Harnessing Investment for Sustainable Development
Through Public–Private Partnerships (PPPs) in Infrastructure and Public Services:
The legal dimension

Joint IISD–UNCTAD workshop
InterContinental Nairobi – Nairobi, Kenya – February 6, 2018

TRAINING MATERIAL

THE CONTRACTUAL DIMENSION

  - Pages 40–41: excerpt of article on Material Adverse Government Action
  - Pages 54–56: excerpt of article on Protection Against All Changes in Law

Participants were asked to assume that each table was a negotiating team of government officials and that the investor submitted a draft contract including those two clauses. Participants were then asked to take position vis-à-vis the investor and explain what was acceptable to the government and what was not. In a second phase, they were asked to outline counterproposals.

- Presentation slides “Contracts for Sustainable Infrastructure: Ensuring the economic, social and environmental co-benefits of infrastructure investment projects,” by Martin Dietrich Brauch (IISD)

THE INTERNATIONAL INVESTMENT LAW DIMENSION

- Presentation slides “Relevance of IIA clauses for Public Private Partnerships (PPPs),” by Elisabeth Tuerk (UNCTAD)
- Presentation slides “Customizing UNCTAD IIA and ISDS Navigators,” by Elisabeth Tuerk (UNCTAD)
- Presentation slides “Sustainable Development in Infrastructure and Investment Treaties,” by Jonathan Bonnitcha (IISD)