



**International Centre for
Settlement of Investment Disputes**



**Organisation for Economic
Co-operation and Development**



**UNITED NATIONS
CONFERENCE
ON TRADE AND
DEVELOPMENT**

SYMPOSIUM CO-ORGANISED BY ICSID, OECD AND UNCTAD

**MAKING THE MOST OF INTERNATIONAL INVESTMENT AGREEMENTS:
A COMMON AGENDA**

***12 December 2005, Paris
Room 1, OECD Headquarters, Paris***

**How do relevant international organisations contribute
to capacity building? The way forward**

***Ms. Anna Joubin-Bret, Senior Legal Advisor and Training and
Technical Assistance Coordinator, International Arrangements Section,
Division on Investment, Technology and Enterprise Development, UNCTAD***

UNCTAD's Work Programme on International Investment Agreements

The work programme on international investment agreements is the UNCTAD focal point for the servicing of the existing multi-layered and multi-faceted international regulatory framework for investment (representing more than 5,000 agreements). It assists developing countries to participate as effectively as possible in international deliberations and negotiations on IIAs. More specifically, the project is aimed at developing a better understanding of issues related to IIAs and investment disputes, exploring the range of problems that needs to be considered, identifying interests and ensuring that the development dimension is understood and adequately addressed. In other words, the objective is to help developing countries attract foreign direct investment (FDI) and benefit from it, so as to be able to integrate into the global economy beneficially and equitably, overcome disparities and ultimately achieve the millennium development goals.

Main activities include:

- policy analysis and development (research work on key and emerging issues and their development dimension, and on innovative policy instruments and concepts),
- information provision and trends analysis (on-line databases, information and discussion network),
- capacity-building (regional training programme for IIA negotiators from developing countries, course on managing investment disputes, facilitation of BITs negotiations, advisory services to developing countries and regional organizations), and

- consensus-building (Experts meetings and panel discussions during UNCTAD's Commission on Investment).

Regional training programmes for IIA negotiators:

Languages of instruction: Arabic, English, French, Spanish and Portuguese.

Regions: Asia and the Pacific, English-speaking Africa, French-speaking Africa, Latin America, Caribbean, Central and Eastern Europe.

- Preparatory distance-learning course: 5 days over 9 weeks
Content: scope and definition; admission and establishment; treatment (fair and equitable treatment, national treatment and most-favoured nation treatment); protection (taking of property and transfer of funds); dispute settlement (investor-State and State-State).
- Intensive face-to-face training session: 8 days
Content: the economic environment of foreign investment: overview of FDI and its effects on development; substantive issues (key IIA provisions and emerging issues); procedural issues relevant to the IIA negotiations; skills training, simulation exercises and negotiation of a comprehensive agreement)

Advanced seminar on managing investment disputes:

Pilot course for Latin American in Washington D.C. in November 2005 organized jointly with the Organization of American States and hosted by the American University Washington College of Law.

Pattern of the course: sharing of experience with in-house teams and outside counsel on various stages of a claim and studying actual cases. It touched both on the substantive but also institutional aspects involved. It is a course with a view to equip especially developing country governments with the necessary capacity to manage investor-to-State disputes and to be able to mobilize the necessary expertise to assist in the proper conduct of such procedures.

We are now working on replicating the programme for other regions and on developing a country-specific programme to answer individual needs of countries.

A key question is how to achieve better efficiency: regional approach or individual country approach.

Another key issue is the cooperation with relevant organizations, more specialized than UNCTAD in dispute settlement (ICSID, ICC, UNCITRAL,...) and link with UNCTAD as focal point for investment agreements.

Implementation TA programme:

Technical assistance activities on the implementation of investment agreements with particular focus on issues of coherence of commitments among various agreements, management of investor-State disputes, clarification and elaboration of future policy positions based on lessons learned.

Reference to the UNCTAD website:

For further information: www.unctad.org/ia