

Law, Justice and Development Week 2014

Full Description

Should Standardized Agreements be Used for PPP Transactions in Developing Countries: A Debate (9.00 am to 10.30 am EST) -

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Given the significant time and expense involved in preparing custom-made project agreements for each individual PPP transaction (a particularly acute challenge in developing countries), a number of countries have experimented, successfully and unsuccessfully, with the use of standardized documents, in an attempt to expedite the process and reduce transaction costs. This session explored the advantages and challenges of these efforts, using a debate format with two speakers in favor of standardization and two opposed.

Moderators

- [Mark Moseley](#), Lead Lawyer, PPP Group, Singapore, World Bank
- [Patricia Sulser](#), Chief Counsel, Legal – Global Infrastructure, International Finance Corporation

Speakers in Favor of the Use of Standardized PPP Agreements

- [Metja Ledwaba](#), Founding Partner, Ledwaba Mazwai Law Firm, Pretoria, South Africa
- [Jamie Fergusson](#), Principal Investment Officer and Global Sector Lead for Renewable Energy, International Finance Corporation

Speakers Against the Use of Standardized PPP Agreements

- [John Pickett](#), Partner and Co-leader, Global Energy Sector, Linklaters, London
- [Jeff Delmon](#), Senior PPP Specialist, Tanzania, World Bank

Managing public utilities with small private operators: the case-study of the Bus Rapid Transit System in Lagos (Nigeria) (11 am to 12.30 pm EST)

Small-scale private operators (SPOs) represent a tremendous potential for the development of the private sector, particularly in developing countries. Nonetheless, experience shows that an efficient management of public utilities delivered by SPOs cannot be achieved without entering into formalized relationships with local authorities through diverse forms PPPs. Based on these observations, the Community of Practice on PPPs (created by the French Conseil d'Etat, in association with the Agence Française de Développement and the World Bank) has begun to undertake a large-scale research on small PPPs in order to identify the conditions for such processes of formalization to succeed. This session will present and review the results of the first case study currently being conducted on the Bus Rapid Transit line in Lagos, Nigeria.

- [Managing public utilities with small private operators - SCPPPs are not a minor matter](#), Paloma Bernal Turnes (Power Point Presentation)

Moderator:

- [Mailys Lange](#), Conseil d'Etat

Speakers:

- [Simisola Elegba](#), Public Transportation Engineer, LAMATA
- [Paloma Bernal Turnes](#), Research Fellow at Georgetown University and Assistant Professor at Rey Juan Carlos University
- [Alfredo Attié Jr](#), Judge, Supreme Court of São Paulo
- [Timothée Paris](#), Conseil d'Etat, Associate Professor in Public Law, University of Paris-Est Créteil, and Secretary General, Société de Législation Comparée

Biographies

Alfredo Attié Jr

Judge at the Supreme Court of São Paulo, JD, LL.M., Ph.D. Universidade de São Paulo, Master of Comparative Law (SU CSL), Former Professor at Universidade de São Paulo (USP), Pontifícia Universidade Católica de São Paulo (PUCSP) and Universidade Estadual Paulista (UNESP), Founder of SAOJUS, an interdisciplinary center for environmental conflicts resolution, Former Member of the Tiete River Basin Committee. Founder of CBMA, Brazilian Chamber of Arbitration and Mediation, Former São Paulo State Attorney. Studied Law and History at Universidade de São Paulo.

Paloma Bernal Turnes

Paloma Bernal Turnes holds a PhD. in Business Management (University of Rome, University of Nice, and Rey Juan Carlos University) and is researching transparency, trade facilitation and PPPs. She is in the leadership of the project PPP in Trade Facilitation at the United Nations Centre for Trade Facilitation and eBusiness. Ms. Bernal was formerly a Project Manager at INYPSA, focusing on international cooperation and engineering PPP projects financed by The World Bank and The European Commission. Dr. Bernal is actively engaged in project leadership and research in cooperative projects in Latin America.

Jeff Delmon

Jeff Delmon is a Senior PPP specialist with the World Bank, based in Dar es Salaam. Prior to joining the World Bank, Jeff spent 11 years in Paris and London advising on infrastructure and projects globally at the law firms of Allen & Overy and Freshfields. He is author of numerous books and articles on PPP, most recently: Public Private Partnership Programs: Creating a framework for private sector investment in infrastructure (2014).

Simisola Elegba

Simisola Elegba is a Public Transportation Engineer at LAMATA. She graduated from Howard University, Washington D.C. with a BSc Degree in Civil Engineering; after which she began her career at LAMATA. Following about a year of full time experience as a Public Transport Analyst under the 'Nigerian National Youth Service Corps' program, she proceeded to Northeastern University, Boston MA, where she obtained her MSc degree in Engineering Management. During this period, she also underwent an Independent Study Research on the 'Deployment of ITS in Lagos, Nigeria.

Jamie Fergusson

Jamie Fergusson is a Principal Investment Officer and International Finance Corporation's (IFC) global sector lead for renewable energy in Washington. His extensive experience covers a wide range of environmental finance and climate related sectors, including corporate and project debt, equity and mezzanine investments. Jamie is currently leading a World Bank Group effort to deliver a standardized procurement process and contractual structure for solar PV in sub-Saharan Africa.

Mailys Lange

Maïlys Lange is a member of the Conseil d'Etat, the French highest court of appeal for judicial review and adjudication of all cases involving public agencies. She is specialized in tax and economic litigations, including cases raising issues of energy, competition and banking supervision law. Before joining the Conseil d'Etat, she has worked in the Office of the Chief Economist of the European Bank for Reconstruction and Development. She graduated from the Institute of Political Science of Aix-en-Provence and the Ecole Nationale d'Administration, and holds a master's degree in Public Law and Economics from the University of Paris, Pantheon-Sorbonne.

Metja Ledwaba

Metja Ledwaba is one of the Founding Partners of Ledwaba Mazwai Law Firm in Pretoria, South Africa. Since 2001, Metja Ledwaba has been involved in major infrastructure projects, representing government institutions and private developers.

Mark Moseley

Mark Moseley is the Lead Lawyer in the World Bank PPP Group, based in Singapore. His work is primarily focused on public-private partnership transactions and the legal and regulatory arrangements for such transactions, particularly in the energy sector. Mark is also the Task Team Leader for the PPPLRC website project.

Timothée Paris

Timothée Paris is a member of the Conseil d'Etat, the French highest court of appeal for judicial review and adjudication of all cases involving public agencies. He is also associate professor in public law at the University of Paris-Est Créteil and Secretary general of the Société de législation comparée (French Society for Comparative Law). Holding two bachelor degrees, he graduated from Sciences Po Paris (French institute for political studies) in 2002. He was appointed as a judge in an administrative court of first instance in 2004 and in the administrative court of appeal of Paris in 2011 after serving between 2009 and 2011 as special assistant to the vice-president of the Conseil d'Etat.

John Pickett

John Pickett is co-leader of Linklaters' global energy sector and a partner in their London energy team with over 17 years' experience of the sector. He is a Tier 1 ranked individual by Chambers UK advising on a wide range of ground-breaking energy market transactions, such as the recent acquisition by a Japanese investor of a major European portfolio of generation assets and advising on solar and wind (onshore and offshore) projects and financings across EMEA.

Patricia Sulser

Patricia Sulser is a Chief Counsel at IFC, and the Global Lead Lawyer for IFC InfraVentures, an internally managed fund dedicated to early stage infrastructure project development. She handles complex infrastructure financing (debt and equity) on a global basis. Patricia is also a certified mediator and has served on the Investment Climate Department's Alternative Dispute Resolutions (ADR) Product Advisory Board.

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