



14th Annual Forum of Developing Country Investment Negotiators

ABUJA, NIGERIA



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COMMISSION

October 11 - 13, 2022
The Wells Carlton
Abuja, Nigeria

Agenda

Coherence in International Investment Governance: Crafting a holistic approach to investment for sustainable development.

All times are Abuja time (GMT/UTC + 1).

Pre-event: Monday, October 10, 2022

18:00- 19:00	Welcome Cocktail An informal welcoming Cocktail will be offered in the evening at the event venue to participants already in Abuja on Monday.
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Day One: Tuesday, October 11, 2022

8:00	Registration
9:00	Opening ceremony and welcoming remarks Opening remarks will be provided by: <ul style="list-style-type: none">• His Excellency Yemi Osinbajo GCON, Vice President of Nigeria Welcoming remarks will be provided by: <ul style="list-style-type: none">• Otunba Niyi Adebayo, Minister of Industry, Trade and Investment, Federal Republic of Nigeria• Hajiya Saratu Umar, Executive Secretary, Nigerian Investment Promotion Commission (NIPC)• Nathalie Bernasconi Osterwalder, Executive Director, International Institute for Sustainable Development (IISD) Europe; Senior Director, Economic Law & Policy, IISD

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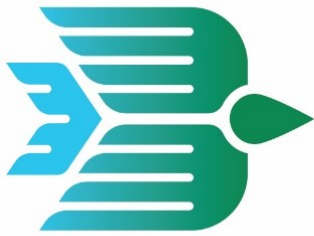
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10:00	<p>Extended morning break</p> <p>An opportunity for participants to socialize and reconnect after 2 years between in person forums.</p>
11:00	<p>Keynote address and plenary discussion of the forum theme</p> <p>Keynote Speaker: Professor Makane Moïse Mbengue, Professor of International Law at the Faculty of Law of the University of Geneva and Director of the Department of International Law and International Organizations.</p>
12:00	<p>Lunch</p>
13:30	<p>Panel discussion</p> <p>Recent Developments in International Investment Law, Policy-Making, and Arbitration in an Era of Overlapping Crises</p> <p>This panel will discuss the most recent developments in international investment policy-making, reform, and dispute settlement against the backdrop of various concurrent crises over the last 2 years.</p> <p>Moderator:</p> <ul style="list-style-type: none">• Opeyemi Abebe, Adviser and Head, Trade Competitiveness Section (TCS), Trade, Oceans and Natural Resources Directorate, Commonwealth Secretariat <p>Panelists:</p> <ul style="list-style-type: none">• Chantal Ononaiwu, Trade Policy and Legal Specialist, Caribbean Community (CARICOM).• Roslyn N'geno, Senior Investment Expert, African Continental Free Trade Area (AfCFTA) Secretariat.• Sovyana Putranti Officer, Services & Investment Division, Market Integration Directorate, AEC Department, Association of Southeast Asian Nations (ASEAN).• Vincent Beyer, Economic Affairs Officer, United Nations Conference on Trade and Development (UNCTAD)
15:00	<p>Afternoon break</p>

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15:30	<p>Breakout session</p> <p>Sharing Recent Developments and Practical Experiences in Reforming Old-Generation Investment Treaties</p> <p>This breakout session will focus on the actions that developing countries and emerging economies are taking to modernize their international investment regimes. These actions include the adoption of new investment treaty models, ongoing work towards re-negotiation, and the termination of outdated treaties at the national and regional level.</p> <p>Facilitator:</p> <ul style="list-style-type: none">Nyaguthii Maina, International law Advisor, IISD
17:00	<p>Informal survey</p> <p>Reforming National Strategies for Investment Treaty Negotiation: Practical steps, processes, and tools</p> <p>Participants will have the opportunity to select steps from a proposed check list they consider appropriate and highlight what might be missing. Participants will also be given a chance to share associated opportunities and challenges.</p> <p>Facilitator:</p> <ul style="list-style-type: none">Abas Kinda, International law advisor, IISD
17:30	<p>End of day one</p>

Day Two: Wednesday, October 12, 2022

7:30	<p>Breakfast side events</p> <p>Participants will have the option to attend one of three discussions hosted parallelly, alongside breakfast:</p> <ol style="list-style-type: none">What does the Global Minimum Tax Deal Mean for Developing Countries?
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In October 2021, over 130 countries members of the OECD Inclusive Framework on BEPS agreed upon major reforms of global tax rules, including the introduction of a new 15% global minimum tax on multinational companies' profits. The side event will discuss the likely effects of the global minimum tax on investment in developing countries and will highlight possible policy responses.

Speakers:

- Thomas Lassourd, Senior Policy Advisor, Tax and Extractives, IISD/Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development (IGF).
- Eniye Ogbemor, Senior Legal Program Officer, International Senior Lawyers' Project (ISLP)
- Kudzai Mataba, Research Fellow, IGF.

2. The Most Highly Litigated Treaty: key policy implications of the Energy Charter Treaty expansion

This side event will briefly introduce the legal profile of the Energy Charter Treaty, concerns raised by its contracting parties, and recent efforts to reform it. It will then focus on the expansion of the treaty towards developing countries and emerging economies, discussing particularly its policy implications, impact on regulatory flexibility, and remaining open questions to give participants a better understanding of what is at stake.

Speakers:

- Suzy Nikièma, Lead, Sustainable Investment, IISD.
- Lukas Schaugg, International Law Analyst, IISD

3. UNCITRAL WGIII on reform of ISDS: The state of play, the stakes, and what issues really matter

This side event will briefly introduce the UNCITRAL Working Group III process: its mandate, the main concerns with ISDS

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	<p>identified, and how the process has been conducted up to now. It will then discuss the key topics currently under consideration in WGIII and highlight some of the most important ones that the countries should address. Participants will discuss some courses of action with a high reform potential.</p> <p>Speakers:</p> <ul style="list-style-type: none">• Nathalie Bernasconi Osterwalder, IISD.• Danish, Program Officer, Sustainable and Climate Change Program, South Centre
9:00	<p>Panel discussion</p> <p>Horizontal Coherence: Understanding the relationship between international investment law and other international laws</p> <p>This panel discussion will focus on the relationship between international investment law and other international obligations of a state, such as commitments made in climate change agreements, biodiversity and environmental conventions, public health conventions, taxation treaties, and the OECD/G20 Inclusive Framework on Global Minimum Tax Reform, as well as labour and human rights conventions. Based on country experiences, participants will discuss lessons learned in preserving policy space to fulfill various state obligations under international law.</p> <p>Moderator:</p> <ul style="list-style-type: none">• Patience Okala, Director, Legal Services, Nigerian Investment Promotion Commission <p>Panelists:</p> <ul style="list-style-type: none">• Maria Andrea Echazu, Human Rights Officer, Office of the United Nations High Commissioner for Human Rights (OHCHR).• Nathalie Bernasconi Osterwalder, IISD.• Thomas Lassourd, IISD/IGF
10:30	<p>Morning break</p>

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11:00	<p>Panel discussion</p> <p>Vertical Coherence: Understanding the interaction among different levels of legal and policy instruments governing investment</p> <p>This panel discussion will focus on the inter-relationships between different legal instruments governing investment at different levels, including investment treaties, investment laws and other relevant national laws, as well as investment contracts. Participants will identify problems that have arisen and led to investor–state dispute settlement (ISDS) cases initiated based on such instruments across the full life cycle of an investment—from investment screening to exit. Participants will then link these discussions back to international processes and debates as appropriate, asking how the work done in those contexts could contribute effectively to dispute prevention.</p> <p>Moderator:</p> <ul style="list-style-type: none">• Ryan Romeo P. Perez, Division Chief, Legal and Compliance Service, Philippines - Board of Investments (BOI) <p>Panelists:</p> <ul style="list-style-type: none">• Isaac Gitone, Senior Economist, National Treasury, Republic of Kenya.• Nguyen Thi Thao Linh, Legal Official, Ministry of Planning and Investment, Viet Nam.• Suzy Nikièma, IISD.• Zulema Wendy Espejo Candia, Head, Evaluation, Monitoring and Legal Control Unit, Upstream Management, Evaluation, Monitoring and International Relations, Bolivian Fiscal Oil Fields (YPFB), Plurinational State of Bolivia.
12:30	<p>Lunch</p>
13:30	<p>Breakout session</p> <p>Reflecting on Options to Integrate Other Components of Sustainable Development in Ongoing Investment Negotiations and Reform Processes</p> <p>Facilitator:</p> <ul style="list-style-type: none">• Lukas Schaugg, IISD

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	<p>This breakout session will discuss to what extent other areas of international law are being considered and integrated into ongoing national, regional, and global negotiation processes. Participants will also reflect on the main challenges to such integration, as well as options to address them.</p>
15:00	Afternoon break
15:30	<p>Panel discussion</p> <p>Coherence in Investment Dispute Settlement: Global and regional processes</p> <p>This panel discussion will explore how ongoing reform processes on dispute prevention and resolution can help achieve coherent outcomes that fulfill sustainable development objectives. Participants will consider, among others, the ongoing multilateral processes at the International Centre for Settlement of Investment Disputes (ICSID) and the United Nations Commission on International Trade Law (UNCITRAL), the work done in the context of regional negotiations, and the Singapore Convention on Mediation.</p> <p>Moderator:</p> <ul style="list-style-type: none">• Omar Chedda, Director, Investment Unit, Ministry of Industry, Investment and Commerce, Jamaica <p>Panelists:</p> <ul style="list-style-type: none">• Danish, Program Officer, Sustainable and Climate Change Program, South Centre• Margie-Lys Jaime, Adviser, Head of Compliance and Liabilities Office, Ministry of Finance, Republic of Panama.• Mohammad Usman Piracha, Senior Legal Consultant, Office of the Attorney General, Islamic Republic of Pakistan.• Rahmat Kurniawan, Legal Adviser, Legal and Treaties on Economic Affairs Directorate, Ministry of Foreign Affairs, Republic of Indonesia
17:00	End of day two

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Day Three: Thursday, October 13, 2022

9:00

Panel discussion

Bringing It All Together: Identifying key building blocks to ensure coherent investment policy-making.

Building on discussions from the first 2 days of the forum, participants will explore key steps needed to enable a holistic approach to governing investment for sustainable development. Participants will also identify building blocks that will contribute to the elaboration of a coherent set of investment policy instruments that support developing country governments in their efforts to achieve their sustainable development objectives.

Moderator:

- Chantal Ononiawu, CARICOM

Panelists:

- Aminata Traore Cisse, Permanent Secretary, Higher Council for the Private Sector, Ministry of Industry and Commerce, Republic of Mali.
- Hamed El Kady, Senior Programme Coordinator, International Investment Agreements Section, UNCTAD.
- Nathalie Bernasconi Osterwalder, IISD

10:30

Morning break

11:00

Structured Plenary discussion

Guiding Principles for Crafting a Holistic Approach to Investment for Sustainable Development

Session Chair:

- Professor Makane Moïse Mbengue

Building on discussions from the previous session, participants will review, discuss, and elaborate a set of guiding principles to ensure coherence in international investment governance that could inspire reform action by a broader range of stakeholders. A brief outcome

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	document will consolidate the discussion and provide a take-home resource for participants.
12:30	Lunch
13:30	Breakout session Developing a Selection of Enabling Mechanisms to Ensure Coherent International Investment Governance Facilitator: <ul style="list-style-type: none">• María Florencia Sarmiento, Policy Analyst, IISD This session will host a discussion of a selection of options to ensure coherence in the international investment regime based on the building blocks and guiding principles identified in previous morning sessions.
15:00	Afternoon break
15:30	Open mic on the forum Taking Stock and Charting the Future Facilitator: <ul style="list-style-type: none">• Suzy Nikièma, IISD This session will officially launch the new title for future Annual Forums. Participants will have the opportunity to reflect on this update, share their expectations for future Annual Forums, and discuss any issues related to the overall theme of the 14th edition.
17:00	Closing ceremony
17:30	End of day three
19:00	Cultural Dinner – Naija Night Out A lively event marked with Nigerian food, dance, music, and comedy to mark the close of the 14th Annual Forum. Location: Cilantro Restaurant, Maitama, Abuja

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Day Four: Friday, October 14, 2022

Informal Peer-to-peer Networking

Participants will have the opportunity to cement ties, new and old, developed over the course of the Forum, in the event venue or as they explore Abuja town. Suggested activities at participants' own cost and discretion will be shared during the event.

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