

**FINAL IN-DEPTH EVALUATION:  
UNCTAD WORK PROGRAMME ON CAPACITY BUILDING IN  
DEVELOPING COUNTRIES ON ISSUES IN INTERNATIONAL  
INVESTMENT AGREEMENTS \***

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*Abstract*

This project aims to help developing countries and countries with economies in transition participate effectively in discussions and negotiations on International Investment Agreements (IIAs). The evaluation found that the project was cost effective, and compares positively with similar programmes conducted by other public and private organisations. The evaluators noted that the overall impact of the project has been positive, but called for strengthened dissemination efforts with regard to project activities and training materials. They recommended that training materials be continuously updated to reflect the changing nature and increased sophistication of investment agreements.

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## Trust fund project on “Capacity-building in developing countries on issues in international investment agreements”

### In-depth impact evaluation

#### I. Introduction

The project "Capacity Building in Developing Countries on issues relating to International Investment Agreements" has been executed by UNCTAD since November 2000 with a duration span of five years. The aim of the project was to help developing countries and economies in transition to participate as effectively as possible in discussions on, and negotiations of international investment agreements, through training and technical assistance (annex 1).

The project document was amended in December 2001 to reflect the Declaration of the Fourth Ministerial Conference of the World Trade Organization (WTO) in Doha in November 2001. The new trust fund project document realigned the activities undertaken, shifting the emphasis away from civil society engagement towards supporting the intergovernmental awareness- and consensus-building processes in Geneva and in the regions, while still stressing the primacy of training and capacity-building (annex 2). This amendment was agreed to by all donors to the original trust fund and therefore forms the basis for the final in-depth evaluation.<sup>1</sup>

The original trust fund project document provided for an independent evaluation to be implemented through UNCTAD's Programme Planning and Assessment Unit (PPAU). This evaluation was to encompass a mid-term evaluation of the projects' output quality and efficiency and an in-depth final evaluation that was to concentrate on the project's impact in terms of achieving its set-out objectives (annex 1).<sup>2</sup> The mid-term evaluation took place from September to December 2002 (available at the UNCTAD web-site).<sup>3</sup>

With regard to the in-depth evaluation, the trust fund project document specified that the *"evaluation will measure the impact of this project through various qualitative and quantitative benchmarks"* and *"assess both directly and indirectly the capacity built among policy-makers and negotiators from developing countries and economies in transition to participate as effectively as possible in discussions and negotiations of IIAs, as well as the degree to which this enhanced capacity has had (or is having) an impact"*.

The present report provides for this impact evaluation. After setting out the evaluation's methodology and the activities undertaken in its pursuit, the report presents the findings of the assessments of the projects impact in connection with the developed evaluation indicators and the original logical framework for the project. These findings are then brought to bear on the overall impact assessment in comparison with similar programmes aimed at capacity-building of like services providers. The report concludes with an overall assessment of the programmes' impact and recommendations in terms of lessons learned and possible follow-up actions, as they emanated from this evaluation.

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<sup>1</sup> France, Sweden, Switzerland and the United Kingdom indicated their agreement to the changes in the trust fund document in writing. The Netherlands opted for closing its past contribution with a separate final report on the use of its funds and considered its new contributions to this activity as a new undertaking.

<sup>2</sup> "[...] (ii) an in-depth final evaluation that will take place in year four of the project and last until its conclusion. The focus of this in-depth evaluation will be on the results and impact of the programme assessed against the indicative benchmarks below, as well as those redefined taking into account the findings of the mid-term evaluation and the experience gained over the course of the project. The in-depth evaluation, which will use a participatory approach, will be undertaken by an evaluation team composed of a professional evaluator (preferably the consultant who undertook the mid-term evaluation) and two additional experts from Geneva-based delegations familiar with UNCTAD's work in this area that will also provide the perspective of both donors and beneficiary countries." (UNCTAD/ITE/IIT/DOC/2000/1/Rev.4 paragraph 16)

<sup>3</sup> At [http://www.unctad.org/sections/dite\\_pcbb/docs/dite\\_pcbb\\_ias0009\\_en.pdf](http://www.unctad.org/sections/dite_pcbb/docs/dite_pcbb_ias0009_en.pdf).

Following its terms of reference, this evaluation does not deal with aspects of quality and effectiveness of programme delivery. These were dealt with in the mid-term evaluation of spring 2003. Suffice to say that the mid-term evaluator commended the secretariat on its speedy and accurate implementation of mid-term evaluation recommendations in this regard (annex 3).

## II. Methodology

In order to assess the qualitative impact of this project, a reflexive comparison methodology was used, whereby the direct beneficiaries of the project were asked to assess its impact on their capacities.<sup>4</sup> To account for the shortfalls of this approach – e.g. the subjective nature of "self-evaluations" and the inability to account for external factors – this evaluation developed and used three additional assessment tools: (1) a reflexive comparison of the indirect beneficiary (in this case, negotiation counterparts of non-intervention countries and negotiation services providers), (2) a comparative quality impact assessment of intervention tools, and (3) a comparison with like evaluations of similar programmes and/or projects. Finally, the overall assessment was compared to similar public and/or private sector programmes.

Specifically, this evaluation encompassed eight distinct assessment elements, as follows:

- *A post-facto questionnaire for all participants in past training and technical assistance events*

For efficiency purposes, the evaluation concentrated this aspect on the intensive training courses and the national seminars organized within the framework of this programme. This limitation takes into account that these two programme dimensions are the most relevant for its capacity building aspects; i.e. both elements focussed on building capacity amongst their direct beneficiaries (namely government officials selected by their respective governments to participate in discussions and/or negotiations of IIAs). Regional seminars served a consensus building function that to a large extent overshadowed their capacity building virtue. Therefore, they need not be assessed from their capacity building value. The BIT negotiation facilitation events carry their capacity building value within their results. These results are already available.

In as far as the training courses are concerned, a total of 365 questionnaires were mailed to the participants of 16 training courses (in English, French and Spanish, respectively) on 10 February 2005. This was followed up with a second mailing on 5 April 2005. At the time of finalization of this report (12 July 2005), 124 replies and 14 responses through bilateral interviews had been received (for a return rate of 39 per cent). This return rate exceeds the range of return rates achieved in similar undertakings, but does not compare favourably with the return rate achieved in the earlier post-facto questionnaire of the mid-term evaluation. However, if put in relation with the responses given in the immediate TACB questionnaires (see Mid-term evaluation) and the responses to the post-facto questionnaire applied in the Mid-term evaluation, it does not necessarily indicate a negative finding, given that effectiveness and usefulness ratios in these two soundings were overwhelmingly positive. Rather, it constitutes a neutral finding that could be brought to bear both negatively and positively on the evaluation findings.

In as far as the national seminars are concerned, Geneva missions were contacted to provide feedback on their country's assessment of the impact of this activity. Geneva missions were selected as the most appropriate channel of obtaining relevant feedback information. Twelve missions of the countries that benefited from this activity were contacted with questionnaires (in English, French and Spanish, respectively) on 14 February 2005. This was followed by a second mailing on 5 April 2005 and phone follow-ups over the month of May 2005. As of the time of finalization of this report (12 July 2005), 7 replies had been received (for a return rate of 58 per cent). While this constitutes a favourable rate of return, the overall small size of the sample diminishes its assessment value.

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<sup>4</sup> See conceptual note dated 5 January 2005.

- *Bilateral interviews with programme participants (in situ)*

For the reasons outlined above it was deemed necessary to concentrate this element on participants in the intensive training courses. However, a number of interview partners also participated in other programme activities, namely BITs facilitation rounds, regional seminars and ad-hoc technical assistance events. Over two field missions (to Africa in March/April 2005 and Asia in May/June 2005), 17 participants were interviewed (3 in Mauritius, 2 in Botswana, 4 in Zambia during the COMESA CCIA discussions (one each from Congo, Egypt, Uganda and Zambia); 2 in the Philippines, 4 in Thailand; and 4 in Malaysia). Interviews were conducted on the basis of a standardized questionnaire.

- *An assessment of the programme's capacity-building impact on the basis of bilateral interviews with negotiation counterparts*

Negotiating counterparts were identified in Belgium, Canada, Finland, the Netherlands, Sweden, Switzerland, the United Kingdom and the United States. Two field missions were undertaken (Sweden and Finland in April 2005 and United Kingdom, United States and Canada in May 2005), and other negotiators were contacted by telephone and/or electronic means. Interviews were conducted on the basis of a standardized questionnaire.

- *An assessment of the programme's capacity-building impact on the basis of bilateral interviews with negotiation services providers from international organizations*

Negotiation services providers were identified in the COMESA and OAS secretariats. A mission (see above) and phone interviews were conducted, and the evaluator participated in the COMESA CCIA discussions held on 22 and 23 March 2005. Interviews were conducted on the basis of a standardized questionnaire. The OAS Secretariat did not respond to the inquiries of the evaluation team.

- *A quantified impact assessment of the intervention tools*

This assessment looked at the number of (1) Internet downloads for the *IJA Issues Paper series*, the *International Investment Instruments Compendium*, the *WIR03* and the BITs database; (2) academic citations for these publications (including web-statistics); (3) independent peer review articles for these publications, academic use and media feedback; (4) feedback received by conventional means; and (5) sales for these publications

- *An impact assessment of other project-related outputs*

This assessment element concentrated on feedback received with regard to the programme's impact on the discussions in the WGTL.

- *A comparison of evaluation results with impact evaluations of similar programmes*

An attempt was made to also identify evaluations of similar programmes of other international organizations that were of a capacity-building nature. Only one other evaluation could be identified that dealt with this subject (namely the project's predecessor work programme on a possible multilateral framework on investment). The same evaluation also concerned UNCTAD's competition work programme.

- *A cost-benefit analysis of the input-output ratios for this programme as compared to similar programmes of other providers of similar services*

The final assessment of project impact efficiency was based on a comparison of input-output ratios of this programme with the input-output ratios of three other services providers. In addition, one of the programme outputs (i.e. the BITs concluded during the negotiation facilitation events) was put into relation with cost estimates obtained from negotiation counterparts and related information.

The assessment tools applied in all 8 evaluation elements were designed to allow for answering the following questions:

- Did the programme achieve its intended goal?
- Can changes in outcomes be explained by the programme, or are they the result of some other factors occurring simultaneously?
- Did programme impacts vary across different groups of intended beneficiaries, regions, and over time?
- Were there any unintended effects of the programme, either positive or negative?
- How effective was the programme in comparison with alternative interventions?
- Was the programme worth its costs?

The in-depth evaluation was undertaken by an independent evaluation team, composed of three members familiar with UNCTAD's work in this area. The team was composed of Olof Karsegard (Sweden) and two experts who brought in the perspectives of the donor and beneficiary communities, namely Hubert Blom, First Secretary, Permanent Mission of the Netherlands in Geneva, and Pedro Bravo, Counsellor, Embassy of Peru in Brussels (former Counsellor, Permanent Mission of Peru in Geneva).

### III. Activities undertaken from 2000 to 2005

Project activities within the three programmed output dimensions of policy analysis and development, human resources capacity-building and institutional capacity-building consisted of the following elements:

- In the case of *policy analysis and development*, the preparation and translation of the IIA papers series, the preparation of other relevant background materials (i.e. the *Compendium* on IIAs), the undertaking of a number of policy research and analysis papers on key issues of interest to developing countries in the post-Doha discussion of investment issues, in particular the *World Investment Report 2003: FDI Policies for Development: National and International Perspectives*, and the organization and implementation of regional seminars for decision-makers from capitals to exchange experiences and views with regard to post-Doha investment issues.
- In the case of *human resources capacity-building*, the organization and implementation of regional intensive training courses for negotiators on issues in IIAs, workshops on post-Doha investment issues for Geneva-based delegates, and BIT negotiation facilitation events.
- In the case of *institutional capacity-building*, the organization and implementation of national seminars on post-Doha investment issues, participation and provision of substantive backstopping services in response to ad-hoc technical assistance requests, and participation and provision of substantive inputs to civil society engagement events.

Since the project's inception, a total number of 87 operational activities have been undertaken (annex 4). In all, 162 economies participated in, and benefited from, these operational activities (annex 5). These included 122 developing economies (43 least developed countries, 27 landlocked developing countries and 31 small island developing States), 19 countries from Central and Eastern Europe and the CIS, and 21 developed economies. Of these, 108 countries were direct beneficiaries of the intensive training courses; 60 benefited from the BITs facilitation events; 82 participated in the Geneva workshops; 131 participated in the regional seminars; and 19 benefited from national seminars. 410 (including 157 women) individuals participated in the intensive training courses; 349 in regional seminars; 105 in Geneva-based seminars; 234 negotiators in the BITs facilitation events; 34 accredited officials in the BIT signing ceremonies; 473 in national seminars; 253 in civil society engagement events; and an average of 208 individuals benefited from ad-hoc technical assistance missions. In total, participation in the 87 operational activities exceeded 2,000 individuals (2,066). The negotiation facilitation activity resulted in the conclusion of 160 BITs.

## IV. Evaluation findings

### A. Participants' assessment

#### 1. Training courses

As indicated above, participants in intensive training courses were contacted with a questionnaire. 138 participants (out of a total of 365; response rate 39 per cent) responded to the questionnaire (14 of which were interviewed in one of the various field missions).

In light of these responses, it appears that the training courses contributed to increasing the knowledge base of individual beneficiaries on the topics discussed. Indeed, 100 per cent of the respondents indicated that the content of the training has been appreciated and that they did indeed acquire knowledge on IIAs during the training. All respondents indicated that the courses increased their understanding of the issues at hand.

This overwhelmingly positive response is backed up by responses to individual training event questionnaires and the post-facto questionnaires of the Mid-term evaluation that indicate high ratings of usefulness and training efficiency, as well as competence and effectiveness of the resource persons and training material.

Almost all respondents (98 per cent) confirmed the relevance of the training courses for their daily work. Knowledge gained from the training and the training materials (particularly the technical papers) has been applied in actual negotiations and/or preparations thereof, the drafting of texts of IIAs, model BITs, in arbitrations and in preparing official statements and speeches (several respondents mentioned that the training helped in the respective countries preparations for Cancun). In this context, mentioning was also made that the intellectual input provided by the training was crucial for the result of these negotiations. In addition, particular mentioning was made of the knowledge gained being used as trainer of resource persons, in the drafting and negotiation of a reservations list for the FTA between Uruguay and Mexico; and in establishing an investment promotion agency in Chad. Participation in the training course also enabled a participant to influence the country's legal regime in terms of avoiding future arbitrations ("most valuable").

In addition, the gaining of an understanding of the complexity of bargaining and trade-offs for mutual benefit was mentioned as one of the major benefits. The courses also contributed to enhanced confidence amongst recipients to negotiate IIAs with other countries. Indications were made that colleagues of TA recipients have also used the TA material (including the technical papers) in their daily work, including in as far as training, and dissemination is concerned. Participation in the training courses provided important ingredients for the promotion of several participants (including in one case to the position of chief BIT negotiator).

More than four-fifths of respondents (85 per cent) indicated that they processed the knowledge gained in discussions and/or negotiations of investment treaties and that the knowledge acquired was put into draft investment agreements, both general drafts of models, as well as actual texts of agreements between both developed and developing country counterparts. Specifically, mentioning was made of the following:

- In BITs negotiations between Canada and Morocco;
- In negotiations between Chad and South Africa;
- In negotiations between Chile and the Republic of Korea, Singapore and New Zealand;
- In negotiations between China and Sweden;
- In negotiations of Colombia with several other countries;
- In negotiations between Congo (Democratic Republic of) with Poland and Bosnia and Herzegovina;



- In the bilateral Cuba-Kuwait and Cuba-Belgium negotiations;
- In Ethiopia BITs with Austria, Germany, Finland, Bosnia & Herzegovina, France and Libya;
- In negotiations between Gabon and South Africa;
- In BITs negotiations involving Ghana and Gabon, and Ghana and Sweden;
- In ongoing negotiations between Laos and Cambodia and Russia, respectively;
- In negotiations of Mauritania BITs with Gambia, Italy and China;
- In BIT negotiations between Mozambique and Germany, Denmark, Finland, France and the United Kingdom;
- In 5 BIT negotiations [concluded] and 3 ongoing negotiations; in US/SACU negotiations and Namibia/China BIT negotiations;
- In (concluded) BIT negotiations between Tanzania and Mauritius and Zimbabwe and in ongoing BITs negotiations between Tanzania with Malawi, OPEC Fund, Canada, the Russian Federation, Belgium/Luxembourg Economic Union, Macedonia, China, and Oman;
- In three BIT negotiations by Uganda;
- In negotiations between Uruguay and Mexico and the United States, respectively;
- In the COMESA CCA negotiations [several times mentioned];
- In the EAC Customs Union protocol negotiations;
- In the FTAA negotiations;
- In the MERCOSUR negotiations;
- In the SAFTA negotiations;
- In UEMOA discussions;
- In the CARICOM/Haiti discussions;
- In the revision of the country's model BIT;
- In the drafting of a model BIT;
- In the review of a proposed treaties;
- In the mediation of an investment dispute;
- In negotiations of a Romanian natural gas contract with a French company.

Respondents also confirmed that the results of these training events did have a positive impact on the adjustment of international investment policy and legislation in their country. 91 per cent of respondents considered the training to have had an impact on the quality of the country's participation in discussions and/or negotiations of investment agreements. This score would be even higher if several "No" answers would be scored as a "Yes" answer, taking into account that these respondents assumed not to be in a position to answer this question positively although they were involved in the negotiations but did not actually negotiate.

Three-quarters of respondents (76 per cent) indicated that they are still working in the same line of duty. One "No" answer corresponded to a change in primary government assignment, but not in line responsibility for negotiations input. One "No" answer was indicative of a lower rank within the government hierarchy, but in the sense of the question did not indicate an actual change in line competency. Another "No" answer involves only a "change" in line responsibilities but not a change in involvement of participant in actual international policy making on investment. Finally, the above ratio also includes one "No" answer from a participant that had ticked of the yes but in his explanations indicated that his work has changed considerably. In all, the high score of course participants still working in the same line of duty indicates that the selection process used for course participation has worked well, contributing to the sustainability of capacity building in this regard.

Apart from the general acknowledgement of the high quality and usefulness of the courses and the need to continue (and further develop) this activity, participants also pointed to the networking quality of the courses that would also include academia and civil society. In this context, specific mentioning was also made of the UN network of IIA experts. In terms of future orientation, several comments called for more practical application and simulation, more weight on FTAs, more attention to arbitration procedures and the impact of IIAs on national investment regimes and FDI flows.

In all, the responses of this post-facto questionnaire indicate a strong direct and sustained impact of the training activities on the capacity of the participants to engage themselves effectively in discussions and/or negotiations at the bilateral and regional level.

### *2. National seminars*

As indicated above, Geneva missions of 12 member countries that benefited from national seminars were contacted with a questionnaire. Seven responses were received by the time of writing of this report.

In light of these responses, it appears that the national seminars contributed to more knowledge of the officials participating in these seminars (100 per cent) and that the knowledge gained during the seminars has actually been applied in the daily activities of these officials (100 per cent). Four-fifth (80 per cent) of respondents indicated that the knowledge gained in these seminars has been used in negotiating investment agreements. Negotiation of a Comprehensive Economic Partnership Agreement between Sri Lanka and India, EU - MERCOSUR discussions and the US - Morocco negotiations were cited as examples. One respondent country did not engage in international discussions and/or negotiations on IIAs. However, all respondents considered the national seminars to have had a positive impact on their country's negotiation teams, and all respondents that reported engagement in IIA discussions and/or negotiations considered their country's participation in these have improved as a result of this activity

In sum, these responses indicate a positive impact of the national seminars on the capacity of the recipient countries to engage themselves effectively in discussions and/or negotiations of IIAs.

### *3. BIT facilitation events*

BIT negotiation facilitation events have not been evaluated through direct participant evaluation in the form of questionnaires and/or interviews. However, the evaluator participated in some of the activities of the BITs round for LDCs in early November 2002 and received some feedback on the usefulness of this activity in the bilateral interviews with Geneva delegations. In addition, some of the training course participants that were interviewed had been exposed to the facilitation events. Finally, the secretariat received some written feedback on this activity.

On the basis of this material it appears that this activity has been a full success both in terms of the numeric achievement of 160 BITs that resulted from the 9 rounds and in terms of the hands-on training and negotiation experience aspects highlighted in the trust fund project document.<sup>5</sup> The latter is underlined by the fact that some 234 negotiators were exposed to this activity and that some 25 per cent of the developing country participants came at their own cost. The human resources capacity-building and network-building quality of these events has also been highlighted by several Geneva delegates in bilateral interviews, and is apparent from some of the written communication received by the secretariat. In particular the networking quality has been stressed on numerous occasions.

## **B. Negotiation counterparts' assessment**

Negotiation counterparts were identified in 8 developed countries, and 11 respondents from 8 countries provided their insights into the possible impact of this work programme. All of the respondents had extensive exposure to discussions and/or negotiations of IIAs with developing and developed countries, both in a bilateral and a regional/multilateral context. Among the developing countries counterparts specifically mentioned were Algeria, Congo (Democratic Republic of), Chile, China, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Ghana, Guatemala, Honduras, India, Mauritius, Morocco, Nicaragua, Nigeria, Oman, Panama, Pakistan, Peru, Singapore, South Africa, Thailand, Uganda, United Arab Emirates and Uruguay. Among the regional initiatives mentioned were

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<sup>5</sup> In as far as the numeric achievements are concerned, it should be noted that apparently several BITs negotiated at these events could not be concluded.

the meetings of the OECD Investment Commission (formerly the OECD International Investment & Multinational Enterprises Commission) and the FTAA process. At the multilateral level, the WGTI was referred to several times.

Within these activities, 7 respondents noted a change in the developing country counterpart's participation in these discussions/negotiations, both in as far as increased sophistication and knowledge is concerned. Six of these respondents labelled the change positive (with one of them labelling the change over time as immense); and one respondent among these observed a more cautious attitude towards IIA negotiations among his developing country counterparts (on grounds of the resulting exposure to investment arbitration). One respondent pointed to a mixed experience at the bilateral level, but an enormous difference in the discussions of the WGTI. This respondent also noted that some of the bilateral negotiation counterparts were not aware of the project. Three respondents could not pinpoint a change in quality on the side of their counterparts due to their limited time exposure to these negotiations.

All respondents were familiar with UNCTAD's work programme in this area and with UNCTAD materials produced within its realm (one respondent did not answer the question concerning UNCTAD's materials), pointing to the high quality of this material and its usefulness as reference material for developed and developing countries alike. ("The IIA series provides excellent information on the sorts of issues expected to be confronted in negotiations; very good quality".)

Eight of the respondents considered that this work programme has had an impact on the quality of the counterpart's involvement in discussions and/or negotiations on international investment agreements (bilateral or regional). Seven of these respondents considered this change to be positive, and one assessed it negatively (in terms of contributing to a more cautious attitude towards IIA negotiations). Among the eight respondents, two indicated that they have no doubt that UNCTAD's work played a crucial role in the development of increased sophistication of developing countries with respect to the negotiation of IIAs; and one respondent observed this change in some but not in other negotiations. Four of these eight respondents considered the programme to constitute only but one element among others (e.g. outside counsel, experience gained in negotiations with other countries) that contributed to an increase in their counterparts' sophistication and knowledge. Anecdotal discussions with negotiating partners revealed familiarity with IIA series, and evidence that negotiators had studied IIA series. One respondent has not been exposed enough to negotiations with developing countries to clearly observe a difference that could be due to UNCTAD's involvement, one respondent could not answer this question with certainty, as it was not known to this respondent precisely which negotiating partners had utilized UNCTAD resources, and one respondent did not answer this question.

Five respondents considered the training/publications/electronic tools to have an impact on the quality of their counterpart's implementation of international obligations arising out of IIAs (one with certainty, four most probable). For two respondents, this question was too early to be answered in the affirmative; two respondents did not answer this question, one respondent could not answer this question with certainty, and one respondent answered it negatively.

In terms of possible improvements, some respondents pointed to the need to not only work with negotiators, but also with other parts of developing country governments on the implications of IIAs. Recommendations for future work in this area included the need to go into further detail and sophistication and to pay attention to technical issues through publications and meetings of a technical nature. Particular reference was made to the issue of investor-State dispute settlement and the ad-hoc expert meeting organized by UNCTAD on this topic in November 2004. Most respondents pointed to the need to continue this type of work ("can not be permitted to stop its activities") and UNCTAD's key role in capacity- and awareness building (three respondents), the dissemination of technical expertise (three respondents), as well as a forum of political discussion on a subject of increasing international importance (three respondents).

In sum, it is noteworthy that almost two-thirds of counterpart negotiators witnessed a positive change in their developing country negotiation partners' ability to engage in discussions and/or negotiations of IIAs over time, and that for the overwhelming majority of respondents this change can be attributed, at least in

part, to the impact of UNCTAD's work in this area. This impact is also postulated among those respondents that, due to their own limited exposure to such negotiations, could not identify a change over time in quality of negotiation counterparts. All respondents were familiar with UNCTAD's work in this area, and all had a positive impression about this programme of work.

### C. Negotiation services providers' assessment

For the negotiation services providers' assessment, three senior officials in the COMESA Secretariat were interviewed. In addition, the evaluator participated, as observer, in the first regional negotiation forum on the COMESA Common Investment Area (CCIA), held on 22 and 23 March 2005, and interviewed four country representatives (from the Democratic Republic of Congo, Egypt, Uganda and Zambia).

Both assessment elements revealed a strong impact of UNCTAD's work programme, through intensive training courses, participation of national representatives in regional seminars and BITs negotiation facilitation events and UNCTAD's provision of a commentary on the draft CCIA document. In fact, the level of understanding of the issues at hand and the negotiation skills varied considerably among the participants, with those participating actively in the discussions being primarily those who had taken part in an UNCTAD training course. In addition, the regional investment treaty document on a CCIA had originally been drafted by a Committee consisting of those representatives amongst the member countries and the COMESA Secretariat that had been trained by UNCTAD.

The critical role of UNCTAD's work on IIAs in the preparation, follow-up and actual negotiation of this regional framework was also emphasized in all of the interviews conducted with COMESA secretariat staff and member country representatives participating in the CCIA meeting.

In sum, this negotiation services providers' assessment strongly indicates a positive impact of UNCTAD's work in this area.

### D. Impact assessment of intervention tools

The quantified assessment of intervention tools was applied to control for subjectivity in self-assessment and assess the impact potential of the intervention tools beyond the immediate user group.

#### 1. Number of Internet downloads

From beginning of 2002 to May 2005, more than 35,000 IIA Series were downloaded from the UNCTAD-IIA website (excluding papers with "misc" in the symbol number), with the highest score for the booklet on *Dispute Settlement: Investor-State* (more than 12,000 since its publication in July 2003), followed by the booklet on *Dispute Settlement: State-State* (more than 4,000 since publication in spring 2003). The *WIR03* recorded 808,529 downloads, and the *International Investment Instruments: A Compendium* 23,196. In as far as the BITs database is concerned, statistics from 8 October 2004 (installation of the web counter on the BITs database webpage) to 14 June 2005 indicate that there were 62,853 page views and 9,974 visitors (annex 6), with average page views per day of 335.5 and average visitors per day of 45.9 over the same period.

#### 2. Number of citations (including web statistics)

In the absence of financial and time resources to avail of other citation sources, a Google search was used to estimate the number of citations of the IIA series using different key words. The most reasonable hit was obtained by using "UNCTAD IIA series" as a key word, producing 5,900 hits. A sample of about 20 of these hits (excluding web-hits related to UNCTAD and the UN system at large) from academic, non-governmental, governmental and international organization sources contained references to, and at times quotations from, the IIA Series. However, the use of search engines such as Google to obtain the number of citations needs to be cautiously dealt with, since it is unrealistic to

assume that all publications are Internet resident and the accuracy of each source cannot be verified. Furthermore, some publications may not be accessed by given keywords.

Individual papers of the IIA Series were used by developed and developing country representatives in Geneva in their statements in, and documents prepared for, the WGTI's deliberations of the Doha agenda. In particular, reference was made to the IIA paper on technology transfer by India (in WT/WGTI/W/105), and an UNCTAD intervention based on the IIA paper on host country operational measures (WT/WGTI/W/148), also by India. Argentina, Brazil, China, Costa Rica, Egypt, India, Indonesia, Malaysia and Venezuela referred to the paper on *Transparency* (WT/WGTI/M17), India referred to the papers on *Home Country Measures* and *National Treatment* (WT/WGTI/M18 and WT/WGTI/M20), and India and Pakistan referred to the studies on *Dispute Settlement* (WT/WGTI/M19).

Finally, official documents produced by the WTO Secretariat for the deliberations of the WGTI on the seven issues listed in paragraph 22 of the Doha Ministerial Agenda (with the exception of the documents on transparency and dispute settlement)<sup>6</sup> make extensive use of the relevant IIA papers.

### 3. *Number of independent peer review articles for these publications, academic use and media feedback*

Only one independent peer review article could be identified (by Christopher Wilkie in *Transnational Corporations*, Vol. 10, No. 2 (August 2001), pp. 135-159).

In terms of academic use beyond the academic references referred to above, it is noteworthy that no syllabus of related courses of internationally recognized universities appears to make use of the UNCTAD material, with the exception of the Rome-based International Development Law Organization and the universities that have been connected with this project through the involvement in intensive training courses (e.g. the University of Tunis, Tunisia, and the University of Campinas, Brazil).

In addition, *The Investment Law and Policy News Bulletin* from IISD (International Institute for Sustainable Development) reported regularly on all new IIA publications, and reviews and reports can be found on the *Third World Network* website; and the website of the Indian-based *Consumer Union and Trust Society* (CUTS). Finally, UNCTAD information and analysis on investor-State dispute settlement has been referred to on several ISDS-related websites.

In terms of media feedback it is noteworthy that out of 6,500 media reports that emanated from the launching of WIR03, roughly one-sixth also dealt with the substantive content of the *Report*.

### 4. *Feedback received by fax and conventional means*

A limited number of feedbacks sent by academia and researchers confirmed that the IIA series are very useful for their professional activity.<sup>7</sup> In addition, almost all of the post-facto questionnaire respondents and all counterpart negotiators and negotiation services providers indicated that they knew about UNCTAD's materials, in particular the IIA Series, and that they highly appreciated this work, both from a qualitative perspective and in terms of its technical usefulness.

In a number of documents reporting on the annual meetings of the UNCTAD Commission on Investment, Technology (annex 7) numerous developed and developing countries praised the work carried out by UNCTAD in the area of IIAs, including especially the materials produced within its purview. This is paralleled in the reports on the meetings of the WGTI in its discussions on post-Doha TA activities jointly undertaken by the WTO and UNCTAD secretariats.

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<sup>6</sup> Both documents were issued before the relevant IIA Issues Paper was published.

<sup>7</sup> The "feedback" file maintained by the IA Section of the Secretariat contains 12 returned questionnaire and four letters of appreciation.



Another indicator of impact quality is the indication by government representatives from developed counterpart countries (Belgium, Finland, Netherlands, Sweden, Switzerland and the United Kingdom) that their staff participated in the seminars and training sessions and uses the IIA Issues Papers Series in their daily work.

In addition, another evaluation (see below) reported that, in an interview with the Permanent Mission (of the United Kingdom) in Geneva, it was indicated to the evaluator "that UK ministers draw upon these studies" (ECORYS Report, p. 34). Similarly, it was pointed out that "[a] representative of the Dutch Ministry of Economy reported that his Ministry has used the publications during negotiations to explain the issues addressed in the paper to developing countries' delegations" (ECORYS Report, p. 39) and that "[a] representative of the PV [*sic.* What is meant is the Permanent Mission] of the Netherlands confirmed that the technical papers have been widely used by negotiators in bilateral and regional investment agreements" (*ibid.*).

#### 5. Number of sales

The *IIA series* and other publications like the *WIR 2003* and the *International Investment Instruments: A Compendium* (IIIC) are also available as sales publications through the United Nations bookshops in Geneva and New York. According to information received from the United Nations Publications and Marketing Sales Department in Geneva, as of 1 May 2005, 1,181 IIA series were sold in Geneva and about 4,500 (three-quarters of what was sent) were sold by the New York office, bringing the total number of sales of the IIA series to over 5,700 copies by May 2005. In the same vein, 928 copies of the IIIC were sold by the Geneva office, while about 1,950 copies (again three-quarters of what was sent) were sold by the New York office. The total number of sales of the IIIC amounted to about 2,800 copies by 1 May 2005. Similarly, 724 copies of *WIR 2003* were sold in Geneva, while about 900 copies were sold in New York, bringing the total number of sales to about 1,600 copies by May 2005.

In addition, regular requests from researchers, students, universities, Governments and UNDP offices to receive either specific IIA Series or the full set are responded to by the substantive department that provides these copies free of charge. No precise estimate is available for the number of these free copies. However, an indication of the overall interest in the IIA booklets may be obtained by the fact that, as of 1 May 2005, 17 *Issues Papers* had gone out of print over the years since their first publication with a usual print-run of 3,330 copies each, and had to be reprinted (six papers twice and one paper three times).

#### 6. Memorandum: The IIA Series as background material in the intensive training programmes

The IIA Series papers were extensively used for intensive training sessions undertaken since 2001. These publications were distributed to the participants as background documentation for the training. Survey replies from participants asserted that the IIA series was highly commended for its content and quality. As mentioned in the surveys of seven training sessions (containing a precise question on the training material), some 94% of participants indicated that the publications were useful for the fulfilment of their official duties.

In light of these assessment criteria, there are several indications that the material produced within the purview of this work programme (specifically, the *IIA Issues Papers Series* and the *World Investment Report 2003*) has been used and recognized beyond the reigns of the immediate project.

However, the fact that only one independent review article could be obtained and that a cursory (web-based) review of the syllabi of several internationally recognized universities did not reveal references to UNCTAD's work in this regard is noteworthy and points to serious dissemination shortfalls.

In terms of the control quality of this assessment dimension, only an indirect impact potential of the intervention tools beyond the immediate user group could be ascertained (based on web-hits, academic references and sales). The direct impact potential assessment (through peer reviews and academic use) did only reveal limited results.

### **E. Impact assessment of other project-related outputs**

As noted above, the project's expertise and intellectual and institutional memory also benefited the meetings of the WTO's WGTI and its pre-Cancun deliberations of the seven issues listed in paragraph 22 of the Doha Ministerial Declaration. Increased participation by developing countries in the discussions of the WGTI was positively mentioned by seven counterpart negotiators from developed countries (see above), both in terms of their numeric incidence and the quality and sophistication of the developing countries' input to the discussions. Although a direct relation with the inputs provided by UNCTAD and the number and quality of developing country communications within the WGTI is difficult to ascertain, it appears obvious that both have significantly increased and improved since UNCTAD's engagement in this matter.

### **F. Comparison with impact evaluations of similar programmes**

Only one other evaluation could be identified that dealt specifically with this subject (namely the project's predecessor work programme on a possible multilateral framework on investment). This evaluation was undertaken for the Dutch Ministry of Foreign Affairs in 2004 by the Netherlands-based ECORYS/NEI and concerned the UNCTAD trust fund projects on a "Possible multilateral framework on investment (PMFI)" (TC-INT/97/A26) and "Institutional and capacity building in competition law and policy for African countries " (TC-RAF/97/A41).

In as far as the investment project is concerned, the findings of the ECORYS report are based on eight interviews with beneficiary country representatives from 3 countries (Burkina Faso, Ethiopia and the United Republic of Tanzania) (another three interviews were conducted with regard to the competition work programme), and four (4) questionnaires (out of a total of 35 questionnaires), all of which were returned from Tanzania.

In general, the very low response rate of the questionnaire combined with the limited number of interviews that could be arranged with beneficiary countries led ECORYS to conclude that it could not determine the impact of project activities. Scope and budget of that evaluation did not allow for a more extensive evaluation. Other information from beneficiary as well as donor countries (which were generally positive) was not considered sufficient proof to be taken into account. In addition to that, ECORYS found the general efficiency to be weak. It appears that this finding was based on confusing administrative procedures and the fact that UNCTAD had deviated considerably from the original project outline due to changing demand.

However, in terms of impact the report notes numerous positive responses (with regard to the relevance of acquired knowledge for daily work (p. 33), the feedback on the analytical work (pp. 33-34), staff participation from developed countries (p.34), adjustment of investment policy and legislation of LDCs (p. 37), intellectual input in the BIT negotiations (p. 38), use of IIA series publications by Dutch staff during negotiations (p. 39), and enhanced participation of developing countries in multilateral discussions (p. 39-40)). These responses appear to point towards a positive impact.

### **G. Cost-benefit analysis of input-output ratios**

In as far as input/output ratios are concerned, the programme's overall costs can be placed in relation to the programme's direct beneficiaries to obtain a cost ratio that can then be compared with the cost ratios of similar services providers. This provides for an approximation of efficiency ratios that will allow for generalized judgements with regard to cost and input efficiency.

Information received from the secretariat indicates that, as of the time of writing of this report (15 June 2005), a total of \$4,356,721 was spent on programme activities. Specifically, 58 per cent of this amount was spent on personnel (i.e. project personnel, administrative assistance, consultancies, official travel and mission costs), 29 per cent on operational activities and 13 per cent on equipment, reporting,

miscellaneous and overhead.<sup>8</sup> In relation to the 2,066 direct beneficiaries (see part III above) this would result in an input/output ratio of **\$2,108.77** spent per direct beneficiary.

In the absence of a direct comparison undertaking, the following programmes were identified on grounds of their similarities in target nature (i.e. developing country decision-makers) and capacity-building character (i.e. consisting of training elements). The input/output ratios for these can be summarized as follows:

- The WTO "Trade-Related Technical Assistance Programme" includes Trade Policy Courses; regional seminars; national technical assistance and training activities; Trade Policy Clinics; DDA Short Trade Policy Courses; specialized courses; introduction courses; WTO Introduction Days; Geneva-based support; Partnership for Training and Capacity Building; Distance Learning and Information Technology; Reference Centres; trade negotiation techniques; trainee programmes and internships; technical assistance within the Trade Policy Review Mechanism framework and attendance at international meetings, conferences, workshops, seminars and symposia. In the *Technical Cooperation Audit Report for 2004* (WT/COMTD/W/138), the WTO secretariat reports that the technical assistance activities included in its Technical Cooperation Audit database (224 activities) directly benefited 7,531 individuals. However, since the total number of technical assistance delivery that encompasses all of the above activities amounted to 501 activities and the average number of participants per course totalled around 32, the WTO secretariat estimates that the total number of persons reached by one form or another of WTO technical assistance amounted to some 15,000, and deducting from the 501 events the number of events that the WTO was invited to contribute to (conferences, meetings, etc) (100 events) to some 12,000 beneficiaries (para. 48). According to the *Annual Report on Training and Technical Cooperation (1 January to 31 December 2004)* (WT/COMTD/W/139/Corr.1) total expenditure for technical assistance activities amounted to CHF 19.6 million from the DDAGTF and CHF 4.6 million from the regular budget, totalling CHF 24.2 million (equivalent to \$18.634 million) (para. 134). Put in relation to the 7,531 participants of TCA registered activities this would amount to an input/output ratio of **\$2,474.31** per individual. Put in relation to the overall WTO estimate of beneficiaries of its TA activities, this ratio would decrease to \$1,553.83.

It is noteworthy in this regard that the *WTO Annual Report on Training and Technical Cooperation (1 January to 31 December 2004)* (WT/COMTD/W7139) assesses efficiency of WTO technical assistance delivery in relation to "participant days", i.e. the number of participants multiplied by the number of days of technical assistance delivery (i.e. number of days of workshops, seminars and training events, etc). In 2004, WTO technical assistance participant days amounted to 28,360. If put in relation to the 2004 technical assistance expenditures, the costs of each participant day amount to \$657.05. The same calculation applied to the project under review (excluding the BITs signing events) yields an amount of \$39.81 per participant day (on the basis of a total of 109,450.5 participant days (see annex 8).

- The German "InWent" Internationale Weiterbildung und Entwicklungs GmBH, the successor organization to the "Deutsche Stiftung für Internationale Entwicklung", provides human resources and organisational development through education, exchange and dialogue programmes that offer places for about 55,000 individuals annually. The courses offered by InWent address developing country specialists, executives and decision-makers in industry, politics, administration and civil society and cover issues on good governance and reform processes; peace and security; social development; environment and natural resources; sustainable business development; foreign trade and international relations; regional development and urbanization; and development education. InWent reports on its web-site ([www.inwent.org](http://www.inwent.org)) a 2004 "total turnover according to the profit and loss account" of Euro 149 million (equivalent to roughly \$186 million), with a total of 53,441 beneficiaries. This would translate in an input/output ratio of **\$3,485** spent per beneficiary.
- The Swedish International Development Agency (Sida) allocates a substantial part of its aid budget

<sup>8</sup> Based on expenditures recorded in the personnel-related budget lines (i.e. 11.01 to 19.99), the budget lines related to operational activities (from 21.01 to 32.24), and miscellaneous budget lines (45.01 to 56.99).



to training. Some of these training events are staged in Stockholm and very often implemented by private institutions following open bidding. In spring 2005, the Angpanneföreningen AB (a large Swedish consultancy company) carried out a training event on behalf of Sida on "Applied international management". The 26 participants in this spring course were managing directors of SMEs from 12 African English speaking countries. The total contract cost paid by Sida to the course organizer, Aangpannefoereningen AB in Stockholm was SEK 3 million (equivalent to \$390,000), covering expenditures related to the course selection, administration (overhead), travel, hotel and DSA plus faculty. The cost for the four-week course amounts to roughly **\$15,000** per participant.

In sum, it appears that the UNCTAD programme compares favourably with similar programmes aimed at capacity-building for developing country negotiators and/or decision-makers. Although the rough comparisons applied fail to account for specificities in terms of target audience, methods applied, overhead structures, and the like, it is apparent that the UNCTAD work programme constitutes, in comparison with other international organizations, a comparatively cost-effective and, in comparison with national public and private sector services providers, a straight forward cheaper way to deliver capacity-building.

Apart from these ratios, it is worth noting that in terms of one programme activity (i.e. the BITs concluded during the BITs negotiation facilitation rounds) numerous sources<sup>9</sup> point to considerable cost-savings in terms of achieving the programme's output (i.e. 160 concluded BITs). Specifically, it was indicated that generally an amount of \$30,000 to \$50,000 is budgeted in developed economies for the negotiation and conclusion of one BIT. Hence, 160 BITs concluded would, in the lower range, amount to an exposure of roughly \$4.8 million.

## V. Conclusion

In conclusion, it can be stated that the work undertaken in this area has had an impact and has achieved its set-out objectives, namely enabling developing countries to participate effectively in international discussions on, or negotiations of, IIAs.

In terms of the questions set out in this evaluation, the following can be stated:

*Did the programme achieve its intended goal?*

The project aimed at increasing the capacity of developing country and transition economies' negotiators to participate effectively in international discussions and/or negotiations of IIAs. In light of the findings reported above, the answer to this question is positive. Both in terms of usefulness of provided knowledge and actual use of acquired knowledge, the activities have had a positive impact. However, it should be noted in this regard that this evaluation failed to fully account for the subjectivity in project assessments by direct beneficiaries. Although the assessments by negotiation services providers and negotiation counterparts offer a sufficient assessment balance, the limited number of direct impact assessment qualifiers in terms of intervention tool utilization that goes beyond project reach needs to be noted in this context.

*Can changes in outcomes be explained by the programme, or are they the result of some other factors occurring simultaneously?*

A number of other external factors have been identified (particularly in the responses by negotiation counterparts). Chief among them was the increased IIA activity and the consequently increased exposure of developing countries (and developing country negotiators and policy-makers) to IIA issues. However, in light of the responses of the direct (training course participants and national governments through their Geneva representations) and indirect (negotiation counterparts) beneficiaries, as well as the field observations of the evaluation team, it is more than likely that the programme contributed to positive outcomes that would not have been achieved in its absence – especially if its

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<sup>9</sup> Among others, feedback received from the Permanent Mission of Australia, and negotiation counterpart interviews.

predecessor activities and their broader timeline are taken into account – besides that the impact of other factors occurring simultaneously cannot be ruled out in their entirety.

*Did programme impacts vary across different groups of intended beneficiaries, regions, and over time?*

No variations in terms of groups of beneficiaries, regions and/or over time could be ascertained.

*Were there any unintended effects of the programme, either positive or negative?*

No unintended effects could be ascertained. Only one comment hinted at a possible result of project activities that was interpreted with a negative notion (namely the matter of a more cautious attitude towards IIA negotiations observed among developing country counterpart negotiators).

*How effective was the programme in comparison with alternative interventions?*

To the knowledge of the evaluation team, no other organization, national or international, private or public, offers capacity-building services in the area of international investment agreements. In comparison with national public and private like service providers that provide similar services, a clear and positive difference in cost-efficiency could be stipulated that points to a favourable assessment of the UNCTAD work programme in this regard. Similarly, in comparison with other international organizations (specifically the WTO), cost effectiveness appears to have been better.

*Was the programme worth its costs?*

In light of the above, the answer to this question is positive.

## **VI. Recommendations**

Although the terms of this evaluation are limited to assess the impact of UNCTAD's work in this area, in the course of its conduct several recommendations were made by respondents to questionnaires and bilateral interview partners that are worth noting:

First, this evaluation revealed an almost unanimous call from the direct and indirect beneficiaries of this work for continued and intensified services in this regard. While this might not be surprising in terms of the direct beneficiaries, it appears noteworthy that also the interviewed negotiation counterparts expressed this unequivocally. It is therefore recommended that this work should continue.

Second, it appears noteworthy that dissemination efforts with regard to project activities and materials produced within the project's purviews ought to be further strengthened. It is therefore recommended to increase the dissemination of project materials (in particular the IIA Series) to reach a broader audience. In terms of project activities, efforts should be undertaken to ensure that all United Nations member countries are aware of this project and can avail themselves of its services.

Third, a majority of feedback providers (both from developing and developed countries) emphasized the need to adapt project outputs to the increased sophistication of investment agreements and their negotiation, in terms of both their substance and their interrelationship with other elements on the international negotiation agenda. It is therefore recommended to update the IIA series and the training materials used in the intensive training courses. In the same vein, the so-called "Second generation" papers should be used to provide insights into modern IIAs.

Fourth, a number of feedback providers stressed the need to extend the capacity-building scope of this work to include elements related to the implementation of IIAs. In this context, particular emphasis was given to the need to build capacity in terms of the management of investor-State arbitration. It is therefore recommended to consider expanding the IIA training element to include a more intense section on this matter or to develop separate courses on this topic. In the same vein, it is recommended to broaden the scope of the technical assistance element to include work on implementation-related matters.

\* \* \*

The evaluation team wishes to thank UNCTAD staff (in particular, Mary Chehab, Dan Deac, Severine Excoffier, Masahiro Igarashi and Joerg Weber) for their support in conducting this evaluation.

## ANNEX 1

### UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

#### Trust Fund Project Document

**PROJECT NUMBER:** INT0T0BG

**TITLE:** Capacity-building in developing countries on issues related to international investment agreements

**STARTING DATE:** 1 August 2000                      **DURATION:** 5 years

**SECTOR:** Investment                                      **MIS PROGRAMME NO.:** 2471

**BENEFICIARY COUNTRIES:** Developing countries and economies in transition

**BRIEF DESCRIPTION:** The purpose of this project is to build national capacity in developing countries and economies in transition, through training and technical assistance, with a view towards helping these countries to participate as effectively as possible in discussions on and negotiations of international investment agreements (IIAs). The project will focus on deepening the understanding of national decision-makers on the issues involved, exploring the range of issues that needs to be considered and ensuring that the development dimension is addressed, with a view towards consensus-building.

**FINANCED BY:** Multidonor

**TARGET BUDGET:** \$7,040,000.00 (excluding support costs)  
\$7,955,200.00 (including support costs)

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## PROJECT DESCRIPTION

### A. Background and justification

1. Reflecting the growing proliferation of discussions and negotiations of international investment agreements (IIAs) at the bilateral, regional and multilateral levels, the tenth conference of UNCTAD, held in Bangkok, Thailand, in February 2000, requested the secretariat to undertake a number of activities. Specifically:

*In the area of investment, UNCTAD should help strengthen understanding of the relationship between trade and investment, as well as the role of international investment arrangements in the development process and of how such arrangements could contribute to development, including through facilitation of technology and enterprise development. Areas of interest include bilateral investment treaties involving developing countries, the inclusion of investment matters in regional agreements, increasing understanding of key concepts of treaties and the development dimension of international investment agreements" (TD/386, paragraph 126).*

2. UNCTAD's experience in this area is based on the work programme on a possible multilateral framework on investment that was initiated in pursuance of the Midrand mandate. This programme involved a two-track process that encompassed (a) servicing the intergovernmental debate in UNCTAD and various other intergovernmental bodies, especially the Commission on Investment, Technology and Related Financial Issues and its expert meetings dealing with this subject, as well as the WTO Working Group on the Relationship between Trade and Investment<sup>10</sup> and (b) undertaking a secretariat work programme that includes the preparation of a series of papers on *Issues in International Investment Agreements* and the organization of regional symposia, seminars for Geneva-based delegates and intensive training workshops, as well as various public/private sector dialogue events.

3. As an integral part of the work on this project, an independent evaluation of the implementation of this project was commissioned. The final evaluation report (issued in August 1999) observed that the needs and expectations of beneficiaries and end-users were fully met by the project and that its concept and design were appropriate for achieving the overall objectives of the programme. It underlined UNCTAD's competence in the area of IIAs and, as a general observation, stated that the project is unique and timely and very important for the great majority of developing countries and that it should be continued and complemented with more practical assistance work at the regional and national level. Specifically, the evaluation called for (1) intensive training of relevant actors in IIA deliberations, (2) backstopping support to any country or countries wishing to negotiate IIAs, (3) seminars aimed at improving the negotiating skills of relevant actors involved with IIAs, and (4) civil society engagement in deliberations on IIAs with a view towards providing a forum for discussion, consensus-building and information exchange (Evaluation Report, 30 June 1999, pp. 12-13).

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<sup>10</sup> The UNCTAD work programme was recognized by WTO member countries in their Singapore Ministerial Declaration. The Declaration endorsed co-operation between UNCTAD and the Working Group on the Relationship between Trade and Investment and mandated that, where necessary, the Working Group should draw on UNCTAD's work in the area of international investment, so as to make the best use of available resources and to ensure that the development dimension would be fully taken into account (World Trade Organization, WT/MIN(96)/DEC, paragraph 20, 18 December 1996).

4. The present project has been developed to implement these recommendations. It also takes into account the lessons that can be learned from the experience with the implementation of this work programme so far.

## **B. DEVELOPMENT OBJECTIVE**

5. The principal objective of this project is to build capacity in developing countries and economies in transition with a view towards helping these countries to attract and benefit from international investment.

## **C. IMMEDIATE OBJECTIVES**

6. The immediate objective of the project is to build capacity among policy-makers and negotiators from developing countries and economies in transition to participate as effectively as possible in discussions and negotiations of IIAs, especially as far as deepening the understanding of the issues involved is concerned, exploring the range of issues that needs to be considered and, in particular, ensuring that the development dimension is addressed. UNCTAD would undertake a range of technical assistance activities in developing countries in this respect. In the process, the project also contributes to consensus-building in this area.

## **D. OUTPUT**

7. The project is envisioned for a five-year period to commence in summer 2000. It will result in an increased awareness and capacity among policy-makers from developing countries and economies in transition to deal with issues related to foreign direct investment and international investment regulation that will enable them to participate as effectively as possible in the discussions and negotiations of IIAs. Direct beneficiaries will include diplomats, negotiators and policy-makers in capitals in all regions (as participants in the intensive training courses) and delegates to UNCTAD and the WTO (as participants in Geneva training workshops), as well as a high number of participants in the civil society events planned under this project. In addition, numerous other officials in developing countries will benefit directly through technical assistance provided in the area of international investment rule-making, as well as indirectly through the dissemination of the series of papers on *Issues in International Investment Agreements* and other information material provided for under this project.

## **E. ACTIVITIES**

1. The work programme arising out of the objectives stated above involves three areas of activities:

*Activity 1: Capacity-building through regional and Geneva-based intensive training courses for IIA negotiators*

The training element of this project consists of two dimensions: (1) a ten-day programme of intensive training for IIA negotiators; and (2) a one-day in-depth training courses on key issues in IIAs.

**Activity 1.1:** The 10-day programme of intensive training for IIA negotiators is aimed at allowing negotiators of IIAs to delve as deeply as possible into key issues related to the negotiation of such agreements (see annex 1). Presented in four modules (brief overview of FDI and development; key concepts and substantive issues relevant to the analysis and negotiation of IIAs; advanced discussion of procedural issues relevant to the negotiation of IIAs; and simulation exercises modeled on bilateral negotiations of investment agreements), the course provides for capacity building both in terms of human resources and institutions. This is approached in a systematic fashion. First, substantive and skills training is provided to those who can utilize it immediately, i.e. negotiators of IIAs. Participants will be selected from a core group of national officials who are and would be involved in the analysis and negotiation of IIAs, with at least a certain command of the subject matter. (For further details on the selection of participants, see the attached course prospectus.) Second, regional participation will provide for the building of long-term institutional financial and academic infrastructures, through partnerships with leading regional institutions of higher learning in the field of international economic law and commercial diplomacy. Internationally recognized institutes of higher learning will provide independent assessment and certification for the participants in the course.

**Activity 1.2:** The above-mentioned training programme is complemented by a series of one-day in-depth training courses on key issues in IIAs aimed at delegates (and negotiators from capitals) from developing countries to the international organizations in Geneva (UNCTAD and WTO) (and interested economies in transition as well as developed countries) (see annex 2). The course is meant to allow delegates to immerse into the key issues raised in each of the *Issues in International Investment Agreements* (scope and definition; admission and establishment; investment-related trade measures (IRTMs); most-favoured-nation treatment; transfer pricing; national treatment; fair and equitable treatment; taking of property; flexibility for development; taxation; employment; funds transfer; host country operational measures; etc).

**Activity 2:** *Capacity-building through regional and national ad-hoc technical assistance aimed at facilitating discussions and negotiations of IIAs:*

The ad-hoc technical assistance element of this project consists of a rapid response mechanism that allows for ad-hoc, short-term, targeted and demand-driven assistance to developing countries and economies in transition on how to deal with a number of complex issues that arise in discussions on and/or negotiations of regional agreements, arrangements and/or understandings (protocols, etc.) on investment issues, bilateral treaties for the protection and promotion of investment (BITs) and double taxation treaties (DTTs) (see annex 3).

Specifically, technical assistance towards developing regional approaches will include support to regional, sub-regional and national policy formulation and provision of suitable fora for discussions on and/or negotiations of international investment agreements. Such assistance will also include technical advice on the redrafting and/or modernization of existing arrangements and provision of information on best practices in this regard, and briefings on international investment rule-making. It will include financial support to the costs related to the participation of one negotiator per country, logistical assistance and, if necessary, technical advice based on UNCTAD's expertise in this area. In addition, resource persons will be made available upon request. (The secretariat does not participate in the negotiations.)



The technical assistance also extends to backstopping for grouped negotiations of BITs and DTTs, including supporting financially the costs related to the participation of one negotiator per country, logistical assistance and, if necessary, technical advice based on UNCTAD's expertise in this area. In addition, resource persons are made available upon request. (The secretariat does not participate in the negotiations.)

*Activity 3: Capacity-building through engagement of civil society and private-public-sector dialogue events:*

The civil society engagement element consists of a series of seminars and workshops conducted in connection with the regional training course mentioned above (activity 1.1) (see annex 4). The objective of these seminars/workshops is twofold: first, they aim to familiarize representatives of civil society with current issues related to IIAs and to the working of intergovernmental machineries dealing with this issue. Secondly, they are meant to provide a forum for an exchange of views between civil society and policy-makers in this area. In both ways, these seminars/workshops will contribute to a wider consensus-building in this area.

To this end, civil society engagement seminars and workshops will be organized with the participation of government officials involved in IIA discussions and/or negotiations, domestic and foreign investors, and representatives from civil society that include non-governmental organizations, labour unions, research institutions and media representatives.

9. The work programme outlined above forms the core of a comprehensive technical assistance programme to assist developing countries and economies in transition in the whole range of issues related to building the human and institutional capacity to participate effectively in the discussions and negotiations of IIAs. The work programme is embedded in UNCTAD's policy-oriented research in the area of FDI. It will therefore benefit from the continued analytical work undertaken within this area of work (e.g. the series of *IIA Issues* papers) and the Division on Investment, Technology and Enterprise Development at large (in particular the *World Investment Report* series and the *Transnational Corporations* journal).

## **F. CO-OPERATION WITH OTHER INTERNATIONAL ORGANIZATIONS**

10. Apart from UNCTAD, there are several multilateral organizations that help developing countries to improve their regulatory frameworks for investment. But these efforts focus on national regulatory frameworks in the area of FDI. These are not the object of the project under consideration here, as the present project deals with international efforts and, specifically, IIAs. In this area, UNCTAD cooperates with, and draws upon the work done by, relevant international organizations dealing with IIAs. In particular, UNCTAD is following closely the work and the discussions within the WTO and has provided inputs to the Working Group on the Relationship between Trade and Investment. Experts from this organization as well as from the World Bank Group have been involved in the work undertaken so far and will continue to do so.

11. In addition, several activities planned under this project will be implemented in close cooperation and consultation with other international and regional organizations and national governments, including through hosting of training seminars, civil society events, etc.

## **G. INPUTS**

12. UNCTAD/DITE is responsible for the planning, implementation and monitoring of all of the project's activities.

13. Inputs financed under this project will include expenses related to project management, consultancies, travel, outreach activities, and printing and publication as well as miscellaneous expenditures, including telecommunication costs, for the implementation of the envisioned activities. (See budget and explanations.)

14. In addition, several activities planned under this project will be implemented with the cooperation of beneficiary countries hosting seminars and workshops. In the case of the training seminars (activity 1.1), a co-financing element forms part of the institutional capacity-building. This element will increase over time and the increase will be reflected in the annual budget (see annex 1).

## **SCHEDULES OF EVALUATION AND REPORTS**

### **A. REPORTS**

15. UNCTAD will prepare annually a report on the implementation of the project and a final report at the end of this project. In addition, project implementation will be discussed in informal meetings with representatives of donor and beneficiary countries. These meetings will be organized annually by UNCTAD after the issuance of the annual report and, if need arises, on an ad-hoc basis. The meetings will be open to other interested member countries.

### **B. EVALUATION**

16. The project will be subject to an independent evaluation which will be implemented through UNCTAD's Programme Planning and Assessment Unit (PPAU).<sup>11</sup> The evaluation will encompass: (i) a mid-term evaluation that will take place after 24 months from the beginning of the project and will last up to the 30th month of the project, and that will be prepared by an independent consultant; (ii) an in-depth final evaluation that will take place in year four of the project and last until its conclusion. The focus of this in-depth evaluation will be on the results and impact of the programme assessed against the indicative benchmarks below, as well as those redefined taking into account the findings of the mid-term evaluation and the experience gained over the course of the project. The in-depth evaluation, which will use a participatory approach, will be undertaken by an evaluation team composed of a professional evaluator (preferably the consultant who undertook the mid-term evaluation) and two additional experts from Geneva-based delegations familiar with UNCTAD's work in this area that will also provide the perspective of both donors and beneficiary countries.

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<sup>11</sup> The details of the methodology of the evaluation are subject to further discussion with PPAU.

17. The independent evaluation will measure the degree of implementation and effectiveness of this project through various qualitative and quantitative benchmarks. Benchmarks are subject to alteration in light of experience gained over the course of the project. They include:

As far as training activities are concerned, qualitative benchmarks include (1) quality and coverage of course material produced (as measured through a peer review process and other independent assessments) and (2) quality and coverage of course implementation (as measured through independent assessments based on bilateral interviews and questionnaires). Quantitative benchmarks include (1) number of participation requests received (as these indicate the general interest of countries to participate in such courses), and (2) number of participants (as absence from the workplace generally comes at a cost to the home country and as participants are asked to undergo a pre-training exercise and invest time in the preparation for such courses).

As far as ad-hoc technical assistance activities are concerned, qualitative benchmarks include (1) quality of material produced (as measured through a peer review process and other independent assessments) and (2) quality of implementation (as measured through independent assessments based on bilateral interviews and questionnaires). Quantitative benchmarks for success include (1) number of requests received and responded to for assistance to the formulation and/or change in regional investment codes, (2) number of requests received and responded to for support to BIT and DTT negotiations, and (3) number of requests received from individual member countries and number responded to for ad-hoc technical assistance.

Finally, as far as civil society engagement activities are concerned, qualitative benchmarks include (1) quality of material produced (as measured through a peer review process and other independent assessments) and (2) quality of implementation (as measured through independent assessments based on bilateral interviews and questionnaires). Quantitative benchmarks for success include (1) number (and level) of participants in fora activities from both civil society and government side, (2) number (and level) of participants in training activities from both civil society and government side, and (3) individual participants engagement in other activities carried out under this project.

18. The impact evaluation will measure the impact of this project through various qualitative and quantitative benchmarks. These benchmarks will be based on the immediate project objectives and will attempt to assess both directly and indirectly the capacity built among policy-makers and negotiators from developing countries and economies in transition to participate as effectively as possible in discussions and negotiations of IIAs, as well as the degree to which this enhanced capacity has had (or is having) an impact, as follows:

Direct measurements will include (1) the number of assessment certificates (certificates of completion) (see training course prospectus) issued (as these are an indication of the successful participation in training courses), (2) the number of countries that have engaged themselves actively in discussions and/or negotiations of IIAs (e.g. through the number of investment codes formulated and/or reformulated due to this project, and number of countries that successfully negotiated BITs and/or DTTs due to this project), and (3) the responsiveness of the NGO community at large to the engagement activities carried out under this project.

Indirect measurements will evaluate whether the IIA discussions and/or negotiations referred to above reflect a deepening of the understanding of the issues involved, whether they cover the full range of issues that needs to be considered and, finally, whether the development dimension has been appropriately addressed in these discussions and/or negotiations.

Direct and indirect impact benchmarks are subject to alteration in light of experiences gained over the course of the project and the results of the mid-term evaluation.

## **BUDGET**

19. The attached budget covers the costs of project implementation over the suggested period of five years. The itemized budget covers the costs of project implementation by activity.

## Annex 1

### Training Programme in International Investment Agreements: Intensive Training Course on the Analysis and Negotiation of IIAs

#### A. Background and justification

1. In light of the rising treaty-making activity in the area of international investment agreements (IIAs), and the prominence of investment-related issues in a growing number of international economic and related fora, there has been increasing recognition and demand in capitals, particularly among policy makers, for UNCTAD's products in this area and, especially, for training that would allow negotiators from developing countries to participate effectively in the analysis and negotiation of IIAs.

#### B. Activities and output

2. In response, UNCTAD has developed a 10-day programme of intensive training that will encompass a two-week time period, with the primary purpose of allowing negotiators of IIAs to delve as deeply as possible into key issues related to the analysis and negotiation of such agreements (see attached course prospectus). This immersion course will be presented in four modules.

The training will commence in Module One with a brief overview of FDI and its effects on development; issues relating to the role of FDI in development, corporate strategies, international FDI trends will be discussed.

Module Two, the principal module of the course, will continue with an in-depth discussion of key concepts and substantive issues relevant to the analysis and negotiation of IIAs. This is designed to provide negotiators with a detailed understanding of such issues.

Module Three consists of a discussion of key, advanced procedural issues relevant to the negotiation of IIAs.

Finally, Module Four will apply the course contents by way of simulation exercises to give the participants an opportunity to apply their knowledge and to attain advanced, hands-on skills.

3. The aim of this intensive training course is to allow for, and aid in, capacity building, both in terms of human resources and institutions. This is approached in a systematic fashion. First, substantive and skills training is provided to those who can utilize it immediately, i.e. negotiators of IIAs. In addition, as further elaborated below, regional participation would provide for the building of long-term institutional financial and academic infrastructures.

#### C. Expected outcome

4. After taking this course, participants should have a deeper understanding of key concepts relevant to IIAs. The course will be offered in Africa (separately in English and French), Asia and Latin America, and possibly in Central and Eastern Europe. In each region, a "Centre of Excellence", a leading institution of higher learning in the field of international economic law and commercial diplomacy is being identified that, in partnership with UNCTAD, will deliver

the Programme. Experts at that institution (and possibly from elsewhere in each region) will be “twinned” with the Programme’s faculty to develop and deliver the topics.

5. The course will be coordinated and implemented by a programme director of high academic background. The UNCTAD faculty for each module will be carefully selected among international experts. The teaching material will be based upon the UNCTAD Series of Issues Papers on IIAs, as well as other leading texts and articles in this area. Participants will be selected from a core group of national officials who are and would be involved in the analysis and negotiation of IIAs, with at least a certain command of the subject matter. It is expected that initial demand in terms of participants would be relatively high. While it is envisioned that the number of participants may level off to a fairly constant figure due to the rate of attrition in government service in this area, that figure should nevertheless remain viable, given the evident internationalization of an ever-growing list of investment-related domestic policy issues. Participants will be assessed by their contributions to mini-simulations and case studies, a written paper, and their performance in the primary negotiation simulation in Module IV. Internationally recognized universities will undertake the assessment of the participants and provide those who successfully complete the programme with a Certificate.

#### **D. Budget**

6. The budget for each course is estimated to be in the region of \$200,000 to \$250,000, accounting for regional price and cost differentials. (The attached budget is calculated on an average cost of \$230,000 per course.) It is planned that the funding requirements for the delivery of the Course decline, as the engagement of the regional Centres of Excellence increases. Hence, after the initial involvement and funding by UNCTAD, the Course will become self-sustained, through the establishment of a tuition fee system, and the encouragement of scholarship and endowment programmes. Overall, UNCTAD’s role in the funding of the Course will gradually phase-out in 3 to 5 years. However, UNCTAD will continue its intellectual and academic contribution to the Programme, as it will also continue to monitor its quality control aspects and contribute to the maintenance of alumni relations. The co-financing element is reflected in the annual budget line items covering costs of international experts (principally mission costs (16.01) and consultants (18.02)) and course participation (in-service training (32.01)). It does not affect staff costs (both project personnel (18.01) and official travel (15.01)) and other (miscellaneous) expenditures related to the courses.

7. The Course will undergo periodic independent evaluations, as well as a major assessment after four years. Both will be implemented through UNCTAD’s Programme Planning and Assessment Unit (PPAU).<sup>12</sup>

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<sup>12</sup> The details of the methodology of the evaluation are subject to further discussion with PPAU.

**UNCTAD**  
**INTENSIVE TRAINING PROGRAMME ON THE**  
**NEGOTIATION OF INTERNATIONAL INVESTMENT AGREEMENTS**

**COURSE PROSPECTUS**

**General Information**

**LANGUAGE OF INSTRUCTION**

Depending on where the course will be offered, it will be taught in English, French or Spanish.

**LOCATION**

*Facilities*

Access to resources such as computers, libraries, study areas, and meeting rooms will be readily available to Course faculty and participants.

*Services*

Registration and accommodation services will be arranged on an individual basis upon the arrival of the participants, which begins one day prior to the commencement of the training programme.

At the conclusion of the training programme, the regional participating institutions and UNCTAD will coordinate alumni services.

Emergency services in case of accidents, health and other incidents will be coordinated through regional participating institutions.

**COURSE DATES**

Course dates will be announced from time to time. For the next course date, please telephone UNCTAD at + 41.22.907.1744, or e-mail at [iia@unctad.org](mailto:iia@unctad.org).

**SPACE AVAILABLE**

In light of the focus of the subject matter of the Course, the objectives of capacity building in developing regions, and the limited resources available, preference must be given to government officials with experience of negotiation of international investment agreements. The number of total participants should not exceed 20. In extraordinary circumstances, a maximum of 12 other spaces could be made available to exceptionally qualified applicants.

## APPLICATION INFORMATION AND DEADLINE

Application forms are available from UNCTAD at:  
International Investment, Transnationals and Technology Flows Branch  
Division of Investment, Technology and Enterprise Development  
Palais Des Nations  
CH-1211 Genève 10  
Switzerland

Attn: IIA/ICAN  
Room E-9103  
or by FAX at: + 41.22.907.01.94

It is the responsibility of each applicant to ensure that completed application forms, and all required accompanying documentation (see selection procedures) are sent to the above address on or before the stated due date. Applications received thereafter can not be considered.

## Course Content

### TOPICS

#### Module I: Economic and Commercial Issues

- Perspectives on FDI
- Effects of FDI on Development

#### Module II: Substantive Negotiating Issues

- Definitions, Scope and Application
- Admission and Establishment
- MFN, National, and Fair and Equitable Treatment
- Transparency
- Investment-related Trade Measures (IRTMs), Trade-related Investment Measures (TRIMs), Fiscal and Tax Measures
- Competition, Employment and Environmental Measures
- Incentives, State Contracts, and Promotion of Transfer of Technology
- Protection of Investments
- Corporate issues : Transfer Pricing, Restrictive Business Practices, Environmental Issues, Social Responsibility and Illicit Payments
- Dispute Settlement : State to State and Investor-State
- Exceptions, Safeguards and Transition Periods
- The Development Dimension and Flexibility

#### Module III: Advanced Negotiating Skills

- Negotiation dynamics in diverse settings
- Styles and Techniques and overcoming stylistic impasses
- Negotiating to ensure effective implementation and administration

#### Module IV: Negotiation Simulation



## LECTURES AND SIMULATIONS

The Course consists of 45 academic lecture-hours, as well as 8 keynote lectures and 10 special lectures, providing perspectives from both national regulators and private-industry. Each lecture is followed by a discussion period, where participants are expected and will be called upon to contribute. Seven mini-simulations / case studies are designed to involve selected participants in a more in-depth analysis of the issues.

### **Course Work**

The Course work will consist of pre-registration assignments, contribution to and involvement in simulations and case studies, and completion of a short paper.

Pre-registration assignments include the reading and thorough study of the Course material, the completion of evaluation forms for each section of the material provided, the preparation of a list of 6 questions, two for each teaching module I to III, that the participant would like to have discussed, and the submission, for approval, of a proposed subject and title for a short paper (no longer than 5 to 7 typed pages). This assignment is to be submitted to the Course administrator at registration, and failure to do so may exclude the participant from registration.

All participants shall ensure that they have a good command of the subject matters covered in simulations and case studies, and submit the short paper on the approved subject and title, prior to the conclusion of the Course.

### **Selection of Participants**

#### SELECTION CRITERIA

Applications for participation will be considered from candidates:

- who are in the service of departments of Governments or related institutions (collectively referred to as "home institutions") that are located in the region in which the Course is offered, and that are responsible for the negotiation of bilateral or regional investment agreements;

- whose duties include, or will include, direct responsibility for the negotiation of international investment agreements;

- whose application is supported by their home institution;

- who hold a first (undergraduate) university degree, or equivalent; are fluent in the language of instruction; and have knowledge of issues related to international law, international business, FDI, and national development issues.

In exceptional circumstances, a limited number of spaces may be made available to officials whose home institutions are not located in the region in which the Course is offered, or to individuals whose work is directly related to the analysis or negotiation of international investment agreements for the relevant region.

## SELECTION PROCEDURES

A selection committee consisting of representatives from UNCTAD and the regional participating institutions will review each application. The following documentation must accompany each completed application form:

All applicants must submit, with their completed application form, a current curriculum vitae ("CV") and one letter of recommendation from an academic or professional referee from any of the institutions identified in the relevant sections of their CV. The letter of recommendation shall state the capacity in which the applicant is known to the referee, and comment upon the applicant's knowledge of and proficiency in issues related to international law, international business, FDI, and national development.

Applicants must, in addition to the preceding documentation, submit a nomination letter by their respective home institutions, indicating their support of the application, the reasons that they feel justifies their support of the applicant, the financial contribution made by the institution on behalf of the applicant (and the amount of shortfall, if any) and certifying that if accepted, the applicant will receive leave of absence for the duration of the Course, and will be given no other duties or assignments that would conflict with the applicant devoting full time and attention to the Course.

### **Assessment and Certification**

#### ASSESSMENT

Assessment will consist of attendance record, and the evaluation of the pre-registration assignments, contribution to simulations and case studies (which must demonstrate effective engagement in the various exercises and a command of the substantive issues) and the short paper submitted by the participants.

#### CERTIFICATION

*Certificate of Attendance* - For those participants who have reached a certain level of proficiency, but have not satisfactorily completed all the Course requirements.

*Certificate of Completion* - For those participants who have successfully completed all assessment criteria.

*Validating Institution* - Georgetown University Law Center or the British Institute of International and Comparative Law.

## **Training Costs**

### **TUITION FEES**

Tuition fees are presently set at US \$ 2, 500.00

### **ESTIMATED AVERAGE TRAVEL, LODGING, AND PER DIEM EXPENSES**

Travel arrangements, lodging and per diem expenses could be arranged through UNCTAD, or by the participants individually. These expenses are estimated at US \$ 4,000.00. It should be noted that costs would vary noticeably based upon the individual requirements and length of stay of each participant.

### **Scholarships and Financial Assistance**

All participants must transfer full tuition fees prior to their receipt of the Course material from UNCTAD. While participants are expected to contribute towards their tuition, travel and maintenance fees, they would be eligible for limited funds to supplement their available funds, if the need could be demonstrated.

All requests for scholarships and financial assistance should be submitted by the home institution in a letter as part of the application package

## Annex 2

### In-depth training courses on key issues in IIAs: overview

#### A. Background and justification

1. UNCTAD's role as a premier knowledge-based international institution encompasses research and technical assistance concerning FDI in general, and IIAs in particular. Specifically, UNCTAD has developed a work programme on IIAs that encompassed symposia, seminars, civil society round tables and the IIA Issues Paper Series. This has been complemented by the *World Investment Report* series, the five volumes of the *International Investment Instruments: A Compendium* and a study on *Bilateral Investment Treaties in the mid-1990s*, as well as the facilitation of negotiations of IIAs. In this connection, there have been growing demands from the developing world for UNCTAD's products in this area, and in particular, for training on the negotiation of IIAs. In addition, the independent evaluation of UNCTAD's work programme on IIAs, and in particular of the programme element IIA papers, pointed to the IIA papers' "highly academic and technical nature, which might be difficult to follow for some negotiators in developing countries" (Evaluation Report, p. 3).

2. In response to this assessment and the recommendation of the independent evaluation report to arrange and conduct "seminars aimed at improving the negotiating skills of relevant actors involved with IIA deliberations and negotiations" (Evaluation Report, p. 13), UNCTAD has developed one-day in-depth training courses on each of the *Issues in International Investment Agreements* published so far. The primary purpose of these courses is to allow delegations from developing countries and economies in transition to the international organizations in Geneva (UNCTAD and WTO) (as well as interested developed countries) to immerse as deeply as possible into the key issues related to the analysis and negotiation of such agreements.

#### B. The programme

3. The in-depth course will be taught in English (and French on demand), and will consist of a discussion of the key concepts and substantive issues raised in each of the *Issues in International Investment Agreements* published so far. Each course -- concentrating on one of the issues raised -- consists of 4 academic lecture-hours, as well as a keynote lecture by a practitioner (e.g. a negotiator of NAFTA or the MAI), providing perspectives from both national regulators and private-industry. Each lecture is followed by a discussion period. The teaching material will be based upon the UNCTAD series on *Issues in International Investment Agreements* and other leading texts and articles in this area.

#### C. The faculty

4. The course will be coordinated and implemented by a programme director of high academic background. The faculty will consist of the principal author(s) of each paper, who typically are internationally recognized experts in their fields. In addition, a practitioner will provide practical insights into the negotiation problematique related to each issue.

#### D. Budget

5. The budget for each course is estimated to be in the region of \$35,000 to \$40,000, accounting for cost differentials related to the hosting institution.

### Annex 3

## Technical assistance in relation to discussions on and the negotiation of IIAs

### A. Background and justification

1. International investment agreements (at the bilateral, regional and/or multilateral level) are one of the policy tools developing countries use in their efforts to attract foreign direct investment (FDI). By engaging in these treaties countries send a strong signal of their commitment to providing a favourable investment climate. The network of IIAs has expanded significantly during the past four decades, especially as far as bilateral investment treaties are concerned. Today, regional initiatives are underway in almost all regions, aimed at creating and/or modernizing existing investment regimes.

2. The project seeks to assist developing countries in the negotiation of IIAs. With a view to enhance South-South cooperation on FDI and, in particular, to promote FDI flows amongst developing countries, the project provides especially for technical assistance in the negotiation and conclusion of IIAs between developing countries that wish to do so by way of providing advisory services in this regard, as well as the means and backstopping for centralized negotiation of a number of such treaties. The project would also provide this kind of assistance to developing countries seeking to negotiate with developed countries.

### B. Expected outcome and follow up

3. The project will contribute to a number of IIAs concluded and/or advanced. In addition, the capacity of participating developing countries in negotiating IIAs will have been upgraded. This outcome will also contribute practically to strengthening of cooperation among participating developing countries on FDI-related matters.

4. Follow-up activities in this area would include additional technical cooperation to enhance the ability of the developing countries that participate to promote investment among themselves and facilitate negotiations of promotion instruments.

### C. Activities

5. Advisory services will be provided to countries that wish to engage in discussions on and/or negotiations of IIAs but are faced with a need to adequately deal with complex issues arising therefrom. Such complex issues may be legal in nature, may relate to economic implications or may arise out of the need to ensure that the development dimension is fully addressed. Assistance may therefore take the form of technical advice on the drafting/redrafting of specific clauses or model agreements or the provision of information on best practices in this area.

6. On request of member countries, UNCTAD may also provide facilitation for specific meetings to negotiate IIAs among developing countries (or, where so desired, among developing and developed countries) that take place in one host country location. UNCTAD would provide the necessary facilities and substantive support.

7. The advantage of bringing chief negotiators together in a place where they can concentrate on the task at hand is that it allows to combine economies of scale with capacity building in this field. As to economies of scale, negotiating IIAs typically involves several trips between the negotiating countries; given the financial situation of virtually all of the countries

involved, this has become very difficult. UNCTAD would therefore bear the cost of travel, full board and lodging for the participants. (In this connection, it should be borne in mind that the cost involved in negotiating and concluding a single BIT in the traditional way (which often requires at least two rounds of meetings entailing travel to the respective capitals) has been estimated at about \$50,000. This would give an idea of the financial savings this exercise could represent for the countries engaging on it.) As to capacity building, the very fact of intense negotiations between countries with different approaches, combined with the possibility to exchange information among negotiators and with the possibility of involving resource persons, would help to further enhance the negotiating capacity of the participants.

## Annex 4

### Seminars and workshops for civil society

#### A. Background and justification

1. The proliferation of discussions and negotiations of international investment agreements at the bilateral, regional and multilateral levels highlights the central role that foreign direct investment has assumed in the world economy and its contribution to growth and development. Economic analysis and the legal treatment of foreign direct investment flows now represent one of the major new issues on the frontier of international economic relations. International investment rule-making also addresses the international dimension of a number of domestic policies. In view of their significance, any discussions on international investment agreements are obviously important to all governments and civil society as a whole. At the same time, there is a need for full and effective participation of all groups of civil society, to hear their views and benefit from their experiences.

#### B. Objectives

2. The objective of this series of seminars and workshops is twofold. First, they aim to familiarize representatives of non-governmental organizations, universities, research centres and media with current issues related to international investment agreements, especially as regards the lessons that can be drawn from existing international instruments from a development perspective. Secondly, they are meant to provide a forum for exchange of views on this subject matter. In this way, they aim to contribute to consensus-building in this area.

#### C. Activities

3. The seminar series will review existing international instruments dealing with foreign direct investment, with a view towards seeing how key issues have been dealt with and to draw lessons from a development perspective. Each seminar will provide an opportunity for representatives of non-governmental organizations to reflect on these issues.

4. Each seminar will be linked to the regional intensive training courses mentioned in the project document (and in Annex 1 to this project document), so as to take advantage of the synergies that arise through the utilization of faculty and/or practitioners. In addition, it is planned to offer participants in the training courses the opportunity to also participate in these civil-society events, with a view towards benefitting from an exchange of views on this subject with other interested stakeholders.

5. Participants will include representatives of non-governmental organizations, universities, research centres and media from developed and developing countries, experts from the academic sector, representatives of the business community and representatives of international organizations.

6. To assist in the discussions, the Secretariat will put together a package of background documents dealing with the main issues under discussion. These will consist, among others, of the *World Investment Report 1996: Investment, Trade and International Policy Arrangements*, the UNCTAD Series on *Issues in International Investment Agreements* and the *International Investment Instruments: A Compendium*.

## **D. Budget**

7. The budget for each course is estimated to be in the region of \$140,000 to \$160,000, accounting for cost differentials related to the hosting region.



## ANNEX 2

### UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

#### DRAFT Trust Fund Project Document

#### Part B. INVESTMENT

- TITLE:** Technical assistance and capacity building in developing countries on investment as provided for in paragraphs 20-22 of the Doha Ministerial Declaration
- STARTING DATE:** 1<sup>st</sup> quarter 2002                      **DURATION:** 22 months
- SECTOR:** Investment
- BENEFICIARY COUNTRIES:** Developing countries, especially LDCs, and countries with economies in transition
- BRIEF DESCRIPTION:** The purpose of this project is to build national capacity in developing countries, through policy analysis, human and institutional development, with a view towards assisting these countries in participating as effectively as possible in multilateral discussions on investment and evaluating the implications of closer multilateral cooperation for their development policies and objectives as provided for in paragraphs 20-22 of the Doha Ministerial Declaration. The project will focus on deepening the understanding of national decision-makers and negotiators on the issues involved, exploring the range of issues that needs to be considered, identifying and protecting developing country interests and ensuring that the development dimension is addressed, with a view towards consensus-building.
- FINANCED BY:** Multidonor
- TARGET BUDGET:** Excluding support costs US\$8,200,000

## PROJECT DESCRIPTION

### A. Background and justification

Reflecting the growing proliferation of discussions and negotiations of international investment agreements (IIAs) at the bilateral, regional and multilateral levels, the tenth conference of UNCTAD, held in Bangkok, Thailand, in February 2000, requested the secretariat to help strengthen understanding of the relationship between trade and investment, as well as the role of international investment arrangements in the development process and of how such arrangements could contribute to development, including through facilitation of technology and enterprise development (Plan of Action, TD/386, paragraph 126). UNCTAD's experience in this area is based on the work programme on IIAs that was initiated in pursuance of the Midrand mandate and endorsed by the Bangkok Plan of Action.<sup>13</sup>

Members of the WTO have recently agreed, in their Declaration of the Fourth Session of the WTO Ministerial Conference in Doha, on a work programme on investment. In this context, they also recognized (in paragraph 21) the need for strengthened technical assistance in the pursuance of that mandate:

*20. Recognizing the case for a multilateral framework to secure transparent, stable and predictable conditions for long-term cross-border investment, particularly foreign direct investment, that will contribute to the expansion of trade, and the need for enhanced technical assistance and capacity-building in this area as referred to in paragraph 21, we agree that negotiations will take place after the Fifth Session of the Ministerial Conference on the basis of a decision to be taken, by explicit consensus, at that Session on modalities of negotiations.*

*21. We recognize the needs of developing and least-developed countries for enhanced support for technical assistance and capacity building in this area, including policy analysis and development so that they may better evaluate the implications of closer multilateral cooperation for their development policies and objectives, and human and institutional development. To this end, we shall work in cooperation with other relevant intergovernmental organisations, including UNCTAD, and through appropriate regional and bilateral channels, to provide strengthened and adequately resourced assistance to respond to these needs.*

*22. In the period until the Fifth Session, further work in the Working Group on the Relationship Between Trade and Investment will focus on the clarification of: scope and definition; transparency; non-discrimination; modalities for pre-establishment commitments based on a GATS-type, positive list approach; development provisions; exceptions and balance-of-payments safeguards; consultation and the settlement of disputes between Members. Any framework should reflect in a balanced manner the interests of home and host countries, and take due account of the development policies and objectives of host governments as well as their right to regulate in the public interest. The special development, trade and financial needs of developing and least-*

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<sup>13</sup> UNCTAD's work in this area was reported on in a booklet entitled "UNCTAD's Work Programme on International Investment Agreements: From UNCTAD IX, Midrand (1996), to UNCTAD X, Bangkok (2000)" (UNCTAD/ITE/IIT/Misc.26). Updated information is available in a new report entitled "Work Undertaken within UNCTAD's Work Programme on International Investment Agreements between the 10<sup>th</sup> Conference of UNCTAD, Bangkok, February 2000, and January 2002" (DITE/ICPB/IA/PUB/2001/4/Rev.5).

*developed countries should be taken into account as an integral part of any framework, which should enable Members to undertake obligations and commitments commensurate with their individual needs and circumstances. Due regard should be paid to other relevant WTO provisions. Account should be taken, as appropriate, of existing bilateral and regional arrangements on investment."*

(WT/MIN(01)/DEC/W/1, 14 November 2001)

The present project has been developed in response to this mandate and reflects consultations with a wide range of delegations in Geneva, especially from developing countries, and the Secretariat of the WTO. It seeks to help implement the follow-up to the Doha mandate in close collaboration with the WTO, taking into account UNCTAD's experience with the implementation of its work programme on IIAs. The range of activities foreseen under this project will be prioritised and selected in light of resource availability.

## **B. DEVELOPMENT OBJECTIVES**

The principal objectives of this project are to provide enhanced support to developing countries for policy analysis and development, and the development of human resources and institutional capacity as called for in paragraphs 20-22 of the Doha Ministerial Declaration, and to assist developing countries to better evaluate the implications of closer multilateral cooperation in this area in the interest of attracting, and benefiting from, long-term cross-border investment, particularly foreign direct investment (FDI) in order to advance their development. In particular, there is an urgent need to analyse the development implications of a multilateral framework.

## **C. IMMEDIATE OBJECTIVES**

UNCTAD, where appropriate together with the WTO, would undertake a range of technical assistance activities in developing countries pursuant to their respective mandates. In the case of UNCTAD, the activities would aim, *inter alia*, at deepening the understanding of the issues involved, exploring the range of issues that needs to be considered, identifying and protecting developing country interests and, in particular, ensuring that the development dimension is addressed. The project would also contribute to consensus building in this area.

## **D. OUTPUT**

The project is envisioned for a two-year period to commence in February 2002. It will result in an increased awareness and capacity among policy-makers and negotiators from developing countries to deal with issues related to long-term cross-border investment, particularly FDI, and international investment rule-making. In this manner, it will also contribute to enabling these beneficiaries to participate as effectively as possible in other ongoing discussions and negotiations of IIAs.

Direct beneficiaries will include policy-makers, trade and investment officials and negotiators in capitals in all regions (as participants in the policy analysis workshops and the intensive training courses) and delegates to the WTO and UNCTAD (as participants in Geneva policy analysis seminars and training workshops). In addition, numerous other officials in developing countries will benefit directly through technical assistance provided in the area of international investment rule-making, as well as indirectly through the dissemination of the policy research and analytical work undertaken within the purview of this project, including the UNCTAD series of papers on *Issues in International Investment Agreements* and other information material provided for under this project.

## E. ACTIVITIES

The work programme arising out of the objectives stated above involves three areas of activities that emerge out of the three elements identified in paragraph 21 of the Doha Ministerial Declaration: policy analysis and development, human resources capacity-building and institutional capacity-building.

### *Activity 1: Policy analysis and policy development*

The policy analysis and policy development element of this project consists of four dimensions:

(1a) Policy analysis of the FDI-trade/FDI-development nexus and, in particular, of key issues in IIAs, with a view towards deepening the understanding of the issues involved, exploring the range of issues that needs to be considered, identifying and protecting developing country interests and, in particular, ensuring that the development dimension is addressed. Studies on specific issues would be prepared aimed at identifying the development dimension of the elements listed in paragraph 22 with a view towards clarifying both safeguards (e.g. an identification of prudent norms and safeguards (including from a balance-of-payments point-of-view) that address the concerns of developing countries in this area) and pro-active issues (e.g. preservation of national policy spaces (right to regulate) in the interest of promoting domestic enterprise development, host country operational measures, role of incentives, flexibility elements, the manner in which the interests of home and host countries can be balanced, special development, trade and financial needs of developing and least-developed countries, etc.) that need to be addressed from a development perspective. This would also include studies aimed at identifying developing country interests (including through elements that go beyond those listed in paragraph 22, such as issues related to the transfer of technology and competition) in a multilateral approach, ensuring that they are firmly embedded in overall development strategies of developing countries and clarifying certain concepts laid down in the Doha Declaration (such as a GATS-type approach, negotiation modalities, the interrelationship between trade and investment, etc.). The policy analysis should also analyse how countries have in the past utilized various investment policy measures and options in line with national objectives for economic growth and development. The policy analysis work would build on, and make use of, existing UNCTAD work in this area, most prominently the *World Investment Report* series. The latter would also be used to disseminate the findings of the studies undertaken under this work element. Work under this element also involves translation of these studies into all official United Nations languages.

(1b) This work would also involve the organization of a number of regional symposia for policy-makers (principally from capitals) on issues related to closer multilateral cooperation in the area of investment. These symposia would use, and benefit from, the studies mentioned above and would address the policy analysis issues raised in paragraph 22 of the Doha Declaration. They would also serve as fora for an exchange of views and consensus-building on these matters.

(2) Policy analysis to examine recent trends in bilateral and regional investment agreements, with a view to identifying common elements as well as issues that ought to be brought to the attention of developing countries, including differences in implications of bilateral versus multilateral approaches. (Paragraph 22 of the Doha Ministerial Declaration refers specifically to the need to take into account existing IIAs.) The

findings of this work element would be disseminated at the regional symposia mentioned above and Geneva-based seminars foreseen under the second work element.

(3) Policy analysis at the national level, with a view towards stocktaking of the status of national regulatory frameworks for FDI. Some of this work would be undertaken in the context of investment policy reviews.

(4) Policy analysis through an international exchange of views, with the full involvement of all stakeholders, on the implications for development of closer multilateral cooperation in this field. This element principally involves a one-off international exchange of views on the development dimension of a multilateral approach, with particular emphasis on the views of civil society.

## **Activity 2: Human resources development**

The human resources development element of this project consists of four dimensions:

(1) Regional intensive training courses on key issues of IIAs, with particular attention to the issues identified in paragraph 22 of the Doha Declaration. These 10-day training courses are aimed at allowing negotiators of IIAs to delve as deeply as possible into key issues related to the negotiation of such agreements. Presented in four modules (brief overview of FDI and development; key concepts and substantive issues relevant to the analysis and negotiation of IIAs; advanced discussion of procedural issues relevant to the negotiation of IIAs; and simulation exercises of negotiations of investment agreements, including through the sharing of experiences with negotiators of existing IIAs), the courses provide for capacity building both in terms of human resources and institutions.

(2) Geneva-based in-depth training courses on key issues in IIAs for WTO and UNCTAD delegates. These courses will consist of an in-depth immersion into key issues and elements of IIAs (in particular those listed in paragraph 22) based on UNCTAD's series on *Issues in International Investment Agreements*, as well as a negotiation techniques element.

(3) Negotiation facilitation events for bilateral investment treaties as well as double taxation treaties. Apart from the value of such instruments in and by themselves, they also contain a hand-on-training element.

(4) A number of background seminars on the politics and economics of FDI, including in particular a seminar on the determinants of investment, would be conducted for interested delegates to discuss in particular the relative importance of the regulatory environment in the context of the determinants of FDI.

The human resources component will be implemented in such manner as to ensure the building of long-term sustainable capacity through the identification of a standing target audience involving a cohort of investment negotiators/decision-makers. It will incorporate, wherever possible, elements of distance learning, utilizing the INTERNET.

### *Activity 3: Institutional development*

Building institutional capacity for dealing with investment issues is important, focussing in particular on the following two dimensions:

(1) Technical assistance towards strengthening the national institutional framework and negotiation infrastructure. This work would consist of the organization of a limited number of national seminars aimed at developing teams of investment negotiators, aimed at ensuring a long-term capacity building in this field (through, e.g., assistance in the development, organization and implementation of national task forces at the inter-ministerial/inter-agency level). This would also involve ad-hoc advisory missions, an exchange of information and experiences between ongoing regional initiatives and a skills-training element, with a view towards assisting in the development of national strategies aimed at attracting and benefiting from FDI in the context of closer multilateral cooperation in this field. This work could involve direct negotiation-related policy analysis and development of national approaches (including questions related to policy coherence, good governance in the FDI field, and overall development strategies in investment promotion) and concerns that need to be taken into account in multilateral discussions in this area.

(2) Technical assistance towards strengthening the institutions dealing with investment issues in countries, especially investment promotion agencies, including through the strengthening of their capabilities, the promotion of good governance, the dissemination of information on investment opportunities, and the upgrading of specific capabilities to attract FDI and benefit from it.

The work programme outlined above forms a substantial technical assistance programme to assist developing countries in the whole range of issues related to policy analysis and development and the building the human and institutional capacity on investment as provided for in paragraphs 20-22 of the Doha Declaration. Efforts will be made to use the synergies arising out of the implementation of the individual elements outlined above (such as, e.g. the dove-tailing of regional and national symposia and workshops). The work programme is embedded in UNCTAD's policy-oriented research in the area of FDI. It will therefore benefit from the continued analytical work, as well as technical assistance work, undertaken within this area and the Division on Investment, Technology and Enterprise Development at large. The results of this work will also be made available to the WTO Working Group on the Relationship between Trade and Investment.

## **F. CO-OPERATION WITH OTHER INTERNATIONAL ORGANIZATIONS**

UNCTAD has in the past cooperated extensively with several multilateral organizations that help developing countries to improve their regulatory frameworks for investment. In particular, UNCTAD is following closely the work and the discussions within the WTO and has provided inputs to the Working Group on the Relationship between Trade and Investment. Cooperation with the WTO has also extended to the organization of Geneva-based and regional seminars on "Trade, investment and development". The present project would seek to strengthen this cooperation.

In addition, UNCTAD has cooperated extensively with experts from the World Bank Group, regionally-based organizations such as the OECD and MERCOSUR, developing-country-based institutions of higher learning and representatives of civil society (such as business organizations, academia, non-governmental organizations (NGOs) and the media) in the pursuance of its work programme on IIAs.



Implementation of a number of the activities described above will be undertaken in close cooperation with the WTO. It will also actively seek close cooperation and consultation with other international and regional organizations and processes engaged in international investment in general, such as the World Association of Investment Promotion Agencies (WAIPA), and in international investment rule making in particular, such as the FTAA process, APEC and the SADC investment protocol initiative. In addition, national governments will be cooperatively engaged, among others through hosting of training seminars, etc. Where appropriate, representatives of civil society will be involved in the implementation of a number of the activities.

An effort would be made to dovetail the implementation of a number of the activities outlined above with ongoing WTO intergovernmental meetings on the issues concerned.

## **G. INPUTS**

UNCTAD/DITE is responsible for the planning, implementation and monitoring of all of the project's activities.

Inputs financed under this project will include expenses related to project management, consultancies, travel, outreach activities, and printing and publication as well as miscellaneous expenditures, including telecommunication costs, for the implementation of the envisioned activities. (See budget and explanations.)

In addition, several activities planned under this project will be implemented with the cooperation of beneficiary countries hosting seminars and workshops.

## **SCHEDULES OF EVALUATION AND REPORTS**

### **A. REPORTS**

UNCTAD will prepare bi-annually a report on the implementation of the project and a final report at the end of this project. In addition, project implementation will be discussed in informal meetings with representatives of co-sponsoring and co-executing international organizations, as well as donor and beneficiary countries. These meetings will be organized bi-annually by UNCTAD after the issuance of the bi-annual report and, if need arises, on an ad-hoc basis. The meetings will be open to other interested member countries. In addition, activities undertaken within this programme of work and experiences gained in its implementation will be brought to the attention of the intergovernmental machinery of the WTO and UNCTAD on a regular basis.

### **B. EVALUATION**

The project will be subject to an independent evaluation that will be implemented through UNCTAD's Programme Planning and Assessment Unit (PPAU). Details of the methodology of the evaluation will be worked out by PPAU in accordance with the existing evaluation practice in UNCTAD.

## C. LOGICAL FRAMEWORK

Logical framework including indicators of achievements will form part of the Project for the purpose of project monitoring, reporting and evaluation.

### **BUDGET**

#### Listing of activities

##### ***Activity 1: Policy analysis and policy development***

- (1a) Policy analysis of key issues in IIAs (preparation of studies on specific issues, studies aimed at identifying developing country interests, and translation of studies into all official United Nations languages)
- (1b) Regional symposia for policy-makers from capitals
- (2) Policy analysis to examine recent trends in bilateral and regional investment agreements (preparation of studies)
- (3) Policy analysis at the national level (national workshops and advisory missions related to direct negotiation-related policy analysis)
- (4) Policy analysis through an international exchange of views (One-off event)

##### ***1. Activity 2: Human resources development***

- (1) Regional intensive training courses on issues in IIAs
- (2) Geneva-based in-depth training courses on key issues in IIAs
- (3) Negotiation facilitation workshops
- (4) Geneva-based background seminars

##### ***Activity 3: Institutional development***

- (1) National workshops aimed at strengthening the national institutional framework and negotiation infrastructure
- (2) Technical assistance towards strengthening national investment institutions



**DRAFT BUDGET**  
**(In United States dollars)**

<i>Activity/year</i>	<i>2002</i>	<i>2003</i>
Activity 1: Policy analysis and policy development		
<i>(1a) Policy analysis of key issues in IIAs (preparation of studies on specific issues; preparation of studies aimed at identifying developing country interests; translation of studies into all official United Nations languages) (total)</i>	<i>150,000</i>	<i>150,000</i>
<i>(1b) Regional symposia for policy-makers (four annually)</i> <i><sup>1/</sup></i>	<i>660,000</i>	<i>660,000</i>
<i>(2) Policy analysis on recent trends in BITs and regional IIAs (preparation of studies) (total)</i>	<i>100,000</i>	<i>75,000</i>
<i>(3) Policy analysis at the national level (preparation of studies and dissemination as well as advisory missions)</i>	<i>245,000</i>	<i>200,000</i>
<i>(4) Policy analysis through an international exchange of views (total)</i>	<i>250,000</i>	<i>250,000</i>
Activity 2: Human resources development		
<i>(1) Regional intensive training courses on IIAs (4/year)<sup>1/</sup></i>	<i>1,060,000</i>	<i>1,060,000</i>
<i>(2) Geneva-based in-depth training courses (3/year)<sup>1/</sup></i>	<i>105,000</i>	<i>105,000</i>
<i>(3) Negotiation facilitation events (3/year)</i>	<i>180,000</i>	<i>180,000</i>
<i>(4) Geneva-based "background" seminars (1/year)</i>	<i>35,000</i>	<i>35,000</i>
Activity 3: Institutional development		
<i>(1) National workshops and missions towards development of IIA cohorts (10/year)<sup>1/</sup></i>	<i>450,000</i>	<i>450,000</i>
<i>(2) Strengthening national investment institutions (workshops, advisory missions)<sup>2/</sup></i>	<i>900,000</i>	<i>900,000</i>
<i>Total</i>	<i>4,135,000</i>	<i>4,065,000</i>

NOTE: Costs include project personnel costs, official travel and mission costs, group training costs, equipment, reporting and miscellaneous costs, and overhead.

1/ Project planned to be undertaken jointly by UNCTAD and WTO.

2/ Project planned to be partly undertaken jointly by UNCTAD and WTO.

### ANNEX 3

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Geneva, 3 February 2004.

*Mr. Rubens Ricupero*  
Secretary General  
UNCTAD  
Palais des Nations  
CH-1210 Geneva 11

Dear Mr. Ricupero,

As you may know, on the occasion of the 8<sup>th</sup> session of the Commission on Investment the IA work programme organized an informal meeting with donors and beneficiaries of the IIA work programme in the form of a cyber-lunch to which I was invited. Preparing for this event I looked again at my evaluation report of 31 December 2002 and critically assessed progress since then.

I was very pleased to see that almost exactly one year after my mid-term evaluation report the majority of my general and specific recommendations have been implemented, and I wanted to congratulate you and your staff on this remarkable accomplishment.

Yours sincerely,

Olof Karsegard

## ANNEX 4

**Activities implemented by the work programme on  
international investment agreements from June 2000 to June 2005**

<i>Date</i>	<i>Activity</i>	<i>Venue</i>
<b>2000</b>		
19-30 June 2000	<b>Activity 2.3:</b> BITs facilitation round	Sapporo, Japan
11-12 October 2000	WTO Working Group on the Relationship between Trade and Investment: attendance and reporting on UNCTAD's activities	Geneva, Switzerland
8-10 November 2000	UNCTAD Expert Group Meeting on "Home Country Measures"	Geneva, Switzerland
16 November 2000	WTO Working Group on the Relationship between Trade and Investment: attendance and reporting on UNCTAD's activities	Geneva, Switzerland
<b>2001</b>		
15-19 January 2001	<b>Activity 2.3:</b> BITs facilitation round for Kyrgyzstan	Geneva, Switzerland
24 January - 3 February 2001	<b>Activity 2.3:</b> BITs facilitation round for Francophone LDCs	Geneva, Switzerland
12-16 February 2001	UNCTAD Commission on Investment, Technology and Related Financial Issues, 5th session	Geneva, Switzerland
13-16 February 2001	<b>Activity 3.2:</b> Joint LaRRI/SOMO/UNCTAD NGO training seminar on IIAs	Windhoek, Namibia
20-28 February 2001	<b>Activity 2.3:</b> BITs facilitation round for India	New Delhi, India
7-8 March 2001	WTO Working Group on the Relationship between Trade and Investment: attendance and reporting on UNCTAD's activities	Geneva, Switzerland
14-15 March 2001	<b>Activity 1.1b:</b> Joint WTO/UNCTAD Regional symposium on "Investment, trade and development"	Kuala Lumpur, Malaysia
19 March 2001	<b>Activity 3.2:</b> Joint WTO/UNCTAD Roundtable with Thai business representatives	Bangkok, Thailand
19-28 April 2001	<b>Activity 2.3:</b> BITs facilitation round for Croatia	Dubrovnik, Croatia
5-15 June 2001	<b>Activity 2.1:</b> Intensive training course for Francophone countries (1)	Alexandria, Egypt
13-14 June 2001	WTO Working Group on the Relationship between Trade and Investment: attendance and reporting on UNCTAD's activities	Geneva, Switzerland
27-29 June 2001	UNCTAD Expert Group Meeting on "International Arrangements for Transfer of Technology"	Geneva, Switzerland
1-6 October 2001	<b>Activity 2.3:</b> BITs facilitation round for LDCs	Bonn, Germany
5 October 2001	WTO Working Group on the Relationship between Trade and Investment: attendance and reporting on UNCTAD's activities	Geneva, Switzerland
5-7 November 2001	UNCTAD Expert Group Meeting on "The Impact of FDI Policies"	Geneva, Switzerland
19-30 November 2001	<b>Activity 2.1:</b> Intensive training course for Asia and the Pacific (1)	New Delhi, India
13-15 December 2001	<b>Activity 3.2:</b> Inaugural brainstorming seminar for the joint CUTS/UNCTAD project on awareness-building in civil society	Jaipur, India
<b>2002</b>		
21-25 January 2002	UNCTAD Commission on Investment, Technology and Related Financial Issues, 6 <sup>th</sup> session	Geneva, Switzerland
18-29 March 2002	<b>Activity 2.1:</b> Joint WTO/UNCTAD Intensive training course for Anglophone Africa (1)	Pretoria, South Africa
18-19 April 2002	WTO Working Group on the Relationship between Trade and Investment: attendance and presentation on technical assistance activities and "Transparency"	Geneva, Switzerland

<i>Date</i>	<i>Activity</i>	<i>Venue</i>
6-8 May 2002	<b>Activity 1.1b:</b> Joint WTO/UNCTAD Regional seminar for Asia and the Pacific	Singapore
13-14 May 2002	<b>Activity 3.1:</b> Joint WTO/UNCTAD National seminar for China	Beijing, China
16 May 2002	<b>Activity 3.1:</b> Joint WTO/UNCTAD National seminar for Indonesia	Djakarta, Indonesia
27 May – 6 June 2002	<b>Activity 2.1:</b> Joint WTO/UNCTAD Intensive training course for Francophone countries (2)	Alexandria, Egypt
12-14 June 2002	UNCTAD Expert Group Meeting on "Bilateral and regional approaches to multilateral cooperation in the area of long-term cross-border investment, particularly foreign direct investment"	Geneva, Switzerland
19-21 June 2002	<b>Activity 1.1b:</b> Joint WTO/UNCTAD Regional seminar for Francophone Africa	Libreville, Gabon
2 July 2002	<b>Activity 2.2:</b> Joint WTO/UNCTAD Geneva-based workshop (Anglophone countries)	Geneva, Switzerland
3-5 July 2002	WTO Working Group on the Relationship between Trade and Investment: attendance and presentation on technical assistance activities and "Development provisions"; "Non-discrimination"; "Pre-establishment commitments on a GATS-type, positive list approach"	Geneva, Switzerland
12-13 August 2002	<b>Activity 1.1b:</b> Joint WTO/UNCTAD Regional seminar for Central America and (Spanish-speaking) Caribbean	San José, Costa Rica
13 September 2002	<b>Activity 2.2:</b> Joint WTO/UNCTAD Geneva-based workshop (Francophone countries)	Geneva, Switzerland
16-18 September 2002	WTO Working Group on the Relationship between Trade and Investment: attendance and presentation on technical assistance activities and "Exceptions and balance-of-payments safeguards" and "Consultations and settlement of disputes among members"	Geneva, Switzerland
7-8 October 2002	<b>Activity 1.1b:</b> Joint WTO/UNCTAD Regional seminar for Latin America	Lima, Peru
9-18 October 2002	<b>Activity 2.1:</b> Joint WTO/UNCTAD Intensive training course Latin America (1)	Lima, Peru
17-19 October 2002	<b>Activity 3.2:</b> Joint UNCTAD-CUTS regional seminar Africa	Nairobi, Kenya
24-25 October 2002	<b>Activity 3.1:</b> Joint WTO/UNCTAD National seminar Venezuela	Caracas, Venezuela
28-29 October 2002	<b>Activity 3.1:</b> Joint WTO/UNCTAD National seminar Guatemala	Guatemala City, Guatemala
4-13 November 2002	<b>Activity 2.3:</b> BITs facilitation round for LDCs	Geneva, Switzerland
6-8 November 2002	UNCTAD Expert Group Meeting on "The development dimension of FDI: policies to enhance the role of FDI in support of the competitiveness of the enterprise sector and the economic performance of host economies, taking into account the trade-investment interface, in the national and international context"	Geneva, Switzerland
18-19 November 2002	<b>Activity 3.2:</b> SADC workshop on investment regulation	Gaborone, Botswana
21-22 November 2002	<b>Activity 3.1:</b> Joint WTO/UNCTAD National seminar Sri Lanka	Colombo, Sri Lanka
24-25 November 2002	<b>Activity 3.2:</b> Joint UNCTAD-CUTS regional seminar Asia	Jaipur, India
25 November – 6 December 2002	<b>Activity 2.1:</b> Joint WTO/UNCTAD Intensive training course Asia and the Pacific (2)	New Delhi, India
29 November 2002	<b>Activity 2.2:</b> Joint WTO/UNCTAD Geneva-based workshop (Spanish)	Geneva, Switzerland
1-2 December 2002	<b>Activity 2.2:</b> Joint WTO/UNCTAD Workshop for national negotiators from capitals (Africa) financed by JICA	Geneva, Switzerland

<i>Date</i>	<i>Activity</i>	<i>Venue</i>
3 December 2002	WTO Working Group on the Relationship between Trade and Investment: attendance and presentation on technical assistance activities	Geneva, Switzerland
4-5 December 2002	<b>Activity 3.2:</b> Joint UNCTAD-CUTS regional seminar Latin America	Sao Paulo, Brazil
19-20 December 2002	<b>Activity 3.1:</b> Joint WTO/UNCTAD National seminar Tunisia	Tunis, Tunisia
<b>2003</b>		
20-24 January 2003	UNCTAD Commission on Investment, Technology and Related Financial Issues, 7 <sup>th</sup> session	Geneva, Switzerland
27-28 January 2003	<b>Activity 1.1b:</b> Joint WTO/UNCTAD Regional seminar Francophone Africa	Djibouti
4-5 February 2003	<b>Activity 1.1b:</b> Joint WTO/UNCTAD Regional seminar Anglophone Africa	Gaborone, Botswana
10-14 March 2003	<b>Activity 3.1:</b> UNCTAD Commercial Diplomacy Course for Haiti (participation)	Geneva, Switzerland
19-20 March 2003	<b>Activity 3.1:</b> Joint WTO/UNCTAD National seminar Morocco	Rabat, Morocco
24 March – 4 April 2003	<b>Activity 2.1:</b> Joint WTO/UNCTAD Intensive training course Anglophone Africa (2)	Pretoria, South Africa
2 April 2003	<b>Activity 2.2:</b> Joint WTO/UNCTAD Geneva-based workshop (English)	Geneva, Switzerland
7-8 April 2003	<b>Activity 3.1:</b> Joint WTO/UNCTAD National seminar Colombia	Bogota, Colombia
10-11 April 2003	<b>Activity 3.1:</b> Joint WTO/UNCTAD National seminar Argentina	Buenos Aires, Argentina
14-15 April 2003	WTO Working Group on the Relationship between Trade and Investment: attendance and presentation on technical assistance activities	Geneva, Switzerland
28-29 April 2003	<b>Activity 1.1b:</b> Joint WTO/UNCTAD Sub-regional seminar Caribbean countries	Kingston, Jamaica
4-5 May 2003	<b>Activity 3.1:</b> Joint WTO/UNCTAD National seminar Mauritania	Nouakchott, Mauritania
5-6 May 2003	<b>Activity 3.2:</b> OECD-CUTS Regional Roundtable on FDI in Transition Economies: Challenges, Policies and Good Practices (participation)	Istanbul, Turkey
9-10 May 2003	<b>Activity 3.2:</b> Joint UNCTAD-CUTS global seminar	Geneva, Switzerland
12-23 May 2003	<b>Activity 2.1:</b> Joint WTO/UNCTAD Intensive training course Francophone countries (3)	Alexandria, Egypt
14-15 May 2003	<b>Activity 1.3:</b> International Conference on "Trade, Investment and Development"	New Delhi, India
20-21 May 2003	<b>Activity 3.1:</b> Joint WTO/UNCTAD National seminar Malaysia	Kuala Lumpur, Malaysia
13-14 June 2003	<b>Activity 2.2:</b> Joint WTO/UNCTAD Geneva-based workshop (French)	Geneva, Switzerland
10-12 June 2003	WTO Working Group on the Relationship between Trade and Investment: attendance and presentation on technical assistance activities	Geneva, Switzerland
18-19 June 2003	<b>Activity 1.1b:</b> Joint WTO/UNCTAD Regional seminar Central and Eastern Europe	Prague, Czech Republic
18-19 June 2003	<b>Activity 1.1b:</b> Joint WTO/UNCTAD Regional seminar Pakistan	Islamabad, Pakistan
30 June – 4 July 2003	<b>Activity 2.3:</b> BITs facilitation round for LDCs	Geneva, Switzerland
10-11 July 2003	<b>Activity 3.1:</b> Joint WTO/UNCTAD National seminar Cuba	Havana, Cuba
14-15 July 2003	<b>Activity 1.1b:</b> Joint WTO/UNCTAD Regional seminar Mexico	Mexico City, Mexico
20-21 July 2003	<b>Activity 1.1b:</b> Joint WTO/UNCTAD Regional seminar Qatar	Dubai, Qatar
8-9 September 2003	<b>Activity 1.3:</b> National seminar on regional integration	China

<i>Date</i>	<i>Activity</i>	<i>Venue</i>
16-24 September 2003	<b>Activity 2.1:</b> Joint WTO/UNCTAD Intensive training course Caribbean countries (1)	Port of Spain, Trinidad and Tobago
6-17 October 2003	<b>Activity 2.1:</b> Joint WTO/UNCTAD Intensive training course Latin America (2)	Lima, Peru
21-22 October 2003	<b>Activity 3.1:</b> Joint WTO/UNCTAD National seminar Yemen	Sana'a, Yemen
6-7 November 2003	<b>Activity 3.3:</b> Regional workshop on COMESA Common Investment Area (CCIA)	Lusaka, Zambia
<b>2004</b>		
26-30 January 2004	UNCTAD Commission on Investment, Technology and Related Financial Issues, 8 <sup>th</sup> session	Geneva, Switzerland
28-30 January 2004	<b>Activity 3.2:</b> Joint CUTS/UNCTAD/DFID Meeting: Investment for Development	Geneva, Switzerland
2-6 February 2004	<b>Activity 2.3:</b> BITs facilitation round for francophone LDCs	Brussels, Belgium
15-16 March 2004	<b>Activity 3.3:</b> TrainForTrade conference on "International Trade, Investment and Human Resources Development: the Role of Regional Organizations" (participation)	Las Palmas, Spain
17-25 March 2004	<b>Activity 2.1:</b> Intensive training course Anglophone Africa (3)	Pretoria, South Africa
23-24 March 2004	<b>Activity 3.3:</b> Advisory services to SACU	
25-27 March 2004	<b>Activity 3.3:</b> Technical workshop on COMESA Common Investment Area (CCIA)	Pretoria, South Africa
28-29 March 2004	<b>Activity 3.3:</b> Participation in the SADC EPA meeting	Gaborone, Botswana
15-17 April 2004	<b>Activity 3.1:</b> National seminar for Pakistan on IIAs (paragraph 166)	Islamabad, Pakistan
10-19 May 2004	<b>Activity 2.1:</b> Intensive training course Francophone countries (4)	Alexandria, Egypt
12-13 July 2004	<b>Activity 3.1:</b> National seminar on "Investment-related issues in regional integration agreements: China's perspective"	Beijing, China
15 June 2004	<b>Activity 2.3:</b> BIT Signing Ceremony – UNCTAD XI	Sao Paulo, Brazil
15-23 July 2004	<b>Activity 2.1:</b> Intensive training course Asia and the Pacific (3)	Tianjin, China
13-14 September 2004	<b>Activity 3.3:</b> Technical workshop on COMESA Common Investment Area (CCIA)	Lusaka, Zambia
13-22 October 2004	<b>Activity 2.1:</b> Intensive training course Latin America (3)	Lima, Peru
16 October 2004	<b>Activity 3.2:</b> Round table on investment and services for the Andean Community Secretariat	Lima, Peru
21 October 2004	<b>Activity 3.1:</b> National seminar on dispute settlement for the Mincetur (Ministerio de comercio exterior y turismo, Peru)	Lima, Peru
16-17 November 2004	<b>Activity 3.3:</b> UNCTAD mission for the implementation of a technical assistance programme for UMA (Union du Maghreb Arabe) (participation)	Rabat, Morocco
29-30 November 2004	UNCTAD Ad-hoc Expert Group Meeting on investor-State dispute settlement	Geneva, Switzerland
29-30 November 2004	<b>Activity 3.1:</b> COMESA Ministerial Meeting (attendance and participation)	Lusaka, Zambia
2-10 December 2004	<b>Activity 2.1:</b> Intensive training course Francophone Central and Eastern European countries (1)	Bucarest, Romania
5-6 December 2004	Qatar High Level Meeting on Trade and Investment	Qatar, Dubai
17-22 December 2004	<b>Activity 3.3:</b> Training workshop for SAGIA (Saudi Arabia General Investment Authority)	Riyadh, Saudi Arabia
<b>2005</b>		
14-15 February 2005	<b>Activity 3.1:</b> National seminar for Pakistan on IIAs (paragraph 166)	Islamabad, Pakistan
16 February 2005	<b>Activity 3.1:</b> Training workshop for officials from Pakistan on investor-State dispute settlement	Islamabad, Pakistan
7-11 March 2005	UNCTAD Commission on Investment, Technology and Related Financial Issues, 9 <sup>th</sup> session	Geneva, Switzerland

<i>Date</i>	<i>Activity</i>	<i>Venue</i>
21-23 March 2005	<b>Activity 3.3:</b> First regional Negotiating Forum of the COMESA Common Investment Area (CCIA)	Lusaka, Zambia
18-29 April 2005	<b>Activity 2.1:</b> Intensive training programme Portuguese-speaking countries (1)	Geneva, Switzerland

*Source:* Provided by the UNCTAD secretariat.

*Note:* shaded activities were implemented under the trust fund project on "Capacity-building in developing countries on issues relating to international investment agreements" (INT/OT/0BG); non-shaded activities refer to other relevant events.



### Synopsis of project activities

The 87 operational activities undertaken since the project's inception included the following:

- *Sixteen (16) intensive training courses:* (1) the first course for Francophone Africa, Alexandria, 5-15 June 2001; (2) the first course for Asia, New Delhi, 19-30 November 2001; (3) the first course for English-speaking Africa, Pretoria, 18-29 March 2002; (4) the second course for Francophone Africa, Alexandria, 27 May - 6 June 2002; (5) the first course for Latin-America, Lima, 9-18 October 2002; (6) the second course for Asia, New Delhi, 25 November – 6 December 2002; (7) the second course for English-speaking Africa, Pretoria, 24 March – 4 April 2003; (8) the third course for Francophone Africa, Alexandria, 12-23 May 2003; (9) the first Caribbean course, Trinidad and Tobago, 16-24 September 2003; (10) the second course for Latin-America, Lima, 6-17 October 2003; (11) the third course for English-speaking Africa, Pretoria, 15-26 March 2004; (12) the fourth course for Francophone Africa, Alexandria, 10-19 May 2004; (13) the third course for Asia, Tianjin, 15-23 July 2004; (14) the third course for Latin-America, Lima, 13-22 October 2004; (15) the first course for Francophone Central and Eastern Europe, Bucharest, 2-10 December 2004; and (16) the first course for Portuguese-speaking countries, Geneva, 18-29 April 2005. These events have been organized and implemented by the UNCTAD secretariat, in cooperation with various regional and national organizations and institutions of higher learning. From beginning of 2002 to mid-July 2004, regional intensive training courses were organized and implemented jointly with the WTO, and their curriculum was adjusted to reflect the changes brought about by the Doha Ministerial Declaration (most particularly as far as the seven issues listed in paragraph 22 of that Declaration are concerned). Since beginning of 2003, the training courses are preceded by a distance-learning course on key issues in IIAs (Scope and Definition, Admission and Establishment, Treatment (including Fair and Equitable Treatment, National Treatment and Most-Favoured Nation Treatment), protection (including taking of property and transfer of funds, dispute settlement (investor-State and State-State)). The course was developed and is implemented in cooperation with TrainforTrade. The five modules are now available in English, French, Spanish and Portuguese (forthcoming in Arabic). The training package comprises the participant's manual, CD-Roms and the access to a web platform for the chat sessions, the forum discussion and the tests to be completed on-line for automatic answers. The courses are usually organized during the 5 weeks preceding the face-to-face sessions. The use of distance-learning tools allowed to reduce the duration of the training sessions and to improve the level and preparation of participants.
- *Eleven (11) regional seminars:* (1) the Malaysia seminar, 14-15 March 2001; (2) the Singapore seminar, 6-8 May 2002; (3) the Gabon seminar, 19-21 June 2002; (4) the Costa Rica seminar, 12-13 August 2002; (5) the Peru seminar, 7-8 October 2002; (6) the Djibouti seminar, 27-28 January 2003; (7) the Botswana seminar, 4-5 February 2003; (8) the Jamaica seminar, 28-29 April 2003; (9) the Czech Republic seminar, 18-19 June 2003; (10) the Pakistan seminar, 18-19 June 2003; and (11) the Mexico seminar, 14-15 July 2003. These events have been organized and implemented in close cooperation with the WTO, which beginning with the Singapore seminar took the lead role in organizing this activity.
- *Six (6) Geneva-based seminars:* (1) on 2 July 2002; (2) on 13 September 2002; (3) on 29 November 2002; (4) on 1-2 December 2002; (5) on 2 April 2003; and (6) on 13-14 June 2003. Geneva-based workshops have been organized and implemented by the WTO on WTO premises, with UNCTAD providing substantial inputs in the discussions and background documentation.
- *Nine (9) BITs negotiations facilitation events:* (1) the Sapporo round, 19-30 June 2000; (2) the Kyrgyzstan round, 15-19 January 2001; (3) the first LDC round, 24 January - 3 February 2001; (4) the India round, 20-28 February 2001; (5) the Croatia round, 19-28 April 2001; (6) the second LDC round, 1-6 October 2001; (7) the third LDC round, 4-13 November 2002; (8) the fourth LDC round, 30 June 4 July 2003; and (9) the fifth LDC round, 2-6 February 2004. All of these events have been organized and implemented by the UNCTAD Secretariat.



- *Three (3) BITs signing ceremony:* (1) the UNCTAD X ceremony, Bangkok, 18 February 2000; (2) the LDC III ceremony, Brussels, 18 May 2001; and (3) the UNCTAD XI ceremony, Sao Paulo, 15 June 2004.
- *ineteen (19) national seminars:* (1) for China on 13-14 May 2002; (2) for Indonesia on 16 May 2002; (3) for Venezuela on 24-25 October 2002; (4) for Guatemala on 28-29 October 2002; (5) for Sri Lanka on 21-22 November 2002; (6) for Tunisia on 19-20 December 2002; (7) for Morocco on 19-20 March 2003; (8) for Colombia on 7-8 April 2003; (9) for Argentina on 10-11 April 2003; (10) for Mauritania on 4-5 May 2003; (11) for Malaysia on 20-21 May 2003; (12) for Cuba on 10-11 July 2003; (13) for China on 8-9 September 2003; (14) for Yemen on 21-22 October 2003; (15) for Pakistan (paragraph 166) on 15-17 April 2004; (16) for China on 12-13 July 2004; (17) for Peru on 21 October 2004; (18) for Saudi Arabia on 17-22 December 2004; and (19) for Pakistan (paragraph 166) on 14-16 February 2005. Until autumn 2003, national seminars were organized and implemented jointly by UNCTAD and the WTO.
- *Nine (9) civil society engagement events:* (1) the LaRRI-SOMO Namibia seminar, 13-16 February 2001; (2) the Thailand business seminar (jointly with the WTO), 19 March 2001; (3) the inaugural CUTS seminar, 13-15 December 2001; (4) the CUTS regional seminar for Africa, 17-19 October 2002; (5) the CUTS regional seminar for Asia, 24-25 November 2002; (6) the CUTS regional seminar for Latin America and the Caribbean, 4-5 December 2002; (7) the OECD-CUTS regional roundtable for transition economies, 5-6 May 2003; (8) the CUTS global seminar, 9-10 May 2003; and (9) the CUTS-DFID meeting, 28-30 January 2004. All of the civil society engagement events were organized and implemented by the respective counterpart institutions (i.e. LaRRI and SOMO in the case of the Namibia seminar and CUTS in the CUTS seminar series), with the UNCTAD secretariat providing substantive inputs into the discussions and, in the case of the CUTS project, substantive and strategic participation in the advisory committee set up for that project.
- *Fourteen (14) ad-hoc technical assistance advisory missions:* (1) the SADC investment workshop, 18-19 November 2002; (2) the international conference in India, 14-15 May 2003; (3) the Dubai seminar, 20-21 July 2003; (4) the COMESA workshop on CCIA, 6-7 November 2003; (5) the TrainforTrade conference on regional organizations, 15-16 March 2004; (6) the advisory mission to SACU, 23-24 March 2004; (7) the COMESA workshop on CCIA, 25-27 March 2004; (8) the SADC EPA meeting, 28-29 March 2004; (9) the COMESA workshop on CCIA, 13-14 September 2004; (10) the Andean Community round table, 16 October 2004; (11) the mission to UMA, 16-17 November 2004; (12) the COMESA ministerial meeting on CCIA, 29-30 November 2004; (13) the Islamabad seminar for diplomats (14-15 February 2005) and (14) the first COMESA regional negotiating forum on CCIA, 21-23 March 2005. The UNCTAD secretariat provided substantive inputs into the discussions, including through the preparation of general and specific background documentation.

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Since the project's inception work also was finalized on the first generation of the *Issues in International Investment Agreements* series (the IIA series) and continued on other relevant documentation, most particularly the *Compendium on International Investment Agreements*. The IIA series now includes 28 volumes, now compiled in three volumes (annex 6 [IIA series]). The series provided the main substantive input into the substantive discussion part of the *World Investment Report 2003: FDI Policies for Development: National and International Perspectives*. The second-generation Series on *International Investment Policies for Development* that builds on, and expands, the first Series has been initiated with the publication of a first booklet, with three others in their printing stages. The *Compendium* now comprised 14 volumes, reproducing some 314 different investment agreements (or parts thereof). This material is available on CD-Rom, but also in the IIA website with a user-friendly search engine. The BITs database now comprises 1,800 texts and is also available on CD-Rom and on the IIA website, including the list of BITs concluded by countries. Databases of preferential trade and investment agreements, double-taxation treaties and investor-State dispute settlement cases are currently being established. The email-based Network of IIA experts is operational. This network has now more

than 550 members, and constitutes an inter-active communication, exchange of information and experience, debate and learning tool for the community of IIA negotiators at large.

Programme implementation also included servicing of the UNCTAD and WTO intergovernmental machinery. In particular, the project's expertise and intellectual and institutional memory benefited the meetings of the WTO's Working Group on the Relationship between Trade and Investment (WGTI) and its deliberations of the seven issues listed in paragraph 22 of the Doha Ministerial Declaration. The UNCTAD Secretariat made statements on all seven topics, and provided substantive technical assistance in preceding meetings of a group of (like-minded) developing countries in preparation of each of the WGTI's meetings.

Within UNCTAD, the programme's output was mostly geared towards the servicing of the expert group meetings of the Commission on Investment, Technology and Related Financial Issues dealing with the topic of IIAs (i.e. the expert meeting on "home country measures", 8-10 November 2000; the expert meeting on "bilateral and regional approaches to multilateral cooperation in the area of investment, 12-14 June 2002; and the ad hoc expert meeting on "investor-State dispute settlement in IIAs", 29-30 November 2004). The programme also prepared issue notes and organized group discussions during the Commissions on investment (for the 2001 Commission on home country measures, for the 2002 Commission on the implications for the work of the Commission following the Doha Ministerial Declaration, for the 2003 and 2004 Commissions on issues related to international arrangements and for the 2005 Commission on investor-State disputes and policy implications).

The programme also contributed to OECD meetings (participation in the OECD Task Force on Policy Framework for Investment on 17 June 2004 and 6-7 April 2005, and in the joint APEC-OECD seminar on current FDI trends and investment agreement in Chile on 25-26 May 2004) and became observer to the OECD Investment Committee. Finally, the programme contributed to the Qatar high-level meeting on trade and investment and the South-South summits in Havana (2004) and Doha (2005).

*Source:* Provided by the UNCTAD Secretariat.

## ANNEX 5

<b>Overall participation in IIA events (June 2000 – April 2005)</b>		
<b>No.</b>	<b>Economy</b>	<b>Events participated in</b>
1	Afghanistan	Intensive training course Asia and Pacific 1 (November 2001) Intensive training course Asia and Pacific 3 (July 2004) Regional seminar for diplomats - Pakistan (February 2005)
2	Albania	Intensive training course Francophone Central and Eastern Europe 1 (December 2004)
3	Algeria	Regional seminar Gabon (June 2002) Intensive training course Francophone Africa (May 2003) Geneva workshop (June 2003) Regional seminar Qatar (July 2003) UMA workshop (November 2004)
4	Angola	Regional seminar Gabon (June 2002) Geneva workshop (September 2002) SADC Workshop (November 2002) Intensive training course Anglophone Africa 2 (March/April 2003) Regional seminar Djibouti (January 2003) Intensive training course Anglophone Africa 3 (March 2004) SADC EPA meeting (March 2004) Intensive training course Lusophone countries 1 (April 2005)
5	Antigua and Barbuda	Regional seminar Jamaica (April 2003) Intensive training course Caribbean (September 2003)
6	Argentina	Regional seminar Peru (October 2002) Intensive training course Latin America 1 (October 2002) Geneva workshop (November 2002) National seminar (April 2003) International conference, India (May 2003) Intensive training course Latin America 2 (October 2003) Intensive training course Latin America 3 (October 2004)
7	Armenia	Regional seminar Czech Republic (June 2003)
8	Austria	BITs round Kyrgyz Republic (January 2001)
9	Azerbaijan	Regional seminar Pakistan (June 2003)
10	Bahamas	Regional seminar Jamaica (April 2003)
11	Bahrain	Geneva workshop (July 2002)
12	Bangladesh	Intensive training course Asia and Pacific 1 (November 2001) International conference, India (May 2003) Regional seminar for diplomats - Pakistan (February 2005)
13	Barbados	Geneva workshop (July 2002) LDC-BITs round (June/July 2003) Intensive training course Caribbean (September 2003)
14	Belarus	BITs round Croatia (April 2001)
15	Belgium	LDC-BITs round (January/February 2001) LDC-BITs round (October 2001) BIT Signing Ceremony (May 2001) LDC-BITs round (November 2002) LDC-BITs round (June/July 2003)
16	Belize	Regional seminar Costa Rica (April 2002) Regional seminar Jamaica (April 2003) Intensive training course Caribbean (September 2003)

17	Benin	LDC-BITs round (January/February 2001) BIT Signing Ceremony (May 2001) Intensive training course Francophone Africa 1 (June 2001) Intensive training course Francophone Africa 2 (June 2002) Regional seminar Gabon (June 2002) LDC-BITs round (November 2002) Regional seminar Djibouti (January 2003) Intensive training course Francophone Africa 3 (May 2003) Geneva workshop (June 2003) Intensive training course Francophone Africa 4 (May 2004) BITs signing ceremony (June 2004)
18	Bhutan	Regional seminar Malaysia (March 2001) Regional seminar Singapore (May 2002) Intensive training course Asia and Pacific 2 (November 2002) Regional seminar Pakistan (June 2003) Regional seminar for diplomats - Pakistan (February 2005)
19	Bolivia	Regional seminar Peru (October 2002) Intensive training course Latin America (October 2002) Regional seminar Mexico (July 2003) Intensive training course Latin America 2 (October 2003) Andean community seminar (October 2004)
20	Bosnia and Herzegovina	Regional seminar Czech Republic (June 2003)
21	Botswana	Intensive training course Anglophone Africa 1 (March 2002) SADC Workshop (November 2002) Geneva workshop (December 2002) Regional seminar Botswana (February 2003) Intensive training course Anglophone Africa 2 (March/April 2003) LDC-BITs round (June/July 2003) Intensive training course Anglophone Africa 3 (March 2004) SADC EPA meeting (March 2004) SACU workshop (March 2004)
22	Brazil	Geneva workshop (July 2002) Regional seminar Peru (October 2002) Intensive training course Latin America 1 (October 2002) NGO workshop (December 2002) International conference, India (May 2003) Intensive training course Latin America 2 (October 2003) Intensive training course Latin America 3 (October 2004) Intensive training course Lusophone countries 1 (April 2005)
23	Brunei Darussalam	Regional seminar Malaysia (March 2001) Regional seminar Singapore (May 2002) Geneva workshop (July 2002) Regional seminar for diplomats - Pakistan (February 2005)
24	Bulgaria	Geneva workshop (July 2002) Regional seminar Czech Republic (June 2003) Intensive training course Francophone Central and Eastern Europe 1 (December 2004)
25	Burkina Faso	LDC-BITs round (January/February 2001) BIT Signing Ceremony (May 2001) Intensive training course Francophone Africa 1 (June 2001) Intensive training course Francophone Africa 2 (June 2002) Regional seminar Gabon (June 2002) LDC-BITs round (November 2002) Regional seminar Djibouti (January 2003) Intensive training course Francophone Africa 3 (May 2003) Geneva workshop (June 2003) Intensive training course Francophone Africa 4 (May 2004)
26	Burundi	LDC-BITs round (January/February 2001) BIT Signing Ceremony (May 2001)

		<p>Intensive training course Francophone Africa 1 (June 2001)</p> <p>Intensive training course Francophone Africa 2 (June 2002)</p> <p>LDC Bits round (November 2002)</p> <p>Regional seminar Djibouti (February 2003)</p> <p>Intensive training course Francophone Africa 3 (May 2003)</p> <p>Geneva workshop (June 2003)</p> <p>Intensive training course Francophone Africa 4 (May 2004)</p> <p>Regional seminar for diplomats - Pakistan (February 2005)</p>
27	Cambodia	<p>BITs round Japan (June 2000)</p> <p>Regional seminar Malaysia (March 2001)</p> <p>BIT Signing Ceremony (May 2001)</p> <p>LDC-BITs round (October 2001)</p> <p>Intensive training course Francophone Africa 2 (June 2002)</p> <p>Regional seminar Singapore (May 2002)</p> <p>Intensive training course Asia and Pacific 2 (November 2002)</p> <p>Intensive training course Asia and Pacific 3 (July 2004)</p> <p>Regional seminar for diplomats - Pakistan (February 2005)</p>
28	Cameroon	<p>LDC-BITs round (January/February 2001)</p> <p>Intensive training course Anglophone Africa 1 (March 2002)</p> <p>BIT Signing Ceremony (May 2001)</p> <p>Intensive training course Francophone Africa 2 (June 2002)</p> <p>Regional seminar Gabon (June 2002)</p> <p>LDC-BITs round (November 2002)</p> <p>Intensive training course Anglophone Africa 2 (March/April 2003)</p> <p>Regional seminar Djibouti (February 2003)</p> <p>Intensive training course Francophone Africa 3 (May 2003)</p> <p>Intensive training course Francophone Africa 4 (May 2004)</p>
29	Canada	LDC-BITs round (November 2002)
30	Cape Verde	<p>Intensive training course Francophone Africa 1 (June 2001)</p> <p>Regional seminar Gabon (June 2002)</p> <p>Geneva workshop (June 2003)</p> <p>Intensive training course Lusophone countries 1 (April 2005)</p>
31	Chad	<p>LDC-BITs round (January/February 2001)</p> <p>BIT Signing Ceremony (May 2001)</p> <p>Intensive training course Francophone Africa 1 (June 2001)</p> <p>Regional seminar Gabon (June 2002)</p> <p>LDC-BITs round (November 2002)</p> <p>Regional seminar Djibouti (February 2003)</p> <p>Intensive training course Francophone Africa 3 (May 2003)</p> <p>Intensive training course Francophone Africa 4 (May 2004)</p> <p>BITs signing ceremony (June 2004)</p>
32	Chile	<p>Regional seminar Peru (October 2002)</p> <p>Intensive training course Latin America 1 (October 2002)</p> <p>Geneva workshop (November 2002)</p> <p>Intensive training course Latin America 2 (October 2003)</p> <p>Intensive training course Latin America 3 (October 2004)</p>
33	China, People's Republic of	<p>BITs round India (February 2001)</p> <p>Intensive training course Asia and Pacific 1 (November 2001)</p> <p>Regional seminar Malaysia (March 2001)</p> <p>Regional seminar Singapore (May 2002)</p> <p>National seminar (May 2002)</p> <p>Geneva workshop (July 2002)</p> <p>Intensive training course Asia and Pacific 2 (November 2002)</p> <p>International conference, India (May 2003)</p> <p>LDC-BITs round (June/July 2003)</p> <p>Intensive training course Asia and Pacific 3 (July 2004)</p>

34	Chinese Taipei	Regional seminar Singapore (May 2002) Geneva workshop (July 2002) Geneva workshop (April 2003)
35	Colombia	BITs round Japan (June 2000) Regional seminar Peru (October 2002) Intensive training course Latin America (October 2002) National seminar (April 2003) Regional seminar Mexico (July 2003) Intensive training course Latin America 2 (October 2003) Intensive training course Latin America 3 (October 2004) Andean community seminar (October 2004)
36	Comoros	LDC-BITs round (January/February 2001) BIT Signing Ceremony (May 2001) Intensive training course Francophone Africa 1 (June 2001) Regional seminar Gabon (June 2002) Intensive training course Francophone Africa 4 (May 2004)
37	Congo, Dem. Rep. of	Intensive training course Francophone Africa 1 (June 2001) Regional seminar Gabon (June 2002) SADC workshop (November 2002) Regional seminar Djibouti (January 2003) Geneva workshop (June 2003) Intensive training course Francophone Africa 4 (May 2004)
38	Congo, Republic of	Intensive training course Francophone Africa 2 (June 2002) Regional seminar Gabon (June 2002) Geneva workshop (September 2002) Regional seminar Djibouti (January 2003) Intensive training course Francophone Africa 3 (May 2003) Geneva workshop (June 2003)
39	Costa Rica	Regional seminar Costa Rica (August 2002) Intensive training course Latin America 1 (October 2002) Geneva workshop (November 2002) Regional seminar Mexico (July 2003) Intensive training course Latin America 2 (October 2003) Intensive training course Latin America 3 (October 2004)
40	Cote d'Ivoire	Intensive training course Francophone Africa 2 (June 2002) Regional seminar Gabon (June 2002) Regional seminar Djibouti (January 2003) Intensive training course Francophone Africa 3 (May 2003) Geneva workshop (June 2003)
41	Croatia	BITs round Japan (June 2000) BITs round India (February 2001) BITs round Croatia (April 2001) BIT Signing Ceremony (May 2001) Geneva workshop (July 2002) Regional seminar Czech Republic (June 2003)
42	Cuba	Regional seminar Costa Rica (August 2002) Intensive training course Latin America 1 (October 2002) Geneva workshop (November 2002) National seminar (July 2003) Regional seminar Mexico (July 2003) Intensive training course Latin America 2 (October 2003) Intensive training course Latin America 3 (October 2004)
43	Cyprus	Regional seminar Czech Republic (June 2003)
44	Czech Republic	Regional seminar Czech Republic (June 2003)
45	Denmark	BITs round Kyrgyz Republic (January 2001)



46	Djibouti	Intensive training course Francophone Africa 2 (June 2002) Regional seminar Gabon (June 2002) Regional seminar Djibouti (January 2003) Geneva workshop (June 2003) COMESA workshops (March, September, December 2004 and March 2005)
47	Dominica	Regional seminar Jamaica (April 2003) Intensive training course Caribbean (September 2003)
48	Dominican Republic	Regional seminar Costa Rica (August 2002) Intensive training course Latin America 1 (October 2002) Geneva workshop (November 2002) Regional seminar Mexico (July 2003) Intensive training course Latin America 2 (October 2003) Intensive training course Latin America 3 (October 2004)
49	Ecuador	Geneva workshop (November 2002) Regional seminar Mexico (July 2003) Intensive training course Latin America 2 (October 2003) Intensive training course Latin America 3 (October 2004) Andean community seminar (October 2004)
50	Egypt	BITs round Japan (June 2000) LDC-BITs round (January/February 2001) Intensive training course Anglophone Africa 1 (March 2002) Geneva workshop (July 2002) LDC-BITs round (November 2002) Regional seminar Botswana (February 2003) Intensive training course Anglophone Africa 2 (March/April 2003) International conference, India (May 2003) LDC-BITs round (June/July 2003) Intensive training course Anglophone Africa 3 (March 2004) Intensive training course Francophone Africa 4 (May 2004) COMESA workshops (March, September, December 2004 and March 2005)
51	El Salvador	Regional seminar Costa Rica (August 2002) Regional seminar Mexico (July 2003) Intensive training course Latin America 2 (October 2003)
52	Equatorial Guinea	Regional seminar Gabon (June 2002) Geneva workshop (June 2003)
53	Eritrea	LDC-BITs round (October 2001) Intensive training course Anglophone Africa 1 (March 2002)
54	Estonia	Geneva workshop (July 2002) Regional seminar Czech Republic (June 2003)
55	Ethiopia	BITs round India (February 2001) Intensive training course Anglophone Africa 1 (March 2002) Geneva workshop (December 2002) Regional seminar Botswana (February 2003) Intensive training course Anglophone Africa 2 (March/April 2003) LDC-BITs round (June/July 2003) Intensive training course Anglophone Africa 3 (March 2004) COMESA workshops (March, September, December 2004 and March 2005)
56	Fiji, Republic of	Regional seminar Singapore (May 2002) Intensive training course Asia and Pacific 1 (November 2001)
57	Finland	Geneva workshop (September 2002) LDC-BITs round (June/July 2003)
58	France	LDC-BITs round (October 2001) Geneva workshop (September 2002) LDC-BITs round (November 2002) LDC BITs round (June/July 2003)



59	Gabon	Intensive training course Francophone Africa 1 (June 2001) Intensive training course Francophone Africa 2 (June 2002) Regional seminar Gabon (June 2002) LDC-BITs round (November 2002) Regional seminar Djibouti (January 2003) Intensive training course Francophone Africa 3 (May 2003) Geneva workshop (June 2003) Intensive training course Francophone Africa 4 (May 2004)
60	Gambia	Intensive training course Anglophone Africa 1 (March 2002) Geneva workshop (December 2002) Intensive training course Anglophone Africa 2 (March/April 2003)
61	Ghana	BITs round Japan (June 2000) LDC-BITs round (January/February 2001) BIT Signing Ceremony (May 2001) Intensive training course Anglophone Africa 1 (March 2002) Geneva workshop (July 2002) Geneva workshop (December 2002) Intensive training course Anglophone Africa 2 (March/April 2003) LDC-BITs round (June/July 2003) Intensive training course Anglophone Africa 3 (March 2004) Regional seminar for diplomats - Pakistan (February 2005)
62	Grenada	Regional seminar Jamaica (April 2003) Intensive training course Caribbean (September 2003)
63	Guatemala	Regional seminar Costa Rica (August 2002) National seminar (October 2002) Regional seminar Mexico (July 2003) Intensive training course Latin America 2 (October 2003) Intensive training course Latin America 3 (October 2004)
64	Guinea	LDC-BITs round (January/February 2001) BIT Signing Ceremony (May 2001) Intensive training course Francophone Africa 1 (June 2001) Intensive training course Francophone Africa 2 (June 2002) Regional seminar Gabon (June 2002) Geneva workshop (September 2002) LDC-BITs round (November 2002) Regional seminar Djibouti (January 2003) Intensive training course Francophone Africa 3 (May 2003) Geneva workshop (June 2003) Intensive training course Francophone Africa 4 (May 2004) BITs signing ceremony (June 2004)
65	Guinea-Bissau	Intensive training course Francophone Africa 2 (June 2002) LDC-BITs round (November 2002) Intensive training course Lusophone countries 1 (April 2005)
66	Guyana	Intensive training course Caribbean (September 2003)
67	Haiti	Intensive training course Francophone Africa 2 (June 2002) Regional seminar Gabon (June 2002) Regional seminar Djibouti (January 2003) Commercial diplomacy course - participation (March 2003) Regional seminar Jamaica (April 2003) Intensive training course Francophone Africa 3 (May 2003)
68	Honduras	Regional seminar Costa Rica (August 2002) Geneva workshop (November 2002) Regional seminar Mexico (July 2003) Intensive training course Latin America 3 (October 2004)
69	Hong Kong (China)	Regional seminar Malaysia (March 2001) Regional seminar Singapore (May 2002) Geneva workshop (July 2002)

70	Hungary	Geneva workshop (July 2002) Regional seminar Czech Republic (June 2003)
71	India	BITs round Japan (June 2000) BITs round India (February 2001) Regional seminar Malaysia (March 2001) Intensive training course Asia and Pacific 1 (November 2001) NGO workshop (December 2001) Geneva workshop (July 2002) Intensive training course Asia and Pacific 2 (November 2002) NGO workshop (November 2002) International conference, India (May 2003)
72	Indonesia	BITs round Japan (June 2000) Regional seminar Malaysia (March 2001) Regional seminar Singapore (May 2002) National seminar (May 2002) Geneva workshop (July 2002) Intensive training course Asia and Pacific 2 (November 2002) International conference, India (May 2003) Intensive training course Asia and Pacific 3 (July 2004)
73	Iran, Islamic Republic of	BITs round Japan (June 2000) Intensive training course Asia and Pacific 1 (November 2001) Regional seminar Pakistan (June 2003)
74	Israel	Geneva workshop (April 2003)
75	Italy	LDC-BITs round (June/July 2003)
76	Jamaica	Regional seminar Jamaica (April 2003) International conference, India (May 2003) Intensive training course Caribbean (September 2003)
77	Japan	Regional seminar Malaysia (March 2001)
78	Jordan	Geneva workshop (July 2002) Regional seminar Qatar (July 2003)
79	Kenya	Intensive training course Anglophone Africa 1 (March 2002) Geneva workshop (July 2002) NGO workshop (October 2002) Geneva workshop (December 2002) Regional seminar Botswana (February 2003) Intensive training course Anglophone Africa 2 (March/April 2003) International conference, India (May 2003) Intensive training course Anglophone Africa 3 (March 2004) COMESA workshops (March, September, December 2004 and March 2005)
80	Korea, Republic of	Regional seminar Malaysia (March 2001) Regional seminar Singapore (May 2002) Geneva workshop (July 2002) LDC-BITs round (November 2002) Intensive training course Asia and Pacific 2 (November 2002)
81	Kyrgyz Republic	BITs round Kyrgyz Republic (January 2001) Regional seminar Czech Republic (June 2003)
82	Lao People's Democratic Republic	BITs round Japan (June 2000) Regional seminar Malaysia (March 2001) Intensive training course Francophone Africa 1 (June 2001) Intensive training course Asia and Pacific 1 (November 2001) Regional seminar Singapore (May 2002) Intensive training course Asia and Pacific 3 (July 2004)
83	Latvia	BITs round Kyrgyz Republic (January 2001) BITs round Croatia (April 2001) Regional seminar Czech Republic (June 2003)

84	Lebanon	LDC-BITs round (November 2002) Regional seminar Pakistan (June 2003) Regional seminar Qatar (July 2003) BITs signing ceremony (June 2004)
85	Lesotho	Intensive training course Anglophone Africa 1 (March 2002) Geneva workshop (July 2002) SADC workshop (November 2002) Regional seminar Botswana (February 2003) Intensive training course Anglophone Africa 2 (March/April 2003) LDC-BITs round (July 2003) Intensive training course Anglophone Africa 3 (March 2004) SADC EPA meeting (March 2004) SACU workshop (March 2004)
86	Libyan Arab Jamahiriya	LDC-Bits Round (January/February 2001) Intensive Training Course Anglophone Africa 3 (March 2004) UMA Workshop (November 2004) Regional Seminar For Diplomats - Pakistan (February 2005)
87	Lithuania	Regional seminar Czech Republic (June 2003)
88	Macao (China)	Geneva workshop (July 2002)
89	Macedonia, former Yugoslav Republic of	Intensive training course Francophone Central and Eastern Europe 1 (December 2004)
90	Madagascar	LDC-BITs round (January/February 2001) Intensive training course Francophone Africa 1 (June 2001) Intensive training course Francophone Africa 2 (June 2002) Geneva workshop (September 2002) Regional seminar Djibouti (January 2003) Intensive training course Francophone Africa 3 (May 2003) Geneva workshop (June 2003) Intensive training course Francophone Africa 4 (May 2004) Regional seminar for diplomats - Pakistan (February 2005)
91	Malawi	LDC-BITs round (October 2001) Intensive training course Anglophone Africa 1 (March 2002) SADC workshop (November 2002) Geneva workshop (December 2002) LDC-BITs round (June/July 2003) Intensive training course Anglophone Africa 3 (March 2004) COMESA workshops (March, September, December 2004 and March 2005) Regional seminar for diplomats - Pakistan (February 2005)
92	Malaysia	Intensive training course Asia and Pacific 1 (November 2001) Regional seminar Malaysia (March 2001) Regional seminar Singapore (May 2002) Intensive training course Asia and Pacific 2 (November 2002) Geneva workshop (April 2003) National seminar (May 2003) International conference, India (May 2003) Intensive training course Asia and Pacific 3 (July 2004)
93	Maldives	Regional seminar Malaysia (March 2001) Intensive training course Asia and Pacific 3 (July 2004) Regional seminar for diplomats - Pakistan (February 2005)
94	Mali	LDC-BITs round (January/February 2001) BIT Signing Ceremony (May 2001) Intensive training course Francophone Africa 1 (June 2001) Intensive training course Francophone Africa 2 (June 2002) Regional seminar Gabon (June 2002) LDC-BITs round (November 2002) Geneva workshop (June 2002)

95	Malta	BITs round Croatia (April 2001) Geneva workshop (April 2003) Regional seminar Czech Republic (June 2003)
96	Mauritania	LDC-BITs round (January/February 2001) BIT Signing Ceremony (May 2001) Intensive training course Francophone Africa 1 (June 2001) Intensive training course Francophone Africa 2 (June 2002) LDC-BITs round (November 2002) Regional seminar Djibouti (January 2003) National seminar (May 2003) Intensive training course Francophone Africa 3 (May 2003) Geneva workshop (June 2003) Intensive training course Francophone Africa 4 (May 2004) BITs signing ceremony (June 2004) UMA workshop (November 2004)
97	Mauritius	LDC-BITs round (January/February 2001) BIT Signing Ceremony (May 2001) Intensive training course Francophone Africa 1 (June 2001) Intensive training course Francophone Africa 2 (June 2002) Regional seminar Gabon (June 2002) SADC workshop (November 2002) Regional seminar Botswana (February 2003) Geneva workshop (April 2003) Intensive training course Anglophone Africa 2 (March/April 2003) Intensive training course Francophone Africa 3 (May 2003) LDC-BITs round (June/July 2003) Intensive training course Francophone Africa 4 (May 2004) COMESA workshops (March, September, December 2004 and March 2005)
98	Mexico	Regional seminar Peru (October 2002) Intensive training course Latin America (October 2002) Geneva workshop (November 2002) Regional seminar Mexico (July 2003) Intensive training course Latin America 2 (October 2003) Intensive training course Latin America 3 (October 2004)
99	Micronesia, Fed. States of	Intensive training course Asia and Pacific 1 (November 2001)
100	Moldova, Republic of	BITs round Croatia (April 2001) Regional seminar Czech Republic (June 2003) Intensive training course Francophone Central and Eastern Europe 1 (December 2004)
101	Mongolia	Regional seminar Malaysia (March 2001) Intensive training course Asia and Pacific 1 (November 2001) Regional seminar Singapore (May 2002) Intensive training course Asia and Pacific 2 (November 2002) Intensive training course Asia and Pacific 3 (July 2004)
102	Montserrat	Regional seminar Jamaica (April 2003)
103	Morocco	Intensive training course Francophone Africa 1 (June 2001) Intensive training course Francophone Africa 2 (June 2002) Regional seminar Gabon (June 2002) Geneva workshop (September 2002) Regional seminar Djibouti (January 2003) National seminar (March 2003) Geneva workshop (June 2003) Intensive training course Francophone Africa 4 (May 2004) UMA workshop (November 2004)

104	Mozambique	LDC-BITs round (October 2001) Intensive training course Anglophone Africa 1 (March 2002) SADC workshop (November 2002) Geneva workshop (December 2002) Regional seminar Botswana (February 2003) Intensive training course Anglophone Africa 2 (March/April 2003) Intensive training course Anglophone Africa 3 (March 2004) SADC EPA meeting (March 2004) Intensive training course Lusophone countries 1 (April 2005)
105	Myanmar	BITs round Japan (June 2000) Geneva workshop (April 2003) Regional seminar Pakistan (June 2003) Regional seminar for diplomats - Pakistan (February 2005)
106	Namibia	NGO workshop (February 2001) SADC workshop (November 2002) Geneva workshop (December 2002) Regional seminar Botswana (February 2003) Intensive training course Anglophone Africa 2 (March/April 2003) SADC EPA meeting (March 2004) SACU workshop (March 2004)
107	Nepal	Intensive training course Asia and Pacific 1 (November 2001) Regional seminar Malaysia (March 2001) Regional seminar Singapore (May 2002) Intensive training course Asia and Pacific 2 (November 2002) International conference, India (May 2003) Intensive training course Asia and Pacific 3 (July 2004) Regional seminar for diplomats - Pakistan (February 2005)
108	Netherlands	LDC-BITs round (October 2001) LDC-BITs round (November 2002)
109	Nicaragua	Regional seminar Costa Rica (August 2002) Intensive training course Latin America 1 (October 2002) Geneva workshop (November 2002) Regional seminar Mexico (July 2003) Intensive training course Latin America 2 (October 2003) Intensive training course Latin America 3 (October 2004)
110	Niger	Intensive training course Francophone Africa 2 (June 2002) Regional seminar Gabon (June 2002) Intensive training course Francophone Africa 3 (May 2003)
111	Nigeria	Intensive training course Anglophone Africa 1 (March 2002) Geneva workshop (July 2002) Geneva workshop (December 2002) Intensive training course Anglophone Africa 2 (March/April 2003) International conference, India (May 2003)
112	Oman	Regional seminar Qatar (July 2003)
113	Pakistan	BITs round Croatia (April 2001) Regional seminar Malaysia (March 2001) Intensive training course Asia and Pacific 1 (November 2001) Regional seminar Singapore (May 2002) Intensive training course Asia and Pacific 2 (November 2002) Regional seminar Pakistan (June 2003) National seminar (April 2004) Intensive training course Asia and Pacific 3 (July 2004) Regional seminar for diplomats (February 2005) National seminar on dispute settlement (February 2005)
114	Panama	Regional seminar Costa Rica (August 2002) Intensive training course Latin America 1 (October 2002) Regional seminar Mexico (July 2003) Intensive training course Latin America 2 (October 2003)
115	Papua New Guinea	Regional seminar Singapore (May 2002)
116	Paraguay	Regional seminar Peru (October 2002)

		Intensive training course Latin America 1 (October 2002) Geneva workshop (November 2002) Regional seminar Mexico (July 2003) Intensive training course Latin America 2 (October 2003) Intensive training course Latin America 3 (October 2004)
117	Peru	BITs round Japan (June 2000) Regional seminar Peru (October 2002) Intensive training course Latin America 1 (October 2002) Regional seminar Mexico (July 2003) Intensive training course Latin America 2 (October 2003) Intensive training course Latin America 3 (October 2004) National seminar (October 2004) Andean community seminar (October 2004)
118	Philippines	BITs round Japan (June 2000) Regional seminar Malaysia (March 2001) Intensive training course Asia and Pacific 1 (November 2001) Regional seminar Singapore (May 2002) Intensive training course Asia and Pacific 2 (November 2002) Geneva workshop (April 2003) International conference, India (May 2003)
119	Poland	Geneva workshop (April 2003)
120	Qatar	Regional seminar Qatar (July 2003)
121	Romania	Regional seminar Czech Republic (June 2003) Intensive training course Francophone Central and Eastern Europe 1 (December 2004)
122	Russian Federation	Geneva workshop (April 2003) Regional seminar Czech Republic (June 2003)
123	Rwanda	Regional seminar Gabon (June 2002) Regional seminar Djibouti (January 2003) Geneva workshop (June 2003) COMESA workshops (March, September, December 2004 and March 2005)
124	Samoa	Regional seminar Singapore (May 2002) Intensive training course Asia and Pacific 2 (November 2002) Intensive training course Asia and Pacific 3 (July 2004)
125	Sao Tomé and Príncipe	Regional seminar Gabon (June 2002) Geneva workshop (June 2002) Intensive training course Lusophone countries 1 (April 2005)
126	Saudi Arabia	Regional seminar Qatar (July 2003) Intensive training course Anglophone Africa 3 (March 2004) SAGIA workshop (December 2004)
127	Senegal	Intensive training course Francophone Africa 2 (June 2002) Regional seminar Gabon (June 2002) Geneva workshop (September 2002) LDC-BITs round (November 2002) Regional seminar Djibouti (January 2003) Intensive training course Francophone Africa 3 (May 2003)
128	Serbia and Montenegro	Regional seminar Czech Republic (June 2003)
129	Seychelles	SADC workshop (November 2002)
130	Sierra Leone	Geneva workshop (December 2002) Regional seminar Botswana (February 2003)
131	Singapore	Regional seminar Malaysia (March 2001) Regional seminar Singapore (May 2002)
132	Slovak Republic	Geneva workshop (April 2003) Regional seminar Czech Republic (June 2003)
133	Slovenia	Geneva workshop (April 2003) Regional seminar Czech Republic (June 2003)
134	Spain	Geneva workshop (November 2002)
135	South Africa	LDC-BITs round (January/February 2001) NGO workshop (February 2001)



		Intensive training course Anglophone Africa 1 (March 2002) SADC Workshop (November 2002) Intensive training course Anglophone Africa 2 (March/April 2003) Intensive training course Anglophone Africa 3 (March 2004) SACU workshop (March 2004)
136	Sri Lanka	Intensive training course Asia and Pacific 1 (November 2001) Regional seminar Singapore (May 2002) National seminar (November 2002) Intensive training course Asia and Pacific 2 (November 2002) Geneva workshop (April 2003) Regional seminar Pakistan (June 2003) Intensive training course Asia and Pacific 3 (July 2004) Regional seminar for diplomats - Pakistan (February 2005)
137	St. Kitts and Nevis	Regional seminar Jamaica (April 2003)
138	St. Lucia	Regional seminar Jamaica (April 2003) Intensive training course Caribbean (September 2003)
139	St. Vincent and the Grenadines	Regional seminar Jamaica (April 2003) Intensive training course Caribbean (September 2003)
140	Sudan	LDC-BITs round (October 2001) Geneva workshop (December 2002) Regional seminar Botswana (February 2003) Intensive training course Anglophone Africa 3 (March 2004) COMESA workshops (March, September, December 2004 and March 2005)
141	Suriname	Regional seminar Jamaica (April 2003) Intensive training course Caribbean (September 2003)
142	Swaziland	Intensive training course Anglophone Africa 1 (March 2002) SADC workshop (November 2002) Regional seminar Botswana (February 2003) Intensive training course Anglophone Africa 3 (March 2004) SADC EPA meeting (March 2004) SACU workshop (March 2004) COMESA workshops (March, September, December 2004 and March 2005)
143	Sweden	BITs Round Kyrgyz Republic (January 2001) LDC-BITs Round (October 2001)
144	Switzerland	LDC-BITs round (January/February 2001) LDC-BITs round (June/July 2003) BITs signing ceremony (June 2004)
145	Tajikistan	Regional seminar Pakistan (June 2003)
146	Tanzania, United Republic of	Intensive training course Anglophone Africa 1 (March 2002) SADC workshop (November 2002) Geneva workshop (December 2002) Regional seminar Botswana (February 2003) Intensive training course Anglophone Africa 2 (March/April 2003) International conference, India (May 2003) LDC-BITs round (June/July 2003) Intensive training course Anglophone Africa 3 (March 2004) SADC EPA meeting (March 2004)
147	Thailand	Regional seminar Malaysia (March 2001) National seminar (March 2001) Intensive training course Asia and Pacific 1 (November 2001) Regional seminar Singapore (May 2002) Intensive training course Asia and Pacific 2 (November 2002) Geneva workshop (April 2003) Intensive training course Asia and Pacific 3 (July 2004)
148	Timor Leste	Intensive training course Lusophone countries 1 (April 2005)



149	Togo	Intensive training course Francophone Africa 2 (June 2002) Regional seminar Gabon (June 2002) LDC-BITs round (November 2002) Regional seminar Djibouti (January 2002) Intensive training course Francophone Africa 3 (May 2003) Intensive training course Francophone Africa 4 (May 2004)
150	Tonga	Regional seminar Singapore (May 2002) Intensive training course Asia and Pacific 3 (July 2004)
151	Trinidad and Tobago	Regional seminar Jamaica (April 2003) Geneva workshop (April 2003) Intensive training course Caribbean (September 2003)
152	Tunisia	Intensive training course Francophone Africa 1 (June 2001) Intensive training course Francophone Africa 2 (June 2002) Regional seminar Gabon (June 2002) National seminar (December 2002) Regional seminar Djibouti (January 2003) Intensive training course Francophone Africa 3 (May 2003) Geneva workshop (June 2003) Intensive training course Francophone Africa 4 (May 2004) UMA workshop (November 2004)
153	Turkey	Geneva workshop (April 2003) NGO workshop (May 2003) Regional seminar Pakistan (June 2003) Regional seminar Qatar (July 2003)
154	Uganda	LDC-BITs round (October 2001) Intensive training course Anglophone Africa 1 (March 2002) Geneva workshop (December 2002) Regional seminar Botswana (February 2003) Intensive training course Anglophone Africa 2 (March/April 2003) LDC-BITs round (June/July 2003) Intensive training course Anglophone Africa 3 (March 2004) COMESA workshops (March, September, December 2004 and March 2005)
155	Ukraine	Regional seminar Czech Republic (June 2003)
156	United States of America	Geneva workshop (July 2002)
157	Uruguay	Intensive training course Latin America 2 (October 2003) Intensive training course Latin America 3 (October 2004)
158	Venezuela	Regional seminar Peru (October 2002) Intensive training course Latin America (October 2002) National seminar (October 2002) Regional seminar Mexico (July 2003) Intensive training course Latin America 2 (October 2003) Intensive training course Latin America 3 (October 2004) Andean community seminar (October 2004)
159	Viet Nam	Regional seminar Malaysia (March 2001) Intensive training course Asia and Pacific 1 (November 2001) Intensive training course Asia and Pacific 2 (November 2002) Intensive training course Asia and Pacific 3 (July 2004) Regional seminar for diplomats - Pakistan (February 2005)
160	Yemen	BITs round India (February 2001) Intensive training course Asia and Pacific 1 (November 2001) Intensive training course Asia and Pacific 2 (November 2002) Regional seminar Qatar (July 2003) Intensive training course Asia and Pacific 3 (July 2004)

161	Zambia	LDC-BITs round (January/February 2001) NGO workshop (February 2001) LDC-BITs round (October 2001) Intensive training course Anglophone Africa 1 (March 2002) SADC workshop (November 2002) Geneva workshop (December 2002) International conference, India (May 2003) Intensive training course Anglophone Africa 3 (March 2004) COMESA workshops (March, September, December 2004 and March 2005)
162	Zimbabwe	NGO workshop (February 2001) Intensive training course Anglophone Africa 1 (March 2002) SADC workshop (November 2002) Geneva workshop (December 2002) Regional seminar Botswana (February 2003) Intensive training course Anglophone Africa 2 (March/April 2003) Geneva workshop (April 2003) International conference, India (May 2003) LDC-BITs round (June/July 2003) Intensive training course Anglophone Africa 3 (March 2004) COMESA workshops (March, September, December 2004 and March 2005)

Source: Provided by the UNCTAD Secretariat.

## ANNEX 6

### WEB STATISTICS ON THE BITs DATABASE

**Statistics from 8 October 2004** (installation of the web counter on the BITs database webpage) **to 14 June 2005:**

**62,853 page views and 9,974 visitors** (see tables below)

From 1 to 14 June 2005:

Average page views per day: 335.5

Average visitors per day: 45.86






















































Note: The proportion of unique and return visitors is almost equivalent, meaning that around half of the persons visiting the database has already viewed or used it.

Date of highest page views since 8 October 2004: Wed. 8 June 2005 – 829 page views

<b>Monthly visitors</b>			
	<b>Month</b>	<b>Visitors</b>	
1.	Jun, 2005	645	6.47
2.	May, 2005	1,372	13.76
3.	Apr, 2005	1,259	12.62
4.	Mar, 2005	1,333	13.36
5.	Feb, 2005	1,204	12.07
6.	Jan, 2005	1,039	10.42
7.	Dec, 2004	924	9.26
8.	Nov, 2004	1,290	12.93
9.	Oct, 2004	908	9.10
	<b>Total:</b>	<b>9,974</b>	<b>100.00%</b>

<b>Monthly page views</b>			
	<b>Month</b>	<b>Page Views</b>	<b>% of total</b>
1.	Jun, 2005	4,702	7.48
2.	May, 2005	9,334	14.85
3.	Apr, 2005	7,832	12.46
4.	Mar, 2005	7,752	12.33
5.	Feb, 2005	8,390	13.35
6.	Jan, 2005	6,904	10.98
7.	Dec, 2004	5,554	8.84
8.	Nov, 2004	7,584	12.07
9.	Oct, 2004	4,801	7.64
	<b>Total:</b>	<b>62,853</b>	<b>100.00%</b>

## Page views per country

		Page Views	% of total
1.	 United States	1,782	37.95
2.	 Great Britain (UK)	714	15.20
3.	 France	328	6.98
4.	 Switzerland	320	6.81
5.	 Germany	225	4.79
6.	 Canada	167	3.56
7.	 Sweden	126	2.68
8.	 Japan	110	2.34
9.	 Belgium	101	2.15
10.	 Spain	97	2.07
11.	 Philippines	61	1.30
12.	 Netherlands	57	1.21
13.	 Korea (South)	48	1.02
14.	 Hong Kong	43	0.92
15.	 Russian Federation	40	0.85
16.	 Luxembourg	31	0.66
17.	 Turkey	30	0.64
18.	 Egypt	30	0.64
19.	 China	28	0.60
20.	 India	28	0.60
21.	 Argentina	28	0.60
22.	 Italy	25	0.53
23.	 Mexico	21	0.45
24.	 Austria	21	0.45
25.	 Hungary	18	0.38
26.	 Vietnam	17	0.36
27.	 New Zealand (Aotearoa)	17	0.36
28.	 Tunisia	15	0.32
29.	 Greece	14	0.30
30.	 Czech Republic	14	0.30
31.	 Singapore	14	0.30
32.	 Bolivia	13	0.28
33.	 Australia	12	0.26
34.	 Saudi Arabia	10	0.21
35.	 Chile	10	0.21
36.	 Venezuela	9	0.19
37.	 Pakistan	9	0.19
38.	 Denmark	7	0.15
39.	 Malaysia	7	0.15
40.	 Bosnia and Herzegovina	6	0.13
41.	 Norway	5	0.11
42.	 South Africa	5	0.11
43.	 Ecuador	5	0.11
44.	 Slovenia	5	0.11
45.	 Finland	5	0.11
46.	 Uruguay	4	0.09
47.	 Portugal	4	0.09
48.	 Thailand	3	0.06
49.	 Romania	3	0.06
50.	 Latvia	1	0.02
51.	 Costa Rica	1	0.02
52.	 Senegal	1	0.02
53.	 Uzbekistan	1	0.02
	<b>Total: »</b>	<b>4,696</b>	<b>100.00%</b>

## ANNEX 7

### UNCTAD Commissions on investment Feedback from delegates and panellists on the IIA work programme

#### COMMISSION 2005:

##### **Report of the Commission 2005**

##### Recommendations:

"5. In the light of the discussion at the current session, the Commission requests the secretariat to continue its work on international investment and technology transfer arrangements, with emphasis on bilateral and regional dimensions and an exchange of experiences in implementing international commitments in this regard. Particular attention should be paid to monitoring emerging issues and developments, including in the field of investor-State dispute settlement, and related analytical and technical assistance work in this area."

##### Report:

"37. Some participants stressed that there was a growing recognition that developing countries needed more policy space in IIAs in order to meet the requirements of their development agenda. In this context, the importance of the notion of reciprocity in IIAs and the urgent need to build capacity and technical expertise were emphasized. The valuable role of UNCTAD in these areas was recognized, and it was suggested that UNCTAD could explore ways of enhancing amicable settlement clauses in IIAs. In addition, it was indicated that UNCTAD should continue its IIA workshops and programmes, and expand them to include the training of lawyers and arbitrators in investment dispute management issues, and also continue the promotion of networking between IIA experts and negotiators.

38. Delegates emphasized the need to promote a better understanding of international arbitration mechanisms and encourage interactions and the exchange of experiences between and among various institutions dealing with the same topic (OECD, UNCTAD, World Bank). All delegates and panelists appreciated the work done by UNCTAD in the area of technical assistance and capacity building, and reiterated their support for such initiatives, particularly insofar as a possible broadening and deepening of these activities were intended to take into account training and capacity-building needs with regard to the management of investment disputes."

##### **Ms. Ruth Nyakotey, Deputy Chief Executive, Investment Promotion Center, Ghana Panelist to the Policy Dialogue: Investor-State Disputes and Policy Implications (Speech excerpts)**

"In a recent experience in BITs negotiation, we mentioned the UNCTAD issues Papers on Home Country measures. We read portions together till we came to a good understanding of the issue. He faxed the proposal to his country with the explanations and within two hours they had agreed to the exception. This anecdote teaches us a lot: (a) the lack of appreciation of the substantive issues, (b) how we negotiate, (c) the usefulness and contribution of the UNCTAD documents on issues."

"UNCTAD's contributions in the Issue Papers (the pink books) the Compendium (the red books) and the workshops on International Investment have contributed to capacity building in terms of identifying and unpacking all the elements of the salient issues. Given the fact that courses on IIA negotiations are not in the curricula of most Universities and given the absence of Institutional capacity and the varied backgrounds of the floating negotiation teams, the UNCTAD effort is a very far-sighted and meaningful contribution to capacity building. In my experience, the UNCTAD documents are the defining documents which help to resolve disagreements during negotiations, to review our model texts for negotiations, and

enhance our arguments, submissions, and explanations we acknowledge that works by UNCTAD on the issues are a storehouse of knowledge which we tap into as negotiators.”

"UNCTAD needs to continue with the good work and expand the training workshops on IIAs."

"The UNCTAD Initiative which has the objective of facilitating networking within and among IIA negotiators is a positive step in the right and direction. This should be supported with occasional meetings and continuing education and re-training programmes to identify bottlenecks and promote the sharing of experiences."

#### **African Group Statement:**

"UNCTAD's work programme on international investment agreements - we note with appreciation its successful implementation of the regional intensive training sessions (organized this year in South Africa or Egypt)."

#### **COMMISSION 2004:**

##### **Report of the Commission 2004**

Recommendations:

"5. UNCTAD should [...] continue its work on international arrangements, with emphasis on the bilateral and regional dimensions, including in the context of North-South and especially South-South cooperation, and the needs of member countries in this regard. Furthermore, the secretariat should continue to facilitate an ongoing exchange of information and experiences in this area, including at the intergovernmental level."

Report

"40. Sharing of experiences and additional analysis of technical issues were of particular importance given the need to analyse more systematically the challenges that revolved around FDI in various regional and bilateral fora. In this connection, one delegate noted how the EU was assisting in the evolution of regional integration initiatives among developing country partners through the conclusion of economic partnership agreements with regional groups of developing countries. Further added value was perceived in identifying the similarities and differences that regional approaches adopted towards key aspects of investment rule making. In that context, one delegate suggested a database containing the characteristic (investment-related) provisions of FTAs and BITs. By way of response, one participant identified the need to increase understanding of international issues, in that they operated as an important framework for bilateral and regional negotiations. In that context, increasing focus could also be placed on RTAs. UNCTAD's engagement in these issues would allow negotiators to benefit from the possibilities of cross-fertilization amongst regional approaches.

41. In addition, future assistance could also include the strengthening of institutional capacity in developing countries. Given the breadth of impacts that international rule making in investment might have, it was vital to improve the coordination of policies and negotiating methods adopted by affected ministries, as well as amongst affected levels of government (not only national, but also subnational and municipal), and to ensure involvement of affected stakeholders. During the discussion, participants shared experiences as to how consultation processes could take place.

42. The need to strike the right balance between the right to regulate and the commitment to establish a predictable and reliable framework for investment was stressed. Here, delegates and other participants referred to the long-term goal of international rule making. The development dimension was identified as a major reason for engaging in international rule making. In that connection, the concept of flexibility for development in IIAs was suggested as an issue to be pursued in the context of UNCTAD XI.

43. Throughout the discussion, panellists and delegates pointed to the valuable role UNCTAD had played in these areas to date and to the positive spill-over effects that UNCTAD's work had generated at the regional and national levels. Furthermore, the panellists and some delegates expressed their hope that developing countries would continue to benefit from that assistance and identified three main areas where UNCTAD could be of particular assistance, namely systematic analysis of issues related to IIAs and development, fostering developing country negotiating capacity, and strengthening developing countries' internal institutional capacity."

#### **African Group Statement** (Representative of Senegal)

"On international investment agreements, he called on UNCTAD to help African countries understand and deal better with these agreements. BITs constituted entry points into such agreements. He underscored that UNCTAD's assistance for regional initiatives, especially the Common Market for Eastern and Southern Africa (COMESA), was very valuable. He concluded by emphasizing the importance of good governance as a key instruments linking FDI to development."

### **COMMISSION 2003:**

#### **Report of the Commission 2003**

##### Recommendations:

"3. The secretariat, in line with paragraph 21 of the Doha Declaration, should continue its post-Doha technical assistance and capacity-building work in the areas of policy analysis and development, human resource capacity-building and institutional capacity-building, including in cooperation with other international organizations. Furthermore, the secretariat should facilitate an ongoing exchange of information and experiences among investment negotiators."

##### Report:

"55. In the ensuing discussion, delegates stressed that international treaty-making in the area of investment (at the bilateral, regional and interregional levels) was important for enhancing the attractiveness of countries as FDI locations. At the same time, it remained important to maintain sufficient national policy space to pursue development objectives."

"62. The discussion yielded a number of issues that the Commission felt the secretariat should address in its future work."

##### **Opening statements:**

"The representative of **Switzerland** commended the UNCTAD secretariat on its high quality and efficient work in this area (on FDI). He referred particularly to activities in the area of **international investment agreements**, the investment policy reviews and the *World Investment Report*."



## COMMISSION 2002:

### **Report of the Commission 2002**

Agreed conclusions: Implications for the work of the Commission following the Doha Ministerial Meeting:

"1. We recognize the contribution of UNCTAD's work programme on investment agreements to deepening the understanding of the issues involved, exploring the range of issues that needs to be considered, identifying the interests of developing countries and, in particular, ensuring that the development dimension is addressed.

2. We recognize the needs of developing countries, in particular least developed countries, for enhanced support for technical assistance and capacity building in this area, including policy analysis and development, so that they may better evaluate the implications of closer multilateral cooperation for their development policies and objectives, and human and institutional development. To this end, we emphasize the need for strengthened and adequately resourced assistance to respond to these needs, as specified in paragraph 21 of the Doha Ministerial Declaration, taking into account, where appropriate, paragraphs 42–43.

3. In response to this provision, the Commission calls on UNCTAD to implement an enhanced technical assistance and capacity-building programme that in close collaboration with the World Trade Organization (WTO) responds to the needs of beneficiary countries and addresses the three areas emerging from paragraph 21 of the Doha Ministerial Declaration, namely policy analysis and development, human resources development and institutional development. Work in this connection should examine past country experiences.

4. The Commission calls on donors and countries in a position to do so to provide the necessary means and assistance to undertake such an enhanced programme, whose practical implementation should not be at the expense of the resources devoted to the ongoing work, with full use being made of possible synergies.

5. The Commission further encourages the secretariat to provide substantive support to the WTO Working Group on the Relationship between Trade and Investment, as well as to the WTO work programme on the relationship between trade and transfer of technology."

Report:

"92. The representative of **Uganda** expressed his gratitude for a number of DITE activities that had been carried out in or for his country, particularly the bilateral investment treaties negotiations, supported by the Government of Germany."

"104. The representative of **Egypt**, speaking on behalf of the **Group of 77** and **China**, said that it was important to discuss UNCTAD's possible follow-up to the Doha Declaration's work programme on investment at this first post-Doha intergovernmental meeting on investment. The paragraphs of the Doha Declaration dealing with investment posed a formidable challenge to the developing country members of the WTO. Referring to the need for strengthened technical assistance and capacity building, he proposed that the focus be on what UNCTAD could do in this area. This work should build on the secretariat's experience with the implementation of its work programme on international investment agreements. Training and capacity- and consensus-building seminars and workshops, the UNCTAD Series on issues in international investment agreements, the facilitation services for the negotiation of bilateral investment treaties and double taxation treaties, and the advice to regional organizations with regard to the formulation and/or modernization of existing investment regimes had been most valuable for developing countries.

105. Policy analysis and policy development concerning the implications of closer multilateral cooperation in the area of investment and the main issues in international investment agreements could be a starting point. Intensive regional training courses of the kind that UNCTAD had already successfully held in Alexandria and New Delhi, coupled with training courses for Geneva delegates, should form the core of the human resources capacity-building approach. In this context, emphasis should also be placed on the bilateral treaty negotiation facilitation events. This work should be accompanied by efforts aimed at strengthening the national institutional framework and negotiation infrastructure, and, more generally, strengthening the institutions dealing with investment issues in developing countries.

106. In closing, he stressed that the work which UNCTAD should undertake in response to the Doha mandate in the area of investment should not be at the expense of its ongoing policy analysis and technical assistance work, but should be undertaken with additional resources.

107. The representative of **Spain**, speaking on behalf of the **European Union**, emphasized the importance of the paragraph in the Doha Declaration dealing with investment. In particular, paragraph 21 would require a bold response on the part of all countries, especially in terms of intensifying technical assistance activities. These needed to be integrated with national development strategies. He stressed that the Commission should take up the challenge posed by the Doha Declaration. Work in this area should take into account UNCTAD's experience and expertise, with a view to implementing the technical assistance and capacity-building activities called for in the Declaration with close cooperation between UNCTAD and the WTO, as spelt out in the Declaration.

108. The representative of **Bangladesh**, speaking on behalf of the **LDCs**, stressed the importance of taking into account the special needs of LDCs when implementing the technical assistance and capacity-building activities arising out of the post-Doha follow-up work by UNCTAD and the WTO.

109. The representative of **China** emphasized the important role that UNCTAD had played in the area of international investment, and said that this comparative advantage should be reflected in the follow-up to the Doha mandate, especially with regard to the technical assistance activities relating to policy analysis, and human and institutional development, as specified in paragraphs 20 to 22 of the Doha Ministerial Declaration. His delegation fully supported UNCTAD in the design and implementation of a technical assistance programme in this area, which would benefit the interests of all developing countries, including China as a new member of the WTO.

110. The representative of **Japan** welcomed the timely and useful agenda item which the Commission was discussing and stressed the importance of close cooperation with WTO in pursuance of the Doha mandate in the area of investment.

111. The representative of the **United States of America** welcomed the close cooperation between WTO and UNCTAD, as well as other international organizations. In this context, he suggested, within the framework established by the International Conference on Financing for Development, that a stocktaking exercise be held that would determine the gaps and explore further possibilities for cooperation in this area.

112. The representative of **India** reiterated the need to carefully interpret the mandate given by the Doha Ministerial Declaration, which reflected a delicate compromise. The implementation of this mandate would need to be sensitive to the concerns of developing countries and to adhere to the letter and the spirit of the Declaration. The need and the scope for enhanced support for technical assistance and capacity building had been clearly spelt out in paragraph 21 of the Doha Declaration, and this should be strictly adhered to. Most important in this regard would be to focus on the need to help countries to better evaluate the implications of closer multilateral cooperation in the area of investment, beginning with an examination of country experiences with investment policy measures and options, particularly performance requirements and investment incentives, in the pursuance of national development objectives. UNCTAD should provide developing countries with insight into the implications of closer multilateral cooperation in this area, and should bring out the development dimension.

113. The representative of **Morocco** stressed the importance of achieving an equitable balance between obligations arising out of investment agreements and the need to preserve national policy spaces for the pursuance of development objectives.

114. The representative of **Switzerland** welcomed the cooperation between UNCTAD and the WTO in the pursuance of matters arising out of paragraphs 20–22 of the Doha Ministerial Declaration. He emphasized the need for better programme coordination in this area."

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## ANNEX 8

## Participant day cost calculation

<b>EVENT</b>	<b>Total participants</b>	<b>Number of events</b>	<b>Duration in terms of work-days</b>	<b>Participant days</b>
IIA training	410	16	10	65600.00
Regional	349	11	1.5	5758.50
Geneva	105	6	1	630.00
BITs	234	9	7	14742.00
National	473	19	1.5	13480.50
Civil society	253	9	1.5	3415.50
Ad-hoc TA	208	14	2	5824.00
<b>TOTAL</b>	<b>2032</b>	<b>84</b>	<b>24.5</b>	<b>109450.50</b>
Amount spend (2000-2005)				4356721.00
Per participant day (2000-2005)				39.81
Amount spend by WTO (2004)				18634000.00
WTO participant days (2004)				28360.00
Amount per WTO participant day (2004)				657.05