



CURRENT TRENDS IN BILATERAL INVESTMENT TREATIES, INVESTMENT CODES AND ARBITRATION IN AFRICA—ARUSHA, TANZANIA, 22-26 JUNE 2020

GENERAL INFORMATION

The Current Trends in Bilateral Investment Treaties, Investment Codes and Arbitration in Africa is an in-depth seminar organized by the African Institute of International Law (AIIL) in close cooperation with the Kingdom of The Netherlands and African Export–Import Bank (AFREXIMBANK) on intricate legal, technical and practical aspects that relate to the investment regime(s) on the African continent, to be held in Arusha, Tanzania, from 22 to 26 June 2020, tutored by renowned experts and international practitioners with lengthy experiences in investment and arbitration matters.

In Africa, many view BITs as unilaterally in favor of investors, and as a tool that impedes State powers to enact strong social and environmental policies. Many countries on this continent are rethinking their foreign investment regulations to ensure that they benefit their people. Some have already adopted new laws that profoundly change the regulatory landscape for natural resources.

These countries have the political and legal objectives of promoting sustainable investment for the benefit of local populations. Moreover, we are unquestionably at the heart of a complex and politically sensitive reform process that is reviving the eternal question of natural resources. In the era of BITs, what will be its impact on the aspirations of African countries for regulatory reform, and how can governments best ensure that their BIT networks do not hinder these much needed reforms? This seminar will discuss these issues with the aim of opening a platform for participants to exchange ideas on how to rethink the BIT regimes of their States, particularly in the context of their effects on the States' regulatory space.

We are therefore in a transition to more sustainable policies. This move requires the development and consideration of a range of factors including the development of skills needed for drafting, negotiation and interpretation of bilateral investment treaties as well as investor-State dispute settlement. Considering the peculiarity of many BITs allowing for an alternative dispute resolution mechanism whereby an investor whose rights under the BIT have been violated could resort to international arbitration rather than sue the host State before its own courts, and the fact that, chosen for its confidentiality and criticized for its opacity, arbitration as a means of resolving investment disputes between investors and States continues to fuel the debate, a substantial amount of time will be dedicated to current trends and perspectives on arbitration in Africa.

OBJECTIVES

The overall objective of this training program is to provide a platform for participants to exchange ideas on how to rethink the BIT regimes of their States, particularly in the context of their effects on the States' regulatory space. In order to understand what went wrong in Africa, particular focus will be on the drafting, negotiation and interpretation of bilateral investment treaties. The participants will also be taught how to resolve and assist external counsel in resolving disputes arising from these agreements, including the valuation of damages and the enforcement of arbitral awards. The training will provide participants with the basics of investment treaties and customary law, contracts and regulation and advanced instruction on how and when investors are likely to initiate arbitration proceedings against nations that violate investment agreements. In doing so, this training session will:

1. Provide a systematic treatment of the main economic and legal questions related to foreign investment in general, and specifically in Africa.
2. Focus on the practice of States generally, and African States more specifically, in drafting and negotiating investment-related instruments (investment treaties and investment contracts) and in managing and adjudicating investment-related disputes;
3. Pay particular attention to the implications of often far-reaching yet controversial provisions which are commonly found in investment treaties (such as umbrella or most favoured nation treatment clauses), or in investment contracts (such as stabilization, arbitration or renegotiating clauses).
4. Instruct participants on how and when to initiate arbitration proceedings in the event of a breach of these agreements and the assessment of the resulting damage.

FUNDING

The International Law Seminar is subject to funding by the Dutch Government and African Export-Import Bank (AFREXIMBANK).

COURSE CONTENT

The five-day seminar will include lectures on following subjects: The Challenges of Foreign Investments in Africa, Introduction and General Principles of Foreign Investment, The Current Regulation and Legal Framework of Foreign Investment, Investment Agreements, Investment Contracts, Investment Arbitration, Current Trends in Commercial and Investment Arbitration and Perspectives on topical foreign direct investment issues, Foreign Investment in the Extractive Industry Sector in Africa, The New Dutch Model BIT.

METHODOLOGY AND TRAINING MATERIAL

The training course will be conducted in the form of interactive seminars and discussions to allow a maximum exchange of views. A comprehensive set of training materials would be provided for each participant at the beginning of the training course. Certificates will be awarded to those participants who will have completed the training seminar in its entirety.

INTENDED AUDIENCE

The seminar is open to government officials, practitioners and academics involved in investment matters from African countries. To qualify for this seminar, candidates must have a legal background with professional experience in the field of international investment law. The training seminar will accommodate up to 30 participants.

APPLICATION REQUIREMENTS

Applicants are invited to submit a motivation letter, their curriculum vitae, copy of their academic certificate(s), proof of English fluency and a recommendation from their employer.

SELECTION PROCESS

When selecting participants for the seminar, due consideration will be given to the candidates' qualifications, the scope of their professional duties, the relevance of the training to their professional duties as well as geographic and gender balance of the participants. Applications from female candidates are encouraged.

Qualified candidates who are interested in participating in the seminar need to submit their application by email to: programs@aail-iasi.org no later than **Thursday, 30 April 2020**.

VENUE AND COURSE LANGUAGE

The seminar will be held at the Arusha Corridor Springs Hotel from 22 to 26 June 2020. It will be conducted in English. Fluency in spoken and written English is required. Applicants whose mother tongue or language of instruction is not English are required to submit proof of their language abilities.

FINANCIAL ARRANGEMENTS AND ACCOMMODATION

Priority will be given to applicants who are self-funded or sponsored by their employer to cover travel, accommodation and meals throughout the week.

Participants with special financial needs can request funding to cover part of their travel, accommodation and meal costs throughout the week. However, applicants should be aware that the availability of such funding is extremely limited.

Reservations for accommodation can be made on request. Lunch, two coffees/teas and snacks, as well as training materials will be provided to all participants.

APPLICATION DEADLINE: Thursday, 30 April 2020

Incomplete applications and applications received after the deadline will not be considered.

ADDITIONAL INFORMATION

Additional information is available at: <http://www.aiil-iasi.org>