



Investment Treaties in a State of Flux: Strategies and Opportunities for Developing Countries

FINAL AGENDA

DAY 1	MONDAY 16 NOVEMBER 2015
8:30	Registration
9:00	<p>Opening Ceremony</p> <p>Moderator: Nathalie Bernasconi, IISD</p> <ul style="list-style-type: none"> • Amaury Temporal, FIRJAN • Carlos Correa, South Centre • Scott Vaughan, IISD • Fernando Furlan, Government of Brazil
10.00	<p>Session 1: Recent Developments and Trends in Investment Policy and Arbitration</p> <p>This session will discuss the most recent developments in the area of investment treaty making, investment reform, as well as dispute settlement, based on the 2015 UNCTAD World Investment Report and other data collected.</p> <p>Chair: Joel Richards, CARICOM</p> <p>Speaker: Natalia Guerra, UNCTAD</p> <p>Discussants:</p> <ul style="list-style-type: none"> • Howard Mann, IISD • Manuel Montes, South Centre
10:45	BREAK
11:15	<p>Session 2: Recent Developments in Investment Policy and Dispute Settlement: Sharing of Experiences</p> <p>This session will discuss specific experiences of countries over the past year regarding new investment treaty claims or arbitral outcomes. Speakers will also provide insights into negotiating experiences and efforts to develop new model investment treaty templates.</p> <p>Chair: Champika Malalgoda, Sri Lanka</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Ashish Kumar, India • Niki Kruger, South Africa • Fredy Trujillo, Ecuador • Moataz Hussein, Egypt • Mariana Lozza, Argentina



12:15	<p>Breakout Session 1: Case studies: Selected arbitration cases, including the <i>Bilcon</i> case Moderators: Nathalie Bernasconi and Howard Mann, IISD</p>
13:00	LUNCH
14.00	Reporting back from Breakout Session 1
15:00	<p>Session 3: The Politics of International Investment Law and Policy – The Clash of Models</p> <p>Sessions 3A and 3B will focus on the political use of models by the United States, the European Union, and others, and the desire of certain players to impose their models on other countries and regions. These sessions will include strategic discussions about the models, especially in light of the fact that some industrialized countries, in the context of negotiations of mega trade blocs, aim to have a head start to win territory for their models.</p> <p>Session 3A: Implications and Impacts of Mega Regional Trade and Investment Deals for Emerging and Developing Economies (TPP, TTIP, RCEP, TISA etc.) and the Development of New Models and Approaches</p> <p>Session 3A will look at the development of mega-regional trade and investment deals. How are they negotiated and how do they relate to national and regional initiatives on investment-related treaty making?</p> <p>Chair: Angela Dau-Pretorius</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Muthucumaraswamy Sornarajah, Professor of Law, Faculty of Law, National University of Singapore • Abebe Opeyemi, Commonwealth Secretariat • Abdulkadir Jailani, Indonesia • Sanya Reid Smith, South Centre
16.15	BREAK
16.45	<p>Session 3B: USTR on TPP: “This is intended to be an agreement that’s a model for the rest of the world”</p> <p>Session 3B will look at the race between countries to win ground for one model over the other. Where are the battles taking place and is there space and appetite to develop new approaches?</p> <p>Chair: Carlos Correa, South Centre</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Roslyn Ngeno, Kenya • Erivaldo Gomes, Brazil • Ahmad Aslam, Pakistan
18.00	End of DAY 1



DAY 2 TUESDAY 17 NOVEMBER 2015	
9:00	<p>Session 4: The New Emerging Models of Investment Treaties and Alternatives</p> <p>This session will allow each model to be presented briefly. After the brief introduction the speakers will focus on specific substantive areas covered in the agreement and discuss the different approaches.</p> <p>Chairs: Suzy Nikiema, IISD</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Ashish Kumar, India • Pedro Cavalcante, Brazil • Abdulkadir Jailani, Indonesia • Wamkele Mene, South Africa • Makane Mbengue, University of Geneva • Nathalie Bernasconi, IISD
10.45	BREAK
11.15	Session 4 continued
12:30	LUNCH
13:30	<p>Breakout Session 2: Models and Alternative Approaches</p> <p>In this breakout session, participants will have an opportunity to analyze the models and alternatives, identifying similarities and trends in more depth. How are the newer models different from the traditional approaches? What is the development impact of these differences? What are the elements incorporated and how are they dealt with (investment liberalization, economic development, investment promotion and facilitation, sustainability, investor obligations, dispute settlement, etc.)? What political issues are addressed? Etc.</p>
15:00	BREAK
15:30	<p>Session 5: The State of Flux – An Opportunity for Developing and Emerging Economies?</p> <p>This session will focus on the major state of flux in international investment law, perhaps the biggest state of flux over the last 50 years. What does this state of flux and uncertainty mean for developing countries? Is this state of flux an opportunity for developing countries to recapture the system? Is there an opportunity for more consistency and coherence from developing countries (considering that Brazil, India, Indonesia, and South Africa have been going different ways), without being prescriptive?</p> <p>Chair: Makane Mbengue, University of Geneva</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Carlos Correa, South Centre • Ashish Kumar, India • Fredy Trujillo, Ecuador
17:00	End of DAY 2



DAY 3 WEDNESDAY 18 NOVEMBER 2015	
9:00	<p>Session 6: Identifying New Prospects and Alliances for Developing and Emerging Economies</p> <p>This session will discuss reform options and alternatives, and identify platforms and processes for alliances for developing and emerging economies to engage and propose reform of the global investment frameworks. This includes a discussion of new models for promoting sustainable investment flows, responsible investor behaviour, and rethinking dispute settlement, including a discussion of current investment proposals such as the investment court being discussed in the TTIP context, and regional dispute settlement initiatives.</p> <p>Chair: Muthucumaraswamy Sornarajah, Professor of Law, Faculty of Law, National University of Singapore</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Natalia Guerra, UNCTAD • Abdulkadir Jailani, Indonesia • Carlos Márcio Cozendey, Brazil • Niki Kruger, South Africa
10:30	BREAK
11:00	<p>Breakout Session 3: Identifying Opportunities</p> <p>Groups will discuss and identify potential areas for joint or coordinated policy-making as well as possible ways forward in terms of processes, institutions, and next steps.</p>
12:30	LUNCH
13:30	<p>Session 7: The Way Ahead and Next Steps</p> <p>The final session will be a moderated plenary discussion of suggestions coming out of the morning session.</p>
15:30	<p>Closing Ceremony</p> <ul style="list-style-type: none"> • Nathalie Bernasconi, IISD • Manuel Montes, South Centre • Carlos Márcio Cozendey, Brazil
16:00	End of DAY 3