

**The Third Annual Forum of Developing Country Investment Negotiators
 8-11 November, Quito, Ecuador**

*Developing Countries and New Directions in International Investment Law
 (draft as of 30 October 2009)*

Sunday, November 8

All day	Arrival of participants Welcome Activities
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Monday, November 9: DAY 1

9:00	Meet at hotel lobby (for participants staying at the Hilton Hotel)
9:30 – 10:00	Registration
10:00 – 10:15	Opening Ceremony and Welcome from the Co-Organizers Minister Fander Falconi, Minister of Foreign Affairs, Trade and Integration, Government of Ecuador
10:15 – 11:30	Keynote address “Nothing Sacred: Developing Countries and the Future of International Investment Treaties” Speaker: Randall Williams, Chief Director: Trade Policy and Negotiations, Republic of South Africa— Question and answer session
11:30 – 11:45	Break
11:45 – 14:00	<u>Session I: Investment Law Developments, 2009</u> This session will consider: <ul style="list-style-type: none"> - Recent developments in negotiations and treaties - Recent developments in arbitrations - Recent trends in new model agreements - Recent developments in Latin America Chair: Gustavo Guerra, Ecuador Speaker: Mahnaz Malik, Associate, International Institute for Sustainable Development Speaker: Prof. Ximena Fuentes, Santiago, Chile
14:00 – 15:00	Lunch
15:00 – 16:30	<u>Session II: Investment Law and Policy Trends in Developing Countries, 2000-2010</u> This session will consider: <ul style="list-style-type: none"> - Causes of policy changes: Shifts to regional integration; rejection of standard templates; concern for

	<p>arbitration process, south-south agreements, etc.</p> <ul style="list-style-type: none"> - Trends in policy changes - What are the development impacts of such changes? <p>Chair: Prof. Marco Romero, Professor, UASB Speaker: Veniana Qalo, Economic Adviser, Economic Affairs Division, Commonwealth Secretariat, London Speaker: Micheal Enow, member of the Cameroon Bar Association and the Bar of Louisiana, New Orleans, Louisiana, and ad hoc advisor to the Government of Cameroon Speaker: Arun Mahendru Balraj, Senior Development Officer, Dept of Industrial Trade and Promotion, India</p>
16:30 – 16:45	Break
16:45 – 18:30	<p><u>Session III: Thinking the Unthinkable—Opting Out is No Longer Just for Brazil</u></p> <p>This session will consider:</p> <ul style="list-style-type: none"> - States that have not entered into investment agreements: Why and why not? - Opting out of ICSD and international arbitration: What works and what does not - Just say no: How and why states enter into but refuse to conclude investment negotiations <p>Chair: Sureiya Adam, South Africa Speaker: Ancelmo César Lins de Gois, Head of the Trade in Services Division, Brazil Speaker: Marco Albuja, Ministerial Advisor, Ministry of Foreign Affairs, Trade and Integration, Ecuador Speaker: Matthew Porterfield, Senior Fellow and Adjunct Professor, The Harrison Institute, Georgetown Law, Washington, D.C.</p>

Tuesday, November 10: DAY 2

9:00	Meet at hotel lobby (for participants staying at the Hilton Hotel)
9:30 – 9:45	Registration and opening
9:45 – 11:15	<p><u>Session IV: Opting into a Different Model</u> This session will consider:</p> <ul style="list-style-type: none"> - The relationship between international investment law and the Right to Development - Sustainable development and international investment law - A human rights approach to investment treaties - What options and tools are available for implementing a different approach to investment negotiations? <p>Chair: Prof. Ximena Fuentes, Chile Speaker: Veniana Qalo, Economic Adviser, Economic Affairs Division, Commonwealth Secretariat, London Speaker: Laura Garcia, Professor, à Universidad del Rosario, Colombia Speaker: H. E. Ambassador Luis Gallegos, Ambassador of Ecuador to the United States</p>
11:15 – 11:30	Break
11:30 – 14:00	<p><u>Session V: Optimizing Investment Negotiations for Developing Countries: The Question of Forum</u> This session will consider:</p> <ul style="list-style-type: none"> - With the multiplication of investment negotiating fora, what is the best option for developing countries in investment negotiations? - The pros and cons of bilateral investment negotiations, bilateral FTA regional negotiations, and possible multilateral negotiations <p>Chair: Howard Mann, Senior International Law Advisor, IISD Speaker: Offah Obale, Programme Officer, South Centre (Regional investment and FTA processes) Speaker: Nathalie Bernasconi, Senior International Lawyer, Investment and Sustainable Development Program Leader, IISD Speaker: Ambassador Pablo Solon, Director of the UNASUR, Bolivia (TBC)</p>
14:00 – 15:00	Lunch
15:00 – 16:00	<p><u>Session VI: Forum Recommendations: The Scope of International Arbitration Clauses</u> This session will include three breakout groups to develop peer-to-peer best recommendations on the “scope of arbitration” provisions in investment treaties.</p> <ul style="list-style-type: none"> - What should be covered and not covered - Contract arbitration versus treaty arbitration - Covering all aspects of an investment or a strict reading of treaty breaches? - Umbrella clauses and other expansions of jurisdiction <p>Chair: Daniel Guerrero, Ministry of Foreign Affairs, Trade and Integration, Ecuador Presentation: Nathalie Bernasconi, IISD Plenary Discussion of issues</p>
16:00 – 16:15	Break and find breakout groups
16:15 – 17:30	Group discussions

17:30 – 18:30	Convene in Plenary to develop recommendations to colleagues
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Wednesday, November 11: DAY 3

9:00	Meet at hotel lobby (for participants staying at the Hilton Hotel)
9:30 – 9:45	Registration and opening
9:45 – 10:15	<p><u>Session VII: Workshop on Preparing for International Investment Negotiations</u> This session will provide a peer-to-peer process to review processes for entering into and concluding IIAs that reflect the national interest of developing countries.</p> <p>Chair: Randall Williams, Director, Legal-International Trade and Investment, Republic of South Africa (TBC)</p>
10:15 – 11:30	<p>Part I</p> <ul style="list-style-type: none"> - Effective inter-departmental processes; - Establishing national objectives; and - Preparing ministers and heads of government.
11:30 – 12:00	Break
12:00 – 13:45	<p>Part II</p> <ul style="list-style-type: none"> - Developing negotiating tools; - Managing the negotiation process; and - BITs versus trade and investment negotiations.
13:45 – 15:00	Lunch
15:00 – 16:30	<p>Closing session Planning Ahead: Building a Formal Negotiators' Network?</p> <ul style="list-style-type: none"> - Is there a need? - If so, what steps are needed? <p>Chair: Gustavo Guerra, Investment Treaties Negotiator, Ecuador Speaker: Howard Mann, IISD</p>
16:30 – 17:00	Farewell coffee and tea