

The Transformation of the International Investment Agreement Regime

IIA Expert Meeting 25-27 February 2015 - Geneva, Switzerland - Palais des Nations

PROGRAMME

ROOM XXVI

Description

The **Expert Meeting on the Transformation of the International Investment Agreement (IIA) Regime** will advance the discussion initiated at the IIA Conference during the World Investment Forum (WIF) 2014 and develop a roadmap for reforming the IIA regime in line with today's sustainable development priorities. The Meeting will take stock of recent IIA developments, brainstorm innovative options for IIA reform and facilitate an exchange of views with the aim of assembling options, developing an action menu and designing a roadmap for IIA reform.

The Meeting will adopt a multi-stakeholder approach, convening a wide range of experts from the investment and development community. This will include stakeholders from governments, the private sector, academia and civil society.

The Meeting will be result-oriented: building on today's pressing issues, experts will identify concrete strategies and actions that can help shape a sustainable-development friendly IIA regime and address other challenges of the current IIA regime. Experts will consider a variety of options, as well as their pros and cons. Deliberations will be solution-focused, forward-looking and innovative.

For that purpose, the three-day event will consist of a combination of **plenary panel sessions** and four rounds of **break-out sessions**, which will be held under Chatham House rules. Each round of break-out sessions is followed by a plenary debate. The plenary sessions will allow for the sharing of experiences and hear the report-backs from each break-out session by designated rapporteurs for feedback and comment.

The Expert Meeting is supported by the Report Back Project, a platform for sharing the outcomes of other initiatives that address IIA reform, such as relevant meetings and research projects. Report backs are placed in the publicly accessible "repository" of reform-oriented proposals on the UNCTAD World Investment Forum website.¹

The outcome of the Meeting will be a brief chair's summary that reflects the broad lines and overall themes of the debate. The insights generated at the Meeting will feed into the development of a roadmap for IIA reform and UNCTAD's research and analysis, including the World Investment Report (WIR) 2015.

¹ <http://unctad-worldinvestmentforum.org/followup-events/report-back-project/submissions/>

WEDNESDAY, 25 FEBRUARY 2015

10:00 – 13:00

Opening session: plenary

- Election of Chair and Vice-chair cum rapporteur
- Plenary debate following short presentations by lead discussants

13:30 – 14:45

Side event – Towards new model agreements: A sharing of experiences by Brazil, India and Indonesia

15:00 – 16:30

First round of break-out sessions: Substantive content of IIAs

- Scope and definitions
- Fair and equitable treatment
- Indirect expropriation
- Pre-establishment

16:30 – 18:00

Report back by “rapporteurs” of break-out sessions and plenary debate

THURSDAY, 26 FEBRUARY 2015

10:00 – 11:30

Second round of break-out sessions: The sustainable development dimension of IIAs

- Public policy exceptions
- Corporate social responsibility and investor obligations
- Effective rules for promoting sustainable development-friendly investment
- Investment incentives
- Interrelationship with other bodies of law

11:30 – 13:00

Report back by “rapporteurs” of break-out sessions and plenary debate

15:00 – 16:30

Third round of break-out sessions: Tools for modernizing the IIA network

- Regional negotiations (consolidation and/or parallelism) / FTAs vs. BITs
- Multilateral approaches
- Treaty re-negotiation, treaty expiration and related challenges
- The role of treaty interpretation in IIA reform

16:30 – 18:00

Report back by “rapporteurs” of break-out sessions and plenary debate

FRIDAY, 27 FEBRUARY 2015

10:00 – 11:30

Fourth round of break-out sessions: Investment dispute settlement

- Appeals facility
- International investment court
- Investor access to ISDS (e.g. defining subject-matter scope, exhaustion of domestic remedies)
- Transparency

11:30 – 13:00

Report back by “rapporteurs” of break-out sessions and plenary debate

15:00 – 17:00

Plenary and closing session