

Dutch NGO's call for termination of investment treaty with Burkina Faso

Wednesday 27 June 2018, by [ILGE Burghard](#) (Date first published: 19 June 2018).

Today, Both ENDS sent a letter, signed by various civil society organisations, to Sigrid Kaag (Dutch Minister of Aid & Trade) reminding her of an important deadline and to urge her to terminate the Bilateral Investment Treaty (BIT) that exists between the Netherlands and Burkina Faso. The treaty, which can be very harmful for a poor country such as Burkina Faso, will automatically be renewed for the next 15 years if it is not terminated before July 1st this year.

ISDS 'dead and buried'

The last 15 years it was not possible to terminate the treaty, which contains the highly controversial Investor-to-State-Dispute-Settlement mechanism (ISDS). Last year, the former minister publicly declared ISDS 'dead and buried', so now would be the moment to act.

Sunset-clause

Missing the deadline of 1 July 2018 will mean that the treaty cannot be terminated during the next fifteen years. An additional fifteen year 'sunset-clause' in the current BIT would mean that even when the treaty is terminated, investments made before the termination, still fall under the rules of the treaty. This way, investors would have the possibility to lodge ISDS charges against Burkina Faso and the Netherlands until 31 December 2049.

Read the full letter (PDF):

http://www.bilaterals.org/IMG/pdf/180619_minister_kaag_letter_bit_burkina_faso_fr_final.pdf">

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