

INTERNATIONAL INVESTMENT POLICIES: THE WAY FORWARD

Baku, Azerbaijan, 24 – 25 October 2017

PROGRAMME

Tuesday 24 October 2017

10.00 – 10.30 OPENING SESSION

Sahil Babayev, Vice-Minister, Ministry of Economy of the Republic of Azerbaijan;

Joerg Weber, Head Investment Policies Branch, UNCTAD.

10.30 – 11.30 SESSION 1: LATEST DEVELOPMENTS AND KEY CHALLENGES IN INTERNATIONAL INVESTMENT POLICIES

Chair: **Azar Aliyev**, Associate Professor of International Economic Law and Comparative Law, Martin Luther University Halle-Wittenberg

The international investment policy landscape is changing. A new generation of investment policies is emerging as countries increasingly adopt policies that aim at ensuring that investment contribute to sustainable development and inclusive growth. The session will shed light on the recent developments in international investment policies; the challenges and opportunities arising from these new dynamics and the need to embed investment policies in national development strategies.

Joerg Weber, Head Investment Policies Branch, UNCTAD;

Ruslan Galkanov, Legal Affairs, Energy Charter Secretariat.

11.30 – 12.00 COFFEE BREAK

12.00 – 13.30 SESSION 2: REFORMING THE IIA REGIME: WHY AND HOW

Chair: Ilia Rachkov, Adjunct Professor, Moscow State Institute of International Relations, International Law Department

Growing unease with the current functioning of the global international investment agreement (IIA) regime, together with today's sustainable development imperative and the evolution of the investment landscape, have triggered a move towards reforming international investment rulemaking to make it better suited for today's policy challenges. As a result, the IIA regime is going through a period of reflection, review and revision. This is particularly important in light of the greater role of governments in the economy, the increasing importance of public-private partnerships (PPPs) in developing infrastructure and enhancing public services.

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

Christian Tietje, Professor of Public Law, European Law and International Economic Law, Martin Luther University Halle-Wittenberg;

Guillaume Durand, Policy Officer, European Commission - DG Trade.

13.30 – 14.30 LUNCH BREAK

14.30 – 16.00 SESSION 3: EMERGING MEGA-REGIONAL INVESTMENT AGREEMENTS: IMPLICATIONS FOR THE REGION

Chair: Christian Tietje, Professor of Public Law, European Law and International Economic Law, Martin Luther University Halle-Wittenberg

A large number of so called "megaregional agreements" with investment chapters are currently under negotiations. These are broad economic agreements among a group of countries that have a significant economic weight. They also include agreements negotiated by the EU as part of its new common investment policy. Megaregional agreements could potentially marginalize non-participating third parties. How can negotiators and policymakers of the region be better prepared to address these systemic implications?

Till Patrik Holterhus, Assistant Professor and Lecturer in Law at the Georg-August-University of Goettingen, Germany;

Marina Trunk-Fedorova, Senior Research Fellow - Kiel University, KEEL - Kiel Center for Eurasian Economic Law;

Samira Sulejmanovic, Head of Unit for Bilateral Trade Relations at Ministry of Foreign Trade and Economic Relations, Bosnia and Herzegovina.

Wednesday 25 October 2017

10.00 – 12.00 SESSION 4: RECENT DEVELOPMENTS IN TREATY-BASED INVESTMENT DISPUTES AND THE WAY FORWARD

Chair: Jan Schäfer, Partner, King & Spalding, Frankfurt am Main

There are concerns that the current investor-State dispute settlement (ISDS) system exposes host States to legal and financial risks, often unforeseen at point of entering into the IIA; that it grants foreign investors more rights as regards dispute settlement than domestic investors; that it might create the risk of a “regulatory chill” on legitimate government policymaking; that it results in inconsistent arbitral awards; and that it is insufficient in terms of ensuring transparency, selecting independent arbitrators, and guaranteeing due process. How can policymakers address these concerns, and what are the best suited options of reforming investment dispute settlement for the region?

Rolf Knieper, Professor in company law, Bremen University;

Azar Aliyev, Associate Professor of International Economic Law and Comparative Law, Martin Luther University Halle-Wittenberg;

Iliia Rachkov, Adjunct Professor, Moscow State Institute of International Relations, International Law Department.

12.00 – 13.00 LUNCH BREAK

13.00 – 15.30 ROUND-TABLE: SHARING OF BEST PRACTICES IN INTERNATIONAL INVESTMENT POLICIES

Chair: Rolf Knieper, Professor in company law, Bremen University

Natalya Boyko, Ministry of Energy and Coal Industry, Ukraine;

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

Hussein Haeri, Partner, Withers LLP, London;

Ilgar Mehti, Director, Ekvita consulting company;

Iliia Rachkov, Adjunct Professor, Moscow State Institute of International Relations, International Law Department;

Jan Schäfer, Partner, King & Spalding, Frankfurt am Main;

Samira Sulejmanovic, Head of Unit for Bilateral Trade Relations at Ministry of Foreign Trade and Economic Relations, Bosnia and Herzegovina;

Carlos Jose Valderrama, Foreign Counsel, Sidley Austin, Washington, D.C.

CLOSING REMARKS

Joerg Weber, Head Investment Policies Branch, UNCTAD.