



International Investment Agreements: *Negotiating for Sustainable Development*



Organized by
The Secretariat of the United Nations Conference on Trade and Development (UNCTAD) and the Islamic Development Bank Group (IDB) Investment Promotion Technical Assistance Program (ITAP) in cooperation with the Energy Charter Secretariat (ECS)

12-15 January 2015
Casablanca, Morocco

Venue: Golden Tulip Farah Casablanca
160 Avenue de L'Armée Royale, Casablanca, Morocco 20000

PROGRAMME

UNCTAD's work programme on international investment agreements (IIAs) seeks to help developing countries to participate as effectively as possible in international rule-setting for investment. It does so against the background of an intensifying policy discourse about the sustainable development dimension and the future orientation of the IIA regime. The objectives of the work programme are to deepen the understanding on issues in IIAs, to identify and examine issues, problems and interests and ensure that the sustainable development concerns are adequately addressed.

The Islamic Development Bank's (IDB) Investment Promotion Technical Assistance Program (ITAP) is an initiative by the Islamic Development Bank Group to unlock the developmental potential of member countries through a comprehensive and integrated program of foreign investment promotion and technical assistance that include: Promotion of specific sector for investment; Capacity Building of IPAs; Investment Promotion Events; Policy Advice to improve investment environment; Matching investment opportunities in member countries with potential investors. All IDB member countries are eligible candidates as ITAP is a demand driven program.



12 January

09:00 – 10:00

Opening session

Ministry of Foreign Affairs and Cooperation, Morocco

Zakia El Midaoui, Director of Multilateral Cooperation

Moroccan Investment Development Agency (AMDI)

Ali El Yaacoubi, Acting Investment Promotion Director

United Nations Conference on Trade and Development (UNCTAD)

Hamed El-Kady, International Investment Policy Officer

Energy Charter Secretariat (ECS)

Zafar Samadov, Senior Investment Expert Officer

Islamic Development Bank (IDB)

Abderrahman El Glaoui, Director, Rabat Regional Office

SESSION 1: Latest trends in foreign direct investment (FDI) and related policies

Chair: *Azar Aliyev*, Coordinator, Kiel Center for Eurasian Economic Law, University of Kiel, Germany

10:00 – 10:45

Recent trends in global FDI, investment policies and IIA reform

Hamed El-Kady, International Investment Policy Officer, UNCTAD

Diana Rosert, Associate Legal Affairs Officer, UNCTAD

10:45 – 11:00

Coffee break

11:00 – 11:25

Trends in FDI in IDB member countries

Abusif Ghnyah, Senior Expert, Rabat Regional Office, Islamic Development Bank

11:25 – 11:45

Trends in FDI in the Arab region

Khaled Hussein, Economic Adviser, ESCWA

11:45 – 12:00

Discussion

12:00 – 13:30

Lunch break

13:30 – 14:15

Trends in FDI in Morocco

Ali El Yaacoubi, Acting Investment Promotion Director, AMDI

14:15 – 14:45

Investment policies for sustainable development - UNCTAD's Investment Policy Reviews

Massimo Meloni, Economic Affairs Officer, UNCTAD

14:45 – 15:30

Energy Charter Treaty: multilateral framework for African energy investments?

Matteo Barra, Investment Expert Officer, Energy Charter Secretariat

15:30 – 15:45

Coffee break

15:45 – 16:30

Autopsy of the OIC Investment Agreement in light of Modern International Investment Law

Mouhamadou Madana Kane, Senior Legal Counsel, Islamic Development Bank

16:30 – 16:45

Discussion



13 January

SESSION 2: Towards a new generation of investment policies

Chair: *Zafar Samadov*, Senior Investment Expert Officer, Energy Charter Secretariat

- 09:00 – 09:45** **UNCTAD's Investment Policy Framework for Sustainable Development (IPFSD):
Towards a Roadmap for IIA Reform**
Hamed El-Kady, International Investment Policy Officer, UNCTAD
- 09:45 – 10:00 Discussion
- 10:00 – 10:45** **UNCTAD's Investment Policy Framework for Sustainable Development (IPFSD):
The National Dimension**
Thomas Van Giffen, Investment Policy Analyst, UNCTAD
- 10:45 – 11:00 Discussion
- 11:00 – 11:15 Coffee break
- 11:15 – 12:00** **Definition of investment and admission and establishment**
Azar Aliyev, Coordinator, Kiel Center for Eurasian Economic Law, University of Kiel,
Germany
- 12:00 – 12:15 Discussion
- 12:15 – 14:00 Lunch break
- 14:00 – 14:45** **National treatment and most-favoured-nation treatment: post and pre-
establishment**
Azar Aliyev, Coordinator, Kiel Center for Eurasian Economic Law, University of Kiel,
Germany
- 14:45 – 15:00 Discussion
- 15:00 – 15:15 Coffee break
- 15:15 – 16:00** **Fair and equitable treatment**
Naomi Briercliffe, Associate, Allen & Overy LLP
- 16:00 – 16:15 Discussion



14 January

SESSION 3: Towards a new generation of investment policies (continued)

Chair: *Thomas Van Giffen*, Investment Policy Analyst, UNCTAD

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| 09:00 – 09:45 | Expropriation (direct and indirect)
<i>Markus Krajewski</i> , Professor of Public and International Law, University of Erlangen-Nuremberg, Germany |
| 09:45 – 10:00 | Discussion |
| 10:00 – 10:45 | Settling IIA-based investment disputes under ICSID and UNCITRAL Rules
<i>Naomi Briercliffe</i> , Associate, Allen & Overy LLP |
| 10:45 – 11:00 | Discussion |
| 11:00 – 11:15 | Coffee break |
| 11:15 – 12:00 | Lessons learnt from investment disputes under the Energy Charter Treaty
<i>Matteo Barra</i> , Investment Expert Officer, Energy Charter Secretariat |
| 12:00 – 12:15 | Discussion |
| 12:15 – 14:00 | Lunch break |
| 14:00 – 14:45 | The participation of IDB-OIC Member States in ICSID Arbitration
<i>Mouhamadou Madana Kane</i> , Senior Legal Counsel, Islamic Development Bank |
| 14:45 – 15:00 | Discussion |
| 15:00 – 15:15 | Coffee break |
| 15:15 – 16:00 | The EU's new investment policy agenda
<i>Markus Krajewski</i> , Professor of Public and International Law, University of Erlangen-Nuremberg, Germany |
| 16:00 – 16:15 | Discussion |



15 January

SESSION 4: Negotiating for sustainable development

Chair: *Markus Krajewski*, Professor of Public and International Law, University of Erlangen-Nuremberg, Germany

- 09:00 – 10:45** *Panel discussion: Preparing for IIA negotiations and reform: sharing of national and international experiences*
Charles Julien, Counsel, King & Spalding
Amina Ousmoi, Head of Unit, Ministry of Economy and Finance, Morocco
Hasan Aslan Akpinar, Head of Department of International Affairs, Ministry of Economy, Turkey
- 10:45 – 11:00 Coffee break
- 11:00 – 12:30** *Panel discussion (continued): Preparing for IIA negotiations and reform: sharing of national and international experiences*
Moataz Hussein, International Investment Agreements Expert, General Authority for Investment & Free Zones (GAFI), Egypt
Ajuma Patience Okala, Legal Adviser, Investment Promotion Commission (NIPC), Nigeria
Zafar Samadov, Senior Investment Expert Officer, Energy Charter Secretariat
- 12:30 – 13:30 Lunch break
- 13:30 – 15:15** **Practical exercise for participants – treaty provisions and disputes**
Facilitators:
Charles Julien, Counsel, King & Spalding
Hasan Aslan Akpinar, Head of Department of International Affairs, Ministry of Economy, Turkey
Diana Rosert, Associate Legal Affairs Officer, UNCTAD
- 15:15 – 15:30 Coffee break
- 15:30 – 16:00** **Practical exercise for participants – a new generation of investment policies**
- 16:00 – 16:30** **Wrap-up session**
United Nations Conference on Trade and Development (UNCTAD)
Hamed El-Kady, International Investment Policy Officer
Islamic Development Bank (IDB)
Abderrahman El Glaoui, Director, Rabat Regional Office
- 16:30** **Closing ceremony and distribution of diplomas**