



**MENA-OECD
INVESTMENT
PROGRAMME**



Agenda

ENABLING AND SUSTAINING PRIVATE FOREIGN INVESTMENT IN IRAQ

**Training Workshop on
Investor-State Dispute Settlement and the
Development of a Model Investment Treaty**

Organized jointly by the
**Cairo Regional Centre for International
Commercial Arbitration (CRCICA)**
and the
MENA-OECD Investment Programme

26-28 October 2009

**CRCICA Headquarters
Cairo, Egypt**

Rationale and content

Iraq's commitment to developing international trade and attracting foreign investment is evident from its progress in WTO accession, the passing of a favourable investment law and the undertaking of legal and regulatory reforms. Iraq's entry into the world trading system as a major player will require alliances with trading partners, negotiating bilateral trade and investment agreements, and settling disputes that may arise between the Iraqi government and foreign investors. With the proliferation of international investment agreements (IIAs) and the increase in investor-State dispute settlement (ISDS) cases, the Iraqi government needs to build its awareness and capacity on these issues.

The seminar will

- (1) Review ISDS trends, implications, mechanisms and procedures, and also discuss the alternative forms of dispute resolution, and
- (2) Address the development of an initial investment treaty model, based on the Egyptian experience and a check list of key issues. The seminar is the first step toward the elaboration of a full-fledged model investment treaty for the Iraqi government to be used for future negotiations.

Each presentation will include question and answer sessions, and robust discussion is strongly encouraged.

Participants

The workshop will bring together OECD, CRCICA and other experts knowledgeable about IIA and ISDS issues, Iraq's investment climate and its legal and regulatory framework with Iraqi government officials from the National Investment Commission.

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 OECD-MENA Investment Programme, please visit: www.oecd.org/mena/investment
- For information about the Cairo Regional Centre for International Commercial Arbitration (CRCICA), please visit: www.crcica.org.eg/

Monday 26 October 2009 – Investor-State Dispute Settlement

9:00-9:30	<p>Opening Remarks</p> <p>Dr. Nabil Elaraby, Director, Cairo Regional Centre for International Commercial Arbitration</p> <p>Mr. El Sayed Torky, Regional Advisor, MENA-OECD Investment Programme</p>
9:30-10:45	<p>Session 1 – Investor-State Dispute Settlement: trends, recent developments, implications and concerns</p>
9:30-10:45	<p>Trends in International Investment Agreements and Investor-State Dispute Settlement</p> <p>Dr. Marie-Estelle Rey, Policy Analyst, MENA-OECD Investment Programme</p>
10:45-11:15	<p>Coffee Break</p>
11:15-12:30	<p>Implications and Concerns for the Region and for Iraq</p> <p>Dr. Mohamed Abdel Raouf, Deputy Director & Secretary-General, CRCICA</p>
12:30-14:00	<p>Lunch</p>
14:00-16:00	<p>Session 2 (Part 1) – Investor-State Dispute Settlement Mechanisms</p>
	<p>The International Centre for Settlement of Investment Disputes (ICSID)</p> <p>Professor Dr. Ahmed S. El-Kosheri, Senior Partner, Kosheri, Rashed and Riad Law Firm, Cairo, Egypt</p> <p>Reflections on the annulment of ICSID awards under the Washington Convention</p> <p>Dr. Nabil Elaraby, Director, Cairo Regional Centre for International Commercial Arbitration</p>

27 October 2009 – Investor-State Dispute Settlement

9:00-10:30	Session 2 (Part 2) – Investor-State Dispute Settlement Mechanisms
	<p>This section focuses on the following key points:</p> <ul style="list-style-type: none"> • The UNCITRAL Arbitration Rules • The CRCICA experience • The Arab Investment Court • The New York Convention <p>UNCITRAL rules, the CRCICA Experience and the Arab Investment Court Dr. Mohamed Abdel Raouf, Deputy Director & Secretary-General, CRCICA</p> <p>The New York Convention on Recognition and Enforcement of Arbitral Awards Dr. Mohamed Salah Abdel Wahab</p>
10:30-11:00	Coffee Break
11:00-12:30	Session 3 – Alternative Dispute Resolution (ADR) and Investment
	<p>This section focuses on the following key points:</p> <ul style="list-style-type: none"> • ADR and investor-State disputes • The regional initiatives • The Egyptian experience <p>Counsellor Hussein M. Fathy, Vice-President, Egyptian State Law Suit Authority</p> <p>Dr. Mohamed Maher, Advisor to the Director GAFI</p>
12:30-14:00	Lunch
14:00 – 16:00	Session 4 – Investor-State Dispute Settlement: Arbitration Procedures and Institutional Coordination in Practice
	<p>The conduct of an arbitration: Preparation, selection of counsels, institutional coordination Counsellor Sidky Kholousy, President of the Egyptian State Law Suit Authority</p> <p>The conduct of an arbitration: the Egyptian Experience Dr. Karim Hafez, Principal, Hafez-Avocats, Cairo, Egypt,</p> <p>Discussions</p>

28 October 2009 – *A Model Investment Treaty (MIT) as a Policymaking and Negotiation Tool*

9:00-11:00	Session 1 – Model Investment Treaty: The Egyptian Experience
9:00-11:00	<p>This section focuses on the following key points:</p> <ul style="list-style-type: none"> • Presentation of the Egyptian model BIT • Elaboration process • Exchange of experiences <p>Dr. Ibrahim Anany, Advisor to the Director, GAFI</p> <p>– Discussion of the Iraqi experience</p>
11:00-11:30	Coffee Break
11:30-13:00	Session 2 - Model Investment Treaty: Check List of Issues for Preparation Phase
	<p>This section focuses on the following key points:</p> <ul style="list-style-type: none"> • Different approaches (BIT, FTA, regional investment treaty) • Treaty provisions (definition, admission, treatment, exceptions and exclusions, expropriation, protection against emergency situations, transfer of funds, umbrella clause, dispute settlement [State-State and investor-State], promotion, implementation, duration and revision): questions to be addressed <p>Existing Iraq International Investment Commitments and Current Negotiations Iraq National Investment Commission (TBC)</p> <p>Types of Treaties and Check List of Issues for the Preparation of a Model BIT Dr. Marie-Estelle Rey, Policy Analyst, MENA-OECD Investment Programme</p>
13:00-14:30	Lunch
14:30-16:30	Session 3 – Model Investment Treaty: The Way Forward
	<p>This section focuses on the following key points:</p> <ul style="list-style-type: none"> • Next steps • Institutional coordination • Open discussions
16:00-16:30	Closing

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