

Invitation Public Panel

Governance of Foreign Investment: Exploring the Implications for Human Rights

A panel discussion organized by the Friedrich Ebert Stiftung (FES)

Despite the collapse of several high-profile bids to create a multilateral agreement on investment, legal protections for foreign investors are hardly in short supply. Apart from any protection foreign investors will have under the laws of their host country; they may enjoy *international* protection under one of 2000 bilateral investment protection treaties.

Concerns arise as to the impact of these international investment treaties upon the promotion and protection of human rights in the host territories, particularly in developing countries. Investment treaties are typically conceived for narrow objectives – such as investor protection – without adequate consideration for the many social externalities which may flow from foreign investment activity, including in relation to human rights.

These treaties impose few responsibilities upon foreign investors, and the protections offered in such treaties may be used by investors in an effort to challenge or undermine human rights-inspired policies taken by governments.

Additionally, private investment agreements or contracts signed by investors with host states represent another significant layer of investor protection, which may interact with, and supplement protections found in international treaties. In at least some cases, these private agreements can limit the host government's ability to protect human rights from interference by the investor and may limit domestic accountability of foreign investors.

With this lop-sided playing field, some efforts are under way to strike a better balance between investor rights and responsibilities.

- A UN body of experts has drafted a series of norms for the responsibility of trans-national corporations, and these norms have occasioned much debate and discussion amongst business, governments and non-governmental actors.
- Proposals have been put forward by the **International Institute for Sustainable Development (IISD)**, a Canadian non-governmental research institute, for a multilateral agreement on investment which seeks a new balance between investor rights, investor responsibilities, and host government policy space.

The afternoon's panel discussion will explore some of the ways in which investment agreements may impact upon human rights, as well as some proposals for reconciling the goal of investor protection with the promotion and protection of human rights.

The event will also mark the publication of a new briefing paper in the FES's Dialogue on Globalization series: "The Global Governance of Foreign Direct Investment: Madly Off in All Directions", By Luke Eric Peterson.

Agenda

Thursday, September 22, 2005, 14:00 to 17:00 hours

Venue: The World Meteorological Organization (WMO), **Room B**
7bis, avenue de la Paix, Geneva, Switzerland

14:00 Erfried Adam, Director, Friederich Ebert Stiftung Geneva
Welcome

Luke Eric Peterson, IISD - Introduction and overview of human rights and investor protection

Andrea Shemberg, Legal Advisor, Amnesty International UK – investor-state contracts and human rights impacts

Mahnaz Malik – Legal Advisor, IISD - A more balanced Multilateral Investment Framework?

15:30 Coffee Break

16:00 Simon Walker, Office of the UN High Commissioner for Human Rights – Proposed UN Norms on the Responsibility of Trans-National Corporations

Prof. Maurice Mendelson QC, Blackstone Chambers; Professor of International Law Emeritus, University of London – Commentary on contracts, treaties and norms (**invited**)

General Discussion

Mark Halle, Director of Trade and Investment and European Representative, IISD
Closing remarks