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We need an international support programme for sustainable investment facilitation

by

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Transitioning to a carbon-free world economy and meeting the Sustainable Development Goals by 2030 requires, annually, trillions of dollars. Massive private investment, including foreign direct investment (FDI), has to be mobilized for this purpose. However, developing countries, especially the least developed countries, simply lack the capacity to compete successfully in the highly competitive FDI world market to obtain the required funds. They need assistance – not only to obtain *more* FDI but *sustainable* FDI.

What is needed, therefore, is an international support program for sustainable investment facilitation. It would focus on practical ways of encouraging sustainable FDI flows to developing countries: commercially viable investment that makes a maximum contribution to the economic, social and environmental development of host countries and takes place in the context of fair governance mechanisms, as defined by host countries and reflected for instance in their incentive programs.

There is of course the challenge to define FDI's sustainability characteristics. An international organization or a non-governmental organization (NGO) could establish a working group to prepare, in a multi-stakeholder process, an indicative list of FDI sustainability characteristics. Individual governments seeking to attract sustainable FDI (including, e.g., CO₂-neutral foreign affiliates) could draw on it for guidance purposes. A "sustainable FDI" definition is also needed for investor-state disputes, as arbitral tribunals consider – as they should – an investment's development impact when adjudicating claims and, therefore, need evaluation criteria. The same applies as more international investment agreements make reference to "sustainable development" or "sustainable investments".¹ Such a working group could also identify mechanisms to encourage specifically sustainable investment flows.

A FDI support program would complement the World Trade Organization (WTO)-led Aid-for-Trade Initiative and the WTO Trade Facilitation Agreement. In a world of global value chains, these two instruments address one side of the equation, trade, while a FDI

support program would address the other side of the equation, investment. Analogue to the WTO efforts, a FDI support program would be entirely technical in nature, focussing on practical actions to encourage sustainable investment flows to developing countries. For example:

- *Host countries* could make comprehensive information available on their regulatory environment directly bearing on *incoming* FDI.
- *Home countries* could make comprehensive information available on their support for *outgoing* FDI, e.g., information services and financial and fiscal incentives.
- *Multinational enterprises* could make comprehensive information available on their corporate social responsibility programs and instruments they observe regarding FDI.

Investment promotion agencies (IPAs) could be the FDI support-program's focal points, coordinating with the national committees on trade facilitation once established under the Trade Facilitation Agreement. Within a country's long-term development strategy, IPAs could undertake various activities to attract sustainable FDI. They could:

- Improve the regulatory framework for investment.
- Establish time-limited and simplified procedures for obtaining permits, licenses etc.
- Identify and eliminate unintended barriers to sustainable FDI flows.
- Engage in policy advocacy (part of which could relate to promoting the coherence of the investment and trade regulatory frameworks).
- Render after-investment services.
- Facilitate private-public partnerships.
- Identify opportunities for inserting the country in global value chains and targeting these.
- Develop risk-minimizing mechanisms to attract infrastructure investment.
- Help prevent conflicts between investors and host countries and, if conflicts arise, resolve them before they reach the international level.
- Promote backward and forward linkages between foreign investors and domestic firms.
- And – very important – find ways and means to increase the sustainable development impact of FDI in host countries.

Finally, as for the WTO trade instruments, donor countries could support IPA capacity building in developing countries, to help implement the FDI support program.

One option to create such a program is to extend the Aid-for-Trade Initiative to cover investment. The initial emphasis could be on investment in services, given the WTO's General Agreement on Trade in Services (and that services account for nearly two-thirds of the world's FDI stock). Alternatively, this Initiative could be complemented with a separate Aid-for-Investment Initiative.

Another option is to expand the Trade Facilitation Agreement to cover sustainable investment. A subsidiary body of the Committee on Trade Facilitation could provide the platform to consult on the operation of what would be a sustainable investment module within the Trade Facilitation Agreement.

A third option is for all governments to launch a Sustainable Investment Facilitation Understanding. The WTO could work on such an Understanding as part of a post-Doha agenda, but it could begin in another international organization with experience in FDI matters, especially UNCTAD, or the OECD or World Bank. Or leading outward FDI countries could launch a plurilateral initiative, mandated by the G20. (The top ten outward FDI economies, which include four emerging markets, accounted for four-fifths of world FDI outflows in 2014.)

Every of these options require careful study and consultations, which could be organized by any of the organizations just mentioned or a credible NGO.

This proposal's key premise is the importance – and urgency – of creating favorable conditions for sustainable FDI flows to meet future investment needs. Governments must muster the political will to put an international support program for sustainable investment facilitation in place.

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¹ See, the 2015 Norway model bilateral investment agreement, at <https://www.regjeringen.no/contentassets/e47326b61f424d4c9c3d470896492623/draft-model-agreement-english.pdf>.

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