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UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

Geneva

Final Report of the Ad Hoc Working Group on Investment and Financial Flows; Non-debt-creating Finance for Development; New Mechanisms for increasing Investment and Financial Flows

As adopted at the forth session of the Ad Hoc Working Group,
held at the Palais des Nations, Geneva,
from 28 to 30 March 1994

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CONTENTS

I. INTRODUCTION

1. The Ad Hoc Working Group on Investment and Financial Flows held four sessions. At its first session in November 1992, it established its work programme (annex I) on the basis of the terms of reference adopted by the Trade and Development Board (decision 398 (XXXVIII)). Subsequently, the Working Group held two sessions, in June-July 1993 and January 1994, to consider the following items of its work programme:

- Global trends and issues, including foreign investors' motivations;
- Host and home country policies and measures to promote foreign direct investment, including export processing zones and special economic zones;
- Multilateral measures to promote foreign direct investment;
- Portfolio equity investment and new mechanisms.

2. During these sessions, the Working Group also held two seminars. At these seminars, three topics were discussed, namely:

- Foreign investors' motivations;
- Foreign portfolio equity investment in developing countries and countries in transition;
- Private financing of infrastructure projects in developing countries, with special emphasis on build-operate-transfer (BOT) arrangements.

3. In addition to reports prepared by the UNCTAD secretariat, case studies were submitted by member countries on policies to promote foreign direct investment and portfolio equity investment, following a format proposed by the Chairman. Eleven countries prepared such studies, namely: Brazil, China, India, Mexico, Morocco, Myanmar, Netherlands, Nigeria, Philippines, Republic of Korea, and United States of America. The full list of the substantive documents submitted to the Working Group is given in annex II.

4. The Working Group also benefited from the participation of experts from member countries, representatives of international institutions, as well as non-governmental actors, especially from the private sector and the academic community. As of January 1994, 62 countries were members of the Working Group and 29 were observers (see annex III). Twenty-three member countries sent experts from their capitals to the second session and 22 to the third session.

5. This final report contains the Working Group's main findings and policy conclusions, as well as an assessment of the implementation of the Group's work programme, and identifies areas for further intergovernmental discussion and technical cooperation.

forces and further liberalization in these countries. However, constraints could emerge if economic uncertainty, coupled with low growth expectations, continued, especially in developed countries. The factors mentioned above would further increase competition among countries, including developed countries, in attracting foreign direct investment.

14. FDI should not be regarded as the only engine of growth in host countries. However, it could play a very useful role in the transfer of technology and the upgrading of skills in developing countries, thereby contributing to their overall development.

2. <u>Home and host country policies</u>

(a) <u>General considerations</u>

15. Governments of home and host countries had adopted various measures to encourage FDI in developing countries and countries in transition. Widely used instruments were bilateral investment protection agreements. These contained rules on fair and equitable treatment, free transfer of payments related to the investment, and international arbitration in case of disputes.

16. In addition, home countries had developed instruments to reduce perceived risks of FDI in developing countries and countries in transition. Mention was made of subsidies for feasibility studies, and of re-insurance of investments against political risks. With regard to the latter, experiences varied considerably among countries, depending on investment patterns and business culture.

17. Host country policies had an important bearing on the flow of FDI. Favourable policies ranged from general economic policies leading to a stable macroeconomic framework and liberalization of domestic financial markets to specific FDI-related measures such as transparent and non-discriminatory legal and regulatory systems, and free transfer of profits and capital repatriation.

18. Among the impediments to FDI, as cited by investors, were sectoral protection, ceilings on foreign ownership, licensing and approval procedures, performance requirements and restrictions on employment of foreign staff.

19. Most countries had embarked on wide-ranging economic reforms and on the liberalization of their economic policies in general and of their policies towards FDI in particular. The pace of liberalization varied considerably among countries, ranging from gradualism to shock treatment. For some countries, liberalization had helped to increase FDI flows; for others, especially many of the least developed countries, despite bold economic reforms, FDI did not flow as expected.

20. The trend towards regionalism was also noted. It was generally felt that the formation of regional trading groupings would have an important impact on the FDI pattern. In the foreseeable future, countries outside the regional groupings might be at a disadvantage in attracting FDI.

21. On the contribution of FDI to host countries' development and competitiveness, the Working Group noted that FDI played an important role in

II. MAIN FINDINGS AND POLICY CONCLUSIONS

A. Foreign direct investment

1. Global trends and issues

(a) Traditional and new factors

6. The substantial increase in FDI flows to developing countries and countries in transition which had occurred recently had been the result of a large number of factors, including:

- A change of attitude in the host countries, which had welcomed FDI as a factor contributing to growth and efficiency;

- A change of attitude within companies themselves, which were working more closely with host countries on a partnership basis;

- An increase in global competition.

7. Several motives were involved in a firm's decision to invest abroad. These varied from firm to firm and from sector to sector. They included the profit motive, safeguarding and gaining market shares, economies of scale, and a global competitive strategy.

8. Major factors influencing the location of FDI included the openness of the host economy, a fair and stable environment for FDI, domestic market potential, a suitable export base, regional trading arrangements, availability of skilled labour, supportive infrastructure, and adequate domestic sourcing.

9. Among the traditional factors influencing FDI, it was felt that the low cost of unskilled labour was no longer a major determinant of FDI location.

(b) Globalization

10. Globalization had become a key feature of international economic relations, at the country level as well as at the firm level.

11. At the country level, almost all countries had opened their economies to the world or were in the process of doing so. This was particularly true of the former centrally planned economies. At the firm level, globalization was an imperative for most firms, including small and medium-sized enterprises, under the pressure of global competition. Firms were increasingly applying global concepts to marketing, technology development, information systems, brands, market strategy and sourcing.

12. Globalization was reinforced by the close linkage between FDI and trade, notably through increased intra-firm trade and trade within regional groupings.

(c) FDI in the 1990s

13. The upward trend in FDI flows to developing countries and economies in transition was expected to continue in the 1990s, underpinned by competitive

the industrialization process. However, some countries were concerned about the low level of large-scale FDI and FDI in high-technology sectors flowing to them.

(b) Economic policy framework

22. Since the 1980s, the trend towards liberalization and market-oriented reforms had characterized economic policies in most of the countries which had submitted case studies. The overriding theme was efficiency through competition. While most of the policy measures had been undertaken with broader macroeconomic objectives in view, clearly these were positive elements which would be attractive to foreign investors. It was, however, hard to measure the precise and full extent to which these policies had influenced FDI flows to individual countries. Some of the reforms were too recent or were of a structural nature and would take time to be fully implemented, and it was, therefore, too early to assess their full impact on FDI.

23. The case studies revealed a high degree of policy convergence in terms of objectives but showed variations in approach, in timing and scope of reform, and in the effectiveness of specific measures in achieving desired results.

24. The broad objective of macroeconomic policies had been the achievement of sustained growth and stability, which were essential elements of an enabling investment climate. Fiscal reform had been aimed at keeping a lid on the budget deficit mainly through a more rational use of public funds on one hand and by broadening the tax base while at the same time reducing tax rates on the other hand. The main thrust of monetary policy had been to curb excess liquidity in order to attain price stability, while maintaining flexibility to stimulate growth. A gradual process leading to full currency convertibility had characterized exchange rate policies. There had also been a reduction in foreign exchange controls and a less interventionist approach to wage and price determination.

25. The case studies also showed that market-oriented reforms had affected a wide range of economic activities. The principal trade liberalization measures had involved significant reduction of tariff rates, simplification and rationalization of the tariff structure and a reduction or abolition of import-licensing requirements and quantitative restrictions. Industrial policy reform had been geared towards enhancing industry's contribution to development by emphasizing efficiency and competitiveness and a more outward orientation. The prominence given to the private sector was reflected in some countries in massive privatization programmes which had served as catalysts for FDI growth. A gradual opening of the financial sector to foreigners had been taking place. Measures to liberalize interest rates and create confidence in the financial system through a strengthened regulatory framework and higher capitalization ratios had also been adopted.

26. In recognition of the importance of developing technological capabilities not only to promote FDI but, above all, for the efficient functioning and modernization of the domestic economy, Governments had given priority to investment in infrastructure and human resource development. The growing awareness of the need for sustainable development had led to the establishment of regulatory frameworks for environmental protection.

27. The Working Group concluded that the macroeconomic policy framework and policies and measures specific to FDI constituted only some of the elements, albeit vital ones, in investment location decisions. Host countries' economic potential and political stability and other factors that affected the risk and profitability of investment were equally important.

(c) Liberalization of FDI regimes

28. The 1980s had witnessed a marked change in the attitude of developing countries towards FDI, which was reflected in the widespread trend towards liberalization of FDI regimes. Variations existed, however, in the pace, timing and degree of liberalization. Specific measures to facilitate the entry of foreign investors included the shift to negative lists and simplification of administrative procedures. However, significant entry restrictions remained, especially in so-called sensitive areas such as natural resource exploitation, transport and communications, banking and financial services.

29. Governments had shown great willingness to act in areas where investors' concerns were more pronounced, such as those relating to the free transfer of profits and dividends, repatriation of capital, dispute settlement, protection of property rights, including intellectual property rights, and the removal or reduction of performance requirements. The principle of equal treatment was now generally recognized.

30. In recent years, the number of bilateral investment protection agreements and tax treaties had increased significantly. Membership in multilateral and regional investment guarantee arrangements was also increasingly seen as an important element in providing a stable and attractive framework, as it could reduce perceived risks.

(d) Incentives and promotional measures to attract FDI

31. Fiscal, financial and other incentives remained an important part of host countries' investment promotion packages. Many countries had eliminated performance requirements, although others had maintained some to support development. Reliance on incentives was mostly used to promote priority sectors or to enhance the development of particular regions.

32. While the effects of incentives on stimulating new investments were difficult to measure, they nevertheless represented substantial costs for the host countries. Where incentives already existed, their sudden removal might produce negative effects; where they did not as yet exist, their introduction might not produce the desired results. To the extent possible, host countries should seek to avoid competitive bidding, enhance exchanges of information and promote transparency in order to reduce unnecessary costs.

33. Much had been done to improve investment promotion activities, with emphasis on information and advisory services, the establishment of one-stop shops for investment services, marketing and the use of joint investment fora. Debt-equity swaps in conjunction with privatization programmes had had salutary effects on investment flows.

(e) Export processing zones (EPZs) and special economic zones

34. Several countries had established EPZs as a means of attracting FDI in export-oriented industries. EPZs were generally equipped with good infrastructure and support facilities and, in addition to customs privileges, operating firms were usually offered more generous incentives than those existing outside the zones.

35. Despite some failures, EPZs had largely met their objectives by attracting FDI, creating employment and increasing exports. Among the prerequisites for the success of an EPZ was a good location.

36. EPZs' effectiveness as an instrument for the achievement of long-term development objectives largely depended on the degree of linkages created with the domestic economy and on the extent to which they provided an avenue for the transfer of technology and upgrading of skills. Backward and forward linkages had not in general developed to a significant degree, but in some cases, for example in the special economic zones, linkages had been strengthened.

37. Despite the growing trend toward trade liberalization, there was still a role for EPZs to play. EPZs could serve as windows for attracting FDI and for introducing market reforms gradually. They likewise had an important demonstration effect and could be used to promote new activities.

3. Multilateral measures to promote foreign direct investment

38. UNIDO, the World Bank and UNCTAD's Division on Transnational Corporations and Investment were engaged in the provision of technical assistance and advisory services with regard to the promotion of non-debt-creating flows, and FDI in particular. The experience with technical assistance received from these institutions had been found to be very valuable.

B. Foreign portfolio equity investment (FPEI)

1. Factors determining FPEI flows

39. The upsurge in the flows of FPEI to emerging markets (EMs) has been driven by factors specific to those markets, as well as by the global economic environment, particularly low interest rates. International investors, aiming to maximize returns and minimize risk, have found that EMs offer attractive risk-adjusted returns, as well as the opportunity to diversify portfolios.

40. Host country factors which have been crucial for investors' decisions to hold portfolios in an EM fall into three groups:

(a) The degree of political and macroeconomic stability and prospects for growth;

(b) The host country's commitment to the process of economic and financial liberalization and reform;

(c) The state of development of the host country stock exchange and the institutional and regulatory framework. The following variables were found to be important: size of the local stock market, number of listed companies, liquidity, number of participants, investor protection (such as insider trading regulations), enforcement of regulations, and volatility.

41. In addition, a number of other technical factors which might act as an obstacle to FPEI were identified. These are:

- Absence of a reliable and timely settlement system;

- Periodic closing of the stock exchange;

- Lack of information on quoted stocks;

- Absence of hedging instruments, in particular on currencies, the stock exchange index, and specific securities;

- Lack of a reliable and transparent accounting and auditing system.

42. Large discrepancies between various estimates of FPEI flows to EMs were observed. This made it difficult to conduct a reliable analysis of FPEI flows. It was felt that this was mainly due to unsatisfactory data collection by host countries, which were invited to improve their data recording on foreign portfolio equity investment, especially foreign direct purchases in local stock markets.

2. Policy issues

(a) The role of stock markets

43. Stock markets and financial intermediaries, such as banks, are complementary in mobilizing resources for corporate financing. Stock markets help reduce the cost of raising risk capital, improve the allocation of resources within the economy and enhance firms' financial structure. Stock markets, and in particular second-tier markets, are an efficient source of finance for small and medium-sized companies, although their listing opportunities are limited in many EMs.

(b) Strengthening of local stock markets

44. The strengthening of local stock markets requires the development and broadening of the domestic investor base and the establishment of a healthy private sector. In this respect, three points were noted:

(a) Privatization has a role to play in broadening EMs and in increasing liquidity, particularly for countries in transition;

(b) A prudent regulatory framework will ensure investors' confidence in the stock market. The purpose of regulation should be to provide adequate investor protection, especially for minority shareholders. A balance should be found between self-regulation of the stock market and government regulation. Surveillance and regulation of the market should secure adequate disclosure and transparency;

(c) Stock market reforms to improve the transparency and efficiency of price dissemination are also recognized to be necessary. In parallel with these reforms, measures should be introduced to strengthen brokerage activities, such as those concerning minimum requirements of brokerage houses.

(c) Macroeconomic and financial impact of FPEI

45. FPEI, like any other form of capital inflow, could induce an appreciation of the real exchange rate and reduce the host country's control on monetary policy. However, in most countries, FPEI so far has had a negligible impact on these variables, as the amount of FPEI inflows in many cases represents only a small percentage of the money supply.

46. It was found that FPEI increased the efficiency of domestic stock markets through exposure to the international environment and reduced the cost of capital for domestic companies. However, FPEI could increase the volatility of domestic markets.

47. It is difficult to set standards for the desirable speed and sequence of capital market liberalization across countries. However, there was a broad agreement on the merit of gradual opening of domestic stock markets to foreign investment.

3. Prospects for portfolio equity flows: the role of host and home countries

(a) Prospects

48. EMs will continue to provide good diversification opportunities for global portfolio holders and, most likely, above-average risk-adjusted returns. Over time, however, market forces in a globalized capital market will tend to move risk-adjusted returns closer together.

49. Owing to demographic factors and economic liberalization, private pension funds have grown substantially in a number of OECD countries. Together with other institutional investors, such as insurance companies and mutual funds, pension funds will continue to be an important source of capital for EMs.

50. Although recent trends in FPEI flows to EMs might have been partly driven by an international economic environment characterized by low world interest rates, a reversal of this situation is not likely to lead to large outflows of capital from EMs. It was noted that institutional investors have a long-term investment perspective, and that they tend to adjust their exposure gradually in times of bearish markets. There was none the less a case for examining further mechanisms designed to protect markets from excessive volatility.

51. Overall, it was agreed that the prospects for sustainable FPEI flows are good, especially in view of the growth potential of recipient countries and the continuing progress made in improving standards in EMs.

(b) Role of host countries

52. In order to sustain the international interest in EMs, Governments in host countries could take a number of steps, including:

- Transparent economic policies and commitment to a longer-term package of regulatory and market reform;
- Taxation policies which are fair and non-discriminatory for foreign investors;
- Appropriate investor protection;
- Improvement of the settlement system;
- Encouraging frequent, periodic disclosure of financial information;
- Fostering the improvement of accounting and auditing practices;
- Considering the introduction of financial derivatives.

(c) Role of home countries

53. Home countries could facilitate the future development of EMs by taking the following steps:

(a) Allowing issues of securities in mature markets by emerging-market companies. Recent measures taken by the United States and Japan, which help improve the liquidity of privately-placed developing country securities, are a positive development;

(b) Relaxing regulations imposing ceilings on the share of foreign assets in the portfolios of institutional investors.

C. Build-operate-transfer (BOT) arrangements

54. In many developing countries and countries in transition, massive infrastructure investment requirements, coupled with government fiscal constraints, have led to a strong interest in BOT financing schemes. Among the main issues to be tackled are the need to restructure some utility sectors, the need for an improved regulatory environment, problems associated with demand risks and foreign exchange risks.

55. The enabling environment in the host country was judged to largely determine successful application of the BOT concept. The degree of development of the private sector and the legal and regulatory system was found to be particularly relevant in this context.

56. While BOT schemes have been applied in the transport, telecommunications, energy, water-treatment and waste-management sectors, other areas such as health and education could also lend themselves to the BOT technique.

57. Successful application of BOT techniques requires a thorough identification and evaluation of risks by both parties, i.e. the Government and the private sector. The contractual aspects of BOT projects are of great importance, as is dispute settlement.

III. AREAS FOR FURTHER INTERGOVERNMENTAL DISCUSSION

58. Without prejudging the forums where such discussions might occur, the Working Group identified some outstanding issues on foreign direct investment, foreign portfolio equity investment and asset-based financing techniques which were recommended for further analysis and consideration by UNCTAD or, where appropriate, by other international organizations. These issues comprise:

A. Foreign direct investment

(a) Effectiveness of host countries' investment promotion activities, including fiscal and financial incentives and debt-equity swaps, and the potential discriminatory impact of these measures on domestic investors;

(b) Effectiveness of incentives and promotional measures adopted by home countries, including credit and investment insurance schemes, and the role of ODA in supporting host country investment efforts;

(c) Bilateral agreements on investment and on the avoidance of double taxation;

(d) Impact of regional and multilateral measures, including financing schemes and advisory services, on FDI flows and the complementarity of the various components of such measures;

(e) Situation of the LDCs and ways and means of improving their capacity to attract FDI.

B. Foreign portfolio equity investment

(a) Impact of portfolio equity flows on host and home country economies, especially on exchange rates and volatility of domestic stock markets, in the context of domestic resources mobilization, capital market development and financial liberalization;

(b) Appropriate capital market development and FPEI policies in host countries according to stages of economic development, giving due consideration to improving the domestic regulatory framework;

(c) Ways to improve listing opportunities on the stock markets and access to other sources of capital and institutional arrangements for small and medium-sized companies;

(d) Investment strategies of institutional investors and home countries' policies.

C. Asset-based financing techniques

(a) Financing techniques for BOT arrangements;

(b) Costs and benefits of BOT arrangements for developing countries and countries in transition.

IV. TECHNICAL COOPERATION

59. The Working Group identified the following areas where technical assistance should be strengthened, with special attention being paid to African countries and LDCs:

A. Foreign direct investment

(a) Review of FDI regimes of individual countries within their economic policy framework, in order to enhance the regimes' competitiveness, transparency and consistency with other rules and regulations;

(b) Adaptation of the institutional machinery and administrative framework with a view to facilitating and recording FDI flows;

(c) Assistance to developing countries and countries in transition in determining whether sectors where possibilities for FDI are limited could benefit from an increased opening to FDI;

(d) Support to host countries in structuring and negotiating specific FDI projects, upon the specific request of a host Government.

B. Foreign portfolio equity investment

(a) Advisory and educational services for developing countries on appropriate policies and measures to develop and strengthen capital markets and attract FPEI;

(b) Seminars to be held at the country and regional levels, with the participation of the private sector, on the role of FPEI in the mobilization of resources and on appropriate policies to develop domestic capital markets.

C. BOT arrangements

- Technical support, including national and regional seminars and workshops, for developing countries and countries in transition to upgrade their institutional capacity to identify, design, negotiate, and implement BOT schemes.

V. ASSESSMENT OF THE IMPLEMENTATION OF THE WORK PROGRAMME

60. As requested by the Board at its first executive session in September 1992, the Ad Hoc Working Group assessed the implementation of its work programme as a contribution to the mid-term review and evaluation exercise to be undertaken by the Board in May 1994. At its fourth session, the Group recognized that its work programme was overly ambitious and that it had therefore not been able to give full consideration to all the issues mentioned in that programme.

61. The results achieved by the Working Group were on the whole in line with the expectations expressed in the Cartagena Commitment. The Working Group provided a useful forum for the exchange of experiences in the area of non-debt-creating finance. On the strength of 11 country case studies, reports by the UNCTAD secretariat and the active participation of national experts, representatives of international organizations and non-governmental actors, particularly from the private sector, the Working Group provided an enriched substantive and technical basis for policy discussion, negotiation and decisions. Its deliberations resulted in a convergence of views on a wide range of policy issues, which could assist both host and home countries in policy formulation and implementation.

62. The Working Group recognized that, though several areas of convergence had been identified, further intergovernmental consideration on a number of other areas was needed in order to complete and refine the work.

63. The Working Group identified a number of areas where technical cooperation should be strengthened. To be effective, technical cooperation needs to be adequately funded. The Group, therefore, encouraged bilateral and multilateral donors to give due consideration to funding technical cooperation activities identified above.

64. The Working Group regretted that the unavailability of funds had severely constrained the participation of African countries and LDCs. This was evidenced by the small number of experts from those capitals and the paucity of case studies submitted by those countries. The Working Group recalled that at its first session an appeal had been made to donor countries to establish adequate trust fund arrangements to cover the travel expenses of experts from some developing countries, especially from LDCs. Multilateral and bilateral donors were also asked to consider making funds available to these countries to enable them to prepare country studies.

65. With a view to attracting national experts who could benefit from interactions with non-governmental actors and representatives of international institutions, and taking into account the different levels of development of developing countries and countries in transition, the Working Group recommended that seminars and workshops on FPEI and BOTs be organized at the country and regional levels, where possible in cooperation with the United Nations regional commissions and other regional organizations.

66. Recognizing the high analytical and technical value of the work undertaken, which could be of great benefit to countries in their policy-making process, the Working Group recommended a wide dissemination of its documentation in the form of a United Nations publication. For this purpose, the UNCTAD secretariat was requested to prepare a compendium including the final report of the Working Group, as well as supporting documents. In particular, the Working Group requested that its final report be made available to the Commission on Transnational Corporations and to the Development Committee.

Annex I

WORK PROGRAMME

A. Global trends and issues

1. Drawing on existing studies, the Working Group will:

(a) Provide analysis on factors, traditional and non-traditional, determining non-debt-creating flows and their geographical and sectoral distribution;

(b) Examine the role of global factors, foreign investors' motivations, and the interaction between such factors and national, regional and international policies to promote non-debt-creating finance.

B. Policies and measures to promote foreign direct investment (FDI)

2. On the basis of country presentations, the Ad Hoc Working Group will facilitate an exchange of experiences with respect to national, regional and international policies and measures to promote FDI.

3. In particular, the Working Group will:

(a) Assess the role of the overall economic policy framework in host countries;

(b) Examine the role of the regulatory framework for FDI;

(c) Conduct a comparative study of the effectiveness of fiscal and financial incentives, investment promotion activities, and debt swaps;

(d) Assess experiences with export processing zones and special economic zones, and their relationship with the host country economy;

(e) Analyse the effectiveness of incentives and promotional measures including, inter alia, credit and investment insurance schemes adopted by home countries, and the role of ODA in supporting domestic investment efforts;

(f) Review the role of bilateral investment and double taxation treaties;

(g) Assess the impact of regional and multilateral measures, including financing, insurance schemes and advisory services, on FDI flows and the complementarity of the various components of such measures;

(h) Identify policies and measures which could contribute to the return of flight capital.

C. Portfolio equity investment and new mechanisms

4. The Ad Hoc Working Group will:

(a) Collect and disseminate information on portfolio equity flows;

(b) Conduct a comparative analysis of the experience of host countries and international financial institutions in stimulating portfolio investment, as well as in improving the standards of stock markets;

(c) Analyse the economic and financial impact of portfolio equity flows on host country economies, in the context of domestic capital market development and financial liberalization;

(d) Assess experiences and the potential role of asset-based financing techniques.

D. Strengthening technical cooperation

5. In carrying out the above activities, the Ad Hoc Working Group will identify areas where technical cooperation should be strengthened.

Annex II

LIST OF DOCUMENTS

Symbol	Title	Languages
I. Reports by the UNCTAD secretariat		
TD/B/WG.1/6	Export processing zones: role of foreign direct investment and developmental impact	A/C/E/F/R/S
TD/B/WG.1/7	Foreign direct investment in developing countries: recent trends and policy issues	A/C/E/F/R/S
TD/B/WG.1/10	Host country policies and measures to promote foreign direct investment: a synthesis of eight case studies	A/C/E/F/R/S
TD/B/WG.1/11	Foreign portfolio equity investment in developing countries: current issues and prospects	A/C/E/F/R/S
II. Case studies by member countries		
TD/B/WG.1/Misc.3	Netherlands	English
TD/B/WG.1/Misc.3/Add.1	Mexico	English
TD/B/WG.1/Misc.3/Add.2	Republic of Korea	English
TD/B/WG.1/Misc.3/Add.3	India	English
TD/B/WG.1/Misc.3/Add.4	Philippines	English
TD/B/WG.1/Misc.3/Add.5	China	English
TD/B/WG.1/Misc.3/Add.6	Brazil	English
TD/B/WG.1/Misc.3/Add.7	United States of America	English
TD/B/WG.1/Misc.3/Add.8	Morocco	French
TD/B/WG.1/Misc.3/Add.9	Nigeria	English
TD/B/WG.1/Misc.3/Add.9(Vol. II)	Nigeria (Volume II)	English
TD/B/WG.1/Misc.3/Add.10	Myanmar	English
TD/B/WG.1/Misc.3/Add.11	China	English
III. Documents prepared by international organizations and non-governmental experts		
TD/B/WG.1/Misc.2	Mr. F.A. Maljers, Unilever	English
TD/B/WG.1/Misc.2/Add.1	Mr. Helmut O. Maucher Nestlé	English

Symbol	Title	Languages
TD/B/WG.1/Misc.2/Add.2	Mr. Giacomo Luciani ENI	English
TD/B/WG.1/Misc.2/Add.3	Ms. Debora L. Spar Harvard University	English
TD/B/WG.1/Misc.2/Add.4	Ms. Grazia Ietto-Gillies South Bank University	English
TD/B/WG.1/Misc.2/Add.5	Mr. Jean-Luc Le Bideau OECD	French
TD/B/WG.1/Misc.2/Add.6	Mr. Peter Mountfield Development Committee	English
TD/B/WG.1/Misc.2/Add.7	Mr. Guy Dupasquier Mr. Carlos Quenan Epargne sans Frontière	French
TD/B/WG.1/Misc.2/Add.8	Mr. Ronald L. Johannes Mr. Kwang W. Jun World Bank	English
TD/B/WG.1/Misc.2/Add.9	United Nations Industrial Development Organization (UNIDO)	English

IV. Background documents

UNCTAD/GID/DF/2	Export processing zones: selected country experiences	English
UNCTAD/GID/DF/3	Selected bibliography on foreign direct investment	English
UNCTAD/GID/DF/4	Capital markets, foreign portfolio investment and economic development	English
UNCTAD/GID/DF/5	Private financing of infrastructure projects in developing countries: build-operate-transfer (BOT) arrangements	English

Symbol	Title	Languages

V. Interim reports of the Ad Hoc Working Group on Investment and Financial Flows

Symbol	Title	Languages
TD/B/39(2)/6 TD/B/WG.1/4	First session (9-13 November 1992)	A/C/E/F/R/S
TD/B/40(1)/12 TD/B/WG.1/8	Second session (28 June-2 July 1993)	A/C/E/F/R/S
TD/B/40(2)/12 TD/B/WG.1/12	Third session (10-14 January 1994)	A/C/E/F/R/S

Annex III

MEMBERSHIP OF THE AD HOC WORKING GROUP ON INVESTMENT AND FINANCIAL FLOWS*

Members (62)

Algeria
Argentina
Austria
Bangladesh
Belgium
Brazil
Bulgaria
Canada
China
Colombia
Côte d'Ivoire
Cuba
Czech Republic
Democratic People's Republic of Korea
Denmark
Egypt
France
Germany
Ghana
Greece
Honduras
Hungary
India
Indonesia
Iran, Islamic Republic of
Italy
Japan
Lebanon
Libyan Arab Jamahiriya
Malaysia
Mali
Mexico
Morocco
Myanmar
Netherlands
Nigeria
Norway
Pakistan
Philippines
Poland
Portugal
Republic of Korea
Romania
Russian Federation
Saudi Arabia
Senegal
Slovakia
Spain
Sri Lanka
Switzerland
Syrian Arab Republic
Thailand
Togo
Tunisia
Turkey
Uganda
United Kingdom of Great Britain and Northern Ireland
United Republic of Tanzania
United States of America
Venezuela
Zambia
Zimbabwe

Observers (29)

Afghanistan
Australia
Belarus
Bolivia
Brunei Darussalam
Cameroon
Chile
Ecuador
El Salvador
Ethiopia
Finland
Gabon
Iraq
Ireland
Jamaica
Kenya
Lithuania
Madagascar
Mozambique
Nepal
New Zealand
Niger
Oman
Panama
Peru
Qatar
Trinidad and Tobago
Uruguay
Viet Nam

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* As of 31 January 1994.

Annex IV

LIST OF PANELLISTS

Traditional and new factors affecting foreign direct investment in developing countries and economies in transition

1. Mr. H. Oberhänsli
Assistant to the Chairman for Economic Affairs
Nestlé S.A.
Vevey, Switzerland

2. Mr. D. Hepburn
Unilever
London, United Kingdom

3. Mrs. G. Ietto-Gillies
Professor of Applied Economics
South Bank University
London, United Kingdom

The globalization of investment: consequences for developing countries and economies in transition

1. Mr. J. Charlton
Managing Director
Chase Manhattan Bank
New York, N.Y.
United States of America

2. Ms. D. Spar
Assistant Professor of Business Administration
Harvard University
Boston, Massachusetts
United States of America

3. Mr. P. Mountfield
Executive Secretary
Development Committee
Washington, D.C.
United States of America

The impact of host country policies on foreign investment decisions: the investors' viewpoint

1. Mr. H. Stordel
Economic Research Department
Crédit Suisse
Zurich, Switzerland

2. Mr. H. Oberhänsli
   Assistant to the Chairman for Economic Affairs
   Nestlé S.A.
   Vevey, Switzerland

3. Mr. F. Fornasari
   Director, Trade and Investment Unit, International Relations
   FIAT s.p.a.
   Turin, Italy

4. Mr. G. Kume
   Chief Representative
   Japan Eximbank
   Paris, France

5. Mr. J.-L. Le Bideau
   Principal Administrator
   Directorate for Financial, Fiscal and Enterprises Affairs
   Organisation for Economic Cooperation and Development
   Paris, France

<u>FDI in the 1990s: sectoral patterns and geographical distribution</u>

1. Mrs. G. Ietto-Gillies
   Professor of Applied Economics
   South Bank University
   London, United Kingdom

2. Mr. G. Luciani
   Deputy Director
   International Analysis, ENI
   Rome, Italy

3. Ms. D. Spar
   Assistant Professor of Business Administration
   Harvard University
   Boston, Massachusetts
   United States of America

<u>Foreign portfolio equity investment in developing countries and countries in transition</u>

1. Mr. Khairil Anuar Abdullah
   Director
   Securities Commission
   Kuala Lumpur
   Malaysia

2. Mr. George Akamiokhor
   Chief Executive
   Securities and Exchange Commission
   Lagos
   Nigeria

3. Ms. Angela Cozzini
Baring Securities
London
United Kingdom

4. Mr. Guy Dupasquier
President
Epargne sans Frontières
Paris
France

5. Prof. Vihang R. Errunza
Faculty of Management
McGill University
Montreal
Canada

6. Dr. Hasan Ersel
Senior Executive Vice President
Yapi Kredi Bank
Istanbul
Turkey

7. Prof. Paul Grout
Department of Economics
University of Bristol
Bristol
United Kingdom

8. Mr. Kwang W. Jun
World Bank
Washington
United States of America

9. Mr. Werner Kurz
Société de Banque Suisse
Basle
Switzerland

10. Mr. Richard Lang
Schroders Banque
Zurich
Switzerland

11. Mr. Hugo M. Lavados
Director
Securities and Insurance Board
Santiago
Chile

12. Mr. Carlos Quenan
Epargne sans Frontières
Paris
France

13. Mr. Terrence Reilly
    Private Consultant
    Consultant for Capital Market Development
    Connecticut
    United States of America

<u>Private financing of infrastructure projects in developing countries with special emphasis on build-operate-transfer (BOT) arrangements</u>

1. Mr. Ishan Akinci
   Foreign Investment Division
   Undersecretariat of the Treasury
   Ankara
   Turkey

2. Mr. Jeffrey Falconer
   Regional Director
   Rendel Palmer & Tritton
   London
   United Kingdom

3. Mr. Geoff Haley
   Partner
   S.J. Berwin & Co.
   London
   United Kingdom

4. Mr. Miguel Z. Patolot
   Manager, Countertrade Department
   Philippine International Trading Corporation
   Manila
   Philippines

5. Ms. Helen Payne
   Barrister
   S.J. Berwin & Co.
   London
   United Kingdom

6. Mr. Ian Reeves
   Chairman
   High-Point PLC
   London
   United Kingdom

7. Mr. M. Amjad Virk
   Joint Secretary
   Ministry of Finance
   Islamabad
   Pakistan

Annex V

PROCEEDINGS OF THE GROUP'S FOURTH SESSION, INCLUDING CLOSING STATEMENT

A. Opening of the session

1. The fourth session of the Ad Hoc Working Group, held at the Palais des Nations, Geneva, from 28 to 30 March 1994, was opened on 28 March 1994 by the Chairman.

B. Bureau of the Ad Hoc Working Group at its fourth session

2. The Bureau of the Ad Hoc Working Group at its fourth session was as follows:

Chairman:	Mr. J.P. Huner	(Netherlands)
Vice-Chairmen:	Mr. S. Jamaluddin	(Bangladesh)
	Mr. F.A. Gomes	(Brazil)
	Mr. G. Blehy	(Côte d'Ivoire)
	Mr. J. Stypa	(Poland)
	Mr. W.S. Haynes	(United States of America)
Rapporteur:	Mr. M. Alvarez-Ochoa	(Mexico)

C. Adoption of the agenda and organization of work

(Agenda item 1)

3. At the opening plenary of its fourth session, the Ad Hoc Working Group adopted the provisional agenda for its fourth session (TD/B/WG.1/13), as follows:

1. Adoption of the agenda and organization of work

2. Preparation of the draft final report

3. Other business

4. Adoption of the final report of the Ad Hoc Working Group to the Trade and Development Board.

D. Attendance

4. The following States members of UNCTAD, members of the Ad Hoc Working Group, were represented at the session:

Algeria
Argentina
Austria
Bangladesh
Belgium
Brazil
Bulgaria
China
Cuba
Democratic People's Republic of Korea
Denmark
Egypt
France
Germany
Greece
Hungary
India
Italy
Japan
Libyan Arab Jamahiriya
Malaysia
Mexico
Morocco
Netherlands
Nigeria
Norway
Pakistan
Philippines
Poland
Portugal
Republic of Korea
Romania
Russian Federation
Saudi Arabia
Senegal
Switzerland
Tunisia
Turkey
United Kingdom of Great Britain and Northern Ireland
United Republic of Tanzania
United States of America
Venezuela
Zambia
Zimbabwe

5. The following other States Members of UNCTAD, not members of the Ad Hoc Working Group, were represented as observers at the session:

Bolivia
Ecuador
Iraq
Ireland
Madagascar
Nepal
Panama
Sweden

6. The Economic Commission for Europe was represented at the session.

7. The following specialized and related agencies were represented at the session:

International Monetary Fund
United Nations Industrial Development Organization

8. The General Agreement on Tariffs and Trade was also represented at the session.

9. The following intergovernmental organizations were represented at the session:

European Union
League of Arab States

10. The following non-governmental organization was represented at the session:

General Category

World Federation of United Nations Associations

E. Closing statement

11. The Chairman said that the Ad Hoc Working Group had to a very great extent been faithful to the Cartagena Commitment. In particular, it had served as a forum for exchanges of experience, taking account of the diversity among countries, and it had sought the participation of NGO actors, especially representatives of enterprises and academics. Indeed, that participation had been a key feature of the Group's work. The Group had further been inspired by the need to promote international consensus on principles and strategies for policy action, though because of lack of time it had not been able to draw the appropriate lessons for policy formulation and implementation. Further discussion would therefore be necessary, particularly as regards foreign portfolio equity investment.

12. The Group had been able to identify areas of convergence in the field of FDI, though that was not surprising in view of the emerging international consensus on FDI policy. That consensus was in fact reflected in the country case studies before the Group. In that connection, the case study approach had provided its worth, but it could be improved: it would be useful to have, in addition to a country case study, a paper from an independent source, for example the UNCTAD secretariat; the presentation of too many case studies at any given session should be avoided; and papers should be based on agreed policy principles. The elements for such principles already existed.

13. Finally, it was hoped that the Working Group's report would be given wide distribution in both government and business circles.

F. Adoption of the final report of the Ad Hoc Working Group to the Trade and Development Board

(Agenda item 4)

14. At the closing plenary of its fourth session, on 30 March 1994, the Ad Hoc Working Group adopted its draft final report (TD/B/WG.1/L.8 and Add.1 and Amend.1-3), with some amendments, and authorized the Rapporteur to complete the text as appropriate in the light of the proceedings of the final plenary.
