

# Reforming International Investment Governance: Challenges and Implications



**12-15 January 2016  
Casablanca, Morocco**

**Organised 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)





# PROGRAMME

## Training course

### Reforming International Investment Governance: Challenges and Implications

12-15 January 2016  
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Venue: Golden Tulip Farah

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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.



**TUESDAY, 12 JANUARY 2016**

**09:00 – 10:00**

**OPENING SESSION**

**Chair:** *Mohamed Bukhari*, Senior Investment Promotion Specialist, IDB

**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

**Islamic Centre for Development of Trade (ICDT)**

*El Hassane Hzaine*, Director General

**United Nations Conference on Trade and Development (UNCTAD)**

*Hamed El-Kady*, International Investment Policy Officer

**Islamic Development Bank (IDB)**

*Sidi Mohamed Ould Taleb*, Director, Rabat Regional Office

**SESSION 1: LATEST TRENDS IN GLOBAL AND REGIONAL FOREIGN DIRECT INVESTMENT (FDI) AND RELATED POLICIES**

**Chair:** *Ilija Rachkov*, Partner, King & Spalding

**10:00 – 10:45**

**Global trends in international investment policies: lessons learned and the need for reform**

*Hamed El-Kady*, International Investment Policy Officer, UNCTAD

10:45 – 11:00

Coffee Break

**11:00 – 11:30**

**ITAP and ICIEC's investment insurance services**

*Mohamed Bukhari*, Senior Investment Promotion Specialist, IDB

**11:30 – 12:00**

**Latest developments in OIC regional integration efforts**

*Mokhtar Warida*, Assistant Director General, ICDT

12:00 – 12:15

Discussion

12:15 – 14:00

Lunch break

**14:00 – 14:30**

**Trends in FDI in Morocco**

*Ali El Yaacoubi*, Acting Investment Promotion Director, AMDI

**14:30 – 15:15**

**Latest developments in regional integration efforts in Africa and implications on FDI**

*Makane Moise Mbengue*, Professor of Public International Law, University of Geneva

15:15 – 15:30

Coffee break

**15:30 – 16:00**

**Trends in FDI in IDB member countries**

*Abusif Ghnyah*, Senior Expert, Rabat Regional Office, IDB

16:00 – 16:15

Discussion



## WEDNESDAY, 13 JANUARY 2016

### SESSION 2: POLICY OPTIONS FOR IIA REFORM

**Chair:** *Mustaqeem De Gama*, Director, International trade and investment, Department of Trade and Industry, South Africa

<b>09:00 – 09:30</b>	<b>Engaging in strategic IIA reform: activating UNCTAD's action menu</b> <i>Hamed El-Kady</i> , International Investment Policy Officer, UNCTAD
09:30 – 09:45	Discussion
<b>09:45 – 10:15</b>	<b>Modernizing the Organization of Islamic Conference (OIC) investment agreement</b> <i>Mouhamadou Madana Kane</i> , Senior Legal Counsel, IDB
10:15 – 10:30	Discussion
10:30 – 10:45	Coffee break
<b>10:45 - 11:15</b>	<b>Investment and job creation</b> <i>Emily Sims</i> , Senior Specialist and Manager, Programme for Multinational Enterprises and Social Policy, ILO
11:15 – 11:30	Discussion
<b>11:30 – 12:00</b>	<b>EU reformed approach on investment protection and resolution of investment disputes</b> <i>Gabriela Alexandru</i> , Policy officer, Directorate-General for Trade, Investment Unit, European Commission
12:00 – 12:15	Discussion
12:15 – 14:00	Lunch break
<b>14:00 – 14:30</b>	<b>Definition of investment and admission and establishment</b> <i>Naomi Briercliffe</i> , Associate, <i>Allen &amp; Overy LLP</i>
14:30 – 14:45	Discussion
14:45 – 15:00	Coffee break
<b>15:00 – 15:30</b>	<b>National treatment and most-favoured-nation treatment: post and pre-establishment</b> <i>Ilija Rachkov</i> , Partner, <i>King &amp; Spalding</i>
15:30 – 15:45	Discussion
<b>15:45 – 16:15</b>	<b>Latest trends in national investment policies and regulations</b> <i>Thomas Van Giffen</i> , Investment Policy Analyst, UNCTAD
16:15 – 16:35	Simulation exercise



## THURSDAY, 14 JANUARY 2016

### SESSION 3: POLICY OPTIONS FOR IIA REFORM

Chair: *Makane Moise Mbengue, Professor of Public International Law, University of Geneva*

09:00 – 09:30	<b>Fair and equitable treatment</b> <i>Naomi Briercliffe, Associate, Allen &amp; Overy LLP</i>
09:30 – 09:45	Discussion
09:45 – 10:15	<b>Expropriation (direct and indirect)</b> <i>Markus Krajewski, Professor of Public and International Law, University of Erlangen-Nuremberg, Germany</i>
10:15 – 10:30	Discussion
10:30 – 10:45	Coffee break
10:45 – 11:15	<b>BIT termination, amendment and renegotiation: A South African perspective</b> <i>Mustaqeem De Gama, Counselor Economic, South African Mission to the WTO</i>
11:15 – 11:30	Discussion
11:30 – 12:00	<b>Investor obligations in IIAs</b> <i>Markus Krajewski, Professor of Public and International Law, University of Erlangen-Nuremberg, Germany</i>
12:00 – 12:15	Discussion
12:15 – 14:00	Lunch break
14:00 – 14:30	<b>IDB Member States in ICSID Arbitration</b> <i>Mouhamadou Madana Kane, Senior Legal Counsel, IDB</i>
14:30 – 14:45	Discussion
14:45 – 15:00	Coffee break
15:00 – 15:30	<b>Reforming the IIA-based investment dispute system</b> <i>Ilia Rachkov, Partner, King &amp; Spalding</i>
15:30 – 15:50	Simulation exercise



## FRIDAY, 15 JANUARY 2016

### SESSION 4: SHARING OF NATIONAL EXPERIENCES IN IIA REFORM

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

09:00 – 11:30

**Panel discussion: IIA reform: why and how?**

*Abdeslam Ouqazzamar*, Ministry of Economy and Finance, Morocco

*Mustaqeem De Gama*, Counselor Economic, South African Mission to the WTO

*Patience Okala*, Senior Legal Adviser, Nigerian Investment Promotion Commission (NIPC)

*Moataz Hussein*, IIA Expert, General Authority for Investment & Free Zones (GAFI), Egypt

*Gabriela Alexandru*, Policy officer, Directorate-General for Trade, Investment Unit, European Commission

11:30 – 11:45

Discussion

11:45 – 13:00

Lunch break

13:00 – 13:45

**Practical exercise for participants – treaty provisions and disputes**

Facilitators:

*Hamed El-Kady*, International Investment Policy Officer, UNCTAD

*Mustaqeem De Gama*, Counselor Economic, South African Mission to the WTO

13:45 – 14:00

Coffee break

14:00 – 15:00

**Practical exercise for participants – making use of UNCTAD's Action Menu for IIA reform**

15:00 – 15:30

**Wrap-up session**

15:30

**Closing ceremony and distribution of diplomas**