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Independent Evaluation
of the Development Account Project

**Strengthening the Capacity of Developing Country Policy
Makers, Investment Promotion Officials and Academia in
Two Priority Sectors to Attract Investment for
Sustainable and Inclusive Development
(DA Project 1415R)**

Evaluation and Monitoring Unit
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EXECUTIVE SUMMARY

1. This document constitutes the report of the external evaluation of the United Nations Development Account (UNDA) project 1415R (“Strengthening the capacity of developing country policy makers, investment promotion officials and academia in two priority sectors to attract investment for sustainable and inclusive development”). The project was implemented by UNCTAD’s Division on Investment and Enterprise (DIAE) with a budget of USD 585,000 between January 2015 and December 2017.
2. At current levels of investment, developing countries face an annual gap of USD 2.5 trillion for meeting the Sustainable Development Goals (SDG).¹ It is therefore essential to harness the contribution of the private sector, including through foreign direct investment (FDI). At the same time, increasing the involvement of private sector investors in SDG-related sectors, many of which are sensitive or of a public service nature, also leads to policy dilemmas.
3. The project responded to these challenges. It supports government policymakers, investment promotion officials and academia to identify, design and implement effective investment policies that aim at increasing the level of corporate investment in priority sectors and maximizing the sustainable development contribution of such investment. Project support included several deliverables such as: expert meetings, workshops and regional conferences, all with capacity building elements; training materials; advisory services; and web-based platforms, including customized UNCTAD databases, an online repository of best practices (based on the customization of UNCTAD’s existing databases) and an online forum (with blogs).
4. This evaluation systematically and objectively assessed the project design, project management and project performance with a view to developing practical and constructive recommendations that can help enhance the work of UNCTAD in this area. The evaluator used a **theory-based evaluation approach** to address the time-lag between project results (activities) and materializing change at the country level (impact in terms of policy change). The **evaluation methodology** builds on an evaluation matrix in the inception report and includes a mixed-methods approach based on triangulation, which facilitates validation of data through cross-verification from more than two sources. These sources include: i) desk review; ii) briefing meeting in person with the DIAE project team and with the Evaluation and Monitoring Unit (EMU) in Geneva; iii) Theory of Change validation meeting with the DIAE project team; iv) face-to-face interviews with relevant UNCTAD staff in Geneva; v) on-line survey of government representatives of beneficiary countries and other relevant stakeholders; vi) semi-structured telephone interviews with government and other representatives from project beneficiaries; vii) presentation of emerging evaluation findings; ix) feedback by DIAE on the draft report; x) presentation of final evaluation report.
5. **Main evaluation findings:** The main evaluation findings are grouped by the evaluation criteria of relevance, efficiency, effectiveness, sustainability, gender and human rights and partnerships and SDGs.
6. The evaluation finds that the project was successful in improving the institutional capacity of beneficiary countries. It raised awareness on the role international investment can take in the pursuit of the SDGs, it improved knowledge on best-possible investment policy actions and it strengthened beneficiary countries’ technical capacity to formulate and implement such policy actions. The project’s concrete policy impact is

¹ Project Document, Strengthening the capacity of development-country policy makers, investment promotion officials and academia in two priority sectors to attract investment for sustainable and inclusive development (1415 R). See UNCTAD 2014 World Investment Report (WIR), Investing in the SDGs: An Action Plan.

evident, among others, from the numerous IIA reform actions undertaken by beneficiary countries (as documented in UNCTAD's annual World Investment Reports (WIRs)). At the same time, in their responses, project beneficiaries emphasized that more could be done in terms of further follow-up to the activities undertaken as part of the project.

Relevance: The project correctly anticipated the global importance of sustainable economic and social development through investment even before the adoption of the SDGs by the UN General Assembly.

7. For all five sub-criteria, the project shows very high relevance. No major areas of improvements emerge.
8. The project aligns closely to the mandates of UNCTAD as arising from UNCTAD's inter-governmental machinery (2008 Accra Accord, 2012 Doha Mandate, and the 2016 Nairobi Maafaikiano) and from the Third United Nations Financing for Development (FfD) outcome, the 2015 Addis Ababa Action Agenda. The project also aligns closely to the UNDA's objectives of capacity development. For 78.6% of country beneficiaries and stakeholders surveyed under the evaluation, the project reflected primary development needs to close the SDG-related financing gap by harnessing investment and maximizing its sustainable development contribution.
9. Internal synergies at UNCTAD were maximized due to the project's close alignment to the core services of DIAE. The project serves as a good practice example how DA projects can complement implementing agency's regular work while at the same time addressing development priorities of beneficiary developing countries.
10. Overall, the project's reconstructed Theory of Change is valid.

Efficiency: The project used resources appropriately.

11. The project was implemented in a complex policy environment, during the uncertain transition from the Millennium Development Goals to the SDGs.
12. The project benefitted from a dedicated project manager in DIAE showing high responsiveness to beneficiary country needs. The implementation rate reached 88% at the end of the project cycle – an implementation rate to be considered in the context of the rules affecting the disbursement of funds under specific items as well as the cost-efficiency and savings generated by the project.
13. The timeliness of project delivery was high in a complex policy environment with paramount shifts following the adoption of the SDGs in 2015. Including the six months non-cost extension, the project duration of 42 months was sufficient to make a significant contribution to the three Expected Accomplishments (EA). This was due to the project's close alignment to DIAE's core services, high synergies in beneficiary countries and the alignment to national or regional processes or frameworks. The evaluation found an increase of project activities towards the end of the project cycle in the six months of the non-cost extension.
14. Cost-effectiveness of the project was high. The complementarities between the project and the Division's core services allowed for the generation of synergies and the maximization of impact.

Effectiveness: The project achieved its Expected Accomplishments at high levels.

15. The project satisfaction rate among country beneficiaries is very high. The evaluation found that DIAE took a systematic approach to ensure complementarity of capacity building activities. For example, in one country, the project contributed to a change in practices beyond the investment policy department (the institutional beneficiary of the project), which involved the Ministry of Foreign Affairs and several of the country's embassies.
16. In terms of project results, the evaluation found the following:
- Expected Accomplishment 1: The large majority of country beneficiaries (reached during the evaluation) reported a high to very high increase in their awareness and understanding of the role of international investment for sustainable development (87%).
 - Expected Accomplishment 2: The majority of country beneficiaries (60%) noted a high to very high increase of their technical capacities.
 - Expected Accomplishment 3: The majority of country beneficiaries (67%) provided a high to very high rating for the changes in the ability to formulate and implement related policies.
17. The project was particularly successful in increasing awareness and understanding, with very positive overall satisfaction rates. Unintended positive results emerge such as the projects' engagement with the Board of Investment in Sri Lanka, resulting in changes in practices in the Ministry of Foreign Affairs. This included Sri Lankan embassies, the documentation of which can be improved.

Sustainability: Some project results are very likely to last.

18. To contribute towards sustainability, the project sought to create ownership and laid the foundation for sustaining results through its on-going engagement with countries through DIAE core services.
19. UNCTAD has been successful in ensuring the likelihood of sustainability of project activities, as evidenced by 68% of high to very high ratings on sustainability provided by project beneficiaries. UNCTAD has achieved this result by making considerable efforts to sustain knowledge and capacity gained through the project's activities. This is ensured through on-going engagements such as the Annual High-level IIA Conferences, the biennial World Investment Forums (WIF) or other DIAE core services,
20. Country stakeholders acknowledge that for ensuring the sustainability of project activities, a considerable challenge lies in the level of institutional capacities, which is largely under the responsibility of national governments. Differences between countries in terms of their capacities and institutional continuity clearly affect the sustainability of project results.
21. Project beneficiaries emphasized that more could be done in terms of further follow-up to the activities undertaken as part of the project. A continuation of focused interventions, for example through a second phase of this project, would strengthen the long-term impact and sustainability of the project.

Gender and human rights: The project team treated gender and human rights in a sensitive manner.

22. While both the gender dimension and the human rights dimension of investment policymaking had not figured prominently in the project document, the project adopted an incremental but pro-active approach towards mainstreaming gender and human right concerns into its activities.
23. Accordingly, stakeholders and country beneficiaries did not consider gender and human rights to be a core component of the project. At the same time, gender and human rights figured in presentations and discussions during project-funded events and were addressed in the project team's research and analysis, as well as advisory services and online platforms for exchange.
24. With respect to gender, for example, the project used an impartial approach and evidence. For example, UNCTAD statistics about IIA-related gender aspects proved effective in showing certain gender imbalances. In so doing, the project team was successful in carefully opening a discussion between stakeholders at regional conferences, even in political and culturally sensitive contexts.
25. With respect to human rights, the project contributed to regular reporting on investment-related policy developments in the human rights field and engaged human rights experts as speakers at events or for its online discussion forum.
26. The evaluation found demand from country beneficiaries to further strengthen UNCTAD's analytical and research work on gender and human rights in the area of IIAs, a demand, that was among others, spurred by UNCTAD's careful raising of awareness on these issues.
27. **Partnerships and SDGs:** Four main elements of the project's strategic approach to partnership emerge: i) co-financed and co-organized events, for example the joint workshops with the International Institute for Sustainable Development (IISD) on investment in infrastructure and public Services in Nairobi, Kenya in 2018 or the Technical Workshop held together with IISD and the International Institute for Trade and Development (ITD), Bangkok, Thailand in 2018; ii) strategic longer-term engagement of academics to present in workshops (those academics often are also serving as per-reviewers of DIAE publications); iii) an approach to making partners' voices heard through UNCTAD's convening power through the investment policy hub blog; and iv) empowering beneficiary countries by creating an international platform.
28. Rather than taking a formal "service providers-client" approach, the project team aimed to be on par with the beneficiary countries' institutions. Beneficiaries often mentioned that they felt like partners during the project. This also applied to participants from small economies/countries. Rather than lecturing stakeholders, the project took the approach to put even partners from smaller economies in the centre of events and encouraged them to share their lessons about their countries' IIAs and sustainable development dimensions. In sum, the project teams' culturally sensitive and caring approach during engagements often over extended periods of time resulted in beneficiaries' appreciation.
29. The DA project was designed before the adoption of the SDGs and exact SDG alignment could not be planned for. However, the project designers foresaw the importance of the sustainability dimensions of IIAs even before the adoption of the SDGs.

30. The evaluation finds that the DA project contributes to a range of SDGs. The most direct contribution is to SDG 17: “Strengthen the means of implementation and revitalize the global partnership for sustainable development. The relevant targets and indicators concern finance and capacity building.”

31. The following offers a set of conclusions that build on the key findings. Three recommendations emerge:

Relevance

R 1: UNCTAD should develop Theories of Change for its DA projects to further strengthen the project design, even if not required in the DA project document template. *Prioritization: medium - next 12 to 24 months.*

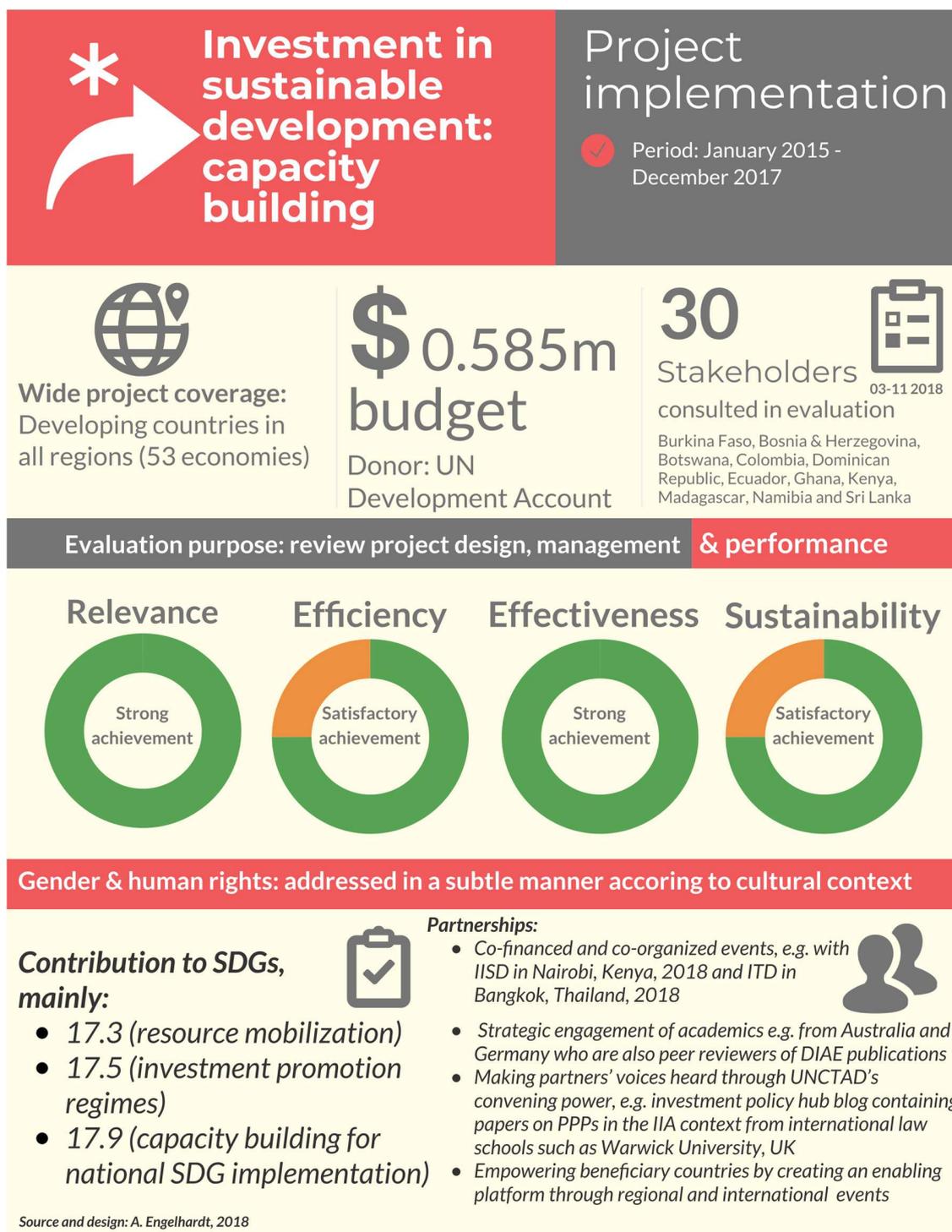
Sustainability

R 2. UNCTAD’s DIAE could consider how a future DA project could provide for a set of additional, focussed beneficiary countries, which would benefit from an increase in follow-up activities, with a view to further improving the sustainability of the project. *Prioritization: medium - next 12 to 24 months.*

Gender and human rights

R 3: UNCTAD’s DIAE should increase its engagement in research and analysis on the inclusion of gender and human rights aspects in IIAs. *Prioritization: medium - next 12 to 24 months.*

Figure I. Infographic: Overview of project and main evaluation results



SUMMARY MATRIX OF FINDINGS, EVIDENCE AND RECOMMENDATIONS

Findings: Problems and Issues Identified ²	Evidence (sources that substantiate findings)	Recommendations ³
General recommendations		
 <p>Relevance: High relevance for beneficiary countries; close alignment to the mandate of UNCTAD; alignment to the UNDA's objectives of capacity development at three levels; synergies with existing undertakings of UNCTAD due to the project's close alignment to the core services of DIAE. The project's reconstructed Theory of Change is valid and in-hindsight the use of a Theory of Change would have further strengthened the project design.</p>	<p>Document review; Theory of Change workshop with project team; on-line survey, question 1; telephone interviews, question 1.</p>	<p>R1: UNCTAD should develop Theories of Change for its DA projects to further strengthen the project design, even if it is not required in the DA project document template.</p> <p>Prioritization: medium - next 12 to 24 months</p>
 <p>Effectiveness: Project satisfaction rate among country beneficiaries is very high; DIAE took a systematic approach to ensure complementarity of capacity building activities; examples of institutional knock-on effects where the project contributed to a change in practices beyond the direct project beneficiary could be observed. EA1: The large majority of country beneficiaries reached during the evaluation perceived a high to very high increase in their awareness and understanding of the role of international investment for sustainable development. EA2: The majority of country beneficiaries noted a high to very high increase of their technical capacities. EA3: The majority of country beneficiaries provided a high to very high rating for the changes in the ability to policy formulation and implementation.</p>	<p>Document review; on-line survey, questions 3 to 8; telephone interviews, questions 3 to 6.</p>	<p>No recommendation</p>
 <p>Efficiency: The project benefitted from a dedicated project manager in DIAE showing high responsiveness to beneficiary country needs; The timelines of project delivery was high in a complex policy environment with paramount shifts following the adoption of the SDGs in 2015. The project achieved an implementation rate of 88% at the end of the project cycle – an implementation rate to be interpreted in the context of the rules affecting the disbursement of funds under specific items and the cost-efficiency and the savings generated by the project. Cost-effectiveness of the project was high based on the project's two-tiered approach to carefully manage costs. For</p>	<p>Document review; on-line survey, question 2; telephone interviews, question 2.</p>	<p>No recommendation</p>

² A finding uses evidence from data collection to allow for a factual statement.

³ Recommendations are proposals aimed at enhancing the effectiveness, quality, or efficiency of a project/programme; at redesigning the objectives; and/or at the reallocation of resources. For accuracy and credibility, recommendations should be the logical implications of the findings and conclusions.

<p>DIAE, the project was fully interwoven with its core services. In beneficiary countries, synergies were high due to alignment to national or regional processes or frameworks and the coordinated use of DIAE core services; The project required a six-month non-cost extension. The extended period of 42 months was sufficient to make a significant contribution to the three Expected Achievements (EA) due to the project's close alignment to DIAE's core services, high synergies in beneficiary countries and the alignment to national or regional processes or frameworks.</p>		
 <p>Sustainability: Ownership of the project objectives and efforts to sustain knowledge and capacity gained in the project through on-going engagement show 68% high to very high ratings; Recognition that for ensuring the sustainability of project activities, a considerable challenge lies in the level of beneficiaries' institutional capacities and change which is largely under the responsibility of national governments. Conduciveness of the project approach to sustain impact shows limitations in meeting the demand of large number of project countries.</p>	<p>Document review; on-line survey, question 9; telephone interviews, question 7.</p>	<p>R2. For future DA projects, UNCTAD's DIAE should consider limiting the number of beneficiary countries (to be specified during implementation) to allow for more focused follow-up of its interventions.</p> <p>Prioritization: medium - next 12 to 24 months</p>
 <p>Gender and Human Rights: Stakeholders and country beneficiaries identify both themes as part of secondary level discussions; UNCTAD statistics proved powerful to show gender imbalances in IIA context; Given political and cultural sensitivities, the project team was successful to carefully open a discussion between stakeholders at regional conferences; Increasing demand emerges to further strengthen UNCTAD's work on gender and human rights in the area of IIAs and investment policymaking more broadly.</p>	<p>Document review; on-line survey, question 10; telephone interviews, question 8.</p>	<p>R3: UNCTAD's DIAE should increase its engagement in research and analysis on the inclusion of gender and human rights in IIAs.</p> <p>Prioritization: medium - next 12 to 24 months</p>
 <p>Cross-cutting Issues: SDGs and Partnerships: The project contributes to SDG 17. At least four main elements of the project's strategic approach to partnership emerge: i) co-financed and co-organized events; ii) strategic engagement of academics; iii) making partners' voices heard through UNCTAD's convening power; iv) empowering beneficiary countries by creating an international platform.</p>	<p>Document review; on-line survey, question 11; telephone interviews, question 9.</p>	<p>No recommendation</p>

	Key: colour coding
	<p>Green: strong achievement across the board. Stands out as an area of good practice where UNCTAD is making a significant positive contribution.</p>
	<p>Green/amber: satisfactory achievement in most areas, but partial achievement in others. An area where UNCTAD is making a positive contribution but could do more.</p>
	<p>Amber/red: unsatisfactory achievement in most areas, with some positive elements. An area where improvements are required for UNCTAD to make a positive contribution.</p>
	<p>Red: poor achievement across most areas, with urgent remedial action required in some. An area where UNCTAD is failing to make a positive contribution.</p>

I. INTRODUCTION

1.1 Project Background

32. UNCTAD's Division on Investment and Enterprise (DIAE) was implementing the DA project 1415R with a budget of USD 585.000 between January 2015 and December 2017. DIAE describes the program background as follows:

“Reaching the United Nations Sustainable Development Goals (SDGs) will need a step-change in investment: at current levels of investment in SDG-related sectors, developing countries face an annual gap of 2.5 trillion USD. The potential for increased private sector investment contributions is significant, especially in infrastructure-related sectors. At the same time, increasing the involvement of private sector investors in SDG-related sectors, many of which are sensitive or of a public service nature, leads to policy dilemmas. There is, therefore, a need to design best possible investment policies at the national and international levels.”

33. The project responds to these challenges by supporting government policymakers, investment promotion officials and academia to identify, design and implement effective investment policies that aim at increasing the level of corporate investment in priority sectors and maximizing the sustainable development contribution of such investment. The project has a particular focus on private sector participation through new financing opportunities, such as best practices in public-private partnerships (PPPs), and the best possible investment policies (at the national and international levels) in this regard.

34. The project benefitting 53 economies⁴ consists of several deliverables. These include: expert meetings, workshops and regional conferences, with capacity building elements; training materials; advisory services; and web-based platforms, including customized UNCTAD databases, an online repository of best practices (based on the customization of UNCTAD's existing databases) and an online forum (with blogs).⁵

35. Three expected accomplishments (EAs) are listed in the project document:

EA1: Increased awareness and understanding among policymakers and investment promotion officials and academia in beneficiary countries of the role international investment could play in sustainable and inclusive development, including awareness of its risks.

EA2: Increased capacity of government and investment promotion officials, and academia in beneficiary countries to collect, analyse and use investment data in order to be able to make

⁴ Albania, Argentina, Azerbaijan, Bangladesh, Belarus, Bhutan, Bosnia and Herzegovina, Brazil, Burkina Faso, Cambodia, Cape Verde, Chad, Colombia, Cuba, Dominican Republic, Ecuador, Egypt, Gambia, Georgia, Ghana, India, Kazakhstan, Kenya, Kyrgyzstan, Lao DPR, Liberia, Madagascar, Malaysia, Mongolia, Montenegro, Morocco, Myanmar, Namibia, Nepal, Nigeria, Pakistan, State of Palestine, Papua New Guinea, Paraguay, Peru, Philippines, Saudi Arabia, Senegal, Serbia, Sri Lanka, Tajikistan, Thailand, Timor-Leste, Tunisia, Ukraine, Uruguay, Uzbekistan and Viet Nam.

⁵ See also UNCTAD, undated: Terms of Reference. External Evaluation of Development Account Project 1415R Strengthening the capacities of developing country policy makers and investment promotion officials in priority sectors to attract investment for sustainable and inclusive development, page 1.

informed evidence-based policy decisions that will boost investment to sustainable development sectors, such as infrastructure and public services.

EA3: Increased ability among policymakers in beneficiary countries to formulate and implement policies, including public-private partnerships, to attract international investment to sustainable development sectors, such as infrastructure and public services, and to maximize its contribution to sustainable and inclusive development outcomes.

36. Those EAs aim to contribute to the project objective: “to increase the capacity of policymakers, investment promotion officials and academia in selected countries to formulate and implement policies that increases the contribution of international investment to sustainable development and inclusive growth in two priority sectors.”
37. Map I shows the 53 economies benefitting from the DA project (in dark colour) and the beneficiary countries that participated in the evaluation (blue pins).⁶



1.2 Evaluation Purpose and Scope

38. The evaluation Terms of Reference (ToR)⁷ outline the background and objectives of this evaluation:

“This evaluation exercise is meant to ensure ownership, result-based orientation, cost-effectiveness, and quality of UNCTAD assistance. By carrying out this evaluation, UNCTAD plans to assess its work, to learn lessons, to receive feedback, appraisal, and recognition, as well as to mobilize resources by showing the possible attribution of achievements to the programme. The evaluation will systematically and objectively assess project design, project management, and project performance. The evaluation will provide assessments

⁶ Botswana, Bosnia and Herzegovina, Burkina Faso, Colombia, Dominican Republic, Ecuador, Ghana, Kenya, Madagascar, Namibia and Sri Lanka.

⁷ Ibid, page 1.

that are credible and useful, and also include practical and constructive recommendations, in order to enhance the work of UNCTAD in this area.”

39. The evaluation scope includes the evaluation criteria of relevance, effectiveness, efficiency, sustainability and gender and human rights. The criterion of impact (in terms of countries' enhanced foreign investment inflows and better SDG performance) is not considered in this evaluation due to the limited time-lag between the end of the project implementation and the already considerable scope of the evaluation. At the same time, policy change (in terms of sustainable development-oriented investment policymaking) is considered throughout the report.
40. The evaluation scope is further defined in the specific evaluation questions related to each evaluation criterion, as presented in the evaluation matrix in Annex 1. The temporal scope of the evaluation is from January 2015 and December 2018, according to the original project document.
41. Evaluation users are UNCTAD management, the Capacity Development Office/Development Account of the United Nations Department of Economic and Social Affairs (UNDESA), project stakeholders and UNCTAD's member States. The evaluation aims to provide accountability to those users.
42. The UNCTAD Evaluation and Monitoring Unit (EMU) managed this evaluation in close collaboration with the Division on Investment and Enterprise (DIAE). The evaluation was conducted by an independent external evaluator.

1.3 Evaluation Methodology

43. The evaluator used a **theory-based evaluation approach** to address the time-lag between project results and materializing change at the country level. The approach was successfully used in recent evaluations for international organizations, including UNCTAD.⁸ A theory-based evaluation specifies the intervention logic, also called “Theory of Change,” that is tested in the evaluation process. The Theory of Change is built on a set of assumptions around how the project designers think a change will happen. Logically it is linked to the DA project logframe.
44. The added value of theory-based evaluation is that it further elaborates the assumptions behind the project as well as linkages between outputs, outcomes, and impact. Besides, the approach highlights stakeholder needs as part of a situation analysis. The situation analysis also identifies barriers to creating sustainable communities. The approach includes analysing the projects' response (activities and outputs) to the problem, followed by a results analysis.
45. The evaluation aims to collect evidence of the project's contribution to the following cross-cutting topics:
 - 1) Sustainable Development Goals (SDGs)
 - 2) Partnerships

⁸ Engelhardt, A. 2016: External Terminal Evaluation of UNCTAD's Development Account Project: Business schools for impact

46. The following selection of tailored evaluation tools and processes were used for this DA project evaluation to ensure rigorous triangulation of data.

- a. **Desk review** of project documents and relevant materials, among them: the project proposal (a logical framework used for the design and implementation of the project, indicators and evidence of results achieved); monitoring and other progress reports;
- b. **Briefing meeting in person** with the DIAE project team and with the Evaluation and Monitoring Unit (EMU) in Geneva;
- c. **Theory of Change validation meeting** with the DIAE project team in Geneva;
- d. **Face-to-face interviews** with relevant UNCTAD staff in Geneva;
- e. **An on-line survey** of beneficiaries and other relevant stakeholders;
- f. **Telephone/Skype interviews** with project participants, project partners and other relevant stakeholders using a semi-structured questionnaire;
- g. **Presentation of emerging evaluation findings** to DIAE and EMU following data analysis;
- h. **Draft report** for feedback to DIAE (factual validation) and EMU (quality assurance);
- i. **Finalization of evaluation report** and presentation in person to DIAE and EMU, focus on conclusions, recommendations, lessons learned and best practices.

47. The response rate for the online survey reached 25% (13 out of 52) while the response rate for interviews was 59% (16 out of 29).⁹ 11 out of the 18 preselected countries participated in interviews or the survey.¹⁰ The evaluation did not encounter any major limitations. The evaluation matrix in the inception report specifies which data collection methods are used for the specific evaluation questions and shows the approach to triangulation for each question (triangulation facilitates validation of data through cross verification from more than two sources).

1.4 Limitations

48. The only temporary limitation for this evaluation were delays in the launch of the evaluation. Other limitations do not emerge.

⁹ 50% male (8) and 50% female interviewees (8) for the interviews. For the survey, no sex-aggregated breakdown is available.

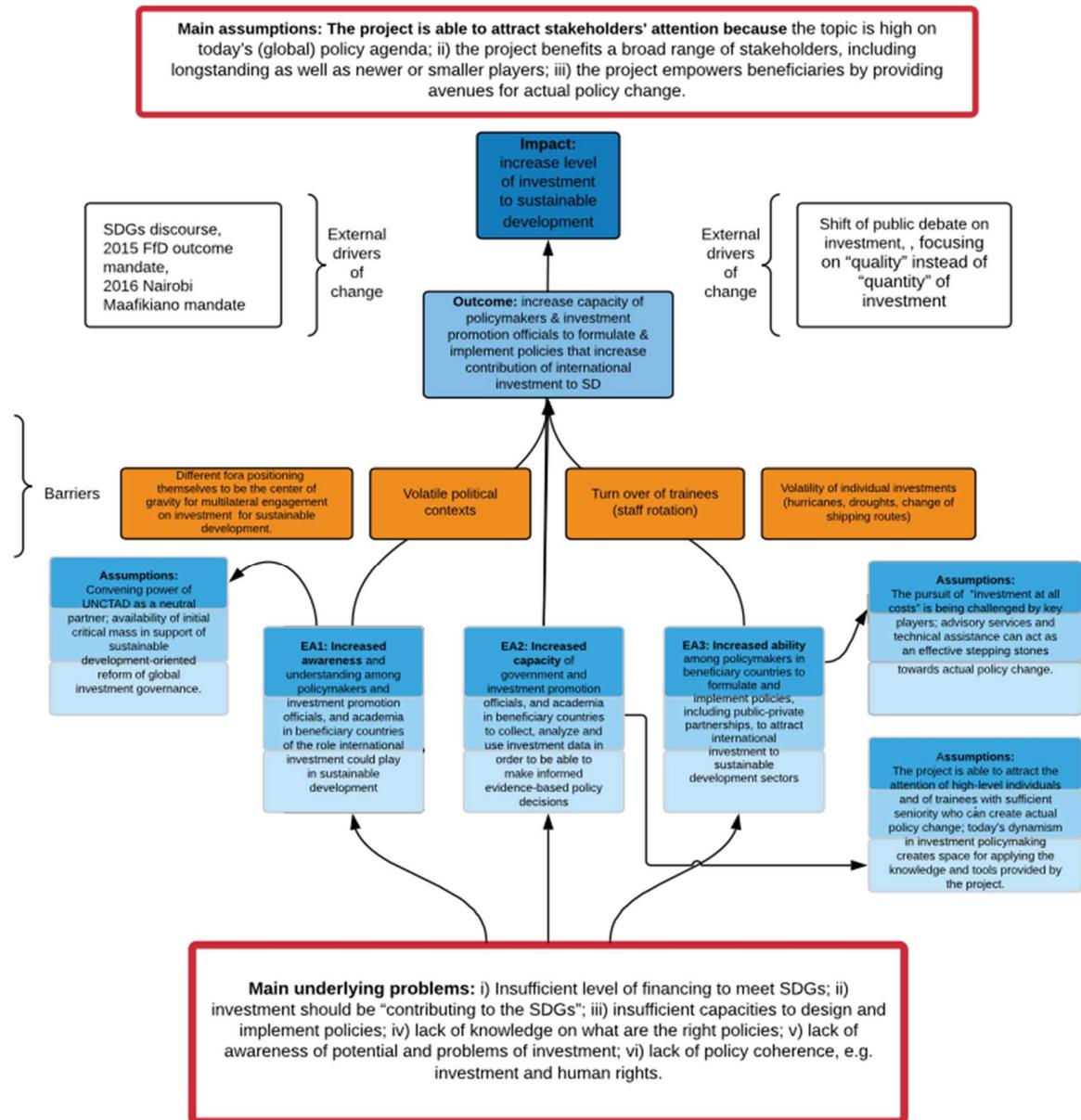
¹⁰ The project team pre-selected the 18 countries out of the total of the 52 economies based on the project's level of engagement in those countries.

1.5 Reconstructed Theory of Change

49. As part of the evaluation process, the evaluator met the project team for a workshop to reconstruct the project's Theory of Change. This approach was taken given that the logframe is a less comprehensive and flexible tool to capture the project context, including underlying problems to be addressed and explicit project assumptions. The project's Theory of Change contains the following elements, as presented in Figure II:

- Formulation of the main problems
- Outputs (short-term results) and related assumptions
- Barriers to moving from outputs to outcomes (medium-term results)
- Outcomes
- Impact statement (long-term results)
- Linkages to external drivers of change catalyzing the achievement of the impact
- Main assumptions

Figure II. Reconstruction of the project's Theory of Change



50. The **main problem** the project aimed to address can be grouped around: i) insufficient funding for the SDGs; ii) insufficient knowledge and awareness about best-possible sustainable development-oriented investment policymaking; iii) the need for policy change.

51. The project is based on **assumptions** concerning the traction the intervention has for smaller developing countries and economies in transition. This traction is generated, among others, by the fact that the project provides these countries with a voice and a safe space to discuss investment and SDG related topics. At the same time, the project was based on the assumption that the space created by the project would support orienting UNCTAD's wider

work in the area of sustainable investment. Section 2.4 assesses the validity of the Theory of Change of the project.

II. EVALUATION FINDINGS



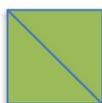
2. Relevance: Was the Project Doing the Right Thing?

52. This section addresses the evaluation criteria of relevance. The sub-criteria are i) relevance for beneficiary countries; ii) alignment to the mandate of UNCTAD; iii) alignment to UNDA objectives; iv) relevance of the project design and validity of the reconstructed Theory of Change; and v) synergies with existing undertakings related to the sustainable development contribution of investment policymaking, including IIAs. Data sources are the document review, a workshop to reconstruct the Theory of Change with the project team, the on-line survey and telephone interviews.

Key findings: the project was doing the right thing by anticipating the global importance of sustainable economic and social development through investment even before the adoption of the SDGs by the UN General Assembly.

- For 78.6% of consulted country beneficiaries and stakeholders, the project reflected primary development needs to close the SDG-related financing gap by harnessing investment and maximizing its sustainable development contribution;
- The project aligns closely to the mandates of UNCTAD as arising from UNCTAD's inter-governmental machinery (2008 Accra Accord, 2012 Doha Mandate and the 2016 Nairobi Maafaikiano) and from the Third United Nations Financing for Development (FfD) outcome, the 2015 Addis Ababa Action Agenda;
- Alignment to the UNDA's objectives of capacity development at three levels;
- Synergies with existing undertakings of UNCTAD emerge due to the project's close alignment to the core services of DIAE;
- Overall, the project's reconstructed Theory of Change is valid.

53. The evaluation finds that the relevance of the project is very high. In all six sub-criteria the project shows a very strong performance. Based on the evaluations' scoring methodology,¹¹ the relevance score of the project is "green."



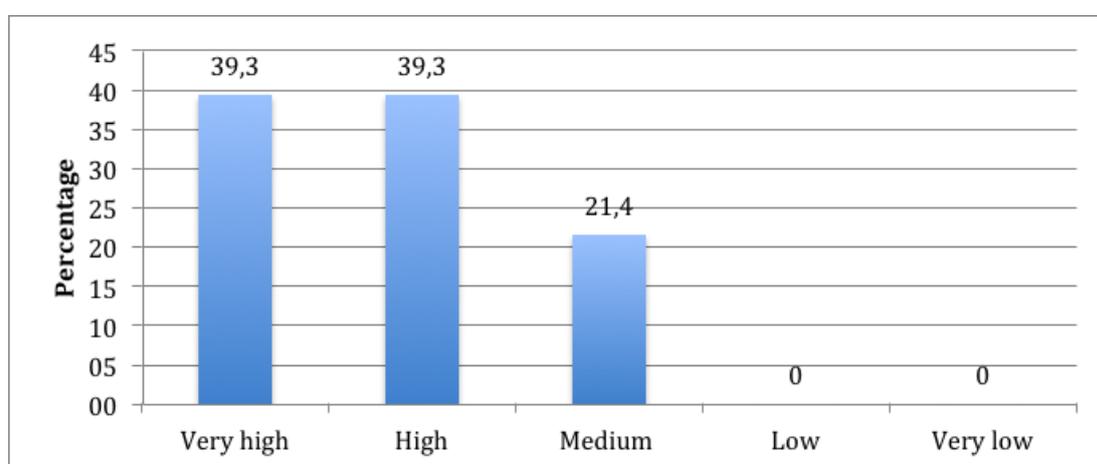
2.1 Relevance for Beneficiary Countries

54. This section analyses the following evaluation question contained in the evaluation matrix: "To what extent did the UNCTAD intervention reflect primary development needs of beneficiary countries aiming to close the SDG-related financing gap by harnessing investment and maximizing its sustainable development contribution, including in infrastructure and public services?"

¹¹ Applied by the UK's Independent Commission for Aid Impact, see for example <http://icai.independent.gov.uk/wp-content/uploads/ICAI-Review-UK-aids-contribution-to-tackling-tax-avoidance-and-evasion.pdf>

55. Overall, the evaluation finds a high to very high relevance of the project for beneficiary countries, as shown in Figure III. In fact, for 78,6% of the 28 stakeholders and beneficiaries responding to this question in the on-line survey and telephone interviews, the relevance of the project is high (39,3%) or very high (39,3%). For 21,4% of stakeholders, the relevance for beneficiary countries was medium. This finding confirms the results of 149 post-event evaluation forms completed by participants of ten project capacity building events between 2016 and 2018. The project team collected those evaluation forms and 93% of respondents stated that the relevance of the meeting for country needs were very high.

Figure III. Relevance of the project for beneficiary countries



Source: Evaluation interview and survey results analysis, A. Engelhardt, 2018

56. The evaluation revealed that the project addressed a wide range of country-specific needs in the area of investment and how to maximize its sustainable development contribution.

57. Figure IV provides insights in to the wide range of beneficiary country needs that the project addressed. Those include in the cases of Botswana, Colombia, Ecuador, the Dominican Republic, Madagascar, Namibia and Sri Lanka.

58. Examples of the country needs addressed by the project are as follows:

- a. General guidance on how to, among others:
 - Use UNCTAD's Guiding Principles and operational tools for sustainable development-oriented investment policy reforms;
 - Apply UNCTAD' Investment Policy Framework for Sustainable Development for benchmarking purposes;
 - Implement UNCTAD's Global Action Menu for Investment Facilitation, with a view to promoting and facilitating investment;
 - Develop a sustainable development-oriented model Bilateral Investment Treaty (BIT) (or modernize an existing one) based UNCTAD's policy tools.

- b. Specific guidance on different topics, including:
- Investment treaty making and investment arbitration;
 - Balancing of investors' and States' rights and obligations;
 - Balancing the right to regulate with openness to investment (in IIAs and domestic investment policies);
 - Improved dispute resolution, due to significant increase of cases;
 - Development of investment policy reforms over time (e.g. documented in investment monitor series).

"In my country we did not have a single conflict dispute arising from an investment treaty before 2016. Now in 2016 we have 14 cases. My ministry was concerned. Frankly speaking, we did not know what to do. UNCTAD responded to our needs and provided valuable advice."

Source: Country beneficiary

- c. Need for capacity building and follow-up for different stakeholders and in different contexts, including:
- Capacity for treaty negotiators;
 - Building of institutional capacity and memory through repeat engagement;
 - Follow-up action through UNCTAD's Annual High-level IIA Conference, Biennial World Investment Forum (WIF) and others.

Figure IV. Beneficiary counties' needs addressed by the project

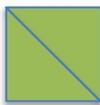


Source: Evaluation interview and survey results analysis, A. Engelhardt, 2018



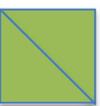
2.2 Alignment to the Mandate of UNCTAD

59. The evaluation finds a high relevance of the project for UNCTAD. The project contributes to UNCTAD's mandates on investment and enterprise for development in accordance with the Accra Accord (2008, paras 146-150) and the Doha Mandate (2012, paras 18, 65).
60. The Addis Ababa Action Agenda on Financing for Development (2015) further strengthened the relevance of the project for UNCTAD. Its paragraph 15 referenced the sustainability of investments and its paragraph 91 asked UNCTAD "to continue its existing programme of meetings and consultations with member States on investment agreements."
61. The Nairobi Maafikiano (2016) endorsed the mandate for UNCTAD to move towards an inclusive and equitable global economic environment for trade and development. The Nairobi Maafikiano makes reference to the importance of UNCTAD's IIA-related work, such as the Investment Policy Framework for Sustainable Development (para 51, 55) or the Investment Policy Reviews (IPRs) (para 55).



2.3 Alignment to UNDA Objectives

62. Equal to the high relevance for UNCTAD's mandate, a strong alignment of the project to the objectives of UNDA emerges.
63. Under UNDESA, UNDA funds the project. UNDA's objectives relate to capacity development at three levels: (i) the individual; (ii) the organization; and (iii) the enabling environment. The Development Account becomes a supportive vehicle for advancing the implementation of internationally agreed development goals and the outcomes of the United Nations conferences and summits.
64. The evaluation finds that the project is aligned to all three levels of UNDA capacity building.
65. The project was developed in 2014 in the pre-SDG era. Priorities of the international community concerning international development following the Millennium Development Goals were not clear at that stage. Yet, UNCTAD's DIAE linked IIAs with sustainable development. In 2018, the project clearly contributes to two out of the nine key issues identified by UNDESA following the adoption of the SDGs: i) sustainable development; and ii) development financing.



2.4 Relevance of project design: Validity of Theory of Change

66. The evaluation finds that overall, the project's reconstructed Theory of Change is valid. The project is logically structured, based on a correct problem analysis. Finally, the main assumptions hold true.
67. **Problem analysis:** For beneficiary country stakeholders, linking investments, mainly foreign direct Investment (FDI), to the country's newly adopted SDG 2030 Agenda proved a challenge in 2015. As such, the project pre-empted an immediate need, taking into account that the project design in 2014 predates the SDG adoption. The project correctly identified limitations of insufficient knowledge and awareness combined with a need for investment policy change to include both social and economic sustainability in IIAs.

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68. **Results pathway:** The evaluation finds that the project’s results pathways are valid. The project’s three Expected Accomplishments and underlying activities contribute to the project outcome, namely the increased capacity of policy makers and investment promotion officials to formulate and implement policies that increase the contribution of international investment to sustainable development. This can be achieved through i) awareness raising; ii) capacity building to collect, analyse and use investment data for evidence-based decision-making; and iii) enhanced ability for policy formulation and implementation.
69. Ultimately, the project outcome will contribute to the attainment of increased investment in sustainable development-related sectors and areas as well as the attainment of related sustainable development outcomes.
70. **Assumptions:** The three main assumptions for the achievement of the Expected Accomplishments hold true.
71. First, UNCTAD’s convening power as a neutral partner was strong enough to initiate a policy discourse on the need for sustainable development-oriented investment policymaking (and the related need for reform of existing policy regimes).
72. Second, the project managed to attract “trainees/beneficiaries” of sufficient seniority to make the capacity building component of the project meaningful (i.e. benefiting individuals had enough leverage to “create change” in their domestic policy setting). Interviews revealed that in addition, the project occasionally managed to expose rather senior policy makers (including at the ministerial level) to UNCTAD’s discussions and work on sustainable development-oriented investment policy reform.
73. Third, the project was implemented at a point in time when sustainable development-oriented policymaking was gaining traction. For example, several relevant players started to highlight the importance of shifting from “the quantity of investment” to the “quality of investment.”
74. Interviews also confirmed that external drivers of change catalysed the contribution towards achieving the Expected Accomplishments.
75. Generally, the main barriers identified for the project are outside the control of UNCTAD and proved valid.

2.5 Synergies with Existing Undertakings

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76. The evaluation finds that the project is closely aligned to the core services of DIAE. As such, the project is not a stand-alone intervention, but purposefully linked to DIAE’s core work to enable both piloting new ideas and supporting the implementation of DIAE core products.
77. The “Efficiency” Section 4.2 further explores those synergies.



3. Effectiveness: Were Results Achieved and How?

78. The following section reviews the achievement of the Expected Accomplishments (EAs) and the project outcome. The analysis also comprises unintended changes and beneficiary satisfaction. The section closes with an assessment of complementary activities for capacity building. Data sources used are the document review, the online survey and telephone interviews with country beneficiaries.

Key findings: The project achieved its Expected Accomplishments at high levels.

- EA1: 87% of country beneficiaries perceived a high to very high increase in their awareness and understanding of the role of international investment for sustainable development;
- EA2: 60% of country beneficiaries noted a high to very high increase of their technical capacities, with 20% medium to low ratings;
- EA3: 67% of country beneficiaries provided a high to very high rating for the changes in the ability to formulate and implement policy;
- Unintended positive changes emerge, for example, in terms of personal development of beneficiaries (e.g. technical staff from one country now playing a role at the regional level) or institutional knock-on effects (e.g. change occurring not only in the direct beneficiary institution but also in other institutions);
- Project satisfaction rate of 11 country beneficiaries is very high: ten very satisfied and one satisfied;

79. The evaluation finds that the project shows satisfactory achievement of its objectives in most areas. The score for effectiveness is “green.”



3.1 Achievement of Planned Objectives and Outcomes

80. In telephone interviews with 16 beneficiaries, the evaluation discussed the changes the project brought about according to the Expected Accomplishments and the project outcome. As such, the evaluation focuses on higher level results as opposed to activity reporting.

81. The evaluation tried to analyse the concrete changes in awareness, understanding, capacities and the ability to formulate policies based on the project components through the online survey. The evaluation shows that out of ten participants between eight to ten survey respondents found the project’s contribution to changes as high to very high, with very little variation by project component. The project components included:

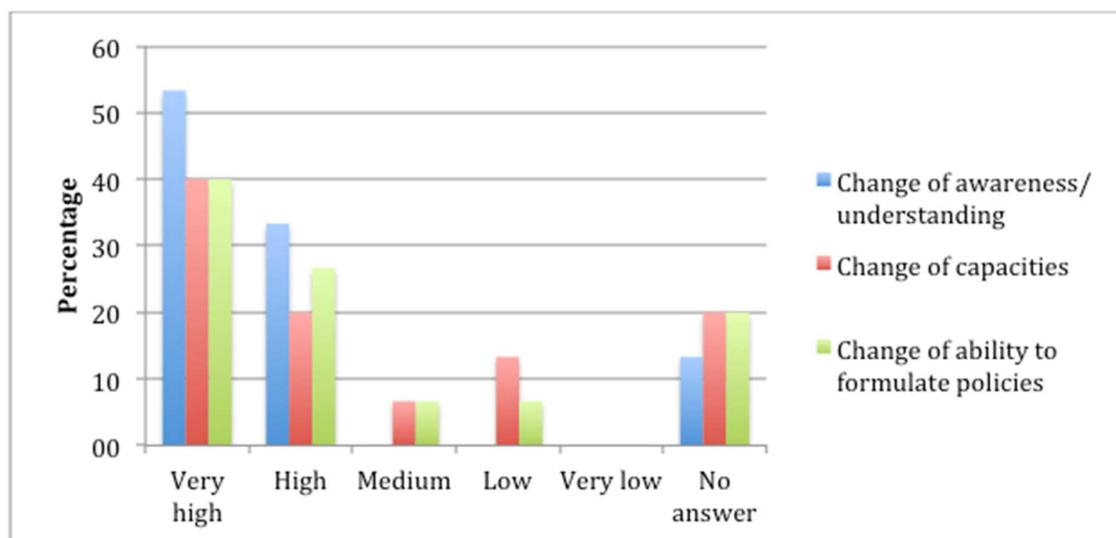
- National or Regional IIA Trainings, including Policy Workshops in Colombia (2016), Morocco (2017), Azerbaijan (2017) and Kenya (2018);
- Technical Training Workshops in Sri Lanka (2016), Senegal (2018), Kenya (2018) and Thailand (2018);
- High-level IIA Conferences (either in Geneva or as part of the World Investment Forum), including a Best Practice Seminar on PPP in Geneva in 2017;

- Advisory services to at least 16 individual countries¹² and ten groups, regional entities or regional commissions;¹³
- UNCTAD Investment Policy Framework for Sustainable Development;
- UNCTAD “10 Options for Phase 2 of IIA Reform;”
- UNCTAD Roadmap for IIA Reform;
- UNCTAD IIA Navigator;
- UNCTAD IIA Mapping Database, including customization for PPP-related clauses;
- UNCTAD Investor-State Dispute Settlement (ISDS) Navigator, including customization for PPP-related cases.

82. Selected examples of sustainable development-oriented policy change in the beneficiary countries are showcased in Annex IV.

83. Figure V shows that 87% of country beneficiaries perceived a high to very high increase in their awareness and understanding of the role international investment could play in sustainable and inclusive development.

Figure V. Perceived changes resulted from the project on beneficiaries’ awareness, capacities and abilities



Source: Survey results analysis, A. Engelhardt, 2018

¹² Bosnia and Herzegovina, Burkina Faso, Colombia, Dominican Republic, Ecuador, Egypt, Gambia, India, Kenya, Mongolia, Montenegro, Nigeria, Pakistan, Saudi Arabia, Serbia and Sri Lanka

¹³ African, Caribbean and Pacific Group of States (ACP) group of countries (79), the African Union (more than 50 members), Common Market for Eastern and Southern Africa (COMESA) (19), East African Community (EAC) (6) and Southern African Development Community (SADC) (15), Inter-American Development Bank (IDB) (56), Organisation of Islamic Cooperation (OIC) (57) South-East Europe economies (SEE) (6), as well as through regional commissions, e.g. United Nations Economic Commission for Africa (UNECA), United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) and United Nations Economic Commission for Europe (UNECE).

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84. 60% of country beneficiaries noted a high to very high increase of their technical capacities. Those capacities concern the ability to collect, analyse and use investment data in order to be able to make informed evidence-based policy decisions that will boost investment to sustainable development sectors.
85. The survey results coincide with the results of 149 post-event evaluation forms completed by participants of project events and collected by the project team. 88% of participants found that meetings organized under the project enhanced their knowledge of the link between IIA and sustainable development very much. 89% of participants gave very high ratings for awareness raising of principles, policies and mechanisms by which investment can contribute to sustainable development.
86. The project also contributed to an increase in beneficiaries' abilities to formulate and implement policies, including public-private partnerships, to attract international investment to sustainable development sectors. 67% of country beneficiaries provided a high to very high rating for the changes in the ability to policy formulation and implementation.
87. The following paragraphs provide an insight into the changes at the country level. The selection of country examples is determined by participation in the telephone interviews and the responses of interviewees to the relevant effectiveness-related questions.



3.1.1 EA1: Changes in Awareness and Understanding

88. The project resulted in a rise of general awareness in a number of countries on the role international investment could play in sustainable and inclusive development.¹⁴ In Ghana, for example, project beneficiaries benefitted from a wide range of documentation and explanations on the importance of the SDGs and how to include these SDGs in the country's general investment policies, laws and related international documents.
89. Following a rise in general awareness in Botswana, country beneficiaries detected a change in attitudes and beliefs. A similar situation presents itself in Kenya, with changes of awareness and understanding at the technical level and to some extent at the policy level.

"The UNCTAD intervention has been beneficial as there has been a change in mind-set which speaks volume. It determines how things will move and that is all due to UNCTAD."

Source: Country beneficiary

90. In Bosnia and Herzegovina, the project supported an on-going process of assessing the role that international investment could play in sustainable and inclusive development. As a result, awareness was further elevated.

¹⁴ The participation in the survey and interviews determined the countries reflected in this evaluation report.

-
91. In Sri Lanka, the project raised awareness about the need of all nine relevant government agencies to ensure that FDI leads to sustainable development. This result contributed to the 2016 Sustainable Development Act. The act states that when attracting FDIs, every line agent should give very serious consideration to sustainable development. This is an example of the project's contribution to its outcome, as explained in section 3.1.4 below.

"In my country we did not have any IIA-related disputes in the past. With disputes overwhelming us now, the project changed all at once: our awareness, capacity and practice."

Source: Country beneficiary



3.1.2 EA2: Changes in Capacities

92. In addition to raising awareness, in Bosnia and Herzegovina the project supported ongoing processes. The project provided additional information on investment data in order to be able to make informed evidence-based policy decisions that would boost investment to sustainable development sectors.
93. In Sri Lanka, country beneficiaries saw improvements in data collection by the Board of Investments and the Central Bank. That data is now subsequently delivered to the Central Statistics Department and also UNCTAD. Government officials benefitted from project information to assess how other countries reform their investment policies to attract sustainable and inclusive FDI.
94. Investment Promotion Officials in Ghana benefitted from an increase in capacities to formulate and implement policies that increase the contribution of international investment to sustainable development and inclusive growth. This capacity increase was less observed for policy makers or academia.
95. In Colombia, changes in capacities supported the renegotiation of the investment agreement with Spain.¹⁵ In fact, both parties got together at an UNCTAD Annual High-level IIA Conference and discussed the importance of revising and modernizing the treaty. The project's leverage was instrumental for starting this process.



3.1.3 EA3: Changes in Abilities for Policy Formulation

96. The project contributed to international investment-related databases and interactive tools to enhance beneficiary countries' abilities to formulate investment policies and model BITs. The quality of data and tools and the ease of their use is appreciated by countries like Bosnia Herzegovina, Ecuador or Kenya.

¹⁵ The importance of the agreement is shown by the amount of FDI by Spain in Colombia counting for USD 903m in 2012, <http://unctad.org/en/Pages/DIAE/FDI%20Statistics/FDI-Statistics-Bilateral.aspx>.

“We have been involved in the concept of developing a new model for our bilateral investment agreements. That took a long time. We consulted with UNCTAD and they gave us some suggested recommendations and we incorporated them (in the model). This helped us improve the quality of the model. The input we have received from UNCTAD has been instrumental.”

Source: Country beneficiary

97. In other countries such as Ghana, the project contributed to the theoretical background of beneficiaries in investment policy formulation and implementation. It also introduced beneficiaries to policy tools¹⁶ and databases.¹⁷

“You can give us the tools, the knowledge, you can assist us in so many ways but you cannot draft policies for us. We are the ones making policies (...). Somehow sometimes local people just don’t apply that knowledge and don’t use the tools that we have been provided by UNCTAD. You can help up to a certain level but from that point on it’s on the national government to take action.”

Source: Country beneficiary



3.1.4 Outcome – Policy Change

98. One concrete change that occurred at the level of policy formulation captured the attention of the evaluator. As stated before, the project contributed to the formulation of the 2016 Sustainable Development Act in Sri Lanka. In an environment of ongoing reforms over the last two years, policy formulation has shifted in Sri Lanka. The project contributed, for example, to strengthening investment facilitation based on the advisory services provided by UNCTAD. This new dimension is now contained in new policies of the Board of Investment.

99. In addition, a desk review provides a number of policy developments in the beneficiary countries and documents the impact of the UNCTAD project (Annex IV).



3.2 Unintended Changes

100. The evaluation revealed cases of unintended positive changes. Cases of unintended negative change did not emerge.

101. The interviews showed that unintended changes often happened at the personal level for government staff participating in project-related activities. The interaction with peers facing similar challenges in their investment agreements and policy reform widened their horizon. The project elevated those individuals to the regional and international stage. Having the opportunity to present their experiences as equal partners in international fora empowered staff particularly from smaller economies. Such staff started playing even a regional role, as shown in Europe and East Africa.

¹⁶ UNCTAD’s Reform Package for the Global Investment Regime, containing the “Roadmap” and “10 Options for Phase 2” (2017), updated Investment Policy Framework for Sustainable Development (IPFSD, 2015), Global Action Menu for Investment Facilitation (2015).

¹⁷ Such as the IAA Navigator, the IIA Mapping Navigator, the Investment Laws Navigator or the Investment Policy Navigator/Monitor.

102. The project created “champions of change” at the technical level as an intended result. However, it was the analytical work of UNCTAD with its research and publications that served as a back-up for technical staff who often were confronted with policy makers in their countries with little appetite for investment policy reform.

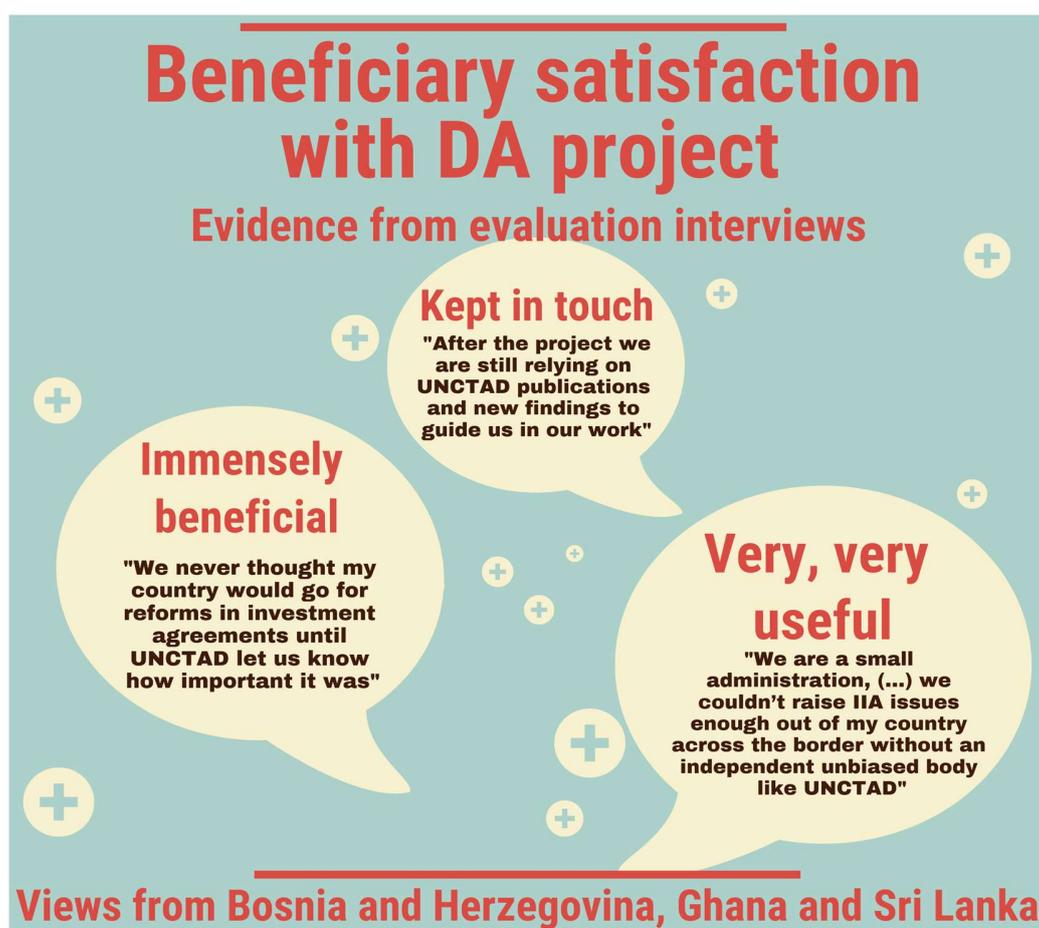
103. In Sri Lanka, the project’s engagement with the Board of Investment had a knock-on effect with the Ministry of Foreign Affairs. Sri Lankan embassies overseas were made aware of investment policies reforms implemented in Colombo, an important step due to their role in attracting FDI. The Ministry of Foreign Affairs also tasked the Board of Investment with determining how and what type of investment the Ministry should promote for Sri Lanka through its embassies.



3.3 Beneficiary Satisfaction

104. Out of the eleven beneficiaries commenting on their satisfaction with the project, ten were very satisfied and one satisfied. The evaluation chose to exemplify the level of satisfaction with quotes from interviews with beneficiaries, presented in Figure VI.

Figure VI. Insights into beneficiary satisfaction with the project

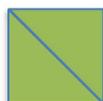


Source: Survey results analysis, A. Engelhardt, 2018



3.4 Complementarity of Activities for Capacity Building

105. The project team made great efforts to schedule project events (e.g. regional workshops) in a manner saving resources (e.g. cost and time) for beneficiary country participants, for example, by means of scheduling events back to back. DIAE also systematically uses scheduled High-level IIA Conferences either in Geneva or as part of the World Investment Forum as platforms to offer capacity building to beneficiary countries. Similarly, DIAE frequently scheduled regional workshops used back-to-back with other events, allowing participants to deepen capacity building with the project-related workshop components. Both beneficiaries and implementation partners lauded that approach and identified a “win-win” situation for involved entities. The evaluation finds that this high level of complementarity resulted in cost savings and constituted value for the funds provided for the UNDA, as explained in section 4.2.



4. Efficiency: Were Resources Used Appropriately to Achieve Programme Results?

106. This section analyses the efficiency of the project based on the following set of sub-criteria, as suggested in the evaluation matrix: i) appropriateness of project implementation and monitoring; ii) timeliness of project implementation; iii) cost-effectiveness; iv) in-house and external synergies; and v) the project timeline.

107. The principal sources of evidence for this section are document review and face-to-face interviewing with the project team in UNCTAD. Assessments in this section draws upon the project documentation, on-line surveys and telephone interviews with beneficiaries.

Key findings: The project used resources appropriately.

- Over the period of the project implementation, the project benefitted from a dedicated project manager in DIAE showing high responsiveness to beneficiary country needs;
- The project achieved an implementation rate of 88% at the end of the project cycle. This implementation rate needs to be interpreted considering the rules affecting the disbursement of funds under specific items as well as the cost-efficiency and savings generated by the project;
- The timeline of project delivery was high in a complex policy environment with paramount shifts following the adoption of the SDGs in 2015;
- Cost-effectiveness of the project was very high based on the project’s two-tiered approach to carefully manage costs;
- Including the six months non-cost extension, the project duration of 42 months was sufficient to ensure a significant contribution to the three Expected Achievements (EAs). This was, among others, due to the project’s close alignment to DIAE’s core services, the high synergies in beneficiary countries and the alignment to national or regional processes or frameworks.

108. The evaluation finds the efficiency of the project as very high, with a “green” score, based on the evaluations’ scoring methodology.



4.1 Appropriateness of Project Implementation and Monitoring Modalities

109. Over the period of the project implementation, the project benefitted from a dedicated project manager in DIAE. Country beneficiaries testified a high level of responsiveness of the project manager, being “just one call or e-mail away.”

110. The project reached an implementation rate of 88% at the end of the project cycle – an implementation rate that needs to be interpreted considering the rules affecting the disbursement of funds under specific items as well as the cost-efficiency and savings generated by the project.

111. The DA’s reporting format includes an annual progress template. The project manager completed the template duly and adopted a results-based impact reporting approach.

112. Monitoring modalities included a systematic assessment of post-workshop evaluation questionnaires, as provided by the project team for nine out of ten events.



4.1.1 Timeliness of Project Delivery

113. The evaluation finds that the timelines of project delivery was reasonably high in a complex policy environment with paramount shifts following the adoption of the SDGs in 2015.

114. The project got a six months non-cost extension, from January to June 2018.¹⁸ During that period, the project organized four out of ten capacity building events (technical training workshops), showing an increased level of activity implementation towards the end of the project cycle.

115. Including the six months non–cost extension, the project duration of 42 months was sufficient to make a significant contribution to the three Expected Achievements (EAs). This was, among many other factors, due to the project’s close alignment to DIAE’s core services, which effectively created synergies as the project was complemented by the Division’s regular budget activities. This, in turn, contributed in a broader sense to achieving the project’s EAs.



4.1.2 Cost-Effectiveness

116. The evaluation finds a high cost-effectiveness of the project based on the project’s two-tiered approach to carefully manage costs and that was confirmed by stakeholders.

117. The project took a two-tiered approach to achieve cost-effectiveness:

¹⁸ The mid-term report submitted to DA office in NW stated that “It is expected that some of the project activities will extend beyond end-2017 and that the project will be completed at the end of the second semester 2018.” Financially, the project was closed end-2017. In 2017, two grants (of US\$50,000 and US\$30,000) were given, with a view to creating synergies, saving costs, maximizing participation and strengthening the regional (African and Asian) dimension for the project, a key pillar of the Development Account approach. The project implementation activities undertaken by grantees were carried out during the first quarter of 2018. Given that the grant was issued before end 2017, there was no need to require a project extension.

i) Rather than taking a country-by-country approach for capacity building workshops, the project team organized regional workshops in strategic locations such as Nairobi or Bangkok. This enabled a wider reach, covering several countries per activity. At the same time, this approach resulted in saving travel costs due to the good logistical connectivity of those locations.

ii) Events were co-funded with strategic partners such as the International Institute for Sustainable Development (IISD) or held back-to-back with major international events such as the WIF 2016 in Nairobi. Again, this resulted in saving of travel costs or allowed for leveraging co-funding.



4.2 Synergies: In-house and External

118. The evaluation revealed a high degree of concordance between the views of the project team on synergies of the project with DIAE's wider agenda and the positive experiences of country beneficiaries.

119. For DIAE, the project was fully interwoven with regular budget activities such as the Investment Policy Framework for Sustainable Development. The project enables DIAE to follow-up the framework development, including revisions when necessary and its subsequent implementation. Other examples comprise the SDG action plan or the Roadmap for IIA Reform (covering different phases over time).

120. The project funded web-based platforms or blogs. Those specific project outputs show that the project maintained its own identity in DIAE while being closely aligned with on-going regular budget work. The project was also used to create synergies with the main events of DIAE such as the WIF, High-level IIA Conferences and regular Regional Training Workshops. This approach also resulted in cost savings.

121. In countries like Bosnia and Herzegovina or the Dominican Republic, stakeholders experienced that the project brought all the stakeholders that mattered in investment policymaking (including IIAs and the IIA reform processes) on-board, enabling for greater synergy and efficiency in the processes.

122. In Madagascar, the Ministry of Finance and Budget undertakes all IIA related work, including investment policies and investment policy reform with advisory services through UNCTAD's DIAE. The project helped to create synergies between the interrelated processes.

123. Stakeholders from Ghana and project implementation partners lauded that fact that high-level conferences such as the WIF were used to address project related IIA issues in break-out meetings or co-hosted meetings such as the 11th International Forum of Investment Negotiators of Developing Countries, in Nairobi, Kenya in 2017.

124. In Botswana, stakeholders achieved synergies by linking the project-related investment policy reform recommendations, for example, to the Southern African Development Community's (SADC) regional model.

125. Finally, some stakeholders regretted that previously existing synergies through e-trainings courses in the area of IIA no longer exist, as the courses are no longer offered.



5. Sustainability: Are Results Lasting?

126. This section analyses the sustainability of programme results. The assessment is based on four sub-criteria agreed to in the inception report: i) ownership of project results concerning sustainable development-oriented investment policies and treaties; ii) the strengths of beneficiaries' institutional capacities; iii) the conduciveness of the project approach to sustaining the impact; and iv) the efforts to sustain knowledge and capacity gained in the project.

127. Principal data sources used in this section are the telephone interviews with key project stakeholders and main beneficiaries as well as the on-line survey with the wider group of project beneficiaries.

Key findings: Some project results are more likely to last than others.

- 68% high to very high ratings for:
 - Ownership of the project objectives;
 - Efforts to sustain knowledge and capacity gained in the project through ongoing engagement (WIF, other DIAE core services);
- 34% high to very high ratings for:
 - Strengths of beneficiaries' institutional capacities (a limitation that is largely under the responsibility of national governments, as acknowledged by beneficiaries);
 - Conduciveness of the project approach to sustain impact (at times, a single intervention in a country, even if well planned and executed has its limitations). Limitations exist in meeting the demands of large numbers of project countries.

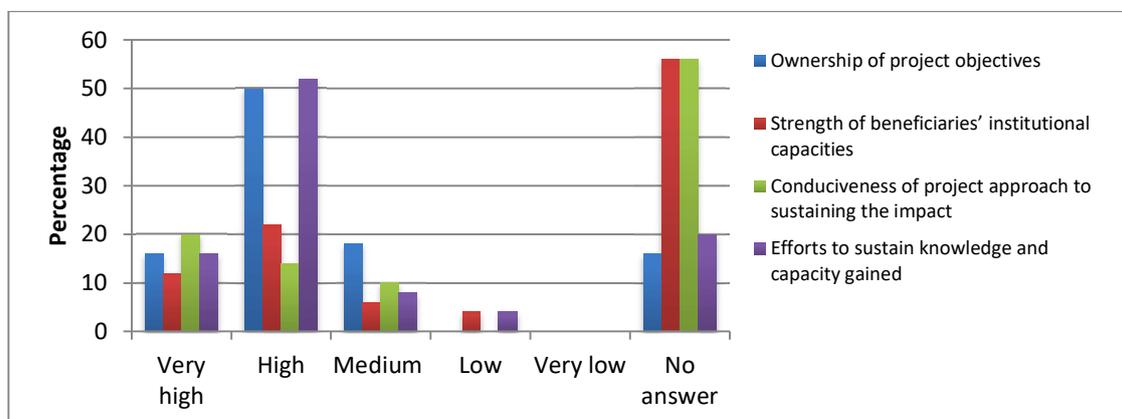
128. The evaluation finds that the sustainability of the project shows satisfactory progress in most areas, but partial achievement in others. The score for sustainability is "amber/green."

129. The evaluation finds that both the ownership of the project objectives and efforts to sustain knowledge and capacity gained in the project show the highest levels of sustainability, with 66% to 68% high to very high ratings. Stakeholders are more cautious in the assessment of the strengths of beneficiary countries' institutional capacities with 34% high to very high ratings. This has to be contrasted with 56% of stakeholders not providing an answer, pointing to the challenges this question is posing to project beneficiaries. The same ratings (and reservations) apply for the conduciveness of the project approach to sustain impact.

130. The project did not implement an explicit exit strategy due to the fact that IIA support initiatives are ensured through the core services of DIAE and the continued application of the enhanced tools and platforms.

131. Figure IIX summarizes the sustainability-based criteria listed above, based on stakeholder feedback captured during the evaluation.

Figure IIX. Sustainability of the DA project



Source: Survey results analysis, A. Engelhardt, 2018

132. The evaluation finds that both the ownership of the project objectives and efforts to sustain knowledge and capacity gained in the project show the highest levels of sustainability, with 66% to 68% high to very high ratings. Stakeholders are more cautious in the assessment of the strengths of beneficiaries' institutional capacities with 34% high to very high ratings and 56% of stakeholders not providing an answer. The same ratings show for the conduciveness of the project approach to sustain impact.



5.1 Ownership of Project Objectives

133. The evaluation shows that sustainable development elements are being included to different degrees in countries' IIAs. In Bosnia and Herzegovina and Sri Lanka, for example, sustainable development considerations were never part of IIA, but are now included in model bilateral investment treaties, based on the knowledge gained in the project. Related national legislation is revised accordingly in Bosnia and Herzegovina.

134. In the Dominican Republic, government officials trained in the project show high ownership of sustainability elements in IIAs, often taking a practical and realistic approach.

135. In Namibia, an investment policy containing sustainability elements is meant to replace existing IIAs and is envisaged to constitute the predominant regulatory environment in the future.



5.2 Strengths of Beneficiaries' Institutional Capacities

136. Stakeholders are aware that UNCTAD's role in strengthening institutional capacities is limited and that national efforts are required to complement the project's efforts.

137. While in Namibia general capacity issues arose, stakeholders in Colombia identified the level of national coordination as a challenge. In Sri Lanka, project stakeholders benefitted from the project's knowledge transfer through national seminars. These generated an opportunity for reaching a wider number of government officials involved in the country's social and economic development.

138. In Bosnia and Herzegovina, the project's fit with on-going institutional needs resulted in a strengthened and more confident team in the relevant ministry.



5.3 Conduciveness of Project Approach to Sustain Impact

139. The evaluation finds that the project's gradual approach to promoting sustainability in IIAs/investment policymaking more broadly is appreciated among stakeholders. As showcased in this report, there is data documenting the project's impact on investment policymaking in beneficiary countries (see Annex IV). However, despite the fact that the concrete policy change documented above is taking place during a global realignment of investment policymaking towards sustainable development, the evaluator considers it too early to fully assess the project's ability to maintain impact.

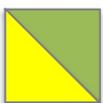
140. The project decided to include 53 countries, many of which have benefitted from previous engagements through the Division's core services. The impactful engagement of those countries with previous engagements supported the transfer of experiences, with relevance for countries at different stages in developing or reforming their IIA regimes. This positive finding for countries with past DIAE engagement calls for increasing efforts with a view to serving an even broader range of countries (notably those with limited previous DIAE engagement). Similarly, a future DA project could provide for a set of additional and focussed beneficiary countries. Such countries would benefit from an increase in follow-up activities, with a view to further improving the sustainability of the project.

141. The project's ability to sustain impact is supported among others by the following evidence gathered in phone interviews.

142. In Kenya, the careful selection of relevant counterparts in government contributes to sustaining the project's impact. In Sri Lanka, the project's approach to gradual increase from a four-step IIA reform to a ten-step process is perceived as very conducive to sustaining momentum.

143. In Bosnia and Herzegovina, project results are now reflected in model treaties, different regulations and the national legislation.

144. In the Dominican Republic, stakeholders are aware that UNCTAD's well-designed intervention requires follow-up and pro-active engagement with the numerous follow up activities UNCTAD is undertaking in this regard.



5.4 Efforts to Sustain Knowledge and Capacities Gained

145. The project's approach to sustaining knowledge and capacities included its full alignment to the development strategies of beneficiary countries to ensure institutional continuation, even in the case of staff turnover. The latter is of particular importance as IIA teams tend to be rather small in terms of staff numbers.

146. Interviews revealed that while staff turnover in national government institutions affects the sustaining of knowledge and capacities gained through the project. At the same time, staff rotation may also benefit national counterparts – in so far as it results in effective knowledge transfer.

-
147. In Colombia, the creation of an in-house legal defence team in the Ministry of Trade Industry and Tourism benefited from three staff that were previously trained by the project.
148. As mentioned earlier, stakeholders in Sri Lanka addressed the challenge of only few selected staff being trained by multiplying knowledge through national seminars. The project's approach to organize various regional workshops supported the participation of full IIA teams in project events. Examples include IIA teams from Kenya or Thailand during events in Nairobi or Bangkok.
149. In Madagascar, the BIT model developed with UNCTAD under the project will be the basis for future IIA negotiations. As such, knowledge is sustained in a practical manner. Moreover, UNCTAD is responsive for follow-up support when feasible.

6. Gender and Human Rights



Key findings: The project team treated gender and human rights in a sensitive manner.

- Stakeholders and country beneficiaries identify both themes as part of second level discussions;
- UNCTAD statistics proved powerful to show gender imbalances in the IIA context;
- Given political and cultural sensitivities, the project team was successful to carefully open a discussion between stakeholders/beneficiaries;
- Demand emerges to further strengthen UNCTAD's work on gender and human rights in the area of IIAs and investment policymaking more broadly.

150. The evaluation finds that the elements of gender and human rights, though not figuring prominently in the project document, show satisfactory progress in some areas and partial achievement in others.
151. The gender and human rights dimension of investment policymaking, particularly international investment is a novel topic. Among others, this is evidenced by the references in the project document. These references are relatively sparse references for gender and non-existent references for human rights. At the same time, the project implementation sought to move towards strengthening the gender and human rights dimensions of investment policymaking, in line with today's imperative to mainstream gender and human rights in UN projects.
152. The evaluation finds that the project team treated gender and human rights in a sensitive manner. Stakeholders identified both themes as part of secondary level discussions, meaning that the topics were discussed at some point in workshops and other events. Figure IX provides further details about the stakeholder perception of how gender and human rights were treated.

153. Examples of the project's engagement on gender-related issues include the conscious selection of female participants in sponsorship decisions. Out of 82 sponsored participants, 42 were women. Out of 16 individual contractors engaged for the project, 6 were women.

For technical and data workshops the distribution was as follows:

- Colombia: 28-30 November 2016 – 39 participants (11 sponsored – 6 women)
- Morocco: 23-26 January 2017 – 71 participants (7 sponsored – 3 women)
- Azerbaijan: 24-25 October 2017 – 60 participants (16 sponsored – 5 women)
- Kenya: 7-9 February 2018 – 22 participants (15 sponsored – 7 women)
- Sri Lanka: 7-9 November 2016 – 28 participants (25 sponsored – 9 women)
- Senegal: 18 January 2018 – 24 participants (sponsored N/A – women N/A)
- Kenya: 6 February 2018 – 21 participants (15 sponsored – 7 women);
- Thailand: 19-23 February 2018 – 33 participants (24 sponsored – 8 women).

154. Project activities also addressed gender and human rights issues as part of i) the project's databases and regular reporting on investment policy developments; ii) policy tools developed or applied during the project (e.g. those inspired by UNCTAD's Investment Policy Framework for Sustainable Development (IPFSD), which has both a gender and a human rights dimension, as well as subsequent investment policy reform tools that touch upon these two issues, notably the Roadmap for IIA Reform, the 10 Options for Phase 2 of IIA Reform and Phase 3 of IIA Reform); or iii) the sharing of experiences taking place during the technical and working meetings (e.g. in October 2017) and on the blog-type discussion forum. Together, this offered a starting point for raising awareness and strengthening knowledge on the gender and human rights dimension of investment policymaking.

Gender

155. The project team reported that the project flagged the gender dimension and initiated a debate among project beneficiary countries. It used the national policy dimension, the PPP dimension and the sector-specific dimension as entry points for raising awareness and interest on this crucial issue. This approach included discussions on the particular relevance infrastructure sectors such as water and sanitation, but also energy and transport, have for women.

156. In the context of international investment policies, evidence-based data on the prevalence of female arbitrators in investor-State dispute settlement (ISDS) cases generated considerable debate.

157. One appreciated example of the subtle treatment of gender refers to UNCTAD statistics showing that men head 90% of arbitration tribunals. In one of the project-funded events, this statistic opened a lively discussion among stakeholder which continued even after the event.

158. Given political and cultural sensitivities, the project team was successful to carefully open a discussion between stakeholders at regional conferences. In fact, some stakeholders

mentioned success in raising awareness about the importance of human rights and gender in international investment agreements.

159. In many countries, investment treaty making has evolved to a point where initial provisions referring to the gender considerations of foreign direct investment and international investment policymaking can be included in future treaties.

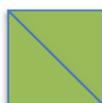
160. Project activities and stakeholder feedback confirmed that additional research and policy analysis on the gender dimension of investment policymaking was needed in order to build a knowledge base. This would allow for a fact-based, informative and ultimately empowering debate on this topic. UNCTAD is encouraged to take on this challenge and step up its work in this regard.

Human rights

161. Similar to the gender dimension, the human rights dimension of investment policymaking had not figured prominently in the project document. At the same time, investment policy issues have gained considerable prominence in the human rights field. Following the adoption of the Guiding Principles on Business and Human Rights, a wide array of research has been published. Multi-stakeholder meetings and policy initiatives have generated knowledge and awareness on this important topic. The challenges which IIAs and PPPs can generate, under certain circumstances, for the progressive realization of human rights, such as the right to development or the right to water, have attracted considerable public attention and spurred initial reactions, including proposed policy responses.

162. While the UNCTAD project did not focus on human rights related issues in its own research, it was effective in bringing human rights considerations into the project. It achieved this through: i) regular reporting on investment related policy developments in the human rights field; ii) human rights-related speakers at UNCTAD events; and iii) human rights experts making contributions to the online discussion forum. In so doing, UNCTAD has established and benefitted from effective partnerships with other organizations (intergovernmental, non-governmental and academic), allowing for a continuing cross-fertilization of knowledge and ideas. At the same time, they have borne in mind each entity's own core competence.

7. Cross-Cutting Themes: SDGs and Partnerships



Key findings: The projects shows SDG contribution and strategically approached partnerships.

- The project contributes to a range of SDGs, and most directly to SDG 17;
- Four main elements of the project's strategic approach to partnership emerge
 - Co-financed and co-organized events
 - Strategic engagement of academics
 - Making partners' voices heard through UNCTAD's convening power
 - Empowering beneficiary countries by creating an international platform

163. This section analyses the contribution of the project to the cross-cutting themes of SDG's and partnerships, given their relevance for organization-wide reporting in UNCTAD. The evaluation finds positive results for those cross-cutting issues. The score for this cross-cutting evaluation criterion is "green."

SDGs

164. While designed and officially started before the adoption of the SDGs, the SDGs stood at the origin of the project (e.g. reference to the UNCTAD-calculated financing gap for SDGs: 2.4 trillion USD annually for developing countries alone in 2014 WIR).

165. Subsequently to the adoption of the SDGs in September 2015, the project adjusted its original focus on specific sustainable development sectors (infrastructure and public services) towards a more comprehensive SDG coverage. This more cross-cutting coverage of SDGs also resonates with the nature of investment policy, which frequently is sector-neutral and pursues a broader, cross-sectoral development agenda.

166. The evaluation finds that the DA project contributes to a range of SDGs, with the most direct contribution to SDG 17: "Strengthen the means of implementation and revitalize the global partnership for sustainable development. The relevant targets and indicators concern finance and capacity building."

167. In terms of targets, Figure IX outlines that the project contributes to SDG 17.3 (resource mobilization), SDG 17.5 (investment promotion regimes) and SDG 17.9 (capacity building for national SDG implementation).

168. Contributions are also evident for SDG 7: "Ensure access to affordable, reliable, sustainable and modern energy for all" and SDG 9: "Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation."

169. An indirect contribution emerges for SDG 1: "End poverty in all its forms everywhere" and SDG 8: "Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all."

Figure IX. Contribution of the DA project to SDG 17

Target	Indicator
Finance	
17.3 Mobilize additional financial resources for developing countries from multiple sources	17.3.1 Foreign direct investments (FDI), official development assistance and South-South Cooperation as a proportion of total domestic budget
17.5 Adopt and implement investment promotion regimes for least developed countries	17.5.1 Number of countries that adopt and implement investment promotion regimes for least developed countries
Capacity building	
17.9 Enhance international support for implementing effective and targeted capacity-building in developing countries to support national plans to implement all the sustainable development goals, including through North-South, South-South and triangular cooperation	17.9.1 Dollar value of financial and technical assistance (including through North-South, South-South and triangular cooperation) committed to developing countries

Source: Evaluation analysis, A. Engelhardt, 2018

Partnerships

170. During the evaluation, four main elements of the project’s strategic approach to partnership emerged:

i) Co-financed and co-organized events

Examples include the joint workshop with IISD on “Harnessing Investment for Sustainable Development through Public–Private Partnerships (PPPs) in Infrastructure and Public Services” held in Nairobi, Kenya in February 2018, as well as the Technical Workshop held together with IISD and the International Institute for Trade and Development (ITD) in Bangkok, Thailand in 2018.

ii) Strategic longer-term engagement of academics

The project invited academics working in the area of IIA for example, from Australia or Germany to present in workshops to bring in the perspective from academia. At the same time, DIAE engages those academics as peer reviewers for DIAE publications, allowing for a longer-term relationship beyond the project timeframe.

iii) Approach to making partners’ voices heard through UNCTAD’s convening power

The project successfully leveraged UNCTAD’s convening power to magnify the voice of partners. Country beneficiaries’ and academia also appreciated the project’s capacities to reflect the voice of the private sector during events.

The investment policy hub blog also contains papers on PPPs in the IIA context, including the perspectives of IIA practitioners from developing countries and international law schools.

Examples of law schools include Warwick University, UK and Xiamen University, Peoples' Republic of China.

iv) Empowering beneficiary countries by creating an international platform

The project created a platform for its partners, empowering even small countries that had important lessons for the IIA community. Rather than taking a formal "service providers-client" approach, the project team aimed to be on par with the beneficiary countries' institutions. Beneficiaries often mentioned that they felt like partners during the project. The project teams' culturally sensitive and caring approach during engagements often over extended periods of time resulted in beneficiaries' appreciation.

III. CONCLUSIONS

Relevance

171. For all five sub-criteria, the project shows very high relevance. No major areas of improvements emerge. The project serves as a good practice example for how DA projects can complement the implementing agency's regular work while at the same time addressing development priorities of beneficiary developing countries.

172. In hindsight, it would have added value to develop a Theory of Change at the project design stage rather than at the end of the project cycle.

Effectiveness

173. The project met the objectives as set out in the expected accomplishments and there was evidence of contribution to the project outcome.

174. Overall, the project was successful in improving the institutional capacity of beneficiary countries. Success emerged in increasing awareness and understanding of the role of investment for achieving the SDGs, in improving knowledge on best-possible investment policy actions and in strengthening beneficiary countries' capacity to formulate and implement such policy actions. Unintended positive results emerged and the evaluation calls upon UNCTAD to document them more systematically.

Efficiency

175. While the project operated in a complex policy environment during the uncertain transition from the Millennium Development Goals to the SDGs, it reached a reasonable implementation rate and was exemplary in generating synergies.

Sustainability

176. While beneficiary country stakeholders are aware that they have a shared responsibility for sustaining the project results and managing internal capacities accordingly, the project succeeded in creating ownership and laid the foundation for sustaining results through its on-going engagement with countries through DIAE core services.

Gender and Human Rights

177. The project took a politically and culturally sensitive approach to raising awareness about including gender and human rights aspects in IIAs. A demand for UNCTAD to more comprehensively address the gender and human rights dimension of investment policymaking is emerging – and will be met in the future.

IV. RECOMMENDATIONS

Relevance

R1: UNCTAD should develop Theories of Change for its DA projects to further strengthen the project design, even if it is not required in the DA project document template.

Prioritization: medium - next 12 to 24 months

Sustainability

R2. UNCTAD's DIAE could consider how a future DA project could provide for a set of additional and focussed beneficiary countries, which would benefit from an increase in follow-up activities, with a view to further improving the sustainability of the project.

Prioritization: medium - next 12 to 24 months

Gender and Human Rights

R3: UNCTAD's DIAE should increase its engagement in research and analysis on the inclusion of gender and human rights aspects in IIAs.

Prioritization: medium - next 12 to 24 months

V. LESSONS LEARNED

178. When selecting project proposals for the UN Development Account, DIAE was successful in integrating the DA project 1415R in its portfolio of core services rather than creating a stand-alone component of questionable sustainability. As such, the project contributed to elevating DIAE's core services.
179. Elements of consolidating and revising existing services complemented with piloting new elements that enhance the relevance and sustainability of project results, such as web-based platforms and blogs. Ultimately, this also shows value for the money of the DA investment due to efficiency gains by leveraging on-going DIAE activities.
180. UNCTAD's DIAE should not be constrained by the DA reporting format. The unintended positive effects of its DA projects could be documented more systematically for lesson learning and the promotion of its work.

ANNEX I. TERMS OF REFERENCE OF THE EVALUATION

CONFÉRENCE DES NATIONS UNIES SUR
LE COMMERCE ET LE
DÉVELOPPEMENT



UNITED NATIONS CONFERENCE
ON TRADE AND DEVELOPMENT

Terms of Reference (TOR)

External Evaluation of Development Account Project 1415R Strengthening the capacities of developing country policy makers and investment promotion officials in priority sectors to attract investment for sustainable and inclusive development

1. Introduction and Purpose

This document outlines the Terms of Reference (TOR) for the final independent project evaluation for the United Nations Development Account (UNDA) funded project titled “Strengthening the capacities of developing country policy makers and investment promotion officials in priority sectors to attract investment for sustainable and inclusive development.”

The UNCTAD Evaluation and Monitoring Unit (EMU), in close collaboration with the Division on Investment and Enterprise (DIAE), will undertake this evaluation.

This evaluation exercise is meant to ensure ownership, result-based orientation, cost-effectiveness and quality of UNCTAD assistance. By carrying out this evaluation, UNCTAD plans to assess its work, to learn lessons, to receive feedback, appraisal and recognition, as well as to mobilize resources by showing the possible attribution of achievements to the programme.

The evaluation will systematically and objectively assess project design, project management, and project performance. The evaluation will provide assessments that are credible and useful, and also include practical and constructive recommendations, in order to enhance the work of UNCTAD in this area.

The evaluation will provide accountability to UNCTAD management, the Capacity Development Office/Development Account of DESA, project stakeholders, as well as UNCTAD's member States with whom the final evaluation report will be shared.

2. Project Background

Reaching the United Nations Sustainable Development Goals (SDGs) will need a step-change in investment: at current levels of investment in SDG-related sectors, developing countries face an annual gap of 2.5 trillion USD. The potential for increased private sector investment contributions is significant, especially in infrastructure-related sectors. At the same time, increasing the involvement of private sector investors in SDG-related sectors, many of which are sensitive or of a public service nature, leads to policy dilemmas. There is therefore a need to design best possible investment policies at the national and international levels.

The project responds to these challenges. It supports government policymakers, investment promotion officials and academia to identify, design and implement effective investment policies that aim at increasing the level of corporate investment in priority sectors and maximizing the sustainable development contribution of such investment. The project has a particular focus on private sector participation through new financing opportunities, such as best practices in public-private partnerships (PPPs), and the best possible investment policies (at the national and international levels) in this regard.

The project consists of several deliverables, including expert meeting, workshop, training materials, online repository of best practices and the customization of UNCTAD's existing databases, advisory services, and an online discussion forum.

3. Scope of the Evaluation

The evaluation will cover the duration of the project and is expected to deal with the following questions under the below criteria:

a) Relevance

- Did the project design, choice of activities and deliverables properly reflect and address the primary development needs of countries aiming to close the SDG-related financing gap by harnessing investment and maximizing its sustainable development contribution, including in infrastructure and public services, taking into account UNCTAD's mandates, and alignment with the objectives of the UNDA?
- Were the actual activities and outputs of the project consistent with the overall goals and intended outcomes?
- To what extent did the project contribute to UNCTAD mandates and maximize synergies with existing undertakings to achieve overall development objectives?

b) Effectiveness

- Have the activities achieved, or are likely to achieve, planned objectives and outcomes as enunciated in the project document?
- To what extent are project beneficiaries satisfied with the activities organized by the project and the quality of the outputs?
- Taking into account the delays for change to materialize, is there evidence that the beneficiaries' knowledge, understanding and capacity to harness investment and maximize its sustainable development contribution, particularly in infrastructure and public services, by means of well suited national and international investment policies have been improved?
- How have the different activities complemented each other in the capacity building of the project beneficiaries?
- What are the lessons learned or best practices for similar future interventions?

c) Efficiency

- Have project implementation modalities, and internal monitoring and control been adequate in ensuring the achievement of the expected outcomes in a timely and cost-effective manner?
- Has the project leveraged in-house expertise, previous research and technical cooperation outcomes, existing databases, and other internal resources of UNCTAD and/or external collaboration from international development partners and mechanisms?
- Has the project timeline been affected by possible constraints/problems? If so, how have these affected project objectives and have they been addressed in an appropriate manner?

d) Sustainability

- Is there evidence that national counterparts and regional partners are committed to continue working towards the project objectives beyond the end of the project? To what extent have project beneficiaries' institutional capacities been enhanced?
- Have the activities and outputs been designed and implemented in such a way to ensure maximum sustainability of the project's impact? For instance, to what extent did the beneficiary country stakeholders have strong sense of ownership?
- Have efforts been made to sustain the knowledge and capacity gained in the project for future similar interventions to be carried out by UNCTAD?

e) Gender and human rights

-
- To what extent the design and implementation of the project incorporated gender mainstreaming considerations, and can evidence be identified in this regard?
 - How have the beneficiaries been sensitized on the gender dimension of investment in infrastructure and public services, respective mechanisms for channeling such investments (e.g. PPPs) and respective national and international investment policies and their impact on gender equality?
 - To what extent does the project advance UNCTAD efforts to promote human rights and sustainable development?

4. Deliverables and Expected Outputs

The evaluation, on the basis of its findings and assessments made on the above criteria, should draw conclusions, make recommendations and identify lessons learned from the implementation of the project.

More specifically, the evaluation should:

- Highlight what has been successful and can be replicated elsewhere;
- Indicate shortcomings and constraints in the implementation of the project while, at the same time, identifying the remaining challenges, gaps and needs for future courses of action;
- Make pragmatic recommendations to suggest how UNCTAD's work in this area can be strengthened in order to deliver better results in addressing beneficiaries' needs and create synergies through collaboration with other UNCTAD divisions, international organizations and development partners, and other international forums;
- Draw lessons of wider application for the replication of the experience gained in this project in other projects/countries;

Three deliverables are expected out of this evaluation (following EMU templates):

- 1) An inception report¹;
- 2) A draft evaluation report; and
- 3) The final evaluation report.²

The inception report should summarize the desk review and specify the evaluation methodology, determining thereby the exact focus and scope of the exercise, including the evaluation questions, the sampling strategy and the data collection instruments.

The final report of the evaluation must be composed of the following key elements:

- 1) Executive summary;
- 2) Introduction of the evaluation, a brief description of the projects, the scope of the evaluation and a clear description of the methodology used;
- 3) Findings and assessments according to the criteria listed in Section 3 of this ToR, with a comparison table of planned and implemented project activities and outputs; and
- 4) Conclusions and recommendations drawn from the assessments.

All the evaluation assessments must be supported by facts and findings, direct or indirect evidence, and well-substantiated logic. It follows, that proposed recommendations must be supported by the findings and be relevant, specific, practical, actionable, and time-bound recommendations.

¹ Quality of the inception report should meet those set out in UNEG Quality Checklist for Evaluation Terms of Reference and Inception Reports: http://www.uneval.org/papersandpubs/documentdetail.jsp?doc_id=608

² Quality of the evaluation report should meet those set out in UNEG Quality Checklist for Evaluation Reports: <http://www.uneval.org/document/detail/607>

5. Methodology

The evaluation will be undertaken through a triangulation exercise of all available data to draw conclusions and findings. The evaluation methodology includes, but is not limited to, the following:

- Desk review of project documents and relevant materials;
- Face-to-face interview and/ or telephone interviews with relevant UNCTAD staff;
- Online surveys of beneficiaries of the project, and other stakeholders (as appropriate;) conduct follow-up interviews as may be necessary;
- Telephone/skype interviews with a balanced sample of project participants, project partners and other relevant stakeholders.

As part of the desk review, which will lead to an Inception Report, the evaluator will use the project document as well as additional documents such as mission reports; progress reports, financial reports, publications, studies - both produced under the project as well as received from national and regional counterparts. An exhaustive list of donors, project beneficiaries as well as other partners and counterparts involved in the project will be provided to the evaluator.

The evaluator will further elaborate on the evaluation methodology in an Inception Report, determining thereby the exact focus and approach for the exercise, including developing tailor made questions that target different stakeholders (based on a stakeholder analysis), and developing the sampling strategy and identifying the sources and methods for data collection. The methodology should follow the UNCTAD Inception Report Guidelines.

The evaluator is required to submit a separate final list of those interviewed in the Annex of the evaluation report. The evaluator is to ensure a wide representation of stakeholders, bearing in mind the need to include those in a disadvantaged or minority position as appropriate.

6. Description of Duties

The evaluator reports to the Chief of EMU. S/he will undertake the evaluation exercise under the guidance of the EMU and in coordination with the project manager. The evaluator is responsible for the evaluation design, data collection, analysis and reporting as provided in this TOR. The evaluator will submit a copy-edited final report to UNCTAD.

The evaluator shall act independently, in line with United Nations Evaluation Group (UNEG) Ethical Guidelines and in her/his capacities and not as a representative of any government or organisation that may present a conflict of interest. S/he will have no previous experience of working with the project or of working in any capacity linked with it.

The evaluator should observe the UNEG guidelines, standards³, and norms⁴ for evaluations in the UN system, as well as UNCTAD's Evaluation Policy⁵, in the conduct of this assignment. The evaluator needs to integrate human rights and gender equality in evaluations to the extent possible.⁶ The evaluator needs to ensure a complete, fair, engaging, unreserved, and unbiased assessment. In case of difficulties,

³ "Standards for Evaluation in the UN System" by UNEG, UNEG/FN/Standards (2005); http://www.uneval.org/papersandpubs/documentdetail.jsp?doc_id=22;

⁴ "Norms for Evaluation in the UN System" by UNEG, UNEG/FN/Norms (2005); http://www.uneval.org/papersandpubs/documentdetail.jsp?doc_id=21;

⁵ "Evaluation Policy" of the United Nations Conference on Trade and Development (UNCTAD), December 2011. December 2011, http://unctad.org/Sections/edm_dir/docs/osg_EvaluationPolicy2011_en.pdf.

⁶ "Integrating human rights and gender equality in evaluations" by UNEG, UNEG Guidance Document (2014): <http://www.unevaluation.org/document/detail/1616>. The UNEG Handbook on "Integrating human rights and gender equality in evaluations: Towards UNEG Guidance" by UNEG, UNEG Guidance Document (2011): <http://www.uneval.org/document/detail/980>.

uncertainties or concern in the conduct of the evaluation, the evaluator needs to report immediately to the Chief of EMU to seek guidance or clarification.

The project team will support the evaluation, by providing desk review documents (following EMU desk review documents guidelines), contact details of project stakeholders as well as any additional documents that the evaluator requests. It is the responsibility of the project manager to ensure senior management engagement throughout the evaluation and timely feedback in the quality assurance and factual clarification process coordinated by the EMU. The project team will review and provide comments on the inception, draft and final reports with a view on quality assurance and factual accuracies.

The EMU acts as clearing entity during the main steps of this evaluation. It endorses the TOR and approves the selection of the proposed evaluator. EMU reviews the evaluation methodology, clears the draft report, performs quality assurance of the final report and participates in disseminating the final report to stakeholders within and outside of UNCTAD. EMU engages the project manager throughout the evaluation process in supporting the evaluation and validating the reports.

7. Timetable

The total duration of the evaluation is equivalent to 22 days of work and will take place from early February 2018 to end April 2018.

Activity	Days
Desk research and study of relevant documentation	3 days
Preparation of data collection tools and inception report	4 days
Interviews with UNCTAD staff and implementation partners	2 days
Other interviews with project participants, focal points and other stakeholders*	4 days
Data analysis and draft report write up	6 days
Final report write up	3 days

Note:

*: The evaluator might wish to attend a project activity in either Nairobi, Kenya or Bangkok, Thailand in early 2018 [during the first quarter of 2018].

The first draft report should be presented to the EMU and relevant stakeholders for quality assurance and factual corrections at least 3 weeks before the deadline for the submission of the final report.

8. Monitoring and Progress Control

The evaluator must keep the EMU informed of the progress made in the evaluation on a regular basis.

The evaluator will submit the inception report early March 2018.

The evaluator will also present the draft report to the EMU and the project manager before the final submission, giving sufficient time for the verification of factual findings as well as its compliance with the ToR (approximately 2 weeks). To this end, a draft of the report must be presented by mid April 2018 for quality assurance by the EMU and factual clarification by the project manager, before submission of the final report.

The deadline for submission of the final report will be end April 2018.

The contract concludes, and payment is issued, upon satisfactory receipt of the final report.

9. Qualifications and Experience⁷

- **Education:** Advanced university degree in economics, trade, sustainable development, public administration or related field.
- **Experience:** At least 5 years of experience in conducting evaluations, preferably on interventions in the areas of national and international investment [and enterprise] policies and their sustainable development dimension or the interface between international economic policymaking and sustainable development or policies and initiatives aimed at harnessing enterprise and/or investment for sustainable development. Demonstrated knowledge of investment and enterprise issues is required. Demonstrated understanding in gender and human rights mainstreaming is desirable.
- **Language:** Fluency in oral and written English. Fluency in another UN language an asset.

10. Conditions of Service

The evaluator will serve under a consultancy contract as detailed in the applicable United Nations rules and regulations. The evaluator will not be considered as staff member or official of the United Nations, but shall abide by the relevant standards of conduct. The United Nations is entitled to all intellectual property and other proprietary rights deriving from this exercise.

11. Payment of the consultancy fee

The Evaluation Consultant's fee will be paid in line with the following schedule and upon acceptance (part of the quality assurance process) by EMU of the key deliverables:

- Upon acceptance of the Inception Report: 20%
- Upon acceptance of the draft Evaluation Report: 40%
- Upon acceptance of the final Evaluation Report: 40%.

12. Applying for the consultancy

Applicants are required to submit an expression of interest to undertake the assignment/consultancy and include the following:

- Cover letter stating why you are suited for this work, your available start date and work experience, especially evaluation experience;
- Detailed CV; and
- A sample of a recent evaluation report.

Applications with the above details should be sent to evaluation@unctad.org

The deadline for submitting the applications is 26 January 2018. UNCTAD reserves the right to close the application before the indicated date if a suitable candidate is found.

⁷ The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

ANNEX II. EVALUATION TOOLS: QUESTIONNAIRES AND INTERVIEW GUIDES

Semi-structured evaluation questionnaire for interviews: UNCTAD project team, selected beneficiaries and partners

Relevance

1. To what extent did the UNCTAD intervention reflect primary development needs of beneficiary countries?

	Very high	High	Medium	Low	Very low
Reflection of primary developmental needs of beneficiary countries					

Please explain "very high" and "high" with examples:

Efficiency

2. To what extent did the project maximize synergies with existing undertakings to achieve overall development objectives? (question for UNCTAD and partners)

	Very high	High	Medium	Low	Very low
Synergies with ongoing interventions					

Please explain "very high" and "high" with examples:

Effectiveness: achievement of project results

3. To what extent has the project achieved the planned results and objectives?

Achievement of planned results and objectives	Very high	High	Medium	Low	Very low	No answer
Increased awareness and understanding of the role international investment could play in sustainable and inclusive development						
Increased capacity to collect, analyze and use investment data in order to be able to make informed evidence-based policy decisions that will boost investment to sustainable development sectors,						
Increased ability to formulate and implement policies, including public-private partnerships, to attract international investment to sustainable development sectors,						
To increase the capacity of policymakers, investment promotion officials and academia in selected countries to formulate and implement policies that increases the contribution of international investment to sustainable development and inclusive growth						
Unintended results						
Overall, how beneficial has the UNCTAD intervention been to you?						

Please explain "very high" and "high" with examples:

4. What are the lessons learned or best practices for similar future interventions? (Question for UNCTAD and partners)

5. To what extent has the UNCTAD intervention contributed to the following:

Objective: increase contribution of international investment to sustainable development-related sectors	Very high	High	Medium	Low	Very low	No answer
Change of awareness/understanding						
Change of capacities						
Change of ability to formulate policies						

Please explain your assessment:

6. How have the different activities complemented each other in the capacity building of the project beneficiaries?

Sustainability: lasting results?

7. To what extent are project results lasting?

	Very high	High	Medium	Low	Very low
Ownership of project objectives (e.g., sustainable development- oriented investment policies and treaties)					
Strength of beneficiaries' institutional capacities					
Conduciveness of project approach to sustaining the impact					
Efforts to sustain knowledge and capacity gained in the project					

Please explain your assessment:

Gender and human rights

8. To what extent did the project address gender-related issues and human rights?

	Very high	High	Medium	Low	Very low
Gender balance in the selection of project beneficiaries (individuals) (question for UNCTAD only)					
Sensitization of and brainstorming with beneficiaries and experts on the gender mainstreaming dimension of investment policies for sustainable development					
Sensitization of and brainstorming with beneficiaries and experts on the human rights dimension of investment policies for sustainable development					

Please explain your assessment:

Evaluation questionnaire for online survey

Relevance

1. To what extent has the UNCTAD intervention contributed to meeting primary development needs of your country?

	Very high	High	Medium	Low	Very low
Reflection of primary developmental needs of your countries					

Please explain "very high" and "high" with examples:

Efficiency: appropriate use of resources

2. To what extent has the project leveraged collaboration from national or international development partners?

	Very high	High	Medium	Low	Very low
Leverage of collaboration from national or international development partners?					

Please explain "very high" and "high" with examples:

Effectiveness: achievement of project results

3. To what extent has the UNCTAD intervention achieved the planned results and objectives?

Achievement of planned results and objectives	Very high	High	Medium	Low	Very low	No answer
Increased awareness and understanding of the role international investment could play in sustainable and inclusive development						

Increased capacity to collect, analyze and use investment data in order to be able to make informed evidence-based policy decisions that will boost investment to sustainable development sectors,						
Increased ability to formulate and implement policies, including public-private partnerships, to attract international investment to sustainable development sectors,						
Increased capacity of policymakers, investment promotion officials and academia in selected countries to formulate and implement policies that increases the contribution of international investment to sustainable development and inclusive growth						
Unintended results						

Please explain "very high" and "high" with examples. Please explain unintended results.

4. To what extent have the project tools/concepts contributed to changes in your knowledge, awareness and practice for the following:

	Very high	High	Medium	Low	Very low	No answer
Investment policy framework for sustainable development						
Your knowledge						
General usefulness for your work						
Practical application of tool/concept in your work						
10 options of phase 2 of International Investment Agreements' reform	Very high	High	Medium	Low	Very low	No answer
Your knowledge						
General usefulness for your work						
Practical application of tool/concept in your work						

Roadmap to International Investment Agreements reform	Very high	High	Medium	Low	Very low	No answer
Your knowledge						
Usefulness for your work						
Practical application of tool/concept in your work						
UNCTAD International Investment Agreement mapping data base	Very high	High	Medium	Low	Very low	No answer
Your knowledge						
General usefulness for your work						
Practical application of tool/concept in your work						
UNCTAD International Investment Agreement navigator	Very high	High	Medium	Low	Very low	No answer
Your knowledge						
General usefulness for your work						
Practical application of tool/concept in your work						
UNCTAD Investment Dispute Settlement Navigator	Very high	High	Medium	Low	Very low	No answer
Your knowledge						
General usefulness for your work						
Practical application of tool/concept in your work						
Overall, to what extent do you feel empowered to do your job better?						

5. How useful were project meetings for the following:

Technical meetings	Very high	High	Medium	Low	Very low	No answer
Increase of knowledge						

Sharing experiences with peers						
Networking for concrete problem solving						
High level conferences	Very high	High	Medium	Low	Very low	No answer
Increase of knowledge						
Sharing experiences with peers						
Networking for concrete problem solving						

6. How have the different activities complemented each other in the capacity building of the project beneficiaries?

7. If the project would not have existed, where would you have got data from following tools?

Alternative data sources for	Very high	High	Medium	Low	Very low	No answer
Investment policy framework for sustainable development						
10 options of phase 2 of International Investment Agreements' reform						
Roadmap to International Investment Agreements reform						
UNCTAD International Investment Agreement mapping data base						
UNCTAD International Investment Agreement navigator						
UNCTAD Investment Dispute Settlement Navigator						

At what cost would alternative data sources have come?

8. What are the lessons learned or best practices for similar future interventions?

Sustainability: lasting results?

9. To what extent are project results lasting?

	Very high	High	Medium	Low	Very low
Ownership of project objectives (e.g., sustainable development- oriented investment policies and treaties)					
Strength of beneficiaries' institutional capacities					
Conduciveness of project approach to sustaining the impact					
Efforts to sustain knowledge and capacity gained in the project					

Please explain your assessment:

Gender and human rights

10. To what extent did the UNCTAD intervention help UNCTAD efforts to advance gender mainstreaming and human rights considerations?

	Very high	High	Medium	Low	Very low
Gender balance in the selection of project beneficiaries (individuals) (question for UNCTAD only)					
Sensitization of and brainstorming with beneficiaries and experts on the gender mainstreaming dimension of investment policies for sustainable development, including for SD-related sectors.					
Sensitization of and brainstorming with beneficiaries and experts on the human rights dimension of investment policies for sustainable development, including SD-related sectors.					

ANNEX III. DESK REVIEW LIST

Investment Policy Tool Kits

- UNCTAD's Reform Package for the Global Investment Regime (contains "Roadmap" and "10 Options for Phase 2") launched December 2017
- http://investmentpolicyhub.unctad.org/Upload/UNCTADs%20Reform%20Package_web_09-03-2018.pdf
- Investment Policy Framework for Sustainable Development (IPFSD), updated 2015
- http://unctad.org/en/PublicationsLibrary/diaepcb2015d5_en.pdf
- Global Action Menu for Investment Facilitation, 2017 version
- http://investmentpolicyhub.unctad.org/Upload/Action%20Menu%2023-05-2017_7pm_print.pdf

Policy databases

- IIA Navigator
<http://investmentpolicyhub.unctad.org/IIA>
- IIA Mapping Navigator
<http://investmentpolicyhub.unctad.org/IIA/mappedContent#iialInnerMenu>
- ISDS Navigator
<http://investmentpolicyhub.unctad.org/ISDS>
- Investment Laws Navigator
<http://investmentpolicyhub.unctad.org/InvestmentLaws>
- Investment Policy Navigator/Monitor
<http://investmentpolicyhub.unctad.org/IPM>

Investment policy research work

- World Investment Report (UNCTAD flagship report)

Ch III of WIR 2016

http://unctad.org/en/PublicationChapters/wir2016ch3_en.pdf

Ch III of WIR 2017

http://unctad.org/en/PublicationChapters/wir2017ch3_en.pdf

Ch III of WIR 2018 (forthcoming)

- IIA Issues Notes
- <http://investmentpolicyhub.unctad.org/Publications>
- Investment Policy Monitors
- <http://investmentpolicyhub.unctad.org/Publications>

PPP-specific Work Products

- PPP website on investment policy hub - Landing page
<http://investmentpolicyhub.unctad.org/Pages/mobilizing>
- PPP and sector-specific investor-State dispute settlement cases (customization of the ISDS database)
<http://investmentpolicyhub.unctad.org/Pages/mapping-of-ppp-related-isds-cases>
- PPP-specific drafting options for IIAs drafting (customization of IIA database)
<http://investmentpolicyhub.unctad.org/Pages/mapping-of-ii-a-clauses>
- PPP-specific elements of IPRs (Investment Policy Reviews)
<http://investmentpolicyhub.unctad.org/Pages/unctad-investment-policy-reviews-and-public-private-partnerships-best-practices-and-recommendations>

PPP-specific blogs / online discussion forum

<http://investmentpolicyhub.unctad.org/Blog>

- *“PPPs and ISDS: A Risky Combination”* by Brooke Guven, legal researcher at the Columbia Center on Sustainable Investment (CCSI) and Lise Johnson, Head, Investment Law and Policy at CCSI.

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- *“Integrating the Sustainable Development Goals in the Regulation of Public-Private Partnerships in the Belt and Road Countries: A Chinese Perspective”* by Manjiao Chi, Professor of International Law, Law School, Xiamen University, China.
 - *“The Importance of PPPs Towards Ghana's Development Objectives”* by Naa Lamle Orleans-Lindsay, Head of the Legal Division and Board Secretary of the Investment Promotion Centre, Ghana.
 - *“The Energy Charter: foundation for future PPP pipelines?”* by Sarah Keay-Bright, Energy Charter Secretariat.
 - *“Regulating Development Partnerships: PPPs, Blended Finance and Responsible Investment Provisions”* by Dr Celine Tan and Dr Lorenzo Cotula, Warwick Law School, GLOBE Centre, UK.
 - *“The fiscal costs of PPPs in the spotlight”* by Ms. María José Romero, Policy and Advocacy Manager, Publicly-Backed Private Finance, the European Network on Debt and Development (Eurodad).
 - *“Pro-Women and Pro-Poor PPPs”* by Jeffrey Delmon, Senior Infrastructure Finance Specialist, Infrastructure, PPPs & Guarantees, World Bank, Singapore.
 - *“Atteinte des Objectifs de Développement Durable à travers le Partenariat Public-Privé, quels défis pour les pays à faible revenu?”* by Ms. Erika Ramanarivo, Director of Public Private Partnership. Department, Ministry of Finance and Budget, Madagascar.
 - *“Harnessing Public-Private Partnerships for Sustainable Development”* by James Zhan, Senior Director of the Investment and Enterprise Division at UNCTAD.

Meetings

PPP-related meetings

- Expert Group Meeting, March 2016, Geneva, Switzerland
- Technical Training Workshop, November 2016, Colombo, Sri Lanka
- Workshop for Policymakers, November 2016, Bogota, Colombia
- Workshop for Policymakers, January 2017, Casablanca, Morocco

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- Seminar on the experience of best practices in PPPs, October 2017, Geneva, Switzerland
 - Workshop for Policymakers, October 2017, Baku, Azerbaijan
 - Technical Training Workshop, January 2018, Dakar, Senegal
 - Technical Training Workshop, February 2018, Nairobi, Kenya
 - Workshop for Policymakers, February 2018, Nairobi, Kenya
 - Technical Training Workshop, February 2018, Bangkok, Thailand

Among others, see <http://investmentpolicyhub.unctad.org/Pages/building-capacity-and-raising-awareness-on-ppps>

Key IIA-related meetings

- 24-25 OCTOBER 2017 BAKU, AZERBAIJAN
<http://ipcbaku.com/>
International Investment Policies: The Way Forward, October 2017, Baku Azerbaijan
- High-level IIA Conference, October 2017
Meeting website
<http://investmentpolicyhub.unctad.org/Pages/2017-edition-of-unctad-s-high-level-annual-ia-conference-phase-2-of-ia-reform>

Two sessions with an SDG and/or PPP dimension

http://investmentpolicyhub.unctad.org/Upload/Documents/BoS%201_agenda%20and%20report%20back.pdf

http://investmentpolicyhub.unctad.org/Upload/Documents/BoS%207_agenda%20and%20report%20back.pdf

PPP presentation

http://investmentpolicyhub.unctad.org/Upload/Documents/UNCATAD%20IIA%20and%20PPPs%209%20oct%202017_IISD%20presentation.pdf

Official report

http://unctad.org/meetings/en/SessionalDocuments/ciimem4d15_en.pdf

- High-level IIA Conference, March 2016

Meeting website

<http://investmentpolicyhub.unctad.org/EventsCalendar/Details/452>

Official report

http://unctad.org/meetings/en/SessionalDocuments/ciimem4d12_en.pdf

High-level IIA Conference, July 2016, at 2016 World Investment Forum (WIF)
<https://www.iisd.org/itn/2016/12/12/unctads-international-investment-agreements-conference-2016-taking-iaa-reform-to-the-next-level-james-zhan-diana-rosert/>

ANNEX IV. Project contribution to Development-oriented Investment policy change

Numerous concrete policy changes took place, documenting the impact of the project's work on sustainable development-oriented investment policymaking in beneficiary countries. Prime among such policy changes are the conclusion of new IIAs that contain a large number of reform-oriented features, as presented in this annex

From an SDG perspective, particularly noteworthy IIA elements include:

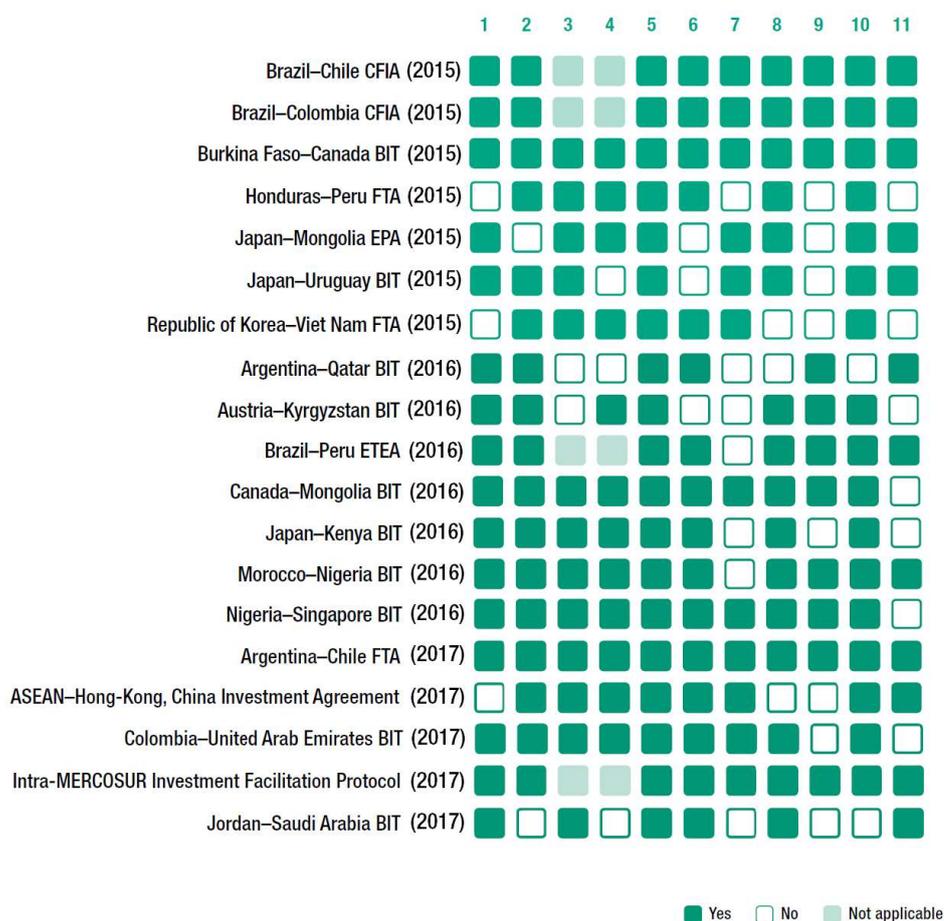
- References to global standards, such as the SDGs (e.g. Morocco–Nigeria BIT (2016));
- Treaty coverage conditioned on investors' contribution to the host State's economy (e.g. Morocco–Nigeria BIT (2016));
- Encouragement for investors to contribute to economic, social and environmental development (e.g. Brazil–Peru Economic and Trade Expansion Agreement (ETEA) 2016));
- Requirement for investors to comply with environmental assessment screening procedures prior to establishment of the investment and to conduct social impact assessments of potential investments (e.g. Morocco–Nigeria BIT (2016));
- Requirement for investors to refrain from offering bribes to public officials and entitling States to deny substantive protection to investments established or operating by way of illicit means, corruption, or other form of illegality (e.g. Morocco–Nigeria BIT (2016) and Brazil–Peru ETEA (2016));

Other examples of sustainable development-oriented international investment policymaking include efforts to modernize old-generation treaties, for example, by means of jointly interpreting existing treaties. This has been done by project beneficiary countries in, e.g.

- Joint Interpretative Notes for the Bangladesh–India BIT (2009) (done in October 2017);
- Joint Interpretative Declaration for the Colombia–France BIT (2014) (done in October 2017);
- Joint Interpretative Declaration for the FTA between Canada and Colombia (2008) (done in October 2017).

A further example of sustainable development-oriented investment policymaking by project beneficiary countries are "joint principles" prepared, for example, by UNCTAD and the African, Caribbean or Pacific (ACP) Group of countries (close to 20 per cent of ACP members are project beneficiaries) or by UNCTAD and the Organisation of Islamic Cooperation (OIC) countries (close to one quarter of OIC countries are project beneficiaries).

Figure X. IIAs concluded by project beneficiary countries between 2015-2017, containing at least six reform-oriented elements



Selected aspects of IIAs

The scope and depth of commitments in each provision varies from one IIA to another.

- | | |
|---|---|
| <ol style="list-style-type: none"> 1 References to the protection of health and safety, labour rights, environment or sustainable development in the treaty preamble 2 Refined definition of investment (e.g. reference to characteristics of investment; exclusion of portfolio investment, sovereign debt obligations or claims to money arising solely from commercial contracts) 3 Circumscribed fair and equitable treatment (equated to the minimum standard of treatment of aliens under customary international law and/or clarification with a list of State obligations) 4 Clarification of what does and does not constitute an indirect expropriation 5 Detailed exceptions from the free-transfer-of-funds obligation, including balance-of-payments difficulties and/or enforcement of national laws | <ol style="list-style-type: none"> 6 Omission of the so-called “umbrella” clause 7 General exceptions, e.g. for the protection of human, animal or plant life or health; or the conservation of exhaustible natural resources 8 Explicit recognition that parties should not relax health, safety or environmental standards to attract investment 9 Promotion of Corporate and Social Responsibility standards by incorporating a separate provision into the IIA or as a general reference in the treaty preamble 10 Limiting access to ISDS (e.g. limiting treaty provisions subject to ISDS, excluding policy areas from ISDS, limiting time period to submit claims, no ISDS mechanism) 11 Specific proactive provisions on investment promotion |
|---|---|

Source: WIR16/17/18 ©UNCTAD.