



Investment Policies Towards Sustainable Development and **Inclusive Growth**

Morocco, Rabat, 10-13 December 2013





Investment policies towards sustainable development and inclusive growth

Organized by

The Secretariat of the United Nations Conference on Trade and Development (UNCTAD), the Islamic Development Bank Group (IDB) Investment Promotion Technical Assistance Program (ITAP) and the United Nations Economic and Social Commission for Western Asia (ESCWA)

10-13 December 2013
Rabat, Morocco
Venue: Golden Tulip Hotel

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.

ESCWA launched a project entitled "Strengthening capacities in the Economic and Social Commission for Western Asia region to negotiate bilateral investment treaties". The project provides technical assistance to member countries in the area of investment protection in order to improve the negotiation skills of concerned government officials, particularly in the ministries of foreign affairs, justice, economy, investment and planning in designing and negotiating BITs.

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10 December 2013

09:00 – 10:00

Opening session

United Nations Conference on Trade and Development (UNCTAD)

Hamed El-Kady, International Investment Policy Officer, Division on Investment and Enterprise

United Nations Economic and Social Commission for Western Asia (ESCWA)

Khaled A. Hussein, Head, Financing for Development Unit

Economic Commission for Africa (ECA)

Laura Páez, Economic Affairs Officer, Investment Policy Section

Islamic Development Bank (IDB)

Abderrahman El Glaoui, General Manager of the Islamic Development Bank, Regional Office, Morocco

Presentation of participants

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

Chair: *Iliia Rachkov*, Partner, King & Spalding LLC, Moscow

10.00 – 10.45

Global trends in international investment policies and investor-State disputes

Hamed El-Kady, International Investment Policy Officer, Division on Investment and Enterprise, UNCTAD

10:45 – 11:00

Discussion

11:00 – 11:15

Coffee break

11:15 – 12:00

Trends in FDI in IDB member countries

Mohammed Bukhari, Investment Promotion Officer, IDB Group's Investment Promotion Technical Assistance Program (ITAP)

12:00 – 12:15

Discussion

12:15 – 14.00

Lunch break

14:00 – 14:45

Trends in FDI in the Arab region

Souraya Zein, Financing for Development Unit, ESCWA

14:45 – 15:00

Discussion

15:15 - 16:00

UNCTAD's Investment Policy Framework for Sustainable Development (IPFSD): The international dimension

Hamed El-Kady, International Investment Policy Officer, Division on Investment and Enterprise, UNCTAD



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SESSION 2: Towards a new generation of investment policies

Chair: *Hamed El-Kady*, International Investment Policy Officer, Division on Investment and Enterprise, UNCTAD

- 09:00 – 09:45** **UNCTAD's Investment Policy Framework for Sustainable Development (IPFSD): The national dimension**
Thomas Van Giffen, Investment Policy Analyst, Policy Research Section, UNCTAD
- 09:45 – 10:00** Discussion
- 10:00 – 10:45 **Recent investment policy developments in the region and UNCTAD's investment policy hub**
Thomas Van Giffen, Investment Policy Analyst, Policy Research Section, UNCTAD
- 10:45 – 11:00 Coffee break
- 11:00 – 11:45** **Definition of investment and admission and establishment**
Iliia V. Rachkov, Partner, King & Spalding LLC
- 11:45 – 12:15 Discussion
- 12:15 - 14:00 Lunch break
- 14:00 – 15:15** **National treatment and most favoured nation treatment: post and pre-establishment**
Azar Aliyev, Coordinator, Kiel Center for Eurasian Economic Law, University of Kiel, Germany
- 15:15 – 15:30 Discussion
- 15:30 - 16:15** **Fair and equitable treatment**
Iliia V. Rachkov, Partner, King & Spalding LLC
- 16:15 – 16:30** Discussion



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SESSION 2: Towards a new generation of investment policies (continued)

Chair: *Hamed El-Kady*, International Investment Policy Officer, Division on Investment and Enterprise, UNCTAD

- 09:00–09:45** **Expropriation (direct and indirect)**
Markus Krajewski, Professor of public and international law, University of Erlangen-Nuremberg, Germany
- 09:45 – 10:00** Discussion
- 10:00 - 10:45** **State contracts and the umbrella clause**
Azar Aliyev, Coordinator, Kiel Center for Eurasian Economic Law, University of Kiel, Germany
- 10:45 – 11:00 Discussion
- 11:00 – 11:45 Coffee break
- 11:45 - 12:15 **Settling IIA-based investment disputes under ICSID and UNCITRAL Rules**
Iliia V. Rachkov, Partner, King & Spalding LLC
- 12:15 – 14:00 Lunch break
- 14:00 –14:45** **Dispute prevention policies and Alternative dispute resolution**
Iliia V. Rachkov, Partner, King & Spalding LLC
- 14:45 – 15:00 Discussion
- 15:00 – 15:15 Coffee break
- 15:15 – 16:00** **New EU investment policy and implications for developing countries**
Markus Krajewski, Professor of public and international law, University of Erlangen-Nuremberg, Germany
- 16:00 – 16:15 Discussion



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SESSION 4: The way forward

Chair: *Markus Krajewski*, Professor of public and international law, University of Erlangen-Nuremberg, Germany

- 09:00 - 09:45** **Formulating a strategic vision for international investment policy-making: model BITs as tools for coherence**
Hamed El-Kady, International Investment Policy Officer, Division on Investment and Enterprise, UNCTAD
- 09:45 – 10:00 Discussion
- 10:00 – 10:15 Coffee break
- 10:15 – 12:00** **Panel discussion: National experiences with investment policies**
- Amina Ousmoi*, Head of Unit, Ministry of Economy and Finance, Morocco
- Momodou Drammeh*, Director, Enterprise Support and Development, Gambia Investment and Export Promotion Agency (GIEPA)
- Eman Gamal Said*, Under-Secretary Of State, Head of the International Cooperation Department, General Authority for Investment & Free Zones (GAFI), Egypt
- Ajuma Patience Okala*, Legal Adviser, Investment Promotion Commission (NIPC), Nigeria
- Azar Aliyev*, Coordinator, Kiel Center for Eurasian Economic Law, University of Kiel, Germany
- 12:00 - 14:00 Lunch break
- 14:00–15:30** **Setting up an Arab and African Committee for IIAs**
Khaled A. Hussein, Head, Financing for Development Unit, ESCWA
- 15:30 – 15:45 Discussion
- 15:45 - 17:00** **Practical exercises**
- 17:00–17:30 Wrap-up session
- 18:00** **Closing ceremony and distribution of diplomas**

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