

Dr. ABOUBACAR FALL

PERSONAL DATA

NAME: Aboubacar FALL

NATIONALITY: Senegalese Senegalese & French

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Dakar (Sénégal)

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LANGUAGES: Wolof – French – English (fluent), Spanish (working knowledge)

COMPUTER LITERACY: Microsoft Word, MS Outlook

EDUCATION

University of Washington –Seattle (USA) 1993-1994
LL.M (Master of Law)

Université de Rouen Haute-Normandie (France) 1981-1984
Doctorat en Droit des Affaires Internationales

Institut Supérieur du Commerce International –Dunkerque (France) 1981-1982
Diplôme de l'Institut

Université Paris I – Sorbonne (France) 1980-1981
Diplôme d'Etudes Supérieures Spécialisées (DESS) – Transports Internationaux

Université Paris X – Nanterre (France) 1976-1980
Maîtrise de Droit Privé

PROFESSIONAL TRAINING COURSES, SEMINARS & WORKSHOPS

Intensive Course on International Petroleum Transactions

Co-organized by the Portuguese Society of International Law and the International Law Association

15-19 September 2014
Lisbon

International Law Association (ILA) Conference *hosted by the Portuguese Society of International Law on "Towards a Universal Justice? Putting International Courts and Jurisdictions into Perspective"*

11-12 September 2014
Lisbon

41st Conference of the Comité Maritime International (CMI) *hosted by the German Maritime Law Association*

15-17 June 2014
Hamburg

Annual Symposium of the Commite Maritime International (CMI) *hosted by the Irish Maritime Law Association*

29 September-02 October 2013
Dublin

Australian Mining & Petroleum Law Association (AMPLA) & International Bar Association (IBA) Joint Seminar

2-5 July 2013
Singapore

40th Conference of the Committee Maritime International (CMI) *hosted by the Chinese Maritime Law Association*

October 2012
Beijing (China)

International Law Institute in cooperation with Georgetown University
Orientation in the US Legal System and Business Law

July 23- August 3, 2012
Washington DC

Association of International Petroleum Negotiators (AIPN)
The 2011 AIPN Model Contracts Workshop

June 28 - July 1, 2012
Paris

Rocky Mountain Mineral Law Foundation (RMMLF) and International Bar Association Section on Energy, Environment, Natural Resources and Infrastructure Law (SEERIL)
International Mining and Oil & Gas Law, Development and Investment

4-6 April 2011
Rio de Janeiro (Brazil)

PETRAD Institute for Petroleum Management & Administration
8-week course on Oil & Gas Policy and Resource Management

September-November 2009
Stavanger (Norway)

American Bar Association Section of International Law

Fall Conference – Nov 2010
Paris (France)

Europe-Africa Chapter of the Association of International Petroleum Negotiators (AIPN) <i>Workshop "Oil and Gas Development Projects"</i>	Oct 2010 Madrid (Spain)
Association of International Petroleum Negotiators (AIPN) and Rocky Mountain Mineral Law Foundation <i>Short Course</i> <i>"Upstream Petroleum Contract Negotiation"</i>	Sep 2010 Houston (Texas)
73rd International Law Association (ILA) <i>Bi-annual Conference</i>	2009 The Hague (Netherlands)
Centre for Dispute Resolution (CDR) <i>Meditation Skills Training Programme</i>	2008 London (United Kingdom)
Commercial Law Development Programme & African Development Bank Joint Workshop <i>« Le Juge Administratif et les Marchés Publics »</i>	2007 Tunis (Tunisia)
United Nations Commission on International Trade Law (UNCITRAL) <i>International Conference on Modern Global Commerce</i>	2007 Vienna (Austria)
72nd International Law Association (ILA) <i>Bi-annual Conference</i>	2007 Rio de Janeiro (Brazil)
University of California – Davis King Hall - School of Law <i>Introduction to the United States Law</i>	June-August 1993
International Chamber of Commerce (ICC) <i>Training on International Commercial Arbitration</i>	1992 Ecole Internationale Bordeaux (France)
U.S. Federal District Court - Internship with the Hon. Judge William L. Dwyer	January-June 1994 Seattle, Washington State
Clifford Chance & European Law Students Association Joint Workshop <i>Law Teaching and Practice for the 21st century</i>	1996 Oxford University (United Kingdom)
World Bank hosted Global Conference <i>"Comprehensive Legal & Judicial Reform: Towards an Agenda for a Just and Equitable Society in the 21st century"</i>	June 2000 Washington DC
Enviro -Law Solutions <i>Conference on "The Role of Law for a Sustainable World"</i> <i>Organized by Edward Nathan Law Firm</i>	2002 Durban (South Africa)
World Trade Organization (WTO) <i>Training Course on WTO Dispute Settlement Mechanism</i>	2003 Geneva
Euro money Training Institute <i>International Banking & Financial Law Seminar</i>	2005 Nairobi (Kenya)

PROFESSIONAL QUALIFICATIONS AND AFFILIATIONS

- Admitted to the Senegal Bar Association (1983)
- Admitted to the Paris Bar Association (1996)
- Member of the Pan African Lawyers Union (PALU)
- Executive Secretary of the African Law Institute (ALI)
- Member of the Management Board of the African Legal Support Facility (ALSF)
- Member of the Technical Advisory Panel (TAP) of the Public-Private Infrastructure Advisory Facility (PPIAF)
- Member of the Australian Mining & Petroleum Law Association (AMPLA)
- Member of the Association of International Petroleum Negotiators (AIPN)
- Titular Member of the *Comité Maritime International* (CMI)
- Former President of the Senegalese Maritime Law Association
- Hubert Humphrey Fellow (University of Washington)-Seattle
- Member of the Member of the International Bar Association (IBA)
- Visiting Scholar at the Environmental Law Institute (ELI)-Washington D.C
- Member of the Section of International Law of the American Bar Association (ABA)
- Member of the Swiss Arbitration Association (SAA)
- Member of the International Law Association (ILA)
- United Nations Institute for Training and Research (UNITAR) Fellow

PROFESSIONAL EXPERIENCE

May 2014 to Present

Merger of FALL & Co Law Offices with Geni & Kebe Law Firm (Dakar)

Partner

November 2013 - May 2014

African Development Bank (AfDB), Tunis

Office of the General Counsel
Legal Consultant

February - November 2013

The World Bank funded study on "***The Legal & Fiscal Framework of the Mining Sector in Senegal***"

Teaming up as National Legal Expert with the US based law firm Duncan & Allen> The work included, among other activities, my active participation in (i) meetings with the government, mining industry and civil society organizations, (ii) ground missions and (iii) drafting of the reports.

July 2012 - November 2013
FALL & Co Law Offices (Dakar)

Handling international trade & business related projects in Senegal and West Africa
Appointed by the United Nations Institute for Training and Research (UNITAR) to act as the Director of its online course on "Governance of Extractive Industries".

Appointed by the Senegal government and the World Bank to undertake a diagnostic of the legal & fiscal framework of the country's mining sector (the project is underway).
Appointed as a Moderator of an ALSF funded international seminar designed to train Chadian government officials in the negotiation of Mining and Oil & Gas investment contracts.
(Ndamena march 2013).

July 2011 - July 2012

Legal Consultant. Office of the General Counsel of the African Development Bank (AfDB)

Work included assisting the General Counsel in handling governance related matters including providing input in policy and strategy documents as well as liaising with sister institutions such as World Bank, EBRD, IFC etc. with respect to the harmonization of procurement rules and environmental safeguards, among other things.

Participating in the preparation of AfDB's assistance to Republic of Guinea with regard to the reform of the mining sector and the re-negotiation of the mining contracts.
Appointed as a member of the Management Board of the African Legal Support Facility (ALSF) and mandated to approve financial support granted to African countries in the drafting and negotiating of their natural resources related transactions including Mining and Oil & Gas.

May 2008 - 2010

Officer in charge of the Governance Unit in the Office of the General Counsel of the African Development Bank (AfDB)

Responsibilities included (i) the operationalization of the African Legal Support Facility (the Facility) preparing the legal documentation, ensuring signature and ratification of the Agreement establishing the Facility and organizing its formal launching; (ii) updating the Bank's Law for Development Strategy; (iii) supervising the editorial team working on the preparation and publication of the Bank's Law for Development Bulletin and Law for Development Review; (iv) advising the General Counsel and coordinating with the Operations Division on Governance related matters and Legal & judicial reforms.

I participated in the 4th EITI Global Conference in Doha (Qatar) and presented the newly established African Legal Support Facility (ALSF) designed, among other things, to assist African countries in the negotiation of extractive industries related contracts.

March 2004 - May 2008

Principal Legal Counsel, Public & Private Sector Operations Division (GECL.1) of the AfDB

Work program included, among other things, (i) participation in the project cycle, drafting and negotiating loan and grant Agreements and presenting them to the Board of Directors for approval, (ii) following -up of the fulfilment of conditions precedent to entry into force and to disbursement of allocated resources and delivering legal opinions, (iii) reviewing the operations policy documents including Procurement Policy Reform, (iii) participation in the design and implementation of Bank's strategy and operations documents such as Country Strategy Papers, Country Governance Profile, Joint Action Strategy etc.... (iv) representation of the Bank at international seminars, conferences and meetings in the field of good governance in general, and legal and judicial reform in particular, (v) handling of multinational projects, such as, harmonization of the UEMOA procurement system, West African roads interconnection and extension of a line of credit to the West African regional development bank (BOAD).

June 2001 - March 2004

Legal Consultant, Public & Private Sector Operations Division (GECL.1) of the AfDB

Work program included, among other things, (i) participation in the project cycle ,drafting and negotiating loan and grant agreements and presenting them to the Board of Directors for approval, (ii) following -up on the fulfilment of conditions precedent to entry into force and to disbursement of allocated resources , delivering legal opinions, (iii) reviewing of the operations policy documents, (iii) participation in the design and implementation of Bank's strategy and operations documents such as Country Strategy Papers, Country Governance Profile, Joint Action Strategy etc. (iv) representing the Bank at international seminars, conferences and meetings in the field of good governance in general, and legal and judicial reform in particular, (v) handling of multinational projects ,such as, harmonization of the UEMOA procurement system, West African roads interconnection and extension of a line of credit to the West African regional development bank (BOAD) etc.

September 1999 - February 2001

Private Sector Legal Expert, Comité de Reformes Juridiques in Senegal (Legal Reform Commission)

This Legal Reform Commission was a World Bank funded pilot project designed to modernize the business environment in Senegal. My responsibilities included (i) conducting research and proposing appropriate legislation and regulation to national authorities to improve the investment climate, and (ii) following up on implementation and reporting to the Management of the CRJ composed of representatives of government, private sector and civil society. The following achievements were accomplished, among others, (i) adoption of the national commercial legislation to the OHADA Uniform Acts; (ii) creation of the Centre for Arbitration and Mediation; (iii) modernizing the Commercial Court's Securities Registry; (iv) modification of the civil procedure code in an effort to speed up the settlement of commercial and civil litigation; and (iv) training of the informal sector business people in basic management skills.

1996 - 1999

Attorney-at Law at the Paris Bar Association

My practice included providing legal advice and representing clients in court litigation and commercial arbitration and mediation procedures.

1995 - 1996

Legal Consultant at Rimlinger – Amiel Law Offices in Paris

Advising clients on domestic and international business and maritime trade law.
Representing international clients before arbitration and mediation fora.

1993 - 1994

While on a one-year professional **Humphrey Fellowship Programme** in the United States, I worked on various subject matters including (i) ocean governance, (ii) international environmental law, (iii) alternative dispute resolution, and (iv) U.S. federal litigation system.

1988 - 1993

Attorney at Law at the Senegal Bar Association

Providing advice on domestic law and representing shipping companies and Protection and Indemnity (P&I) clubs in court litigation and arbitration procedures.

1985 - 1988

Legal Consultant at Holman-Fenwick and Willan (U.K. Solicitors) and Villeneau-Rohart-Simon Law Offices in Paris

Handling international maritime litigation cases through arbitration; Carrying out arrest of ships; Providing legal advice on international business and trade law to foreign as well as domestic clients.

1983 - 1985

Attorney at Law at the Senegal Bar Association

Advising and representing clients on domestic, civil and commercial law before local courts.

1982

Legal Department of Groupe Total Compagnie Française des Pétroles (Paris)

Hands-on training in oil & gas shipping legal issues including charter party disputes and arbitration, among others.

International Maritime Bureau of the International Chamber of Commerce (London)

Training and research on legal means to prevent and combat international maritime document fraud which affects trade commerce, including the fight against piracy.

1981

Legal Department of Rouen Port Authority (France)

Hands-on training on port concession contracts and other legal matters including the handling of ship arrests.

TRAINER AND TEACHING POSITIONS

Trainer at the Norwegian Petroleum Directorate & Petrad Workshop for West Africa on " <i>Petroleum Legislation and Institutional Framework</i> "	November 2010 Monrovia (Liberia)
Trainer at the ECOWAS & UNDP Regional Workshop on " <i>Negotiation of International Investment Contracts on Mining and Oil & Gas</i> "	December 2010 Bamako (Mali)
Trainer at the UNDP & Government of Republic of Congo Workshop on " <i>Negotiation of International Investment Contracts on Natural Resources</i> "	December 2010 Brazzaville (Republic of Congo)
Trainer for the Joint Africa Institute in a Seminar on " <i>Improving Africa's Position in the International Trading System</i> "	November 2005 Tunis (Tunisia)
Trainer for the Pôle de Formation sur la Dette (Pôle-Dette) on <i>Legal Aspects of Public Debt Management for Central and West Africa Central Banks</i>	2003, 2004, 2005, 2006 & 2007
Lecturer at the Macro Economic and Financial Management Institute For Eastern and Southern Africa (MEFMI) on " <i>The Legal Aspects of Public Debt Management and Negotiation</i> "	2003 Luanda (Angola)
Trainer for the United Nations Institute for Training and Research (UNITAR)	2002 to present Geneva (Switzerland)
Lecturer at the <i>Ecole Supérieure de Commerce</i>	2000 Dakar (Senegal)
Lecturer at the International Development Law Organization	1997 Rome
Lecturer at the Senegal Bar Association Continuing Legal Education	1990-1993

PUBLICATIONS

ARTICLES

Mining Investment Contracts in Africa: preventing the resource curse
Le Quorum - January 2012

Enforcement of foreign arbitral awards in Senegal
Arbitration and ADR Committee Newsletter of the International Bar Association May 2004

Public-private partnership in infrastructure development in Africa
In Le Journal de l'Economie - Dakar (Senegal) 2000

Port state control: the African Memorandum of Understanding (MOU)
Le Droit Maritime Français - pp.99-105 February 2000

Legal Reform and Investment Promotion in Africa
Journal le Soleil (Senegal) 2000

A look at the Global Legal Information Network (GLIN)
Mali Business Law Review 1998

The extra contractual detention of the vessel under voyage charter party contract
Droit Maritime Français (DMF) 1998

A critical point of view on maritime liens under French law
Revue de Droit Français Commercial Maritime et des Transports 1996

Marine environmental protection under coastal states extended jurisdiction in Africa
Journal of Maritime Law and Commerce (USA) April 1996

Conflicts of legislation in matters of marine environmental protection in the U.S.
Droit Maritime Français 1995

Fisheries management through control and surveillance: the case study of West African coastal states
Eco-Fellow, Washington D.C 1994

Bank guarantees in international trade
Revue Echanges Commerciaux No. 6 1992

Arbitration: another means for International Commercial Dispute Resolution
Revue Echanges Commerciaux, No. 5 1991

The liability of commercial banks with liquidity problems
Revue INITIATIVE 1990

What about the Hamburg Rules?
Revue Perspectives Maritimes, No. 4 1990

The fate of frozen assets in the framework of documentary credit operation
Droit Maritime Français 1989

Senegalese case law in matters of general average
Droit Maritime Français 1989

Jurisdiction clauses in Senegalese maritime caselaw
Droit Maritime Français 1988

Summary of Senegalese maritime caselaw
Revue de Droit Français, Commercial, Maritime et Fiscal 1988

A note about the judgment rendered in the M/V "Good Luck" case by the Court of Appeal of Senegal on the 19th
June 1984

Revue de Droit Français, Commercial, Maritime et Fiscal 1986

<i>The extinctive time bar in actions arising out of charter party contracts</i> Droit Maritime Français	1986
<i>A look at the rule “once on demurrage, always on demurrage”</i> Droit Maritime Français	1986
<i>Time bar for actions arising out of contracts of carriage of goods by sea</i> Droit Maritime Français	1986
<i>West African coastal countries and the new maritime order</i> Dunkerque Expansion	1981
<i>Ship financing in developing countries: legal aspects</i> International Transportation Annual Seminar Report	1981

INTERVIEWS

<i>How to better negotiate extractive industries related contracts</i> Interview with the Senegalese daily newspaper Le Soleil	27 March 2013
<i>When a vulture fund fails to attach assets of DRC mining company (Gecamines)</i> Interview with Les Afriques-No 239	11-17 April 2013
<i>CFA Zone: searching for an appropriate framework for public finance management</i> Interview with Les Afriques – online journal No 2111	2010
<i>Agriculture Investment Contracts: Challenges and Opportunities for Africa</i> Interview with Les Afriques	23 October 2009
<i>Combating Vulture Funds: An Imperative for Africa’s Public Finances</i> Interview with Les Afriques	25 July 2009

BOOKS

<i>Public Procurement in Francophone Africa</i> In International Public Procurement: A Guide to Best Practices Published by Law & Business- 1 st edition	London 2009
<i>Improving governance and public participation in international watercourses management: the experience of the African Development Bank in the Senegal River Basin</i> In “Public participation in the Governance of International Freshwater Resources” Published by United Nations University	2005
<i>Implementing Public Participation in the African Development Bank Operations</i> In “The New Public”- Edited and published by the Environmental Law Institute – Washington DC	2003

BOOK REVIEWS

<i>William Tetley on Marine Cargo Claims - 4th Edition</i> Chapter on Senegalese Maritime Law and Case Law	2008
<i>Conflict of maritime laws in Senegal</i> In William Tetley’s International Conflict of Laws, page 968	1993

CONFERENCE PAPERS

The stabilization clauses in the international petroleum investment contracts
Pan African Lawyers Union (PALU)-African Legal Support Facility (ALSF) joint workshop
Kigali (Rwanda) & Yaoundé (Cameroon - published by ALSF) May 2012

The African Legal Support Facility: an African tool for vulture funds litigation and mineral resources contract negotiation

Paper presented at the First African Union Conference for Ministers Responsible for Mineral Resources Development held in Addis Ababa (Ethiopia) October 2008

Harmonization of business law in a multilingual and pluri-juridical environment: the experience of the African Development Bank

Paper presented at the Ohada-Unidroit joint Colloquium on the "Harmonization of OHADA Contract Law" held in Ouagadougou (Burkina-Faso) November 2007
Published in Unidroit's Uniform Law Review- Vol XIII- 2008-1/2

Good governance and Africa's development

Paper presented at the 2nd Meeting of the Business Section of the Nigerian Bar Association Held in Abuja (Nigeria) March 2007

The legal aspects of debt management and negotiation

The Macro Economic and Financial Management Institute for Eastern & Southern Africa (MEFMI) - Luanda (Angola) 2002

Good governance of marine and coastal zones: the implementation of Chapter 17 of Agenda 21 in Africa

Pacem in Maribus - University of Western Cape (South Africa) 2002

Integrated management of marine & coastal zones: legal and institutional aspects

Paper presented at the International Conference co-organized by the Cultural Center of the US Embassy and the Dakar University Cheikh Anta Diop on "Comparative Environmental Law and Policy: A case study of the USA and Africa."
Dakar (Senegal) May 2000

Port State Control for Navigation Security and Marine Environmental Protection; the case study of West & Central Africa

University of Le Havre (France) 1999

Defence and illustration of Lex Mercatoria in international maritime arbitration: The case study of "extra-contractual detention" in voyage charter party disputes

Paper presented at the 12th International Congress of International Maritime Arbitrators in Paris, Published in the Journal of International Arbitration 1997

Harmonization of commercial law in the Franc zone countries

IBA International Business Law (London), page 82 23 February 1995

The US coastal states and the vessel traffic systems: the case study of Washington State Oil Spill Prevention System

University of Washington School of Marine Affairs 1994

Fraudulent practices in international maritime commerce

Le Journal de la Marine Marchande 1986

Maritime policy in west & central African countries

Institut Portuaire du Havre (France) 1982

Ship financing in developing countries: legal aspects

International Transportation Annual Seminar Report 1981

CHAPTERS

Quel cadre juridique et institutionnel pour une bonne gestion de la dette ?

Bulletin d'informations, d'études et de liaison du Pole Régional de Formation en *Gestion de la Dette en Afrique du Centre et de l'Ouest* – No. 20&21 December 2006

An overview of the conversion of Paris Club debt

UNITAR Document - Geneva (Switzerland) December 2004

The role of the lawyer in the project cycle at the African Development Bank

UNITAR Document No 19 -Geneva (Switzerland), pages 45-58 September 2003

Harmonization of commercial law in the Franc zone countries

IBA International Business Law (London), page 82 23 February 1995

LEGISLATIVE DRAFTING

Drafting the Executive Regulations for the implementation of the Marine Merchant Law

for the Republic of Guinea on behalf of the International Maritime Organization (IMO) 1997

Drafting the Executive Regulations for the implementation of the Fishing Law for the

Republic of Benin on behalf of the European Union 2012