

COMMERCIAL LAW SEMINAR: HOW COMMERCIAL LAW LEADS TO INCLUSIVE AND SUSTAINED ECONOMIC GROWTH
NOVEMBER 20-21, 2013, Nay Pyi Taw

Presentations by experts will include overviews of international best practice in each of the subject areas identified by the Attorney General's Office, with a focus on the substantive law and institutional capacities needed for commercial law to drive inclusive and sustained economic growth. Ample time will be provided for discussion and interaction among participants, with the objective of identifying the strengths and weaknesses of the current commercial law environment relative to international best practice with recommendations for priority areas for improvement.

WEDNESDAY, NOVEMBER 20:

9:00 – 9:30 Registration

9:30 – 10:00 Opening and introductions

- Attorney General speaker
- USAID Deputy Chief of Mission, Virginia Murray
- Photo
- Short introduction to two new USAID projects: ACTI Economic Governance (ACTI-EG) and Promoting Rule of Law (PRL)

10:10 – 10:30 **Overview of the Commercial Legal Framework: How Commercial Law Leads to Inclusive and Sustained Economic Growth**

- The law as a tool for risk minimization and allocation; the concept of party autonomy
- From starting a business to closing one; how law intersects with the business life cycle
- Overviews of contract law, company law, responsible investment law, lending law, and insolvency law
- Commercial dispute settlement and the right to appeal administrative decisions

Presenter: Mark Walter, ACTI and Nathan Associates

10:30– 11:20 **Facilitating Business Transactions**

- Domestic and international contracts
- Commercial law treaties and model laws
- Financing transactions and mobilizing funds – Letters of credit, secured transactions
- Shipping and risk of loss – Incoterms
- Commercial dispute settlement through arbitration/mediation and the courts (including international disputes and the New York Convention)
- Electronic Transactions – e-commerce and e-governance

Presenter: Mark Walter, ACTI and Nathan Associates

11:20 – 11:35 Coffee Break

11:35 – 12:30 Discussion

12:30 – 13:30 Lunch Break

13:30 – 14:15 **Open and Fair Government Procurement**

- Overview of open and fair procurement principles
- Procurement legal and procedural requirements
- Public-Private Partnership

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Presenter: DFDL Expert in cooperation with General Electric

14:15 – 15:15 Discussion

15:15 – 15:30 Coffee Break

15:30 – 16:00 **Overview of the Impact of the ASEAN Economic Community on Commercial Law**

- Overview of the ASEAN Economic Community
- The impact of the AEC on the commercial law environment in member countries

Presenter: Tim Buehrer, ACTI Chief of Party

16:00 – 16:30 **Regional Case Study: Transforming Vietnam's and Lao PDR's Commercial Law Systems**

- Transforming and modernizing commercial law systems to support market-led growth
- The role of trade agreements and links to the domestic commercial law system
- Legal transparency and participation in the legislative process
- The importance of administrative appeals

Presenter: Steve Parker, ACTI Resident Advisor, Yangon

16:30 – 17:30 Discussion

17:30 – 18:00 **Open Discussion / Recap of Key Lessons Learned from the Day**

18:15 – 19:00 Dinner

THURSDAY NOVEMBER 21:

8:30 – 9:30 **Intellectual Property**

- Economic foundations
- Overview of substantive areas: trademark, copyright, geographical indications, patents, plant variety protection, customs border protection, etc.
- Enforcement
- International framework for IP – WTO-TRIPS, WIPO and numerous IP conventions and treaties
- IPR and agricultural development

Presenter: Judy Goans, ACTI IPR Expert

9:30 – 10:15 Discussion

10:15 – 10:30 Coffee Break

10:30 – 11:30 **Legal Environment for Responsible Investment – Case Study on Power Contracts**

- Key legal elements for responsible investment (labor, environment, land, investment protection, dispute settlement, corporate responsibility)
- Company law and securities regulation; repatriating profits

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- Protection of minority shareholders, director liability and shareholder suits
- Roles and responsibilities of State/Socially-Owned Enterprises
- Case study on power contracts

Presenter: David Doran, DFDL Energy Expert in cooperation with General Electric

11:30-12:15 Discussion

12:15 – 13:15 Lunch Break

13:15 – 16:00 **Breakout Session: Identifying Key Constraints in the Commercial Legal Environment and Recommendations for Strengthening (including a coffee break)**

- Objective of the session is to apply concepts from the workshop to identify key constraints in the commercial law environment, with perspectives from both national and state/region levels
- Participants break into small groups to identify top strengths and weaknesses on the commercial law environment
 - Small groups will mix officials from various states, regions and central agencies
- Each group presents on most important strengths and weaknesses with priority recommendations for improvement

16:00 – 16:30 **Open Discussion, and Recommendations for Follow-up Actions**