

## THE RTA EXCHANGE DIALOGUE SERIES

A joint initiative of the International Centre for Trade and Sustainable Development (ICTSD) and the Inter-American Development Bank (IDB)

### Ongoing Evolution of Investment Policymaking in RTAs and IIAs

Wednesday 13 June 2018, 10:00-18:00, Hotel Royal, Room Rousseau A, Geneva

#### SESSION OBJECTIVES

The aim of this roundtable is to tap into the wealth of information emerging from recent international investment agreements (IIAs) and regional trade agreements (RTAs), in order to understand how trade and investment concerns are being jointly addressed in order to suit the needs of 21st century patterns of production. The meeting will examine how investment provisions have evolved in recent years, the ways and means through which they are integrated into investment and trade frameworks, and the impact of including such provisions to achieve sustainable development outcomes, whilst facilitating 21st century production patterns.

A select group of representatives from governments, businesses, civil society, international organizations and academia has been convened to participate and exchange views for a fruitful discussion. This exchange aims to contribute to global negotiations and deliver specific ideas for policymakers, both at the regional and multilateral levels.

#### AGENDA

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| 10:00 – 10:15 | <b>Registration</b>  |
| 10:15 – 10:30 | <b>Welcome remarks and strategic considerations</b><br>Ricardo MELÉNDEZ-ORTIZ, Chief Executive, ICTSD<br>Marisol Rodriguez CHATRUC, Economics Specialist, IDB  |
| 10:30 – 11:45 | <b>Session I: International investment policymaking in the 21st century</b><br><i>This session will establish the scope by reviewing the systemic issues of the investment regime, and provide an overview of how different types of investment policies and provisions have evolved in response to these issues, at the regional and international levels.</i><br><br>Speakers<br>Markus WAGNER, Associate Professor of Law, Warwick University<br>Iza LEJARRAGA, Head of Unit, Investment Policy Linkages, OECD<br><br>Discussant<br>Felix IMHOF, Deputy Head of International Investment and Multinational Enterprises Division, Switzerland SECO |

*Your feedback is important to us, please take 5 minutes to answer our questions, please type in your internet browser: <http://bit.ly/RTA180613>*

11:45 – 13:00

**Session II: Comparing key features of investment policymaking- investor protections provisions**

*Analysis of how investment protection provisions have evolved in international trade and investment agreements, and the drivers behind these changes. The implications of the trends for the future of trade and investment systems, and options to address challenges by strengthening coherence, convergence, and interoperability.*

Speaker

Catharine TITI, CNRS-CERSA, University Paris II Panthéon-Assas

Discussants

Stephen DE BOER, Ambassador, Permanent Mission of Canada to the WTO

Felipe HENRIQUEZ, Counsellor, Permanent Mission of Chile to the WTO

13:00 – 14:00

**Lunch**

14:00 – 15:15

**Session III: Comparing key features of investment policymaking- investor obligations, industrial policy and sustainability relevant investment provisions**

*Analysis of how the following features have evolved in international trade and investment agreements, and the drivers behind these changes.*

- *Host state flexibilities and investor obligations provisions (e.g. right to regulate, industrial policy related provisions- including technology transfer and performance requirements)*
- *Sustainability relevant investment provisions (e.g. human rights, labour and environmental law provisions)*

*The implications of the trends for the future of trade and investment systems, and options to address challenges by strengthening coherence, convergence, and interoperability.*

Speakers

Mark FELDMAN, Professor of Law, Peking University- *Investment Obligations and Industrial Policy: Evolution in Treaty Practice*

Mia MIKIC, Director, Asia-Pacific Research and Training Network on Trade (ARTNeT) – *sustainability relevant investment provisions*

Discussant

Ralf van de BEEK, Senior Policy Advisor, Ministry of Foreign Affairs, The Netherlands

15:15 – 16:30

**Session IV: Comparing key features of investment policymaking- ISDS**  
*Analysis of how investor-State dispute settlement mechanisms have evolved in international trade and investment agreements, and the drivers behind these changes. The implications of the trends for the future of trade and investment systems, and options to address challenges by strengthening coherence, convergence, and interoperability.*

**Speakers**

Stephan SCHILL, Professor of International and Economic Law and Governance, University of Amsterdam

Geraldo VIDIGAL, Assistant Professor of International and Economic Law and Governance, University of Amsterdam

**Discussants**

Marc VANHEUKELEN, Permanent Representative of EU to the WTO

Ji-ah PAIK, Permanent Representative of Republic of Korea to the WTO\*

16:30 – 16:45

**Coffee Break**

16:45 – 17:45

**Session V: Promoting new approaches**

*Taking into consideration the day' discussions, what lessons and best practices should be advanced in order to design better agreements at the regional and multilateral levels. What policy options should be prioritised for the purpose of advancing coherence, convergence and interoperability among agreements*

**Speakers**

Karl P. SAUVANT, Resident Senior Fellow, CCSI and Senior Fellow, ICTSD  
Anabel GONZALEZ, Global expert and practitioner on trade and economic development

**Discussants**

Felipe HEES, Minister, Permanent Mission of Brazil to the WTO

Carlos VEJAR, Senior Counsel, Holland & Knight México S.C

17:45 – 18:00

**Ways Forward on Investment and the RTA Exchange**

Ricardo MELÉNDEZ-ORTIZ, Chief Executive, ICTSD

Marisol Rodriguez CHATRUC, Economics Specialist, IDB