



Deutsches Institut für
Entwicklungspolitik



German Development
Institute



International
Trade
Centre

Invitation: 11th virtual meeting of the Expert Network on a Multilateral Framework on Investment Facilitation for Development

16 June 2022, 15:00-16:15 CET

Dear Expert Network members,

We would like to invite you to participate in the 11th meeting of the Expert Network on a Multilateral Framework on Investment Facilitation for Development, established in the framework of a project carried out by the International Trade Centre (ITC) and the German Development Institute / Deutsches Institut für Entwicklungspolitik (DIE).

The meeting will take place on 16 June 2022 from 9:00am to 10:15am Eastern Daylight-Saving Time (EDT), 15:00 to 16:15 Central European Time (CET), 21:00 to 22:15 China Standard Time (CST).

The 11th virtual meeting of the Expert Network on a Multilateral Framework on Investment Facilitation for Development will focus on **responsible business conduct as a key component of the WTO Investment Facilitation for Development Agreement**.

The long-term objective of strengthening investment facilitation is fostering sustainable development. One of the key components of promoting sustainable investment is RBC. Over the years, many companies have voluntarily adopted RBC-related codes, guidelines or initiatives to manage their activities and responsibilities with respect to a wider set of stakeholders. Environmental, social and governance principles for investing have become mainstream values for many companies and investors. Today, around 7,000 companies have signed the UN Global Compact, and it includes 44 of the 50 biggest asset managers in the world. One of the most comprehensive international standards on RBC is the OECD Guidelines for Multinational Enterprises, which cover all key areas of business responsibility, including human rights, labour rights, environment, bribery, consumer interests, and taxation.

There is also a growing number of trade and investment agreements that include RBC provisions (i) requiring contracting parties to promote responsible business practices taking into account relevant internationally recognised guidelines and principles (see 2020 EU-China CAI, Section IV Investment and sustainable development, Art 2) and/or (ii) urging investors and their investments to achieve the highest possible level of contribution to the sustainable development of the host State and the local community, through the adoption of a high degree of socially responsible practices (see 2020 India-Brazil Investment Cooperation and Facilitation Treaty, Art 12). The universe of regional trade agreements (RTAs) with RBC-related provisions is continuously expanding and as of December 2020, 65 RTAs (involving 120 countries) include at least one provision mentioning explicitly corporate social responsibility (Monteiro, 2021). Moreover, according to the UNCTAD database there are 170 investment treaties which are currently in force that mention RBC within their preambles. In addition, there are 40 investment treaties, 23 of which are currently in force, with a separate

provision (or chapter) that includes language promoting the adoption or strengthening of RBC initiatives. These provisions can vary widely in their terminology, influencing both the subject of responsibility and the nature of the obligation.

The meeting will provide an overview of new developments and trends for incorporating RBC provisions in international investment agreements and analyse specifically the proposed RBC provisions under the Investment Facilitation for Development (IFD) Agreement and the considerations and implications that should be taken into account by negotiators with respect to proposed language of these provisions. The meeting will also focus on the implementation phase of the RBC provisions under the IFD Agreement, aiming to identify concrete measures that WTO Members would need to take under the Agreement at the national level and the potential need for capacity building and technical assistance by developing and least developed countries.

Moderator: Axel Berger, Deputy Director (interim), DIE

Opening speakers:

Katia Yannaca-Small, Professor, Gould School of Law, University of Southern California – *“Incorporating RBC provisions in international investment agreements – new developments and trends”*

Manjiao Chi, Professor, University of International Business and Economics, China – *“What can we learn from the practice of including RCB provisions in IIAs for the IFD Agreement?”*

Ana Novik, Head, Investment Division, OECD – *“Implementing the RBC provisions under the IFD Agreement”*

Concluding remarks: Karl P. Sauvant, Resident Senior Fellow, Columbia University/CCSI

Everyone is encouraged to request the floor to speak (or send written questions or comments at any time during the meeting).

Please register for the meeting in order to receive the meeting link details (please [click here](#)).

For your reference, the reports of the last Expert Network meetings can be found [here](#).

Thank you in advance for participating in the Expert Network and sharing your expert insights.

With best regards,

Rajesh Aggarwal, Director (oic), Division for Market Development, ITC

Axel Berger, Deputy Director (interim), DIE

Karl P. Sauvant, Resident Senior Fellow, Columbia University, CCSI

Background material

[ITC-DIE project on Investment Facilitation for Development.](#)

[Axel Berger, Yardenne Kagan and Karl P. Sauvant, eds., *Investment Facilitation for Development: A Toolkit for Policymakers*. Second edition \(Geneva: ITC, 2022\)](#)

[IISD “Corporate Social Responsibility Clauses in Investment Treaties” \(2018\).](#)

[IISD “Incorporating corporate social responsibility within investment treaty law and arbitral practice: Progress or fantasy remedy?” \(2020\).](#)

[José-Antonio Monteiro “Buena vista: Social corporate responsibility provisions in regional trade agreements” WTO Staff Working Paper, No. ERSD-2021-11.](#)

[Karl P. Sauvant, “How would a future WTO Agreement on Investment Facilitation for Development encourage sustainable FDI flows, and how could it be further strengthened?”.](#)

[Karl P. Sauvant and Evan Gabor, “Facilitating Sustainable FDI for Sustainable Development in a WTO Investment Facilitation Framework: Four Concrete Proposals”, Journal of World Trade, vol. 55 \(2021\), pp. 261-286.](#)

Bios

Axel Berger

Axel Berger is Deputy Director (interim) at the German Development Institute / Deutsches Institut für Entwicklungspolitik (DIE). He works on the design, effects and diffusion patterns of international trade and investment agreements, with a focus on emerging markets and developing countries. His other areas of research include the effects of an international investment facilitation framework, impact of free trade agreements on upgrading within global value chains, and role of the G20 in global governance. He teaches international political economy at the University of Bonn and regularly advises developing countries, development agencies and international organizations on trade and investment matters.

Manjiao Chi

Manjiao Chi is a Professor at the School of Law of the University of International Business and Economics, China, and founding director of the School’s Center for International Economic Law and Policy. He is the founding editor-in-chief of the Asian Yearbook of International Economic Law. His recent research focuses on international economic law and dispute settlement, and sustainable development. He frequently advises international organizations, government bodies and private firms on legal and policy issues in his research fields.

Ana Novik

Ana Novik is Head of the Investment Division of the OECD Directorate for Financial and Enterprise Affairs. She focusses on improving the international investment climate, promoting good domestic policies to support sustainable and inclusive investment and responsible business conduct. She establishes strategies for the OECD to secure a leadership role in the international investment debate and to advance a more structured economic analysis of investment flows and impact. Previously she was the Chilean Ambassador Director of Multilateral Economic Affairs in the Economics Directorate of Chile’s Ministry of Foreign Affairs and Trade, representing Chile in international organisations.

Karl P. Sauvant

Karl P. Sauvant introduced the idea of an International Support Program for Sustainable Investment Facilitation in the E15 Task Force on Investment Policy in 2015. From there, the proposal was taken forward in the WTO. He has written extensively on this subject (see <https://ssrn.com/author=2461782>), participated in various events relating to it and currently assists the ITC and DIE on a project on Investment Facilitation for Development. He retired in 2005 as Director of UNCTAD’s Investment Division and established, in 2006, what is now the Columbia Center on Sustainable Investment (CCSI). He stepped down as the Center’s Executive Director in 2012, to focus his work, as a CCSI Resident Senior Fellow, on teaching, research and writing.

Katia Yannaca-Small

Katia Yannaca-Small is an independent arbitrator and counsel advising on dispute prevention and settlement and ESG matters. Previously, she was Counsel with the International Arbitration and Public International Law groups of Shearman and Sterling LLP in Washington, D.C. Prior to joining the private sector, she was the senior legal advisor on international investment with the OECD in Paris, in charge of all the OECD work on international investment agreements and arbitration. At the OECD she also led the work on one of the reviews of the main OECD instrument on responsible business conduct —the Guidelines for Multinational Enterprises – and on the OECD Anti-Bribery Convention.