

**MID-TERM EVALUATION:
CAPACITY BUILDING PROGRAMME IN DEVELOPING
COUNTRIES ON ISSUES IN INTERNATIONAL INVESTMENT
AGREEMENTS***

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Abstract

This project comprises of three output dimensions: policy analysis and development, human resources capacity building, and international capacity building. The evaluation team found that UNCTAD's work in this area is unique, timely, necessary and of critical importance to developing countries. They caution that the over-stretched human resources of the unit threatens the sustainability and effectiveness of the work and recommends expansion of the resource base. They also recommend a restructuring within the division in order that the work unit implementing this area of work becomes a self-standing branch.

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UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

**UNCTAD WORK PROGRAMME ON
CAPACITY BUILDING IN DEVELOPING COUNTRIES
ON ISSUES IN INTERNATIONAL INVESTMENT
AGREEMENTS**

TRUST FUND PROJECT INT/OT/OBG

**Mid-term
EVALUATION REPORT**

September 2000 – December 2002

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

**Mid-term evaluation
Report**

I. Introduction

The present report contains the findings of the mid-term evaluation of the activities undertaken within the purview of the trust fund project on “Capacity-building in developing countries on issues in international investment agreements” (INT/OT/OBG). This trust fund was set up in September 2000 to implement the follow-up activities to UNCTAD’s work programme on international investment agreements as mandated by the ninth conference of UNCTAD in Midrand, South Africa, in 1996. It took into account the re-newed mandate of UNCTAD’s member countries for the secretariat’s work in this area as arising out of the tenth conference of UNCTAD held in Bangkok in February 2000, and the recommendations made in an independent external evaluation of that work programme.¹

The September 2000 trust fund project document (Annex I) for this work programme was amended in December 2001 (Annex II) to reflect the mandate arising out of the Declaration of the Fourth Ministerial Conference of the World Trade Organization (WTO) in Doha in November 2001. This amendment took the form of a new trust fund project document that primarily provides for a realignment of activities undertaken within this programme of work, with a shift in emphasis away from the civil society engagement dimension towards supporting the intergovernmental awareness- and consensus-building process in Geneva and in the regions. This trust fund amendment has been agreed to by all donors to the original trust fund and therefore forms the basis for this mid-term evaluation.²

In accordance with the original trust fund project document, the mid-term evaluation was launched after 24 months from the beginning of the project. In light of the amendments to the project’s activities referred to above, the focus of the mid-term evaluation was adjusted to concentrate on the three areas of activities identified in the new trust fund project document, namely policy analysis and development, human resources capacity-building and institutional capacity-building. (Terms of Reference Annex III and Logframe Annex IV).

The mid-term evaluation was undertaken from September to December 2002 and covers the period from the inception of the trust fund in September 2000. Its purpose

¹ See evaluation report on UNCTAD’s work programme on a possible multilateral framework on investment (Trust fund TC-INT/97/A26) dated 30 June 1999.

² France, Sweden, Switzerland and the United Kingdom have indicated their agreement to the changes in the trust fund document in writing. The Netherlands has opted for closing its past contribution with a separate final reporting on the use of its funds and to consider its future contributions to this activity as a new undertaking.

is to assess actual performance against expected results in the programmed areas of activities and to provide an interim assessment of the implementation effectiveness of the project (paragraph 17 of the original project document) with a view towards establishing preliminary recommendations for future project implementation and benchmarks for the in-depth final evaluation through a revised logical framework. In particular, the mid-term evaluation was to concentrate on assessing the quality of materials produced, the quality of implementation of activities and providing some quantitative assessments concerning overall reach of, and participation in, activities. In addition, the mid-term evaluation was to provide a preliminary assessment of the impact of project activities in terms of achieving the set-out objectives of this programme of work.

The present report provides, after a description of the methodology applied in the evaluation, the findings of the mid-term evaluation by way of assessing the individual programmed elements, followed by an overall assessment that contains principal findings and general recommendations. The report closes with specific recommendations for improvements in project delivery in all three identified work areas. Annexed to the report are the terms of reference for this evaluation and the revised logical framework for project evaluation, as well as several tables and detailed evaluation reports of individual project elements, including the reports on the field mission undertaken within this evaluation. It should be noted in this context that the mid-term evaluation report is based on a range of materials that were collected in a confidential setting. These materials are not made available.

II. Methodology

An independent external evaluator undertook the mid-term evaluation. So as to capture all of the qualitative and quantitative aspects prescribed in the terms of reference for this assessment, the mid-term evaluation was organized to encompass four distinct assessment elements:

- a. *A peer review process for the IIA paper series:* As per the terms of reference issued for this evaluation, training and ad-hoc technical assistance activities were to be evaluated on the basis of "quality and coverage of course material produced (as measured through a peer review process and other independent assessments)" (terms of reference, 2 July 2002, page 1). An overview of activities undertaken within this work programme revealed that the UNCTAD series on *Issues in International Investment Agreements* has been extensively used in the delivery of the work programme's technical assistance and in fact forms the intellectual backbone of the activities undertaken. In addition, in its own words, the programme "complements and supports the activities undertaken by UNCTAD in this area of work, particularly the issuance of a series of papers on *Issues in International Investment Agreements*, and research and analysis on foreign direct investment (FDI) in general" (Progress report, document no. IA/PROG/2002/4, page 2 Annex V). An assessment of the quality of the *Series* was therefore considered crucial for this evaluation, and a review panel of three imminent persons with a background in this field was established and charged with conducting a critical review of the quality, content and relevance of the *Series* and with identifying areas of improvement. Panel members were Mr. Thomas

Mathew, Counselor, Permanent Mission of Malaysia to the United Nations Office in Geneva, Mr. Jukka Nysten, Director, Department for External Economic Relations, Ministry of Foreign Affairs, Finland, and Dr. Christopher Wilkie, Deputy Director, International Investment and Services Policy, Industry Canada, Ottawa.

- b. *Direct participation of the evaluator in operational activities:* The evaluator participated in three operational activities, two of which fell directly within the purview of this trust fund and one, which formed part of the outsourced civil society engagement activity. The latter was the regional seminar for Asia and the Pacific undertaken within the CUTS project on "Investment for development"; the former included the bilateral investment treaty (BIT) negotiation facilitation event for LDCs in Geneva in early November 2002, and the regional intensive IIA training course for Asia and the Pacific in New Delhi, India, in November/December 2002. The evaluation of these events was based on bilateral interviews with seminar/workshop participants and questionnaires distributed at the end of the events.
- c. *A post-facto questionnaire for participants in past training events:* So as to assess the long-term impact of project activities, a post-facto questionnaire was developed and distributed to the participants in the training courses for francophone Africa, held in Alexandria in June 2001, and for Asia and the Pacific, held in New Delhi in November 2001. The questionnaire was designed so as to enable an evaluation of the usefulness of the course for the fulfillment of the official duties of course participants based on their individual retrospective assessment some 12 or more months after the course. The post-facto questionnaire were answered by 19 participants (a ratio of 50 per cent), with the highest response rate registered by the New Delhi course (10 out of 17 for a ratio of 59 per cent), followed by the Alexandria course (9 out of 21 for a ratio of 43 per cent).
- d. *A series of bilateral interviews with Geneva-based individuals:* As per the terms of reference issued for this evaluation all three elements of the work programme were also to be reviewed on the basis of bilateral interviews with members of Geneva missions as well as individuals working in UNCTAD (Office of the Secretary-General and relevant other Divisions) and other relevant international organizations (especially the WTO). Over the course of the mid-term evaluation, 19 individuals were interviewed, five of which are representatives of developing countries, five are representatives of developed countries that have provided funds for this work programme, seven are UNCTAD staff members not directly involved in project delivery, and two are staff members of the WTO. (A list of interviewees Annex VI).

In addition, the mid-term evaluation took into account individual event assessments in the form of final event reports and the summary evaluations contained therein, mission reports, project files and other related materials, including correspondence and feedback received by the unit implementing this programme of work.

III. Activities

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

- In the case of *policy analysis and development*, the (continued) preparation and translation of the IIA papers series, the (continued) preparation of other relevant background materials (such as the *Compendium* on IIAs), the undertaking of a number of policy research and analysis papers on key issues of interest to developing countries in the post-Doha discussion of investment issues, and the organization and implementation of regional seminars for decision-makers from capitals to exchange experiences and views with regard to post-Doha investment issues. This work was also to encompass national policy analysis (some of which to be undertaken in the context of investment policy reviews) and an international exchange of views with all stakeholders.
- In the case of *human resources capacity-building*, the organization and implementation of regional intensive training courses for negotiators on issues in IIAs, of workshops on post-Doha investment issues for Geneva-based delegates, and of BIT negotiation facilitation events.
- In the case of *institutional capacity-building*, the organization and implementation of national seminars on post-Doha investment issues, participation and provision of substantive backstopping services in response to ad-hoc technical assistance requests, and participation and provision of substantive inputs to civil society engagement events.

Since the project's inception, a total number of 35 operational activities have been undertaken (Annex VII). These included the following:

- *six (6) intensive training courses*: (1) the first Alexandria course, 5-15 June 2001; (2) the first New Delhi course, 19-30 November 2001; (3) the Pretoria course, 18-29 March 2002; (4) the second Alexandria course, 27 May - 6 June 2002; (5) the Lima course, 9-18 October 2002, and (6) the second New Delhi course, 25 November - 6 December 2002. These events have been organized and implemented by the UNCTAD secretariat, in cooperation with various regional and national organizations and institutions of higher learning. Since the beginning of 2002, regional intensive training courses were organized and implemented jointly with the WTO, and their curriculum was adjusted to reflect the changes brought about by the Doha Ministerial Declaration (most particularly as far as the seven issues listed in paragraph 22 of that Declaration are concerned);
- *five (5) regional seminars*: (1) the Kuala Lumpur seminar, 14-15 March 2001; (2) the Singapore seminar, 6-8 May 2002; (3) the Libreville seminar, 19-21 June 2002; (4) the San José, Costa Rica, seminar, 12-13 August 2002; and (5) the Lima seminar, 7-8 October 2002. These events have been organized and implemented in close cooperation with the WTO, which beginning with the Singapore seminar took the lead role in organizing this activity;

- *four (4) Geneva-based seminars:* (1) on 2 July 2002; (2) on 13 September 2002; (3) on 29 November 2002, and (4) on 1-2 December 2002. Geneva-based workshops have been organized and implemented by the WTO on WTO premises, with UNCTAD providing substantial inputs in the discussions and background documentation;
- *seven (7) BITs negotiations facilitation events:* (1) the Sapporo round, 19-30 June 2000; (2) the Kyrgyzstan round, 15-19 January 2001; (3) the first LDC round, 24 January - 3 February 2001; (4) the India round, 20-28 February 2001; (5) the Croatia round, 19-28 April 2001; (6) the second LDC round, 1-6 October 2001; and (7) the third LDC round, 4-13 November 2002. All of these events have been organized and implemented by the UNCTAD Secretariat;
- *six (6) national seminars:* (1) for China on 13-14 May 2002; (2) for Indonesia on 16 May 2002; (3) for Venezuela on 24-25 October 2002; (4) for Guatemala on 28-29 October 2002; (5) for Sri Lanka on 21-22 November 2002; and (6) for Tunisia on 19-20 December 2002. National seminars have been organized and implemented jointly by UNCTAD and the WTO, with the latter taking the lead role in the last four seminars in 2002;
- *five (5) civil society engagement events:* (1) the Namibia seminar, 13-16 February 2001; (2) the inaugural CUTS seminar, 13-15 December 2001; (3) the CUTS regional seminar for Africa on 17-19 October 2002; (4) the CUTS regional seminar for Asia on 24-25 November 2002; and (5) the CUTS regional seminar for Latin America and the Caribbean on 4-5 December 2002. All of the civil society engagement events were organized and implemented by the respective counterpart institutions (i.e. LaRRI and SOMO in the case of the Namibia seminar and CUTS in the CUTS seminar series), with the UNCTAD secretariat providing substantive inputs into the discussions and, in the case of the CUTS project, substantive and strategic participation in the advisory committee set up for that project; and
- *two (2) ad-hoc technical assistance advisory missions:* (1) the Thailand business seminar on 19 March 2001; and (2) the SADC investment workshop on 18-19 November 2002. The UNCTAD secretariat provided substantive inputs into the discussions, including through the preparation of general and specific background documentation.

In all, 128 economies participated in, and benefited from, these operational activities (Annex VIII). These included 108 developing economies, 42 least developed countries, 8 economies in transition, and 12 developed economies. Of these, 79 were direct beneficiaries of the intensive training courses, 57 benefited from the BITs facilitation events, 58 participated in the Geneva workshops, 71 participated in the regional seminars, and 6 benefited from national seminars. In total, participation in the 35 operational activities exceeded 500 individuals. The secretariat estimates that, in addition, some 200 government officials benefited indirectly from these activities. The negotiation facilitation activity resulted in 101 BITs.

Since the project's inception work also continued on the *Issues in International Investment Agreements* series (the IIA series) and other relevant documentation, most particularly the *Compendium on International Investment Agreements*. The IIA series grew by another 10 volumes and now includes 23 volumes that cover almost all of the originally envisioned topics. (The four still outstanding papers are on *Competition*,

Incentives, State Contracts and Transparency) (Annex IX). The *Compendium* was extended to include another 7 volumes, altogether now reproducing some 268 different investment agreements (or parts thereof) in 10 volumes. Since the beginning of 2002, most of this material is accessible in electronic format through a CD ROM.³ The IIA website that contains the executive summaries of the IIA series was adapted to a newly set UNCTAD standard in autumn of 2002. In addition, it is understood that work commenced in November 2002 on a number of technical papers on issues of relevance to developing countries in the post-Doha investment discussion.

Project implementation also included servicing of the UNCTAD and WTO intergovernmental machinery. In particular, the project's expertise and intellectual and institutional memory benefited the 2002 meetings of the WTO's Working Group on the Relationship between Trade and Investment (WGTI) and its deliberations of the seven issues listed in paragraph 22 of the Doha Ministerial Declaration. The UNCTAD Secretariat made statements on all seven topics, and provided substantive technical assistance in preceding meetings of a group of (like-minded) developing countries in preparation of each of the WGTI's meetings. Within UNCTAD, the project's output was mostly geared towards the servicing of the expert group meetings of the Commission on Investment, Technology and Related Financial Issues dealing with the topic of IIAs (i.e. the expert group meeting on home country measures held from 8-10 November 2000, and the meeting on bilateral and regional approaches to multilateral cooperation in the area of investment, held from 12-14 June 2002).

IV. Overall assessment

A. Policy analysis and development

(i) The IIA series

The high quality of the *IIA series* as a whole and its standard-setting dimensions have again and again been emphasized in all assessment elements that were brought to bear on this evaluation. The peer review process, bilateral interviews with Geneva representatives and participants in regional events, and responses to the post-facto questionnaires of the two 2001 regional intensive training courses stressed the particularly high standard of the *Series* in terms of general quality, content, presentation, topical depth and analytical spread. This assessment extends to all present papers of the *Series*, and to its overall coverage of topics (although thought could be given to extend the list of topics included in the *Series* to other relevant issues currently not covered (e.g. consumer protection, cultural policy, consultation with civil society, etc.)) The quality of the *Series* is underlined by its utilization as a basic reference tool for negotiators and policy decision-makers, as indicated in its direct use for the preparation of actual negotiations of bilateral and regional agreements, as well as for the development of several model treaties (as stated in several bilateral interviews and correspondence received). This is also indicated by a

³ The CD ROM contains the first 21 *IIA papers* (i.e. all up to the one on *Transfer of Technology*), the first three volumes of the *Compendium*, and the publication on *BITs in the mid-1990s* in Pdf format. Hence, these publications can only be printed but not used electronically. In addition, accessing the three volumes of the *Compendium* can at best be described as awkward, since all instruments are presented as individual electronic files without a guide or table of contents.

participant's statement in a recent DITE briefing on IIA activities (held on 6 November 2002) according to which this participant is recommending the *Series* to his negotiation counterparts, since it would "enumerate different ways of tackling certain key issues" and "advance new issues that have only recently surfaced in IIA discussions and negotiations". Furthermore, all peer reviewers unanimously recommended that negotiators should familiarize themselves with the contents of the *Series* before entering into negotiations.

The only shortcoming that the different assessment tools revealed relates to one of the strengths of the *Series*, namely its high academic quality and technical reference nature. These appear to have constituted at times an obstacle to the effectiveness of some of the papers in the day-to-day use of negotiators. However, this shortfall appears to have been felt much stronger by Geneva-based delegations than by capital-based government officials -- reflecting as it may the fact that for the latter investment issues form the core of their competency and official line of duty whereas for the former investment issues form (as of yet) only a part (and mostly only a small part at that) of their official portfolio.

Notwithstanding the different needs of these two user groups, it is commonly noted that the usefulness of the *Series* as a whole would be tremendously increased by the availability of a cross-referencing index and a glossary of terms. Suggestions to increase overall user-friendliness of the *Series* also included the provision of a stand-alone summary volume of the *Series* that contains all of its executive summaries, an overall table of contents, and an index; the provision of a CD-ROM with interactive searching elements that extends to all 10 volumes of the *Compendium*; and the organization of lunch-time lectures for Geneva-based delegations on individual topics of the *Series* (see below). Finally, the absence of language versions has been noted in numerous bilateral interviews as a shortfall diminishing the benefits that member countries can derive from the *Series*.

(ii) *Other material produced*

Amongst the other materials produced, the *Compendium* was positively mentioned in several ad-hoc questionnaires as well as in 3 post-facto questionnaires. Several bilateral interview partners also stressed the importance and quality of UNCTAD's interventions in the deliberations of the 2002 WGTI meetings.

(iii) *Regional seminars*

On the basis of responses received to the questionnaires that were distributed during the five regional seminars, it can be stated that all seminars were well received by participants, especially as far as their coverage, quality of lecturers and level of participants, quality of discussion and exchanges, organization, timeliness and quality of background and in-situ material (such as power-point-presentations) are concerned. Overall, this part of programme implementation appears to have been very appreciated in terms of its usefulness and effectiveness in imparting new information and strengthening of the understanding of issues involved. (Summary evaluation table Annex X). The Libreville seminar for French-speaking Africa stands out from this picture with substantial lower ratings. This might, however, be explained by the

different formulation used in the questionnaire itself, which was administered by the WTO.

Among the shortcomings mentioned in the questionnaires and in some bilateral interviews were the issues of inappropriate time allocation for the discussion of complex legal issues and their development impact, and differences in the (substantive) level of participants.

B. Human resources capacity building

(i) Regional intensive training courses

The rating of the regional intensive training courses in light of the ad-hoc questionnaires filled out by participants at the end of each course is overwhelmingly positive (see Annex X). The vast majority of respondents felt that the courses had fully achieved their objectives both as far as imparting information and strengthening the understanding of issues and as far as their effectiveness and usefulness for the official duties of the participants are concerned. This overall positive assessment is carried through the individual modules and curricula elements and their presentation, and extends in particular to the practical training elements (i.e. the negotiation skills training and simulation exercises) that according to all respondents have greatly contributed to the courses' effectiveness.

However, a number of participants in all five courses felt that too much emphasis was given to non-core investment issues (such as fiscal and tax measures, competition policy, state contracts and employment and social responsibility issues) at the expense of the "core" issues related to investment agreements (such as, e.g. treatment, protection and dispute settlement issues). Although this sentiment was not shared by all respondents (with some stressing the opposite, i.e. the value of also allowing for time to be spend on these non-core issues), it has overwhelmingly been felt that in the tight course schedule of all five courses a more rigid approach to the time allocation for individual course elements and their prioritization would have increased the benefits that participants can derive from the courses. Indeed, several questionnaire responses emphasize that the 10-day duration of the courses (and the necessary length of each course day) exceeds the limits of effectiveness and sustainability (a point that also came across in the bilateral interviews during the second Asia course).

These overall assessment elements are also apparent in the responses received from the post-facto questionnaires for the two 2001 courses. However, this impact evaluation also revealed several other insights into the effectiveness of the training courses. First, it is noteworthy that the high response rate to this questionnaire indicates a strong sustainability factor that is also reflected in the fact that 80 per cent of the respondents are still working in the same official line of duty as the one at the time of their participation in the courses. In other words, course participant selection appears to have succeeded in targeting the right audience. Secondly, the overall rating of the courses' effectiveness and usefulness remains high (albeit slightly lower than in the responses to the respective ad-hoc questionnaires) and is qualified by statements indicating that course participation has positively impacted the ability of participants to engage in IIA discussions and negotiations. In fact, more than two-thirds of

respondents indicate such positive impact (this ratio climbs to 100 per cent in the case of respondents to the New Delhi post-facto questionnaire) and in four cases a direct positive impact on actual negotiations and treaty formulation has been stipulated (all concerning treaties in the African context). Finally, the post-facto assessment of individual modules' and curricula elements' relevance and usefulness reveals an emphasis on the core investment issues and the practical training elements (i.e. the negotiation skills training and simulation exercises), all of which are rated higher than the adjacent areas of "other governmental measures concerning foreign investment".

These findings can be reiterated in light of the practical insights gained during the second course for Asia, especially as far as course duration and curricula emphasis is concerned. However, the in-situ evaluation of this course (Annex XI) also revealed three other issues that are not apparent in the questionnaires. The first relates to the importance of fine-tuning the actual course curriculum with the actual needs of the invited audience. Apparently the substantive level of participants varied greatly among the courses -- with the two Asian courses targeting (and attracting) more junior negotiators, and the African and Latin American courses targeting (and attracting) a more senior and experienced audience. This would have called for appropriate adjustments in the individual course curricula that could have safeguarded against the overburdening of novices with adjacent IIA elements on the one hand (as was the case in the second Asia course) and the "under-utilization" of more experienced negotiators with elementary IIA issues on the other (as it appears to have been the case in the Lima course). Such course adjustment could also have safeguarded against the over-emphasis on the seven Doha investment issues that -- at least as far as the second Asia course is concerned -- caused additional strains on participants' capacity to fully grasp the issues.

Secondly, the 2002 Asian course also underlined the importance of an appropriate selection of the regional counterpart institution in ensuring sustainable regional capacity-building as envisioned in the original course design. While correspondence and interview data appear to indicate that cooperation with regional counterpart institutions worked excellent in the cases of (both Francophone and Anglophone) Africa (with the second Senghor course indeed building and improving on the first one) and Latin America, the same cannot be said about the Asian experience. Here, on site evaluation revealed a certain lack of interest on the side of the hosting institution (the Indian Institute for Foreign Trade) to get involved in course implementation. Notwithstanding an assessment of the political nature of this matter, it appears at least questionable why the same host organization was chosen for the delivery of this course, especially also since a similar experience appears to have been made with the delivery of the first course. More generally, this experience points to the importance of ensuring an appropriate overall setting of the course in the hosting institution and the host country.

Thirdly, the second Asia course saw a ratio of 19 to 23 in the participation of students and faculty. This compares to a ratio of 23 to 16 in the second Alexandria course, 30 to 19 in the Pretoria event; 21: to 22 in the Lima training course; and 20 to 22 (two per video-conferencing) in the first Alexandria and 18 to 26 (one per video conferencing) in the first New Delhi course. While a ratio of this kind can in parts be explained by the desire to involve national and regional faculty (the so-called "twinning"

envisioned in the project document -- which in the case of the second New Delhi course accounted for 7 national faculty and an additional 5 faculty from the region) as well as practitioners (4 in the case of the second New Delhi course), it appears particularly high and would appear to require an adjustment. This could possibly involve modern means of distance learning (as video-conferencing has already been used in some of the courses).

(ii) *Geneva based workshops*

The evaluation basis for the four Geneva workshops is limited to questionnaire responses for the first seminar and feedback received in some of the bilateral interviews. No in-situ evaluation took place. On the basis of this somewhat limited material it can be stated that the seminars appear to achieve their objective of providing a (timely and intensive) introduction into the seven Doha topics.

At the same time, several comments received point in the direction that even this kind of in-depth immersion into key IIA issues and concepts is hardly sufficient in light of the broad range of areas that needs to be covered and the vast gaps that exist in the knowledge levels of Geneva delegations in this context. In addition, several external factors have had a bearing on these events resulting in limited attendance and frequent interruptions that delimited the usefulness of the workshops. This was further aggravated by the choice of venue. The fact that all workshops took place on WTO premises greatly contributed to facilitating the organization and implementation of the events, but at the same time undercut their workshop character (by way of providing for less informality, allowing for frequent interruptions, etc.)

(iii) *BITs events*

BIT negotiation facilitation events (which have been the prime output of this programme of work in the pre-Doha period) have not been evaluated through direct participant evaluation in the form of questionnaires. However, the evaluator participated in some of the activities of the BITs round for LDCs in early November 2002 and received some feedback on the usefulness of this activity in the bilateral interviews with Geneva delegations. In addition, the secretariat received some written feedback on this activity.

On the basis of this material it appears that this activity has been a full success both in terms of the numeric achievement of 101 BITs that resulted from the seven rounds and in terms of the hands-on training and negotiation experience aspects highlighted in the trust fund project document.⁴ The latter is underlined by the fact that some 120 negotiators were exposed to this activity and that almost 23 per cent of the developing country participants came at their own cost. The human resources capacity-building and network-building quality of these events has also been highlighted by several Geneva delegates in bilateral interviews, and is apparent from some of the written

⁴ In as far as the numeric achievements are concerned, it should be noted that apparently several BITs negotiated at these events could not be concluded.

communication received by the secretariat. In particular the networking quality has been stressed on numerous occasions.⁵

In terms of the number of BITs concluded, it is noted that the UNCTAD secretariat is still in the process of providing an assessment of the number of BITs resulting from these events that have actually been ratified and are in force.

C. Institutional capacity-building

(i) National seminars

The assessment of national seminars is based on questionnaire responses for the four seminars in China, Guatemala, Indonesia and Venezuela, and information obtained in some of the bilateral interviews with Geneva delegates. On the basis of this feedback it appears that national seminars have greatly succeeded in achieving their objective of providing an introduction into the seven Doha topics and catalyzing national policy development and institution-building in this regard.⁶ In particular the two Asian seminars (and most specifically the China seminar) seem to have provided catalytic input to national policy formulation vis-à-vis the post-Doha investment process. This was particularly highlighted in some of the bilateral interviews with Geneva delegations.

Among the shortfalls raised in a number of questionnaires is again the issue of overcrowdedness (i.e. too little time to tackle too many issues) that would call for further efforts of a similar nature. Another question relates to the issue of long-term institutional capacity-building in this regard and the consequent need to provide for sustainable seed capacity at the national level. Noting the one-off nature of the national seminars in this regard, some interview partners raised the question of the scope and scale of technical assistance work in the area of investment institution-building in general, and how such institution-building could be achieved in the long-term (i.e. over a period of time that exceeds the limited timeframe of the Doha agenda).

(ii) Civil society component

The civil society events that took place within the period under consideration were all organized without UNCTAD's direct involvement and no direct evaluation material is available beyond the reports on some of the events. However, the evaluator participated in the CUTS IfD project's regional seminar for Asia that took place in New Delhi on 24-25 November 2002 and conducted a number of bilateral interviews with seminar participants.

⁵ In this context, it should be noted that the last event was organized outside the United Nations premises besides that it coincided with an expert meeting on an IIA topic (due to an apparent lack of facilities). The exploitation of synergies between these two events would have considerably increased their networking dimension, a fact that should be taken into account in future organization and scheduling of BITs negotiations.

⁶ The China and Indonesia seminars were evaluated on the basis of UNCTAD questionnaires, whereas the Guatemala and Venezuela seminars were evaluated on the basis of WTO questionnaires.

On the basis of the available material it can be stated that in as far as imparting information and providing for educated insights into complex IIA matters are concerned, these activities have partly failed to reach their objectives. Similarly, their function as advocacy fora for the engagement of civil society (through, among others, providing for interaction between national decision-makers and civil society representatives and public-private sector dialogue) has not been fully realized -- although the reports on the two Africa events indicate that they served as advocacy fora (although rather for concerns with the overall direction of UNCTAD's work in this area).

This is partially due to the fact that the co-organizing and co-executing organizations (i.e. SOMO and LaRRI in the case of the Namibia seminar; and CUTS in the case of the regional seminars for Africa and Asia) have a somewhat different objective for the pursuit of this activity. While it is beyond this evaluation to assess the objectives of the SOMO and CUTS projects, it can be stated that the pursuit of joint activities is questionable if the objectives do not at least partially coincide. On the other hand, the secretariat's arguments for engaging these two organizations (credibility and outreach capacity) merit careful consideration, as it is without doubt a very difficult field of engagement.

Another factor is of course that with the post-Doha revision of the trust fund project document, the civil society engagement activity has taken second place to the more pressing needs of governments to prepare themselves for the Cancun Ministerial Conference and its decisions in this regard. While it is without doubt that such needs exist and require a timely and adequate response, it appears at least questionable to delimit the scope of UNCTAD's post-Doha follow-up in such manner -- especially also in light of recent experiences with the involvement of civil society in international economic decision-making and the obvious need for a formalized international public-private sector dialogue in this area. It is noteworthy and commendable in this context that the trust fund revision provides for the establishment of such venue in the form of a (one-off) international exchange of views with key stakeholders (activity 1.4) -- an activity that should be pursued without delay so as to provide for a meaningful input into the pre-Cancun process.

D. Work programme implementation and interrelationships

(i) Staffing and financing

The activities undertaken within this work programme have been carried out by a sub-unit of the International Arrangements Section of the Investment Policies and Capacity-building Branch of the UNCTAD Division on Investment, Technology and Enterprise Development. Over most of the period of observation (September 2000 to December 2002), this sub-unit consisted of one professional (at the P-3 level), one senior L-staff (at the L-4 level),⁷ two junior short-term consultants, and one general service staff. Although the work unit drew on in-house and external expertise for the delivery of the operational activities, most of the activities described above have been

⁷ The L-staff has worked at various degrees of intensity, beginning with a 100 per cent involvement that was initially reduced to 50 per cent and subsequently raised to 80 per cent.

directly implemented by it.⁸ It is obvious (particularly also to in-house managers and external clients) that the quantity and quality levels of implementation cannot be sustained with this personnel base for long. An accelerated level of activity -- as is currently foreseen in the run-up to the Cancun conference - will undoubtedly be almost impossible to implement unless the human resource base is enlarged.

From an organizational perspective, and particularly also from a human resources development point of view, it is worth mentioning that this work programme has up until recently been implemented without a middle level management post (P-4), and that as of December 2002 no senior management post (P-5) had been allocated to this programme. Without engaging in comparisons with other similar technical assistance activities of UNCTAD (and for that matter those of other international organizations), it appears obvious that this situation does not correspond to the perceived (in-house) and called-for (external clients and cooperating organizations) importance of this work programme for member countries and the organization itself. While it is not unusual for extra-budgetary driven projects to rely on L-staff for project management services, it appears questionable that in light of the absence of sufficient extra-budgetary funds to support such senior management position (which has been the case until September 2002) no measures were taken to fill this void in a timely manner.

At the same time it is noteworthy that the extra-budgetary resources that were made available to this work programme have to a large extent been utilized to finance operational activities and not to fill the project personnel void indicated above. The ratio of personnel to operational costs stood at 31 per cent as of the middle of November 2002 (i.e. not yet including the expenditures for the second New Delhi training course),⁹ a ratio that stands well in comparison with similar technical assistance activities within UNCTAD and in other international organizations working in the area of technical assistance.

The original trust fund received donations from France (\$71,367.40 on 30 September 2000), Sweden (\$102,233.18 on 8 December 2000), Switzerland (\$265,000.00 on 12 December 2000), the Netherlands (\$125,000.00 on 21 December 2000), the United Kingdom (\$220,485.00 on 28 December 2000), La Francophonie (\$21,636.85 on 5 January 2001), Japan (via the WTO trust fund) (\$92,044.39 on 9 April 2001), La

⁸ In-house expertise consisted mostly of the occasional involvement of the Officer-in-Charge of the International Arrangements Section, the Chief of the Branch and the Director of the Division and his direct supporting office (including a recently appointed senior advisor on post-Doha matters). In addition, staff of the UNCTAD unit dealing with the development of distance learning has been involved in the delivery of the regional intensive training courses, as has staff of the UNCTAD unit dealing with competition issues. External expertise included regional consultants that helped in the delivery of national seminars and coverage of civil society events.

⁹ Based on UNCTAD Trust Fund Project Data (PD+) information sheet dated 14 November 2002. Project personnel budget lines include 11.01 (L-5), 11.02 (L-4), 11.03 (research assistance) and 11.04 (consultants). The latter line has been included in this calculation on grounds that project implementation in Geneva also included the services of two short-term junior consultants. Given that this line also includes consultant services in connection with the provision of analytical expertise for seminars, training courses and papers, the resulting percentage ratio is probably too high, even if the omission of the administrative support costs (to compensate for this imbalance) is taken into account. It should be noted in this context that no detailed expenditure information was made available to the evaluation.

Francophonie (\$67,117.44 on 28 May 2001), Sweden (\$184,206.74 on 3 July 2001), and Switzerland (\$235,000.00 on 20 August 2001). Since the beginning of 2002 (i.e. after the post-Doha amendments to the trust fund were communicated to donors), the trust fund received donations from the United Kingdom (\$160,200.00 on 21 March 2002), France (\$149,761.14 on 6 May 2002), La Francophonie (\$97,487.83 on 13 May 2002), La Francophonie (\$103,558.00 on 23 July 2002), Portugal (\$80,000.00 on 8 August 2002) and Sweden (\$649,842.95 on 25 September 2002).

In as far as the matter of financing is concerned it appears noteworthy that the funds for project implementation have materialized only slowly (30 per cent in 2000; 22 per cent in 2001; and 48 per cent in 2002) and, as far as post-Doha implementation is concerned, only with considerable delay (60 per cent of the post-Doha funds made available in 2002 were committed only 10 months after the Conference). As a result, over most of project duration the overall fund balance has been low. This is partly due to a lack of long-term donor commitment to this work programme. Only two donor countries indicated a longer-term commitment (the United Kingdom with a Memorandum of Understanding that covered two years of project duration with the possibility of a three-year extension and that is now being extended; and Switzerland with a letter of understanding indicating a five-year commitment, albeit with a conditionality concerning the overall funding of the project), whereas all other donors provided their support on an ad-hoc basis.

As a result, organization and implementation of operational activities have at times been undertaken in a sub-optimal and ad-hoc manner that also involved the flexible interpretation of administrative rules and procedures (so as to accommodate shortages in funds and late arrivals of required financial coverage). More generally, the overall liquidity problems arising out of funding shortages have, at times, led to a "management-by-emergency" culture that resulted in a compartmentalized approach to project implementation (i.e. one event at a time), which hindered the development of synergies between related activities. This in turn resulted in a sub-optimal utilization of resources.

(ii) *Interrelationships*

As stated in the preceding section, implementation of some of the operational activities listed above has been undertaken in close cooperation with other units in DITE and in UNCTAD at large. As far as DITE is concerned, cooperation extended beyond the lines of responsibility and immediate and mediate supervisory functions (i.e. the Officer-in-Charge of the Section, the Chief of the Branch, the Director of the Division and the staff of the Office of the Director) and included in particular members of the work units directly responsible for the production of the *Compendium* and the *World Investment Report* (WIR) series. As far as the latter are concerned, cooperation extended both ways, with members of the IIA unit also having been involved in the production of WIR and the *Compendium* volumes -- hence creating a culture of synergies that seems to have benefited both work programmes. It is understood that the pursuit of the post-Doha technical issues papers that is currently underway is also based on this cross-branch approach involving the two respective work units. Apart from this particular synergy aspect, inter-divisional cooperation has benefited work programme implementation also through coordinated approaches in

mission planning and mission execution and joint outreach activities with other work units in the Branch and the Office of the Director.

In as far as other UNCTAD divisions and work programmes are concerned, the (positive) involvement of the work units dealing with distance-learning (of the Division for Services Infrastructure for Development and Trade Efficiency) and with competition issues (of the Division on International Trade in Goods and Services, and Commodities) in the implementation of the intensive training courses has already been mentioned. This work level cooperation -- which is confined to these two units -- appears, however, not to have been extended into the broader operational and substantive work dimensions of the concerned Divisions. As a result, UNCTAD's commercial diplomacy programme in general, and the training activities that arose out of paragraph 166 of the Bangkok Plan of Action in particular, seem both to neglect the IIA work in operational (i.e. lack of organizational coordination) as well as substantive (i.e. lack of substantive involvement) terms.

As stated above, organization and implementation of operational activities have involved various administrative units of UNCTAD. It is understood that the UNCTAD administration has, at times, been flexible so as to accommodate shortages in funds and late arrivals of required financial coverage.

In as far as external relations are concerned, work programme implementation has involved a long list of national, regional, inter-regional and international institutions and organizations, both governmental and non-governmental in nature. The cooperative and integrative approach that is reflected in the number and variety of organizations involved has greatly contributed to strengthening the outreach and impact base of this area of work. This holds particularly true in as far as the regional intensive training courses are concerned, where indeed the aspect of regional capacity-building appears to bear fruit with the increased involvement of regional institutions of higher learning (witness the Alexandria courses).

Most important in the post-Doha area is of course the relationship with the WTO. Both internal and external sources (including WTO staff members) underline that the cooperation between the IIA work programme and the WTO unit in charge of implementing the post-Doha investment work (the Division on Trade and Finance) is excellent. As indicated above, a number of operational activities (i.e. the regional seminars, the Geneva workshops and the national seminars) are being implemented and organized by the WTO, with IIA staff only involved in the delivery of presentations and lectures and the guidance of discussions. At the same time, WTO staff is involved in the delivery of the intensive training courses, where UNCTAD takes the lead role. This division of labour is also reflected in the financing of the activities, with each "lead" organization providing the financing for its respective activities and incurring the expenses of having its staff members attend the activities of the other organization. Both ways, cooperation appears to have been excellent at both managerial and work programme implementation levels, guaranteeing a smooth running of operations -- although, as mentioned above, the issue of financing of UNCTAD's participation in some of the activities has, at times, been a matter of concern.

Remarkably, implementation of joint activities has been smooth besides the lack of a formalized agreement between the two organizations, as a planned Memorandum of Understanding between UNCTAD and the WTO on the implementation and financing of the joint activities had, as of December 2002 (i.e. more than 12 months after the Doha Conference) not been signed. The delay in finalizing this understanding is apparently due to the issue of allocating operational overhead. However, it also reflects the more general issue that several donor countries have provided their post-Doha technical assistance implementation funds for work in the investment area to the WTO without a clear indication that they wish these activities to be undertaken by, and/or in cooperation with, the UNCTAD secretariat.

Cooperation between the two organizations has also extended to the WGTI, where -- as indicated earlier -- UNCTAD has participated in all of the 2002 meetings of the Group as an observer and intervened on the substantive agenda items. At the same time, WTO staff has been involved in UNCTAD's intergovernmental meetings in this area, providing briefings and insights into the current state of play in the WTO to UNCTAD member countries.

V. Conclusion

A. Overall findings

UNCTAD's general competence in the area of capacity-building in international investment agreements is highly recognized. As an overriding general finding of this mid-term evaluation it can be stated that the work undertaken in this area is unique, timely, necessary and of critical importance to developing countries. It also provides an outstanding example of a successful combination of technical assistance work, policy analysis and research and consensus-building activities. In addition, there are strong indications that the work undertaken so far within this work programme has achieved its set-out objectives and that the activities pursued have had a positive and measurable impact. This programme of work should therefore continue and be strengthened.

The mid-term evaluation clearly established that member countries of UNCTAD and the WTO, and in particular the developing countries, benefit from this work, and are looking forward towards a strengthened continuation of this work in the run-up to the Fifth WTO Ministerial Conference in Cancun in autumn 2003 and thereafter.

At the same time, it needs to be acknowledged that the issue of international investment agreements goes well beyond the WTO confines and stretches national capacities, especially in developing countries, at both bilateral and regional levels. While it can therefore be commended that the UNCTAD work programme quickly and comprehensively adapted to the post-Doha needs of the member countries of both UNCTAD and the WTO, including through the establishment of excellent working relationships with the WTO and its staff working in this area, it still needs to be stressed that the broader need of member countries extends beyond the post-Doha process -- as the range of issues of relevance in IIAs extends beyond the seven issues listed in the Doha Declaration. The relevance of UNCTAD's work in this area therefore extends beyond Doha, and possibly Cancun, and will need to be preserved

and strengthened regardless of the outcome of the Doha/Cancun process. This holds also true with regard to the civil society component that earlier formed one of the main activity and output areas.

It is in light of these findings that the following general and specific recommendations for future project implementation are made.

B. General and specific recommendations for future project implementation

1. General recommendations:

- The relatively thin personnel base and the overstretched human resources of the unit implementing this work programme threaten the sustainability and effectiveness of this work. As a first general recommendation it appears therefore advisable to rapidly expand the human resource base available in UNCTAD to undertake this kind of work, both as far as operational and substantive matters are concerned.
- The financial base of this programme of work (which is extra-budgetary driven) has at times been insufficient to safeguard long-term institutional capacity-building in UNCTAD, and the related fluctuation in liquidity has on several occasions threatened the implementation of individual work programme elements. As a second general recommendation it appears therefore advisable to expand the donor base for this programme of work and to ensure long-term donor commitment through the pursuit of Memoranda of Understandings (MoU) or similar devices that are aimed at ensuring a stable and predictable flow of financial resources. The same holds true as far as the formalization of working relations with the WTO (and here especially the issue of financing of joint activities) through the rapid finalization of a respective MoU with this organization is concerned. In this context, steps should be taken in close cooperation with the WTO secretariat to seek clear indications from respective donor countries on the issue of the utilization of WTO post-Doha trust fund resources for work in the investment area.
- Insecure project financing had at times also a negative impact on the development of an appropriate human resources base to undertake this work, which to a large extent is implemented through short-term consultants and L-staff. As a third general recommendation it appears therefore advisable to expand the regular budget personnel resources that are made available to the unit implementing this work programme both at the professional and the general service levels.
- Financial and personnel problems encountered in project implementation could have at times been eased through a better UNCTAD in-house knowledge about the programme and improved substantive and administrative support. As a fourth general recommendation it appears therefore advisable to consider increasing the organizational standing of the work unit implementing UNCTAD's IIA work programme from a sub-section within the International Arrangements Section of the Investment Policies and Capacity-building Branch of DITE to a self-standing

Branch within DITE charged with implementing the IIA work programme, including the post-Doha technical assistance work programme.

- While it is commendable that the original project structure allowed for a quick and comprehensive adaptation to the post-Doha needs of the organization's member countries, it remains to be seen whether the refocusing of project activities to meet the post-Doha challenges will also fully meet member country's future needs in the IIA area at large. As a final general recommendation it appears advisable to revisit the amendments made to the trust fund project document with a view towards ensuring that the individual work programme elements remain viable and meaningful beyond the post-Doha process. (This is of special relevance to the ad-hoc technical assistance (including BIT and DTT support) and the civil society engagement work elements of the original trust fund project document, and extends to the networking dimensions of several of the implemented activities.)

2. Specific recommendations

a. Policy analysis and development

As far as the *IIA series* is concerned, the following specific recommendations are made:

to improve the user-friendliness of the *Series* as a whole:

- through the provision of a self-standing glossary of terms as part of the *Series*;
- through extending the list of topics covered in the *Series* to include other relevant issues, such as, e.g. consumer protection, cultural policy and the role of civil society;
- through the provision of a cross-referencing index to the *Series* as a whole;
- through a self-standing publication of all executive summaries of the *Series*;
- through the publication of all *IIA papers* on an interactive searchable CD-ROM that also includes several of the above features

to improve the dissemination quality of the *Series* as a whole:

- through the expeditious translation of the whole *Series* into as many official United Nations languages as possible, including through outsourcing and extra-budgetary financing. Care needs to be taken, however, to avoid introducing confusion through the introduction of misleading translations of precise legal terms. In order to avoid any ambiguity in the legal interpretation of terms arising out of such translation, it is recommended to have these translations undertaken and/or verified by experts in this field;
- through the organization of a series of lunch-time lectures on selected topics in the *Series* that are of interest to Geneva-based delegations, and
- through a continuous and comprehensive updating and managing of the IIA website.

As far as other material produced within this work programme is concerned, the following specific recommendations are made:

- # to improve their user-friendliness and dissemination quality and spread
- through the publication of all volumes of the *Compendium* on the interactive searchable CD-ROM mentioned above, including with specialized search features related to the *Compendium* itself;
- through the inclusion of other relevant (past and forthcoming) material, including especially the interventions in the WGTT, the interventions at regional seminars and Geneva-based workshops, and related power-point-presentations, on the same CD ROM; and
- through the making available of this material -- in as far as United Nations regulations permit -- free-of-charge on the UNCTAD web-site; and
- through the continuous and comprehensive updating and managing of this website.

As far as regional seminars are concerned, the following specific recommendations are made:

- Given the demonstrated usefulness of regional seminars, it is recommended to make arrangements to allow for the accommodation of as many seminars as possible in the run-up to the Cancun Conference. Noting that the organization and implementation of regional seminars is principally undertaken by the WTO, it is recommended that UNCTAD continue to pursue the establishment and maintenance of a standing cadre of experts (including in-house -- see general recommendations above) that can be called upon to provide the required service.

b. *Human resources capacity-building*

As far as the regional intensive IIA training courses are concerned, the following specific recommendations are made:

- # to improve their individual effectiveness and usefulness:
- through effectively linking the selection of candidates with a subsequent fine-tuning of the modules and curriculum, so as to ensure that the overall course design is adapted to the specific needs of the selected audience (nascent versus experienced negotiators);
- through shifting the emphasis from delivering a course that covers all relevant IIA topics to a more focused course that covers primarily core IIA issues, so as to ensure that more time and depth can be spend on these core issues;
- through the development of a secondary IIA course that could expand on the core issues and provide room to tackle adjacent IIA issues;
- through the effective pre- and post-course linkage of course implementation with distance learning elements so as to vastly reduce the time and resource requirements (both financial and personnel resources) for each course;

- # to improve their sustainable effectiveness and usefulness:

- through obtaining an effective commitment of the host country (and host institution) to engage in this activity on a long-term basis in the form of MoUs that provide for a long-term relationship in the pursuit of this work programme element;
- through ensuring that the regional counterpart institution actively pursues the regional institutional capacity-building angle of this programme of work through the commitment of teaching staff and through the possible pursuit of a limited exchange programme of this teaching staff with UNCTAD's IIA work unit and other institutions of higher learning involved in the delivery of the courses;
- through the active engagement of the regional counterpart institution in the development and implementation of the called-for distance learning elements.

As far as the Geneva-based workshops are concerned, the following specific recommendations are made:

- Given the nature of the external limitations on the demand base for this product, it appears advisable to improve on the achievement of the set-out objectives of this element through a two-fold approach. The first would be based on the already mentioned series of lunchtime lectures on key issues in IIAs based on individual IIA papers. It is recommended to launch a series of such lectures in the first quarter of 2003, covering all IIA papers that have a bearing on the seven Doha topics.
- The second approach would be based on the existing format, but would provide for certain improvements in the achievement of the set-out objectives by way of moving the venue of events outside the WTO premises (and preferably outside of Geneva) and providing for additional elements to foster the workshop character of the seminars (such as luncheon addresses by negotiators of other ongoing negotiations (i.e. the FTAA process, etc) with appropriate Q&A facilities; working groups that consider particular aspects; etc). Given that this activity is a WTO driven (i.e. currently WTO financed and organized) activity, it is recommended to consult with the WTO Secretariat and key delegations on this approach, especially concerning its organizational and time-bound feasibility over the period leading to the Cancun conference.

As far as the BITs negotiation facilitation events are concerned, the following specific recommendations are made:

- Given the demonstrated usefulness of this activity, it is recommended to make arrangements to allow for the accommodation of as many requests for BIT facilitation events as possible within the provided means. In this context, the good experience with regional hosts (as in the case of the India and Croatia rounds) should be replicated, involving as much as possible regional organizations that work in this area.
- In terms of impact assessment, it is recommended to provide for an assessment of the number of BITs resulting from these events that have actually been ratified and

are in force. In addition, it is recommended to provide for further research and analysis on the impact of BITs on actual flows of investment, including through materials derived from investment policy reviews.

c. *Institutional capacity building*

As far as the national seminars are concerned, the following specific recommendations are made:

- Given the demonstrated usefulness of national seminars, it is recommended to make arrangements to allow for the accommodation of as many national seminars as possible in the run-up to the Cancun Conference. Noting that the organization and implementation of national seminars is principally undertaken by the WTO, it is recommended that UNCTAD continue to pursue the establishment and maintenance of a standing cadre of experts (including in-house -- see general recommendations above) that can be called upon to provide the required service.
- In as far as the institution-building aspects of national seminars are concerned, it is recommended to consider development of a "Negotiation issues manual" that would provide for background materials used in the seminars (including the IIA series), preferably in the appropriate language, and relevant national materials (including such as deriving from the WIR and relevant UNCTAD databases). This should be complemented by the technical papers on post-Doha investment issues of relevance to developing countries mentioned above.
- In as far as long-term institutional capacity-building is concerned, it is recommended to pursue the implementation of activity 3.2 of the trust fund project document without delay.

As far as the civil society engagement events are concerned, the following specific recommendations are made:

- Given the importance of civil society engagement in the pursuit of national and international economic rulemaking, it is recommended to pursue activity 1.4 of the trust fund project document without delay. If such one-off international exchange of views with key stakeholders is meant to provide for inputs into, and prepare for, the fifth Ministerial Meeting of the WTO in Cancun it is mandatory that it takes place in the first half of 2003. Accordingly, it is recommended to identify appropriate counterpart organizations as expeditiously as possible and to seek donor support for the setting aside of the required funds for such an event. As a cost-sharing alternative, it is recommended to pursue the identification of a host country that would be willing to finance (or co-finance) the organization and implementation of the event.

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