In order to achieve the SDGs, a substantial amount of investment is required. Foreign direct investment (FDI) has a potential to contribute to realising the SDGs, e.g. by investing in renewable energy projects needed for the transition to a low carbon economy, or by developing water and sewage infrastructure in cities. FDI can also have the objective to create green infrastructure, such as reforestation projects or restoring coral reefs. Investments in the field of natural resources and land development need to be tailored very carefully, taking into account the vulnerability of ecosystems and the livelihood of local inhabitants.

The international legal regime is to ensure that FDI supports the SDGs goals of host states, and at the same time continues to protect foreign investors against arbitrary treatment by such host states. This tension is precisely the central subject of discussion in the panel session ‘Towards Realisation of SDGs on the National Level: Challenges posed by International Investment Law,’ organised by Nyenrode Business University with the cooperation of the Dutch Ministry of Foreign Affairs. Host states have to deal with these tensions every day when they wish to change their laws or policies, or have to decide about the continuation of a licence held by a foreign investor. Careful treaty drafting is one aspect, careful policy-making is a second aspect and careful investment-planning and implementation constitutes a third aspect. The panel will be discussing the question of policy coherence between complying with international investment law and implementing the SDGs.
Speakers

Mr. Ronald Roosdorp
Director for International Trade Policy & Economic Governance, Dutch Ministry of Foreign Affairs

Ms. Samira Sulejmanovic
Head of Department of Bilateral Trade Relations, Ministry of Foreign Trade and Economic Relations, Bosnia and Herzegovina

Mr. Carsten Schittek
Senior negotiator, European Commission, DG Trade B. 2 - Investment

Mr. Sebastián Green Martínez
Associate in the Litigation, International Arbitration and Mediation, Uría Menéndez Abogados, Madrid, Spain

Dr. Ahmad Firdaus Sukmono
Vice-Chairman of the Indonesian Anti-Dumping Committee; Expert: Indonesian investment policies

Ms. Yulia Levashova
Researcher International Investment Law, Nyenrode Business University; Research Fellow Utrecht University

Prof. Tineke Lambooy
Professor Corporate Law, Nyenrode Business University; Adjunct Professor at Law, Airlangga University; Research Fellow Utrecht University

Programme

8.30 - 8.45: Introducing new developments in the policy and the legal arena
Tineke Lambooy, Chair
Professor Corporate Law, Nyenrode Business University
“Connecting the SDGs with international investment law”
Yulia Levashova,
Researcher International Investment Law, Nyenrode Business University
“New developments concerning the standard of fair and equitable treatment of a foreign investor and the host state’s right to regulate”

8.50 - 9.20: Panel I
The SDGs and their role in IIA drafting, and in national and EU policy-making
Ronald Roosdorp,
Director for International Trade Policy & Economic Governance, Dutch Ministry of Foreign Affairs
“The new Dutch Model BIT - The connection with the SDGs”
Carsten Schittek,
Senior negotiator, European Commission
“The negotiation of EU Trade and Investment Agreements - The role of SDGs”

The perspective of economies in transition - implementing the SDGs: investment law and policy
Sebastián Green Martínez,
Associate, Uría Menéndez Abogados, Madrid
“Policy coherence between complying with international investment law and implementing the SDGs: the perspective of Argentina”
Samira Sulejmanovic,
Head of Department of Bilateral Trade Relations, Ministry of Foreign Trade and Economic Relations, Bosnia and Herzegovina

Ahmad Firdaus Sukmono,
Vice Chairman of Indonesian Anti-Dumping Committee
“Policy coherence between complying with international investment law and implementing the SDGs: the perspective of Indonesia”

9.55 - 10.00: Closing of the Session