



MENA-OECD Investment Programme

Workshop on

Iraq National Investment Reform

22-23-24 January 2008

Amman,
Jordan

Venue: Le Royal Hotel Amman

- Draft Agenda-



Objective

The workshop is the first in a series of activities undertaken by the MENA-OECD Investment Programme within the framework of the Work Plan for the Republic of Iraq. The OECD's engagement with Iraq is the result of a request for assistance by the Government of Iraq in the framework of the International Compact for Iraq. Through these requests the OECD aims to offer to the Government of Iraq practical and co-operative assistance in the areas of investment policy and anti-corruption reform.

Meeting Focus

The topics of this workshop reflect the items of priority to the Government of Iraq regarding the definition of an investment environment marketing strategy, the implementation of the investment law, international investment agreements negotiations, and fighting corruption in public procurement.

Participants

The workshop will bring together officials from Iraqi Government and the National Commission for Investment, treaty negotiators from Iraqi agencies involved in international investment agreements, officials from Government and agencies working on public integrity and public procurement legislation, as well as OECD experts.

Documentation

The relevant meeting documents together with a more detailed agenda will be distributed to participants in advance of the meeting. For information about the Programme please visit our website:

www.oecd.org/mena/investment

22-24 January 2008

22nd January – Strategies for Investment Climate Legislation and Image Building

9:00-9:30	Opening remarks
9:30-11:30	Session I: Progress in the Iraqi Investment Environment – Building a Positive Image
	This session builds on the Competitive Marketing Strategy to generate investment designed by the Commission for Investment. It will provide an overview of strategies to communicate the benefits of investment policy reforms and an improving investment environment to the international investor community. The 3 stages of the strategy will be presented and discussed: a) design of a marketing/promotion plan; b) analysis of investment trends to determine Iraq's competitiveness opportunities by sectors and areas of development; c) assessment of the strategy.
11:30-12:00	Coffee Break
12:00-13:00	Session II: Implementing the Investment Law - Regional overview
	The session aims to benchmark the key elements of Law 13/2006 and implementation regulation, which create a stronger legal framework to protect investors in Iraq, local as well as foreigners. against the investment laws developed in other countries of the MENA region. To this end, the new generation of Investment Laws currently emerging in MENA countries participating in the MENA-OECD Investment Programme will be discussed. The session will review recent developments in this area and provide case studies of Investment Law reform projects which can be taken as examples by Iraqi officials.
13:00-14:30	Lunch
14:30-16:00	Session III: Implementing the Investment Law – Focus on Iraq
	This second part will aim to explore in details Investment Law 13/2006 and implementation regulation as well as the Companies Law and the draft Securities Law, to assess their effectiveness for attracting foreign and stimulating local investment. This discussion can provide the basis for developing recommendation as to how to implement and further evolve the current regulatory regime.
16:00 – 17:30	Conclusions

23rd January – International Investment Agreements

9:00 - 10:30	Session I: Basic Concepts and Recent Developments in OECD and MENA countries - BITs, FTAs, WTO Agreements
	<p>This session will focus on basic concepts and recent developments regarding International Investment Agreements in both OECD and MENA countries.</p> <p>Many countries in the region are in the process of negotiating BITs, FTAs including chapters on investment as well as service. The session will provide an overview of the state of play and highlight key benefits and potential implications of these ongoing negotiations.</p>
10:30-11:00	Coffee Break
11:00-13:00	Session II: International Investment Agreements Negotiations –Defining a Strategy for Iraq
	<p>The session will focus in particular on:</p> <ul style="list-style-type: none"> ▪ How to use IIAs for an effective investment promotion strategy for Iraq; ▪ Discuss strategies and define priorities for targeted countries to launch negotiations with; ▪ Improving common understanding amongst Iraqi negotiators of the scope and meaning of core provisions in IIAs in order to enhance consistency and transparency for investors; <p>The discussion will address specific challenges facing Iraqi negotiators (including negotiation capabilities, investor–state dispute settlement procedures, ratification procedures, and new clauses).</p>
13:00-14:30	Lunch
14:30-16:30	Session III: Specific Provisions in IIAs –Challenges for Negotiators
	<p>Focusing on 4 key substantive provisions pertinent to IIAs, the session will aim to show the potential impact of certain provisions on the position of a contracting country or an investor in international arbitration, namely with the International Center for the Settlement of Investment Disputes (ICSID). This exercise should provide guidelines to Iraq treaty negotiators about the potential implications of certain IIA provisions in the case of international dispute arbitration.</p> <ul style="list-style-type: none"> ➤ Definition of Investor/Investment ➤ Regulation of Access ('right to establishment') ➤ Fair and equitable treatment/National Treatment ➤ Indirect Expropriation
16:30 – 17:30	Conclusions

24th January – Enhancing transparency in public procurement procedures

9:00 – 11:00	Session I: Attracting investors with effective procurement framework
	<p>Public procurement is a key economic activity of governments that has a major impact on investment climate. Existing statistics suggest that public procurement accounts, on average, for 15% of Gross Domestic Product worldwide,</p> <p>Public procurement is one of the most vulnerable government activities to bribery and corruption that is a major obstacle for creating a stable and attracting investment environment. Consequently, governments play a strategic role in avoiding mismanagement and waste of public funds by applying international instruments and good practices.</p> <p>The third day of the meeting will focus on challenges and strategies to apply international anti-corruption standards, such as the UN Convention against Corruption, the OECD Convention, and learn from good practices in OECD and MENA countries.</p>
11:00-11:30	Coffee Break
11:30 – 13:00	Session II: Challenges and Risks for Bribery in Public Procurement Promoting Transparency in Iraqi Procurement Procedures:
	<p>The second session will review risks of bribery and corruption in public procurement. These risks may even remain after new regulations/reforms have been established, for example to improve transparency and accountability in public procurement procedures.</p> <p>The purpose of this session is to assist Iraqi officials, in identifying what governments could do in order to improve their ability to prevent and deter bribery and corruption in key stages of public procurement contracts.</p>
13:00-14:30	Lunch
14:30 – 16:00	Session III: Promoting transparency in Iraq procurement procedures
	<p>The last session will share lessons learned in developing strategies and good practices to enhance transparency and accountability in procurement procedures in OECD and MENA countries in order to support the implementation of the Implementing Regulations for Governmental Contracts, associated to the Procurement Law (No. 1/2007) recently promulgated by the Iraqi Ministry of Planning. This session, in particular, will focus on:</p> <ul style="list-style-type: none"> • How to support the implementation of transparency measures of the new law on public procurement in light of international good practice. • The challenges policy-makers and procurement officials face in applying transparency measures of procurement laws.
16:00 – 17:00	Conclusions of the Workshop and steps ahead