle East had focused on rule of law programming that involved efforts to improve court administration, automating case records, training judges in commercial law, and modernizing commercial codes, and in few instances efforts to enhance access to justice for women. The largest investment so far concentrated on court administration, case management and related infrastructure improvement to make courts more competent, efficient and accountable. These efforts have benefited users by providing more timely court judgments, but they have by-and-large not addressed issues of the quality of justice.

The question remains if rule of law and judicial reform efforts can be promising entry points to encourage the evaluation of institutions of governance in the region, what the role of the judiciary has to be to advance such reforms, and what support should be provided by the international community.

In order to explore this complex but essential issue further, the Bank has conducted interviews with some well respected counterparts in Jordan and Tunisia. These interviews were taped and will provide the background for the discussions during this session.

Chair: Manuela Ferro, Director, World Bank
Moderator: Guenter Heidenhof, Sector Manager, World Bank
Panelists:
1. Melissa Thomas, Associate Professor of International Development, John Hopkins University
2. Nathan Brown, Professor of Political Science and International Affairs, George Washington University
3. Paul Prettitore, Senior Public Sector Specialist, World Bank
4. Chantal Thomas, Professor of Law, Cornell University
Interviews:

1. Salahideen Al-Bashir, former Minister of Justice of Jordan, and, until recently, member of the Jordanian Senate
2. Reem Abu-Hassan, private lawyer, Jordan
3. Abdelfattah Amor, Head of the Commission for the Investigation of Corruption and Embezzlement, Tunisia

Focal Point: Heike Gramckow


The World Bank’s World Development Report 2011: Conflict, Security and Development (WDR 2011) calls for a paradigm shift in the development community’s work on fragile, conflict-affected and violent settings (FCS). The proposed paradigm is that violence and other challenges plaguing FCS cannot be resolved by short-term or partial solutions in the absence of institutions that provide people with security, justice, and jobs. With regard to justice, the WDR argues that perceptions of injustice, exclusion and inequality are often common threads in a range of stresses that drive conflict. These are not matters for the justice sector alone, but arise across economic sectors such as in the areas of service delivery, land and natural resource management and civil administration, requiring legitimate and effective institutions to manage contest around these stresses. Recognizing that institutional transformation is a long term endeavor that must be measured in generations, the report calls for a dual focus on building citizen confidence and the process of promoting ‘best-fit’ solutions – mechanisms or ‘interim institutions’ that are adapted to the needs and realities of the local context.

This panel will explore the implications of the WDR 2011 for donor work on justice reform in FCS (note that a separate panel will consider the World Bank’s approach to criminal justice). Specifically, panelists will address:

- How (in)justice and (in)security stresses impact on cycles of violence and development.
- How to address issues of (in)justice and (in)security in the context of development programming across a range of sectors (not just through the justice sector).
- How to bridge long term reform efforts with the need to support early signaling of change that convinces stakeholders that the direction of change is desirable, real and potentially durable.
- How to improve integrated donor action by strengthening global, regional and national partnerships and leveraging the comparative advantages of partners.
**Chair:** Nightingale Rukuba-Ngaiza, Senior Counsel, World Bank

**Panelists:**
1. Adedeji Ebo, Chief, Security Sector Reform Team, United Nations Department of Peacekeeping Operations
2. Erica Harper, Senior Rule of Law Advisor, International Development Law Organization
3. Deborah Isser, Senior Counsel, World Bank
4. J Alexander Thier, Assistant to the Administrator and Director of the Office of Afghanistan and Pakistan Affairs at USAID

**Focal Point:** Deborah Isser

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**Global Risk in Today's Changing Landscape**

This event will focus on political risk as a challenge to investment in emerging markets and developing countries. Drawing primarily on examples from the Middle East and North Africa (MENA) Region, the session will explore how a fluid political landscape influences investor strategies and how investors mitigate and manage their legal exposure.

The **Multilateral Investment Guarantee Agency** (MIGA), a member of the World Bank Group, will bring together a panel of leaders from the private sector, legal field, and academia to discuss:

- What challenges and risks do investors face in emerging markets—particularly in the Middle East and North Africa (MENA) Region?
- What are some of the pitfalls for investors in risky markets?
- Are new legal and investment strategies needed to manage and mitigate political risk?

**Chair:** Ana-Mita Betancourt, Director and General Counsel, MIGA

**Keynote Speaker:** Vladimír Dlouhy, International Advisor, Goldman Sachs Group, Inc. and Professor, Charles University, Prague

**Panelists:**
1. Witold Henisz, Associate Professor of Management, Wharton School, University of Pennsylvania
2. Michael Kelley, General Counsel and Managing Director, EMP Global, LLC
3. Cathy Marsh, International Project Finance Partner, Milbank, Tweed, Hadley & McCloy, LLP
4. Ravi Suri, Managing Director, Standard Chartered Bank, PLC

**Focal Point:** Shamali de Silva
• Carbon Credits: Exploring issues of Title, Title Transfer and Taking Security Over This “Regulatory Commodity” in Common Law and Civil Law Jurisdictions

Despite the regulatory uncertainty in the international market for carbon credits to be produced after 2012, stakeholders and participants in this market have maintained their engagement while looking for innovative solutions to the climate change challenge. European governments and private sector players are the main source of demand for project-based carbon credits issued under the Kyoto Protocol’s Clean Development Mechanism (CDM). However, this demand is limited and currently focused on projects from LDCs and renewable energy and energy efficiency projects registered as CDM projects prior to the end of 2012. Within these constraints, owners of carbon credits seek to make the best of this asset and use it to help support long-term financing for climate friendly projects.

From a legal perspective, many issues arise in structuring the main terms of an international transaction, in most cases documented under an English-law governed purchase agreement (in the case of purchase and sale transactions) or an English-law governed loan agreement (in the case of lending transactions). In addition, there are challenges in having to ensure that laws of the jurisdiction where the project is located are also taken into consideration. These governing law considerations become more relevant in structured deals where financiers seek to take security over the carbon assets either by securing the revenue flows or taking security on the carbon assets themselves. In the context of carbon trading, taking security over the carbon credits would make difficult their transfer thus reducing the value of the security and perhaps reliance on the regulatory safeguard of being a "focal point" is sufficient. However, there may be transaction structures under which taking security over the carbon credits themselves is necessary.

Following a general introduction of the topic and the nature of the carbon asset in some sample jurisdictions, the panelists will examine some key legal issues relating to carbon finance such as: (i) title and transfer of title in the context of purchasing and selling carbon credits; (ii) determining the types of security that are generally taken in relation to carbon assets (i.e., security over carbon revenues vs. security over the carbon credits); and (iii) discussing key differences in the use of carbon assets as security in common law vs. civil law jurisdiction.

Moderator: Kruskaia Sierra-Escalante, Legal Department, IFC
Panelists:  
1. Akshay Jaitly, Trilegal  
2. Matt Townsend, Allen & Overy  
3. Richard Tredgett, Allen & Overy  
4. Vladimir Abreu, Tozzi Freire  
Focal Point: Katherine Meighan
IFC responded swiftly to the earthquake with an investment of $15.3 million in five new projects focusing on job creation in the garment, hospitality, energy, finance and mining sectors.

The investment climate for both local and foreign investors is hampered by a number of challenges that need to be addressed, including business environment, land availability and ownership rights, access to basic infrastructure, logistic and financial services, and access to skills.

In the negotiation and implementation of these transactions, IFC faced a number of different challenges, such as:

- Excessive availability of cash: On the aftermath of catastrophe, lenders and donors scramble to make funds available to those affected. In the context of general availability of funds, concerns are raised locally on the need and justification for committing to longer term, more structured financings.
- Uncertain assessment of businesses viability: While lenders may be able to review past performance of local businesses, the future viability of businesses following natural disaster is difficult to ascertain due to the complexities in determining the time and effort required to rebuild local businesses, which in turn, pose challenges in anticipating the financing needs to effectively structure financing projects.
- Severely damaged infrastructure: Due implementation of international financing projects often require lenders to obtain approvals and file or record documents with local authorities that may be unable to function normally as a result of damage arising from natural catastrophe.

The panelists will examine key legal issues relating to emergency financing including: (i) the stability and certainty that long term legal commitments provide in rebuilding local businesses; (ii) the status of legal and commercial relationships following natural disaster and how to rebuild these; and (iii) implementation of projects in a context in which key local authorities (eg. land and commercial registries) are unable to conduct normal operations.

**Introductory Remark:**
Marie-Lucie Morin, Executive Director, Canada, Ireland and the Caribbean

**Panelists:**
1. Abhas K. Jha, Lead Urban Specialist and Program Leader, Disaster Risk Management, World Bank
2. Selma M. Barroso, IFC
3. Pierre Nadji, UN

**Focal Point:** Katherine Meighan
• **Financing Women Entrepreneurs in Emerging Markets**

IFC set the goal of increasing IFC’s reach to 3.1 million small and medium enterprises (SMEs) in emerging markets by 2013. Of this number, IFC expects to provide financing to 1 million businesses owned by women entrepreneurs. In order to reach this goal, various challenges need to be overcome, including:

- **Lack of a clear legal definition of women-owned SMEs:** A common existing definition sometimes used in the market describes women-owned businesses as being entities with 51% of the ownership by women. However, this definition is often limiting in the emerging market context and does not clearly take into account family-owned businesses and partnership enterprises run by women.

- **The financing gap faced by women entrepreneurs:** It is estimated that women represent between 25-40% of businesses worldwide and roughly 38% of these are in developing countries. Unfortunately, statistics show that only 5-10% of women entrepreneurs have access to commercial bank loans.

- **Lack of applicable investment products and support/advisory platforms to assist women-owned SMEs:** Although IFC’s advisory program has successfully channeled over US$86 million in loans through 15 financial institutions in developing countries, women entrepreneurs may often be better served by having a range of investment products available, together with tailored advice on building business plans, marketing products and other commercial matters.

The panelists will examine key legal issues relating to financing women entrepreneurs in the developing world, including: (i) possible legal definitions of women-owned businesses; (ii) options for legal financing structures (including risk sharing agreements, guarantees and credit lines to banks for on-lending to women entrepreneurs, as well as the costs and benefits associated with each structure); and (iii) legal and commercial issues faced by private co-lenders alongside IFC such as Standard Chartered Bank.

**Moderator:** Rachel Robbins, Vice President and General Counsel, IFC

**Panelists:**
1. Patience Marime-Ball, Global Lead Women Investments
2. Catheleen McLaughlin, Partner, Allen and Overy
3. Donna Daniels, General Counsel, the Americas- Standard Chartered Bank

**Focal Point:** Katherine Meighan

• **Global Perspectives on the Role of Intellectual Property Rights in Innovation and Development**
The Bank has been extremely active in sectors where intellectual property rights (IPRs) are of crucial importance to realizing a tangible development impact. Sectors in which IPRs have been important, include: the use of information and communication technologies (ICT) to improve healthcare delivery infrastructure in developing countries; support to international agricultural research centers to develop new or improved plant varieties; managing trust fund resources directed at financing clinical trials for potential HIV vaccines; or helping countries design regulatory frameworks to combat counterfeit goods. Often, the nature of IPRs and the rigor with which proprietors may enforce them in these key sectors will determine whether or not the poor, who should be the greatest beneficiaries of development financing, will have access to the innovations arising directly or indirectly from the Bank’s investments. Consequently, IPRs have far-reaching implications on the realization of the Bank’s mission of fighting poverty and advancing an inclusive and sustainable globalization.

The various components of the Bank’s investment portfolio, in which IPRs are growing in importance, are indeed ideal set of lenses through which to consider the broader impact of IPRs in the crucial development goal of disseminating knowledge as a way of incubating innovation and creativity, and in examining the different dimensions of the contemporary debate on intellectual property law and policy. For the last two decades, IPRs have been a dominant part of the development discourse, particularly in the trade and biodiversity contexts. This debate has gone on both at the national and international levels, and although still largely divisive, it would appear that there is broad acknowledgement of the positive and catalytic impact that well managed IP regimes have on innovation and development. This session will be devoted to a discussion of IPRs and their role in development, how IPRs figure in decisions for multilateral financing, and ways of creating incentives for countries to design IP legal and policy frameworks that best respond to development needs, promote innovation and creativity and yield tangible development results.

**Moderator:** Shyamkrishna Balganesh, Professor, University of Pennsylvania Law School

**Panelists:**
1. Edward Kwakwa, Legal Counsel, WIPO
2. David Snively, Executive Vice President and General Counsel, Monsanto Co.
3. Roy Waldron, Senior Vice President and Associate General Counsel, Pfizer
4. Katsuya Tamai, Professor, University of Tokyo
5. Rita Khanna, General Counsel, Aeras Global TB Vaccine Foundation

**Focal Point:** Victor Mosoti/Akiko Ogawa

- **Legal Framework for International Financial Regulation: Challenges and Opportunities**
The recent financial crisis has emphasized the need for a new global architecture for financial regulation. In pursuit of greater stability and predictability in the financial sector, the international community, acting through the Financial Stability Board, has sought to develop guidelines dealing with the resolution of complex financial institutions. For the evolving international guidelines to be effective, they will need to be implemented at the national level where potential conflicts may emerge between the international guidelines and national regulatory regimes designed to protect national markets and stakeholders.

Key questions in this context include the following: How do these new sets of guidelines promulgated at the international level interface with pre-existing domestic regimes? In what respect could international principles and norms be used to improve national regulatory systems? What are the limits of internationally agreed frameworks vis-à-vis local regulations?

The goal of this session is to further discuss and analyze this topic, and, in particular, to identify the challenges, opportunities, and limits of developing a mutually agreed legal framework for international financial regulation.

**Moderator:** Vijay Srinivas Tata, Chief Counsel, Finance, Private Sector Development and Infrastructure, World Bank.

**Panelists:**
1. Sean Hagan, General Counsel, International Monetary Fund
2. Marino Ottavio Perassi, General Counsel, Bank of Italy

**Focal Point:** Francesca Daverio

### Persons with Disabilities: Innovation and Empowerment through the Convention on the Rights of Persons with Disabilities

The Convention on the Rights of Persons with Disabilities (CRPD) was adopted in December 2006 and came into force in May 2008. As of August 16, 2011 the CRPD has 149 signatories (including the European Union) and 103 ratifications.

During the past two years, many countries have taken measures to harmonize national laws, enact new legislation and create national focal points to implement the Convention more fully or to move towards its ratification. The Convention has become increasingly recognized as a tool to promote inclusive development and has generated a new impetus to mainstream disability into the international development agenda. In addition, the World Bank and the World Health Organization recently launched the World Report on Disability which aims, among other objectives, to examine the way forward in implementing the Convention.

This session will present the innovative aspects and the empowerment potentialities of the CRPD, discuss the challenges and opportunities available for its
implementation with a focus on the role of law and institutions, including Multilateral Financing Institutions.

**Panelists:**

1. Judith E. Heumann, Special Advisor on International Disability Rights, US Department of State
2. Peter D. Blanck, Chairman Burton Blatt Institute, Syracuse University
3. Janet Lord, Research Associate, Harvard Law School Project on Disability
4. Aleksandra Posarac, Team Leader, Disability & Development, World Bank

**Moderator:** Alberto Ninio, Chief Counsel, Environmental & Social Safeguards, World Bank
November 15

- **Innovation in Asset Recovery and International Legal Cooperation**

  Developing countries lose between US$ 20 to U$S 40 billion each year through bribery, misappropriation of funds and other corrupt practices. Much of the proceeds of corruption find “safe haven” in world’s financial centers. Therefore, international legal cooperation between developed and developing countries becomes critical in this new world context. This panel will discuss the Swiss experience in helping the international community in their efforts to recover assets coming from complex crimes such as corruption and money laundering. Also, the panel will analyze the different legal regimes of asset recovery, how to trace assets, and specific cases of mutual legal assistance. In addition, experiences where the Stolen Asset Recovery Initiative (StAR) was involved will be studied. The Stolen Asset Recovery Initiative (StAR) is a partnership between the World Bank Group and the United Nations Office on Drugs and Crime that supports international efforts to recover assets from corrupt funds.

  **Moderator:** Janamitra Devan, Vice President and Head of Network of Financial Private Sector Development, World Bank

  **Panelists:**

  1. Rita Adam, Ambassador, Vice Director, Directorate of Public International Law, Federal Department of Foreign Affairs, Berne, Switzerland.
  2. Chip Poncy, US Head of Delegation to the FATF and Senior Advisor to the Assistant Secretary on Anti Money Laundering and Terrorist Financing, US Department of Treasury.
  4. Alceu Torres Marques, Attorney General, State of Minas Gerais, Brazil
  5. Jean Pesme, Manager, World Bank

  **Focal Point:** Agustin Flah

- **Problem-Solving Approaches For Development Projects**

  Development interventions, though designed to achieve positive socioeconomic results, may, at times, have also some unintended effects, thus raising the possibility of social and environmental conflicts. The purpose of this Panel is to examine ways in which such conflicts may be successfully addressed and managed. Panelists will discuss the opportunities and constraints of the available strategies and approaches designed to respond to social and environmental conflicts that may emerge in development projects. Experiences from both public and private sectors will be explored through the discussion of existing mechanisms and tools available to reach satisfactory solutions for the parties involved. As an outcome of the Panel, it is expected that a set of “common
principles” on how to deal with social and environmental conflicts will be shared with the audience.

**Moderator:** Meg Taylor, Vice President, Compliance Advisory/Ombudsman, World Bank

**Panelists:**
1. Luciano Badini, Chief Prosecutor for Environmental Affairs, State of Minas Gerais, Brazil
2. Isabel Lavadenz-Paccieri, Project Ombudsperson, Independent Consultation and Investigation Mechanism, Inter American Development Bank
3. Camilo Azcarate, Manager, Office of Mediation Services, World Bank
4. Amar Inamdar, Grievance Risk Management & Dispute Resolution, OPCS
5. Sanjay Agarwal, Social Development Specialist, World Bank

**Focal Point:** Alberto Ninio

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**Development of New Legal Norms and Rules to Combat Corruption through Imposition of Sanctions**

International anticorruption enforcement has become a top priority for governments, international institutions, lawyers, and policy makers. In 2010 alone, the US assessed more than $1 billion in criminal penalties for violations of the Foreign Corrupt Practices Act. In addition to the US, anticorruption laws have been enacted in countries including Germany, Japan, Russia, South Africa, and the United Kingdom. On the international level, institutions including the U.N., OECD, and multinational development banks have established their own anticorruption measures. This panel will examine the interplay between national legal systems and international legal initiatives in the anticorruption enforcement field.

Offering perspectives from academia and international institutions, the panel participants will each offer a brief presentation followed by a roundtable discussion.

**Moderator:**
1. Pascale Helene Dubois, Evaluation and Suspension Officer for IBRD/IDA, World Bank, will moderate the panel and provide a perspective from the World Bank.
2. Frank Fariello, Lead Counsel, LEGOP

**Panelists:**
- Nicola Bonucci, Director of Legal Affairs, OECD
- Christopher R. Yukins, George Washington University Law School
- Michael R. Silverman, Integrity Compliance Officer, Integrity Vice Presidency, World Bank

**Focal Point:** Pascale Dubois
**Public Private Partnerships in Development – What Are the Broad Challenges to Implementation of PPPs in Developing Countries and Possible Ingredients for Success**

In the last decade, the number of developed and developing countries that use the public private partnerships (PPPs) as the preferred financing scheme for infrastructure projects has significantly increased. There is a wide spectrum of reason as to why governments are seeking to such partnerships. However, the main goal is to achieve value for money and to deliver better quality of services for the same amount spent by the public sector. A second, but not less important, set of reasons is the desire to provide better access to public infrastructure by utilizing private sources of finance. Experience with private sector involvement in public infrastructure projects underlines the need not only for innovative regulatory and financial structures to deal with a multitude of contractual, political, market, and credit risks, but also for building credible structures to ensure that projects are environmentally responsive, socially sensitive, economically viable, and politically feasible.

This session will discuss the public sector and the private sector dimensions of PPPs. It will also examine the public-private interface in terms of regulatory frameworks and examine successful PPP approaches in different countries.

**Moderators:**
1. Patricia Sulser, Principal Counsel, Infraventures, IFC
2. Mark Moseley, Lead Counsel, World Bank

**Panelists:**
1. Vishal Agarwal, Sub-Saharan Infrastructure Finance & PPP Leader, Price Waterhouse Coopers, Kenya
2. John Sachs, Latham & Watkins
3. Esther Koimett, Ministry of Finance, Kenya

**Discussant:** Violet Onyemenam, General Counsel, The OPEC Fund for International Development

**Focal Points:** Patricia Sulser and Mark Moseley

**Fostering Learning and Innovation: Women’s Access to Justice and the World Development Report 2012 on Gender Equality and Development**

The 2012 World Development Report on Gender Equality and Development identifies increasing women’s access to justice as a priority area in a global agenda for greater gender equality. It also emphasized that effective rights matter for women and enforcement of these rights need to be improved. Lack of awareness of rights, high direct costs, mobility constraints, gender bias, among others, prevent women from seeking redress. And although many countries engage in international conferences or commitments on gender equality, including ratifying the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), these rights do not necessarily
become effective for women because there are limited mechanisms for its implementation.

The WDR 2012 proposes fostering innovation and learning as a direction for global action in enhancing women’s access to justice. It highlights that although a great deal has been learned about what works and what does not, progress is still often held back by the lack of data or adequate solutions to “sticky” problems. In particular, it suggests that the international development community can help by, among others, supporting collection and publication of gender disaggregated data on access and use; increasing women’s representation in law and justice organizations; raising awareness and sensitivity of the justice systems; supporting implementation and evaluation of innovative approaches; and exploring the role of technology in increasing information and enhancing accountability of legal institutions.

This session seeks to further elaborate on how the global community can foster learning and innovations to improve women’s access to justice:

- Considering the range of international development actors, where are the gaps, and how does innovation and learning address these gaps?
- In which areas are increased innovation and learning best assist women’s access to justice?
- Are there promising examples of approaches and innovations that increased women’s access to justice?

Chair: Christina Biebesheimer, Chief Counsel, Justice Reform, Legal Vice Presidency, World Bank
Panelists:
1. Jeni Klugman, Sector Director, World Bank
2. Laura Turquet, Report Manager, UN Women
3. Mary Hallward-Driemeier, Lead Economist, World Bank
4. Rea Abada Chiongson, Gender and Justice Advisor, World Bank

Focal Point: Barry Walsh
**What Will This Fight Cost? Mediation vs. Arbitration vs. Litigation**

As international financial institutions and their clients continue to expand their cross-border reach, the time, cost and legal complexity in resolving commercial disputes that may arise during the life of a particular cross-border investment or transaction tends to grow exponentially. This session will examine three oft-used methods of international dispute resolution: mediation, arbitration and litigation, focusing primarily on the advantages and disadvantages of alternative dispute resolution and particularly mediation.

The session will provide an in-depth look at the costs (both financial and that associated with lost time) and benefits of each method, providing practical comparisons of the legal ramifications associated with the up-front choice of each method, as well as the approach used by many sophisticated companies or financial institutions to evaluate which disputes should be handled through mediation, whether in conjunction with formal legal proceedings or independently. Further, the panelists will discuss the legal structuring of international commercial projects to embed each dispute resolution method within the initial project documentation, as well as the legal and practical ramifications of each possible choice post-dispute.

**Moderator:** Susan D. Franck, Professor, Washington & Lee University School of Law  
**Discussant:** Patricia Sulser, IFC  
**Panelists:**  
1. Mark A. Clodfelter, Partner, Foley Hoag LLP  
2. Barbara E. Daniele, General Counsel, GE Capital  
3. Edna Sussman, International Mediator  
**Focal Point:** Marco Tulio Montanes

**New Directions in Criminal Justice Work at the World Bank**

The central message of the 2011 World Development Report is that strengthening legitimate institutions and governance to provide citizen security, justice, and jobs is crucial to address the increasing crime and citizen security issues more and more countries are facing. The report also points out that success in countering crime and violence requires determined national leadership and an international system “refitted” to address 21st-century risks. The Report envisages a layered approach to effective global action, with local, national, regional, and international roles.

The guiding elements of the Bank’s program to operationalize the WDR 2011 are outlined in a recently issued Legal Note and Staff Guidance Note for stepping up the Bank’s engagement in criminal justice sector work. Both documents support the Bank’s goal to strengthening its approach to criminal justice reform by emphasizing global partnerships and areas were the Bank has a comparative advantage and experience.
The Bank’s and other donors’ experience over almost two decades in governance and justice sector reform programs has clearly identified the links and mutual dependence between the Bank’s economic development efforts and the criminal justice sector. The Bank’s limited but targeted prior experience demonstrates critical impact and cross-sectoral linkages across a broad array of programs, ranging from health sector, youth, urban planning, governance, anticorruption, poverty reduction, environment and education, as well as justice sector reform programs.

While considered increasingly important, support for criminal justice programs also entails potential risks, both operational and reputational. In particular, programs focusing on police/law enforcement and prisons entail special abuse of authority and due process concerns. Additionally, as the WDR 2011 has noted, in fragile and conflict affected situations, there is an increased risk that police forces (and security forces more generally) that have emerged from vigilante or paramilitary groups will be a destabilizing factor in the country rather than the contrary.

These considerations require additional and more in-depth knowledge and understanding about the broader impact and risks of criminal justice programming. Any engagement in such programs requires careful planning, risks assessment, and oversight and mitigation strategies, based on solid criminal justice sector expertise and lessons learned from Bank experience to date, as well as that of other donors already working in the sector.

The Bank, which has been supporting justice sector reform programming for more than a decade, has been cautious about supporting criminal justice reform work largely due to its potential for being interpreted as political interference but also due to a range of other risks (operational and reputational) that such programs pose. This does not mean that the Bank is completely new to the criminal justice sector. Significant parts of the Bank’s anticorruption work engage with and require strengthening of criminal justice agencies. Bank-financed projects have provided support for health programs in prisons; support for conducting complex money laundering or financial investigations; assistance to tax/customs and environmental enforcement agencies; urban planning activities that focus on crime reduction; justice components in projects in areas such as traffic management, port security, environmental management, financial police, social welfare, disaster relief; as well as public sector reform and justice sector reform projects that include criminal justice institutions.

The focus of this session will be to discuss some of the key issues the Bank and other international partners face when engaging in criminal justice reform work:

- What are the main challenges for countries seeking to address crime and violence? What are the main knowledge gaps?
- In which areas can IFIs and other international donors best assist?
• Do we know enough to develop well target projects and what are the most promising approaches to understanding what will work best in a particular country context?
• Considering that a range of international partners have been providing targeted assistance, what gaps need to be filled and which ones are the most critical?

Chair: Heike Gramckow, Senior Counsel, Justice Reform, Legal Vice Presidency, World Bank

Discussants:
1. Amy LeMar, Bureau of International Narcotics and Law Enforcement Affairs, Office of Americas Program
2. Elizabeth Howe, International Association of Prosecutors
3. Pablo Alonso, IADB
4. Faye Ehrenstamm, Office of Overseas Prosecutorial Development
5. Larissa Alanna Gray, World Bank
6. Frank Fariello, Lead Counsel, World Bank
7. David Varela, Senior Public Sector Specialist, World Bank

Focal Point: Heike Gramckow

Recent Developments in ICSID Arbitration

The ICSID system is now 45 years old, and ICSID remains a unique legal institution. ICSID has established itself as the premier facility in international investment dispute settlement. It has seen unprecedented growth since its first case was instituted in 1972. Confidence in the ICSID system continues, demonstrated by the increase in membership to 147 Contracting States and a 20% growth in caseload in the past year.

Secretary-General Meg Kinnear and experienced ICSID counsel will offer an insider’s perspective on the latest developments in ICSID arbitration, including: (i) increased transparency and openness of the arbitral process; (ii) annulment proceedings; (iii) sovereign debt; and (iv) cost of arbitration.

Moderator: Meg Kinnear, Secretary-General, ICSID
Panelists:
1. Gonzalo Flores, Team Lead/Case Counsel, ICSID
2. Eloise Obadia, Team Lead/Case Counsel, ICSID
3. Martina Polasek, Team Lead/Case Counsel, ICSID
4. Janet Whittaker, Case Counsel, ICSID

Focal Point: Marco Tulio Montanes
In pursuing global public goods and global-country linkages, partnership programs can be powerful ways to get things done. Collective action that promotes inclusion, consensus, efficiency and scale can be motivating to donors and recipients alike. Even so, the establishment of partnership platforms, especially when combined with pooled funding, is a balancing act that features trade-offs between stakeholder buy-in and efficiency, common approaches and individual requirements, global coordination and country ownership, and so on. In the context of all these choices, lawyers must advise on design challenges and find structural solutions.

This session will consider some of the nuts and bolts for getting it together. In reflecting on effective and innovative examples, as well as lessons learned, we will consider how to set up these initiatives to be more collaborative and inclusive. In focusing on structural and operational aspects, and taking a pragmatic view, we hope to engage the broader audience in a conversation about how structural elements of these collective global programs can make a difference in development.

**Panelists:**

1. Ximena Talero, Chief Counsel, Cofinancing and Project Finance, World Bank
2. Andrea Stumpf, Lead Counsel, Cofinancing and Project Finance, World Bank
3. Rocio Malpica, Senior Counsel, Cofinancing and Project Finance, World Bank
November 16

Law and Development in China: Opportunities and Challenges

Law has played an important role in enabling unprecedented growth in China in the last decades. China has been evolving on the basis of a whole set of innovative ideas, which have blended with China’s unique economic reality. Those innovative ideas and policies have enabled China to change within one generation from a poverty-stricken country to one of the world’s largest economies. While China has been learning from the rest of the world for its own benefit, it has established its own way of development based on its unique circumstances. At the same time, China’s legal system and institutions have been a subject of passionate debate, both from within and from without.

Clearly, a thorough enquiry and a broader perspective are needed for making any generalization. Therefore, the first objective of the China session would be to inform the audience of China’s, by-all-accounts, phenomenal legal transformation over the last 30 years, and how that played a role in China’s unprecedented economic and social transformation. Meanwhile, it would be incomplete to present this without also presenting the challenges going forward.

A more important objective would be what lessons from China’s legal development that might resonate for other developing countries, and indeed, for development institutions such as the World Bank. China’s situation and experience are unique, more so than might have been true for many other countries. And few countries have the size dimension to the same degree. But there continues to be countries which face a substantial transformation from one development model to another. From a development perspective, Chinese experience would contribute to solutions. Innovative Chinese solutions in any legal area could also add to the knowledge of development practitioners across the globe.

Agenda

9:30 AM – 9:40 AM Opening remarks
1. Anne-Marie Leroy, Senior Vice President and World Bank Group General Counsel
2. Yang Shaolin, Executive Director for China, World Bank

9:40 AM – 10:10 AM Keynote Speech by Judge Yu Lingyu, Senior Justice, Supreme People’s Court of China

Introductory Remarks by Session Chair, Alfred H. Nickesen, Acting Vice President East Asia and Pacific Region, World Bank
10:10 AM – 11:25 AM
Panel 1: Law, Justice and Development in China’s Transformation

**Chair:** Hassane Cisse, Deputy General Counsel, Knowledge and Research, World Bank

**Panelists:**
1. Zhu Suli, Professor, former Dean of Peking University Law School
2. Stéphanie Balme, Professor, Sciences Po Paris, Institut des Hautes Études sur la Justice and visiting Professor at the Tsinghua University School of Law

**Commentator:** Natalie Lichtenstein, former World Bank Assistant General Counsel and current SAIS Professorial Lecturer in China Studies

11:25 AM – 11:35 AM Coffee Break

11:35 PM – 12:50 PM
Panel 2: Inclusive Development and Legal Empowerment and Innovation

**Chair:** Thomas McInerney, Director Research, Policy and Strategic Initiatives, IDLO

**Panelists:**
1. William P. Alford, Professor, Henry L. Stimson Professor of Law, Vice Dean for the Graduate Program and International Legal Studies, Director of East Asian Legal Studies, Chair of the Harvard Law School Project on Disability
2. Wang Chenguang, Professor, former Dean of Tsinghua University School of Law

**Commentator:** Charles Di Leva, Chief Counsel, Environmentally and Socially Sustainable Development and International Law, World Bank

**Focal Point:** Yuan Tao

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**Intellectual Property and Related Legal Issues for IGOs in Open Access, Open Data, Social Media**

There are multiple legal issues emerging from the many initiatives and innovations in the World Bank Group on Open Access, Open Data, use of Social Media, which were not conceived when the Bank and other similar inter-governmental organizations were established. Issues such as copyright (including publishing and licenses), privacy, confidentiality, and access to information have taken on a different dimension with the rapid innovations in information technology and new media. To reach a wider community, the Bank Group and other IFIs have to be poised to use all possible media to disseminate knowledge and services, and to partner with civil society and the private sector, within an evolving legal framework and the respective mandates and special concerns of these institutions. Furthermore, clients advancing these new tools can pose generational and cultural challenges to lawyers on a day-to-day basis.
These issues, which have significant implications for practitioners in these organizations include, but go beyond, those faced by in-house counsel in other organizations.

The session will identify these issues and present the ongoing efforts of international organizations to adapt to bring the benefits of these new initiatives to the IFIs and its public.

**Moderator:** Cyril Muller, Vice President, External Affairs, World Bank

**Panelists:**
1. Edward Kwakwa, General Counsel, WIPO
2. Michael Signorelli, Associate, Venable LLP
3. Neil James Fantom, Manager, DECDG
4. Carlos Rossel, Publisher, EXTOP
5. Jim Rosenberg, Head of Social Media, World Bank

**Focal Point:** Rowena Gorospe and Victor Bundi Mosoti

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**Achieving Sustainable Development: The Lawyer’s Key Role**

Sustainable development, no matter the sector, requires a just and dependable legal foundation. Lawyers are essential to the design, implementation, and management of that foundation. Yet, as the LJD initiative recognizes, law is an underutilized tool for development that too often is used only when some unforeseen barrier to an intended project goal is encountered, rather than a factor included at the outset of project development to help ensure success.

The law is a part of a development project in any sector: transportation, education, finance, commerce, woman and children, health and all others. In this session we focus on health for part of our session because of its intimate relationship to development and a sector in which the pivotal nature of law is so well documented. We will consider various legal approaches in health and how the models and lessons learned in health can be applied globally in the development of any sector.

This session will showcase how law and practicing lawyers are pivotal to the success of development projects and a key component of any strategy to achieve intended outcomes. Success stories of law as an instrument of development, a frank discussion of how legal services have been and can be integrated, a review of existing and needed tools, referral systems, resources and guides, and recommendations for a way forward are presented in this session.

**Moderator:** James R. Silkenat, Partner, Sullivan & Worcester

**Panelists:**
1. Michael Burke, Chair, ABA Section of International Law (ABA-SIL)
Legal Harmonization as a Tool for Regional Integration: The OHADA’s Experience

OHADA (the French acronym of the Organization for the Harmonization of Business Law in Africa) was created in 1993 by a Treaty signed in Port-Louis on October 17, 1993. OHADA currently unites 16 African countries of West and Central Africa. Through gradual replacement of national business laws with harmonized provisions, OHADA aims at establishing a Uniform, secure and modern legal environment to stimulate economic growth and investments within the Member States. Uniform Acts issued by OHADA directly apply in the Member States superseding relevant national laws.

In 2007, a project was designed following the discussions between the Permanent Secretariat of OHADA (SP), FIAS (World Bank Group) and the French Development Agency (AFD). It seeks to strengthen the adaptability, effectiveness, and pro-investment appeal of harmonized business law amongst the 16 OHADA Member States. Since then, the World Bank Group has been providing expert help and funding to OHADA, thus enabling a thorough diagnostic review of the organization’s first six Uniform Acts by international and local consultants. Presently, the World Bank’s FPD/Africa Region is developing a new project to strengthen OHADA’s executive organ: The Secretariat Permanent. The project assists the Permanent Secretariat to build the capacity (human and material) required to successfully manage and continue to innovate business law, reinforce the arbitration system and creation of specialized arbitration tribunals.

This session will provide background information and describe main issues and challenges as well as solutions associated with the project work; it will convey the story on results yielded and provide an insight on practical lessons learned as well as outline the perspectives of business law innovations required for a business friendly environment to evolve in the region.

Partners: WB Africa Region and African Development Bank
Moderator: Kalidou Gadio, General Counsel, African Development Bank
**Concept Note LJD Week 2011**

**Panelists:**

1. Introductory Presentation: Dorothé Sossa, Professor of Law, Permanent Secretary, OHADA
2. Renaud Beauchard, Law Offices of Peter C. Hansen, LLC
3. José Angelo Estrella Faria, Secretary General, UNIDROIT
4. Marc Frilet, Partner, Frilet Société d’Avocat Law Firm, France
5. Gilberto de Barros, Senior Private Sector Development Specialist, Africa Region, World Bank

**Focal Point:** Gilberto de Barros / Timur Narkuziev

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**Global Forum on Law, Justice & Development (GFLJD): Partners’ Consultation**

**Chair and Welcoming Remarks:** Anne-Marie Leroy, Senior Vice President and World Bank Group General Counsel

Hassane Cisse, Deputy General Counsel, Knowledge and Research, World Bank, will:

- Introduce participants
- Give a presentation of the GFLJD
- Discuss inputs from online consultation
- Discuss challenges and opportunities
- Next steps

After the meeting there will be a signing ceremony for those partners that have expressed the availability to sign the letter of endorsement – Room MC6-317.

**Innovative Approaches to Insolvency and Restructuring**

Insolvency and restructuring regulation plays a fundamental role in market economies and contributes to innovation in what economic theory has described as “creative destruction”. A properly functioning insolvency regime helps preserve viable businesses and redeploy rapidly productive assets of failed businesses to other, more productive uses.

This session analyzes the innovations of insolvency and restructuring law that are particularly relevant to the work of IFIs. In this regard, the session will cover the recent modifications of the insolvency standard, to cover the insolvency of enterprise groups; the question of directors’ liability in connection with insolvency proceedings; the new approaches to issues on cross-border insolvency; and the treatment of the insolvency of financial institutions.

**Chair:** Riz Mokal, Senior Counsel, Global Initiative on Insolvency and Creditor/Debtor Regimes, Finance, Private Sector Development and Infrastructure, World Bank

**Panelists:**
1. Frederique Dahan, Lead Counsel and Head of the Financial Law Unit, (FLU) in the Legal Transition Team, (LTT), European Bank for Reconstruction and Development
2. Mahesh Uttamchandani, Global Product Specialist for FPD’s Debt Resolution and Business Exit Program, World Bank

Focal Point: Francesca Daverio

**Conflict Between an International Financial Agreement and the Borrower’s Domestic Law: Which one Prevails?**

In international law, the uncontroversial rule is that a state in breach of a treaty obligation cannot justify itself by invoking a conflicting provision in its own domestic law. This rule is codified in Article 27 of both the 1969 Vienna Convention on the law of treaties and the 1986 Vienna Convention on the law of treaties of international organizations, and is commonly regarded as belonging to customary law (thus binding all states and organizations alike, whether or not parties to the Vienna Conventions).

But what is the situation in domestic law? In some jurisdictions, there is a presumption that ambiguous legislation is to be construed so as to avoid a conflict with international law. If legislation, though, is unambiguous, which law prevails, the law of the treaty or domestic law? The picture offered by the various states is pretty varied, and does not seem to lend itself to broad distinctions between common law and civil law countries. The international literature too is not unanimous, in that some writers claim that there is an international minimum standard in favor of treaty primacy, while others (more realistically?) contest the existence of any such international standard.

The issue is not merely theoretical for IFIs, if only one considers that their financial agreements with sovereigns, if governed by international law, are treaties which, as such, may be in conflict (or enter into conflict on account of a later statute) with the borrower’s domestic law. The objective of this panel is to clarify at least the general terms of the debate, with reference also to practical cases.

Chair: Jaime Alvarez, Advisor to the Executive Director (EDS15), World Bank

Panelists:
1. Robert E. Dalton, Senior Advisor Treaty Practice, US State Department, and Adjunct Professor, Georgetown University
2. Ceda Ogada, Assistant General Counsel, IMF
3. Maurizio Ragazzi, Senior Counsel, International Law, World Bank

Focal Point: Timur Narkuziev
Gaps and Convergence: Emerging Trends in Land Acquisition Law and Their Implications for Development Institutions

Virtually all countries empower their governments to take land in the public interest or for a public use, upon payment of compensation. But while sharing this core principle, national laws vary widely in its application. Land acquisition (aka eminent domain, compulsory purchase, etc.) is also an area of law that is in a constant state of flux – numerous important reform efforts are currently underway as countries struggle to achieve a balance between the protection of rights and the efficiency of government action in support of economic development. Recent jurisprudence from a number of countries reveals that the debate over when and how it is legitimate to acquire land in the “public interest” remains heated and is evolving in new and varied directions.

For the World Bank and other international institutions, a clear understanding of contemporary legal trends is key to ensuring a credible and legitimate application and refinement of safeguard and other policies, in areas such as resettlement and indigenous peoples. It is also important for responding to new land-related challenges posed by phenomenon such as growing large-scale investment in farmland, and the REDD agenda in the forest sector, both of which put squarely on the table the question of how land rights are to be recognized and secured.

This session will provide an opportunity for sharing of experiences and analysis between international and national experts engaged in different dimensions of the takings debate. Speakers will be asked to focus on one or more new challenges or paradigm shifts in thinking about land acquisition and land rights issues, and how their respective institutions or initiatives have responded. Topics will include:

- The challenges of land acquisition in the context of public-private partnerships, and evolving concepts of “public use.”
- Persisting gaps between policies of international institutions and national laws.
- New approaches to the recognition and protection of customary and indigenous rights.
- Entitlement to compensation: who is eligible and who is not, and for what kind of loss? How are unregistered or informal rights dealt with?

Chair: Jonathan Lindsay, Senior Counsel, Environmentally and Socially Sustainable Development and International Law, World Bank

Panelists:
1. Tim Hanstad, CEO, Landesa
2. David Callies, Benjamin A. Kudo Professor of Law, University of Hawaii
3. Patrice Talla, Senior Legal Officer, Development Law Service, Food and Agriculture Organization
4. John Bruce, Land and Development Solutions International

Focal Point: Jonathan Lindsay
• The What, Where, and Why of Political Risk Insurance

The mission of the Multilateral Investment Guarantee Agency (MIGA) is to promote foreign direct investment (FDI) into developing countries to support economic growth, reduce poverty, and improve people’s lives. Consistent with this mandate, MIGA provides political risk insurance (PRI) to help mitigate these risks. For investors in emerging markets, political risk is a significant concern. In the aftermath of the global financial crisis, further fueled by sovereign credit risk in the developed world and political crises in the developing world such as the "Arab Spring", perception of global risk is heightened and has led to unprecedented levels of demand for political risk insurance.

**Moderator:** Shamali F. De Silva, Senior Counsel, MIGA

**Panelists:**
1. Muhamet Fall, MIGA
2. Frederick Jenney, Morrison & Foerster, LLP
3. Aradhana Kumar-Capoor, MIGA
4. Thomas Mahaffey, MIGA

**Focal Point:** Shamali de Silva
TRAINING - November 17

The Regulation of the Insolvency of Natural Persons

The current economic crisis has shown the importance of the treatment of the insolvency of natural persons. For the first time, a major economic crisis has revealed an important element in the indebtedness of individuals. The issue of personal insolvency law is not only important because it affects international financial stability, but also because it is an essential consequence of increased access to finance, and countries that have been successful in increasing access to finance to a broader section of the population may have to integrate a personal insolvency regime in order to deal effectively with the problems of consumer and mortgage debt. In this session, the overall characteristics of a personal insolvency regime will be explored. One of the more important features of the regime is that it should ensure that honest individuals are offered a fresh start, therefore contributing to the economy and to the welfare of society as a whole. The session will pay special attention to comparative approaches to discharge, and also to access to the insolvency process, exemptions, payment methods, and the role of insolvency practitioners, judges, alternative dispute mechanisms and consumer education.

Agenda:

9:30 - 11:00 a.m.    CFPB: Genesis, Development, Expectations
11:00 - 11:15 a.m.  Break
11:15 a.m. - 12:15 p.m.  Mortgage Foreclosure Crisis, Modification, and Bankruptcy
12:15 - 12:45 p.m.  Intro to WB Project on Insolvency of Natural Persons

Panelists:
1. Alan Kaplinsky, Senior Partner, Ballard Spahr LLP and Adam Levitin, Georgetown University
2. Adam Levitin, Georgetown University
3. Alan White, Tulane University
4. Jose Garrido, Senior Counsel, World Bank
5. Jason Kilborn, John Marshall Law School in Chicago American Bankruptcy Institute

Focal Point:  Jose Garrido

Enhancing Legal Support in Bank Operations

Enhancing Legal Support in Bank Operations (LEG 101), the second in the series, is a full-day workshop focusing on providing an overview of legal operational work, aimed at: (i) deepening the knowledge of Task Team Leaders, who are, or will be, undertaking task management responsibility, on the key legal issues and determinants
of a quality product, with emphasis on legal quality at entry and implementation; (ii)
sensitizing the Task Team Leaders and other members or Project teams to those legal
aspects that affect the quality of their work and likely impact their performance; and (iii)
helping the Task Team Leaders identify legal and institutional gaps early in project
preparation, making it possible to fill in such gaps before implementation, and/or adjust
them during implementation. In the course of the workshop, selected case studies from
active best practices will also be shared, as relevant, to highlight the topic.

The presentation, by a number of seasoned lawyers with wide ranging
experience, will take the form of methodical and structured presentation as well as
interactive sessions, during which participants will be encouraged to share their own
experience and suggest measures to enhance the Legal Vice Presidency’s ability to
deliver its mandated services in a collegial and constructive fashion.

Each of the sessions will be completed within the time allotted. All sessions,
except for the Lunch Discussion, which will focus on “Enhancing Collaboration”, will
begin with a presentation based on previously prepared (and distributed) handouts, if
relevant, and followed by open discussion by participants.

The workshop will cover the critical phases of Legal VPU’s involvement -
preparatory, design, implementation, and closing- with content channeled through
presentations. The understanding of the legal aspects involved in the different phases
will primarily help:

- Increase the ability of Task Team Leaders and members to diagnose legal
  issues in their operations by understanding the characteristics that define
  them and the reasons lawyers require a typical response.
- Increase the operational range and focus of the strategic choices Task Team
  Leaders make by equipping them with legal tools to determine the most
  appropriate response to countries in various situations and types of
  operations.
- Strengthen the legal operational competence of Task Team Leaders and
  members to draw on the most appropriate policies, procedures, and legal
  instruments.
- Improve the capacity of Task Team Leaders and Lawyers to partner with each
  other as members of the same team, and working for the same cause.

Welcoming Remarks: Anne-Marie Leroy, Senior Vice President and World Bank Group
General Counsel
Focal Point: Kishor Uprety
**Trends in Climate Change Negotiations and Challenging Issues in Carbon**

The challenges facing the efforts to address global warming have become increasingly complex, yet the science is clear that the need to act is as urgent as ever. This session will address the key negotiating challenges facing the negotiators at the upcoming negotiations in Durban of the United Nations Framework Convention on Climate Change and how key initiatives are trying to move forward despite the inability to come to agreement on the next comprehensive global treaty.

In that light, two key efforts are to help address emissions from tropical deforestation and degradation, due to the extensive share of greenhouse gases that are linked to disappearing forests. In that light, the Panel will discuss how the Forest Carbon Partnership Facility seeks to address REDD+, as well as some of the key legal issues facing this effort. In addition, the Panel will discuss how the Partnership for Market Readiness is helping key emerging economies and a wide range of developing countries to put in place the laws and policies to help them become ready for carbon finance, and to do so in a way that can help them further their efforts to develop clean energy. Linked to this will be a discussion about the types of carbon finance legal issues that are emerging in programmatic lending under the Carbon Partnership Fund.

**Chair:** Charles Di Leva, Chief Counsel, Environmentally and Socially Sustainable Development and International Law, World Bank

**Panelists:**
1. Xueman Wang, Senior Carbon Finance Specialist, World Bank
2. Benoit Bosquet, Lead Carbon Finance Specialist, World Bank
3. Marie Claire Cordonier Selger, IDLO
4. Markus Pohlmann, Senior Counsel, Environmentally and Socially Sustainable Development and International Law, World Bank
5. Flavia Rosembuj, Senior Counsel, Environmentally and Socially Sustainable Development and International Law, World Bank

**Focal Point:** Charles Di Leva

**Empowering Governments in Investment of Reserves**

Over the last decade, central banks in middle income and low income countries have built up unprecedented levels of foreign currency reserves. Some countries have also established sovereign wealth funds to ensure that potentially transitory resources are preserved and managed for the long-term benefit of the country. Traditionally, central bank and other foreign currency reserves have been managed in what was perceived to be an extremely conservative fashion. Many official sector asset managers are re-evaluating their investment management practices, for several reasons. First, the traditional style of reserves management has led to very low investment returns over the years. Second, the traditional style, while perceived to be "safe", was actually quite undiversified and entailed substantial concentration risks. Third, the level of reserves
that are being held today far exceeds the amount necessary under traditional rules, so a different philosophy may well be appropriate for the excess reserves.

The Bank's Treasury has for decades managed substantial levels of liquidity with an eye toward preservation of capital while obtaining enhanced yields through a diversified investment strategy. The Treasury established the Reserves Advisory and Management Program ten years ago to share its knowledge in the area of investing official assets, with central banks and other official sector asset managers in developing countries. As RAMP client countries have started to adopt more diversified investment philosophies, it became apparent that legal technical assistance was a critical part of the overall capacity building effort. Central bank lawyers frequently have no experience in dealing with commercial transactional matters, and legal involvement is critical if a central bank is to engage a private sector custodian or deal with commercial counterparties in a variety of transactions. Accordingly, LEGFI has started to share its experience in advising the Bank's Treasury, with the legal and risk management departments of RAMP clients. The session will discuss the critical role that legal empowerment plays in enabling countries to maximize the value of their ever-growing reserves, and the potential development benefits to be gained from this exercise.

Panelists:

1. Clifford Frazier, Chief Counsel, Corporate Finance, World Bank
2. Tamara Greemanova, Lead Counsel, Corporate Finance, World Bank
3. Bart Servaes, Senior Counsel, Corporate Finance, World Bank
4. Jennifer Johnson-Calari, Director, Sovereign Investment Partnerships, IBRD Treasury
5. Wendy Mendes, Principal Portfolio Manager and the Head of US Treasury Desk, Investment Management Department, IBRD Treasury

Focal Point: Tamara Greemanova

*International White Collar Crime and Corruption – One of the Key Challenges for Development in the 21st Century*

The pervasive nature of international corruption and extortion is one of the few areas of white collar crime that has enjoyed a rich tradition of research, particularly in the field of economics. When one looks closely at the major problems faced around the world, a strong case can be made for the preeminence of white collar crime and corruption as the two most serious problems of the 21st century. The presenters will discuss different approaches to research on international white collar crime and corruption and the implications of this research for policy and program development.

The first presentation will offer research results of a macro analysis of corruption and extortion combined with traditional literature that offers micro perspectives on white collar and organized crime, including case studies, focus groups and surveys. Particularly useful in the assessment of international corruption has been the work of
Transparency International and its Corruption Perception Index (CPI) and Bribe Payers Index (BPI). Also useful is the more comprehensive integrated approach of the UN Global Program Against Corruption. Policy efforts to control corruption and extortion are also explored.

The second presentation offers insights using an approach from an offender’s point of view, providing specific recommendations regarding causation and a risk assessment approach to prevention, in the face of scarce resources to counter them and the likelihood that these problems will grow in the future.

Chair: Heike Gramckow, Senior Counsel, Justice Reform, World Bank
Panelists:
1. Frank E. Hagan, Professor, Mercyhurst College, Erie, Pennsylvania
2. Jay Albanese, Professor, Virginia Commonwealth University, Wilder School of Government & Public Affairs, Richmond, Virginia
Discussant: Ineke Haen Marshall, Professor, Northeastern University Boston
Focal Point: Heike Gramckow

Alternative Responses to Crime and Crime Prevention

A well functioning formal justice system is essential to addressing crime and violence. But it is just one of a range of elements needed to deter crime and violence and to enforce criminal laws in ways that are culturally sensitive and cost-effective. Research today has shown that a comprehensive approach to crime and violence needs to build upon community efforts that engage a broad range of private and public actors, applying approaches not normally used by conventional justice sector institutions. This session will present research on some of the more promising examples of these alternative approaches developed around the globe.

The first presentation will highlight recent developments in restorative justice. It will consider how restorative justice options have become increasingly important in developing effective responses to crime and violence. Each example to be considered represent, not just the acceptance of a traditional type of settlement option, but also its development into a modern conflict resolution methodology that integrates effectively with existing formal justice systems and better protects the rights of minorities and vulnerable groups.

The second presentation will offer results from studies of alternative programming for antigang activities, ranging from in-school programming to coordinated community building. This is not a trivial issue on an international level, especially in Latin America, where gang activities are a key factor in increasing crime rates that are not only a serious community safety issue, but are threatening development.
Journeys in Leadership: Innovation and Empowerment of Administrative and Client Support (ACS) staff

Showcasing experiences of ACS and Paralegal staff as they developed both personally and professionally, the panelists from across the Legal departments of the IBRD and IFC will discuss how they strengthened their abilities and contributed to the achievement of results by working effectively in a team-based environment. This networking opportunity for ACS and paralegal staff will highlight the importance of continuing learning, investing in themselves and taking on new responsibilities as a precursor to career development.

Welcome Remarks:
Hassane Cisse, Deputy General Counsel, Knowledge and Research, World Bank

Moderator: Malini Rangarajan, World Bank

Panelists:
1. Yollie Matibag, Information Analyst, IFC
2. Mohammad Nadeem, Paralegal, World Bank

Overview of HR Matters: Yolanda Garay, Senior HR Officer and Tarek Soueid, Compensation and Benefits Analyst

Overview of APC Conference:
Joan Pandit, Learning Assistant, World Bank

Overview of the Career Wheel: Elena Gagieva, Program Assistant, World Bank

Overview of Communications: Amanda Hale, World Bank

Focal Points: Laura Lalime-Mowry, Information Officer Library and Karen Jones, Senior Program Assistant
• Role of the ACS in the Project Cycles across the World Bank Group

ACS and paralegal staff from the Legal Departments of the IBRD, IFC, and ICSID will present the Project Cycle for their respective agencies, focusing on the role of ACS. Since the Project Cycles vary for each agency, ACS will gain an understanding of the variety or roles played by the ACS in the World Bank Group.

Welcome Remarks:
Katherine Meighan, Head of Knowledge Management, Legal Department, IFC

Moderator:
Malini Rangarajan

Panelists:
1. James Edezhath, ACS, IFC
2. Karen Borges, Senior Program Assistant, World Bank
3. Maria Cristina Padrao, Paralegal, ICSID
4. Ms Anna Aviles-Alfaro, Paralegal, ICSID

Focal Points:
Laura Lalime-Mowry, Information Officer Library and Karen Jones, Senior Program Assistant

Panelists from across the Legal departments of the IBRD, IFC and ICSID will provide a brief description of their agency, its mission, and the project cycle used. They will then explain the role of the ACS in the project cycles for their respective agencies. In addition to understanding the nuances of the project cycle in each World Bank Group agency, attendees will gain new insights into the work programs of their ACS and paralegal colleagues in the sister agencies, and have the opportunity to network with staff.

• International Law and Rule of Law Development

Over the past 70 years, states have entered hundreds of multilateral treaties affecting all aspects of domestic governance and law. National implementation of international law can contribute to improving to the climate in which rule of law strengthens. Despite holding out the promise of strengthening the rule of law, this vast expansion in the volume and scope of international treaties, threatens to undermine their very purpose. The massive quantity of multilateral agreements that states are required to implement taxes the abilities of even the strongest states to achieve full compliance.

Added to the sheer volume of obligations that states have incurred under international law is the challenge posed by its fragmentation. Likewise, differing processes through which international law is defined, monitored, and enforced across different issue areas further challenge efforts to implement and comply. These
situations pose substantial burdens to developing countries struggling to build basic institutional capacities.

While international human rights law increasingly informs development programming through the human rights based approach to development, a degree of ambiguity exists with respect to the relationship between other areas of international law and development programming in other areas.

In response to these challenges, multilateral treaty compliance practices in areas as diverse as the environment, arms control, and human rights are beginning to take practical measures to address development priorities. Examples include efforts to align national and sectoral development strategies with treaty implementation plans and budgets, harmonize treaty monitoring and verification with development program monitoring, and improve coordination of capacity building and technical assistance programming administered by bilateral donors and treaty secretariats.

This panel brings together presenters with a wide range of substantive expertise in international treaty law and development. Key issues the panel will address include:

- assessing the degree to which the fragmentation of international law is in fact a significant problem,
- developing standards and criteria for reconciling tensions and ambiguities arising from diverse treaty regimes,
- understanding the extent to which development assistance practices are incorporating treaty norms,
- identifying opportunities for improving systematic integration or greater coherence in international law by adopting a development lens,
- determining responsibilities for addressing these issues, and
- mobilizing resources to improve treaty compliance in harmony with development processes.

It is hoped that the panel leads to further analysis and constructive engagement on these issues.

Chair: Thomas McInerney, IDLO

Panelists:

1. Hassane Cisse, Deputy General Counsel, Knowledge and Research, World Bank
2. Siobhan McInerney, Senior Policy Officer, World Bank
3. Charles Di Leva, Chief Counsel, Environmentally and Socially Sustainable Development and International Law, World Bank
4. Daniel Magraw, Center for International Environmental Law
Adequate risk mitigation is a key component in establishing effective projects, including public-private partnerships (PPPs). The World Bank Group offers a variety of guarantee products to address particular challenges in financing projects in developing countries.

This lunch session is intended as an introductory overview to the main risk mitigation tools offered by the various entities within the World Bank, including International Finance Corporation (IFC), the Multi-lateral Guarantee Agency (MIGA) and the International Bank for Reconstruction and Development (IBRD). The speakers will address the solutions, situations where one may be better suited and how the various products could interplay.

**Panelists:**
1. Ximena Talero, Chief Counsel, World Bank
2. Patricia Sulser, Principal Counsel, IFC
3. Shamali de Silva, Senior Counsel, MIGA
4. Cledan Mandri-Perrott, Senior Infrastructure Finance Specialist, World Bank (TBC)

**Focal Point:** Sara Sigrist, Victoria Delmon

**Coordination Among WBG Engagements in PPPs**

This session will focus on the key areas of procurement, conflicts of interest and integrity and Environment and Safeguards

**Moderators:**
1. Victoria Delmon, World Bank
2. Patricia Sulser, IFC

2:00 – 2:45 **Conflicts of Interest**
   Catherine Richards, IFC, to lead discussion

2:45-3:15 **Integrity Issues**
   John Coogan, IFC, to lead discussion

3:15-3:30 Break

3:30 - 4:15 **World Bank Safeguards and IFC Performance Standards**
1. Motoko Aizawa, IFC, to lead discussion

4:15-5:00 p.m. **Procurement Issues**
1. Alison Micheli, World Bank, to lead discussion