

Annex 1:

Sustainable Investment Policy and Practice Trajectory

Narrative Progress Report – 2020

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## (1) STATUS OF OUTCOME AND OUTPUT INDICATORS

Outcome		<ul style="list-style-type: none"> <li>Progress attained towards international action on Sustainable Investment;</li> <li>Local Sustainable Investment Facilitation action is catalysed.</li> </ul>		Status
Outcome indicator		<ul style="list-style-type: none"> <li>Formal steps taken within international fora</li> <li>Reform projects or initiatives launched locally</li> </ul>		
Target	Year	2021	<ul style="list-style-type: none"> <li>At <b>national</b> level in pilot economies, understanding of sustainable investment advanced amongst policymakers, firms, and civil society; options to advance sustainable investment: (a) identified, (b) validated, (c) prioritized, and (d) support provided for implementation of a subset of measures.</li> <li>At <b>multilateral</b> level, WTO delegates working on investment facilitation for development: (a) develop understanding of concept of sustainable investment, (b) are provided with concrete measures to support sustainable investment, and (c) consider integrating those measures as provisions in an investment facilitation framework.</li> <li>At <b>subnational</b> level, improved understanding of division of labour and complementarity between national and subnational efforts in support of sustainable investment. Subnational institutions actively support sustainable investment policies, frameworks, partnerships, and measures.</li> <li>At <b>regional</b> level, non-pilot economies in the region engaged on sustainable investment policies, frameworks, partnerships, and measures, and cooperation on sustainable investment facilitation between regional economies strengthened.</li> </ul>	Completed  Completed  Completed  Completed
Output		Workshops for developing country policymakers and IPAs		
Output indicator		Workshops held (2019 to 2021)		Completed
Target	Year 1	2019	At least one workshop held in each 2019 pilot economy, at least one other workshop organized, and participation in at least two workshops to advance sustainable investment policies, frameworks, partnerships, and measures.	Completed  <ul style="list-style-type: none"> <li>Ghana (12 September 2019)</li> <li>Cambodia (2 October 2019)</li> </ul> Multiple global workshops/events
Target	Years 2 and 3	2020 and 2021	At least one workshop held in each 2020 pilot economy, at least one other workshop organized, and participation in at least two workshops to advance sustainable investment policies, frameworks, partnerships, and measures.	Completed  <ul style="list-style-type: none"> <li>Ghana (4 March 2020)</li> <li>Cambodia (27 August 2020)</li> <li>India (27 April 2021)</li> <li>Cambodia (12 May 2021, tbc)</li> <li>Kenya (16 June 2021, tbc)</li> </ul> Multiple global workshops/events
Target	Year 3	2021	Capacity building on sustainable investment across multiple regions advanced. Developing country policymakers and IPAs exposed to sustainable investment policies, frameworks, and measures. A subset of developing country policymakers and IPAs engaged on sustainable investment policies, frameworks and measures.	Completed  <ul style="list-style-type: none"> <li>Caribbean (26 February 2021)</li> <li>Africa (3-4 March 2021)</li> <li>Asia Pacific (30 March 2021)</li> <li>Latin America (6 May 2021)</li> </ul> Monthly webinars for policymakers/IPAs  Multiple global workshops/events
Output		Recommendations for in-country reform and international rulemaking, based on multi-stakeholder input.		
Output indicator		Recommendations published		Completed

Baseline	Year	2018	Policies, frameworks, and measures to advance sustainable investment not identified in pilot economies.	
Annual target	Year 1	2019	Recommendations for sustainable investment reform in Cambodia and Ghana published, based on multi stakeholder process. Recommendations for international rulemaking on sustainable investment facilitation published.	<ul style="list-style-type: none"> <li>Ghana published (draft version: 6 September 2019; final version: 5 February 2020)</li> <li>Cambodia published (draft economy-level version: 24 June 2019; draft agribusiness version: 25 September 2019; final version: 5 February 2020)</li> </ul> <p>International recommendations published (23 March 2019; 11 December 2019)</p>
Target	Years 2 and 3	2020/2021	Recommendations for sustainable investment reform in India and Kenya published, based on multi-stakeholder process. Additional or refined recommendations for international rulemaking on sustainable investment facilitation published.	<ul style="list-style-type: none"> <li>India published (draft version: February 2021; final version to be completed)</li> <li>Kenya published (draft version: May 2021; final version to be completed)</li> </ul> <p>International recommendations published (4 March 2020, June 2020, 23 September 2020, November 2020)</p>
Target	Year 3	2021	Recommendations published for all pilot economies on implementing sustainable investment policies, frameworks, and measures. Support provided for implementation of a subset. Recommendations for international rulemaking provide a substantive resource for economies involved in developing a framework at the WTO.	Completed or in process
Output		Toolkit on Investment Facilitation for Sustainable Development		
Output indicator		Toolkit prepared		
				Completed
Baseline	Year	2018	No toolkit available to guide policymakers on investment facilitation for sustainable development.	
Annual target	Year 1	2019	Toolkits for Cambodia and Ghana prepared.	Completed
Target	Years 2 and 3	2020/2021	Toolkits for other pilot economies prepared.	India completed, Kenya in process
Target	Year	2021	Toolkit available to guide policymakers on investment facilitation for sustainable development.	Completed: <i>An Inventory of Concrete Measures to Facilitate the Flow of Sustainable FDI: What? Why? How?</i>

Note: The pilot entries for 2020 and 2021 have been combined, as project activities took place across both years.

## (2) OVERVIEW

The aim of the Sustainable Investment Policy and Practice Trajectory is to advance the sustainable development contribution of investment flows.

In 2020, the WTO initiative on investment facilitation for development gathered significant momentum and the Trajectory was able to provide substantive input into the process. The Coordinator at the WTO, delegates, as well as the Secretariat have all expressed strong support for such continued input. The Trajectory has and can continue to build a bridge between investment practitioners and negotiators to ensure that the WTO framework being developed takes into consideration insights and findings on sustainable investment. This is essential for the WTO framework to be designed in a way that leads to real impact on investment flows and especially the contribution of these flows to sustainable development.

In addition, 2020 allowed for additional time to advance Sustainable Investment pilots that had been launched in 2019 in Ghana and Cambodia and for these to generate substantive results. 2020 also allowed the Trajectory to add two new pilots – in India and Kenya – to consider additional dimensions of sustainable investment, namely how to facilitate sustainable *outward* FDI, and on the role of *subnational* institutions in sustainable investment.

To support the WTO process and pilot sustainable investment reforms – as well as increase capacity, awareness, and action on sustainable investment – the Trajectory was structured in four complementary parts: (1) support for cooperation on investment facilitation at the WTO, including providing stakeholder input, sharing insights on impactful measures, and driving inclusion of sustainability elements; (2) pilots to develop and operationalize, through in-country work, practical knowledge and experience on sustainable investment and provide this into the WTO process to support development of a high-quality framework; (3) capacity building workshops for developing-country policymakers (with many activities in (1) concurrently supporting this objective); and (4) high-level events or sessions to help shape decisions at a systemic level.

This Progress Report is therefore laid out in four corresponding sections.

### (3) WTO INVESTMENT FACILITATION FOR DEVELOPMENT

#### *World Economic Forum Annual Meeting in Davos*

We leveraged the **WEF's 50<sup>th</sup> Annual Meeting in Davos** in January 2020 to advance the WTO process on investment facilitation for development. This involved first meeting with about 20 WTO ambassadors to understand their position and readiness in moving to negotiations mode, developing and negotiating a **multistakeholder statement of support** on sustainable investment facilitation that was adopted at a session on investment facilitation at the Annual Meeting, and supporting a ministerial meeting in Davos where representatives of 99 economies cited the statement and announced launch of negotiations. The statement of support and the **announcement of negotiations** can be found in a 24 January article entitled ["Negotiations on Investment Facilitation at the WTO gain support at Davos"](#).

During the session on investment facilitation at the Annual Meeting, the Forum received a mandate from ministers, CEOs, and other stakeholders to **convene an advisory body to the WTO negotiations**. The aim was for this advisory body to provide practitioner input so that measures considered as provisions would be as useful as possible in both increasing investment flows and their development impact. The advisory body is called the **Investment Facilitation Commentary Group**.

#### *Investment Facilitation Commentary Group*

This group includes representatives of investment promotion agencies, firms, and global experts; it is the **first time practitioners advise the WTO process in this way**. At the conclusion of each meeting, a summary report is shared with the WTO to help develop a high-quality agreement. The following meetings have taken place:

- 1<sup>st</sup> Meeting (26 February 2020) on [impactful and innovative measures](#).
- 2<sup>nd</sup> meeting (7 April 2020) on [measures that increase the development benefits of investment flows](#).
- 3<sup>rd</sup> meeting (7 May 2020) on [issues related to the implementation of a multilateral framework on investment facilitation for development](#).



- 4<sup>th</sup> meeting (3 July 2020) on concrete investment facilitation measures that should be included in the WTO framework.
- 5<sup>th</sup> meeting (27 October 2020) on using the investment lifecycle to identify investment facilitation challenges and priority measures.
- 6<sup>th</sup> meeting (18 February 2021) on how to structure effective mechanisms to identify and resolve investment-related issues early, before they become a risk to the investment climate or lead to legal disputes.
- 7<sup>th</sup> meeting (18 May 2021) will focus on how to assist IPAs to become more effective in facilitating sustainable FDI flows.

To illustrate how these meetings feed directly into the WTO process, following the 6<sup>th</sup> meeting there was agreement – between firms, IPAs, and the WBG – to try and help refine the existing provision in the WTO IF Informal Consolidated Text, to which the WTO Secretariat reacted positively. The 7<sup>th</sup> meeting topic was also discussed with the WTO Coordinator of the IFD Negotiations as well as the WTO Secretariat, to ensure a maximum positive contribution/input into the WTO process.

### *Investment Facilitation Inventory of Measures*

An *Inventory of Measures to Facilitate Sustainable FDI*, with the Forum as one of two lead co-authors, was **formally presented to the WTO** on 25 September 2020 as a **toolkit for how to facilitate sustainable investment**, following peer-review by six leading institutions (UNCTAD, WBG, OECD, IADB, UNESCAP, WAIPA). It is a living document, continuously informed and improved by the Sustainable Investment country pilots, as well as the Investment Facilitation Commentary Group. There are sections that identify **measures that directly contribute to sustainable development**, as well as new digital measures that might be usefully considered for the WTO framework. The aim is to provide a technical resource for the WTO process, sharing good practice experience and text-based examples to potentially include certain measures as provisions.

### *Supporting proposals*

**Proposals from two members** were drafted with direct technical support from the project. The measures in these substantive proposals are **now included as draft provisions** in the WTO Informal Consolidated Text. Through a blog and bilaterals we also did outreach in support of key measures, receiving positive feedback.

### *Webinars*

We presented findings from the Trajectory in a number of **webinars for WTO members and investment policy and promotion officials**, including on: 11 February 2020 and 19 March 2020.

To preview 2021, we spoke on the value-addition of a WTO framework during a webinar on 19 January 2021. We then launched a new **monthly webinar series** together with ITC, DIE, and WAIPA – generally planned for the first Tuesday of each month – to increase awareness, capacity and support for investment facilitation.

The first webinar took place on **26 February 2021** to outline the *Inventory of Measures* and receive input from stakeholders on key topics to cover. The CEO of the **Ghana** Investment Promotion Centre (GIPC) spoke.

The second webinar took place on **17 March 2021** focused on transparency and streamlining of administrative procedures. The Vice President of Invest **India** spoke.

The third webinar took place on 13 April 2021 and focused linkages and supplier databases. The Director of Investment Promotion for the Council for the Development of **Cambodia** spoke.

Thereafter, the following dates and topics are planned:

- 4 May 2021: Outward FDI and home-country measures
- 1 June 2021: Incentives and the Recognized Sustainable Investor (RSI) (**Ghana will co-organize** and the CEO of GIPC will speak)
- 6 July 2021: Assessing and negotiating contracts
- 7 September 2021: IPA-IPA, IPA-Outward Investment Agency partnership and cooperation
- 5 October 2021: Implementation of a WTO Agreement on Investment Facilitation for Development

### *Workshops*

We presented findings from the Trajectory in a number of **workshops for WTO members and investment policy and promotion officials**, at times co-convening with other organizations, including on:

- 11 March 2020: Concrete measures to facilitate the flow of sustainable FDI.
- 12 May 2020: Increasing the development impact of a multilateral framework on investment facilitation for development.
- 23 September 2020: Implementation challenges for a multilateral framework on investment facilitation for development.
- 11 December 2020: Investment Facilitation for Development: Looking back and looking forward.
- 11 December 2020: Investment Facilitation for Development: Hearing from practitioners.

*All of these events aimed to help advance the development and conclusion of a high-quality WTO agreement, leveraging project findings and activities.*

## (4) PILOT PROJECTS<sup>1</sup>

### Ghana

Following project interviews and a validation workshop in 2019 (please see Narrative Report for 2019), and publication of a final Toolkit on 5 February 2020, the Government of Ghana agreed to implement two sustainable investment measures in 2020, with the support of the World Economic Forum. An event took place on 4 March 2020 in Accra, in addition to bilateral consultations, to carry out additional outreach and discussion with key stakeholders. The two measures are:

- (1) Adoption of responsible business conduct (RBC) and Corporate Social Responsibility standards by investors. This would be operationalized through the creation of an RSI (please see below).

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<sup>1</sup> The country pilots are presented in the chronological order rather than alphabetical order.

- (2) Creation of a category of Recognized Sustainable Investor (RSI) to provide greater support to investors that commit to investing sustainably. This draft policy document was developed, and the CEO of the Ghana Investment Promotion Centre shared it with cabinet officials. As a result of this wider government support, the RSI is being included in a revised national investment law that is being developed.

Both of these would be advanced through facilitation of cooperation between investment promotion officials across Sub-Saharan Africa and sharing of **sustainable investment measures** that they may wish to consider adopting, as well as supporting regional cooperation on good practices and two-way investment. Due to the COVID-19 pandemic, rather than holding a planned event in person in October 2020, it was decided to convene virtually and postpone the event a few months, which took place on 3-4 March 2021.

## Cambodia

Following project interviews and validation workshops in 2019 (please see Narrative Report for 2019), and publication of a final Toolkit on 5 February 2020, the Government of Cambodia agreed to implement five sustainable investment measures, with the support of the World Economic Forum through a workplan. These include: (1) creating a supplier database with sustainability dimensions (SD2), (2) aligning incentives to sustainability, (3) holding an impact investing learning event, (4) developing a list of national/international certification bodies, and (5) supporting Agri-PPPs.

- (1) **Supplier database with sustainability dimensions (SD<sup>2</sup>)**: After a competitive process we selected, together with the Council for the Development of Cambodia (CDC), a firm to help build the database, which will be housed in and maintained by the CDC, ensuring sustainability. The database will help foreign investors matchmake with sustainable domestic firms, while also incentivizing that these firms increase their sustainability operations to receive contracts, what can be called a 'Sustainable Investment Cycle'. The database should be completed by mid-May 2021.

We held a workshop on 27 August 2020 to get buy-in and support from the business community and other stakeholders (approximately 45 participated). Following remarks, a presentation and exchange, received support from chambers to provide information for the database and support from the WBG with conceptualizing the database.

The database will be formally unveiled at a launch event on 12 May 2021 in Cambodia following formal coordination, and then at an ASEAN event in June 2021.

- (2) **Aligning incentives to sustainability**: Sok Chenda Sophea (Minister Attached the Prime Minister and Secretary General of the CDC) announced how Cambodia will adopt smarter incentives, aligned with sustainability:

*We plan to **give incentives to merit based activities** such as R&D, human resource development, and machinery upgrades," Sok Chenda Sophea explains. "Among the sectors we consider to be a priority and eligible to be qualified investment projects (QIP), **are investments in environmental protection and management and green energy...Skills training also receives special attention**, as many of the new industries included in the draft law rely on a highly-trained workforce: a 150% tax deduction would be offered when investments include education and vocational training..."**Incentives will vary in accordance with the types of industries we seek to attract**, but the bottom line is clear – investors will be encouraged to evolve with a maturing economy." Flexibility is a key pillar of the proposed law, as **policymakers would have the ability to tailor fiscal incentives to enterprises that don't fall into any sector named explicitly in the document. A provision allows for additional incentives not specifically outlined in the law to be extended to enterprises that have the potential to contribute to economic development in the long term.***

- (3) **Impact investing learning event:** The [draft agenda for an impact investing learning event](#) has been approved by CDC. However, the event has been on hold due to COVID-19, as Cambodia preferred, if possible, to have an in-person event if meetings resume.
- (4) **List of national/international certification bodies:** The list had been completed and presented to the CDC. A discussion is planned after the database launch on next steps for it to get published.
- (5) **Supporting Agri-PPPs** are in cooperation with the Ministry of Agriculture, Forestry, and Fisheries (MAFF), and are ongoing. An Agri-PPP [concept note](#) was developed to stand up an Agri-PPP working group under MAFF. A [letter](#) was sent to support this process with several follow-ups by the Project Team in country (with the Director of the Department of International Cooperation and the Director the Department of Agro-Industry). Moving forward requires ministerial approval, and things have been put on hold given the challenges of COVID-19.

## India

On account of COVID-19, the project began virtually. Following 45 interviews, we completed a [report with options for sustainable investment reforms in India](#). The report lays out **55** options to increase sustainable investment. These include **23** potential policies and measures at the economy level and **16** potential policies and measures in agribusiness.

In each case, these are organized into five categories, reflecting the five dimensions of sustainable investment: (1) sustainable investment policies; (2) sustainable finance mobilization; (3) sustainable investment promotion; (4) sustainable investment facilitation; and (5) sustainable development impact.

In addition, **six** draft potential policies and measures related to OFDI and **10** focused on state governments are also included.

These were discussed in a [workshop](#) on **27 April 2021** ([agenda](#)) to align on a subset of priority measures to consider implementing. Invest India has stated it may recommend adoption of a select number of measures that are identified as priorities from the workshop, including through a ministerial letter and/or inclusion in the Business Reform Action Plan (BRAP) which is used to measure subnational reforms to improve the business climate. This could entail including sustainability dimensions in the BRAP for the first time, thereby encouraging state governments to undertake these reforms.

## Kenya

On account of COVID-19, the project began virtually. 21 [interviews](#) were completed as of end March 2021, and a preliminary report drafted. A [letter](#) is opening doors to policymaker conversations across the government, especially for cooperation at the subnational level. Project findings will be discussed in a planned 16 June 2021 workshop.

## (5) REGIONAL ENGAGEMENT AND TECHNICAL ASSISTANCE

Asia-Pacific: We made two [presentations](#) in the [UNESCAP Expert Group Meeting on 12 November 2020](#) to [help revise the Handbook on Foreign Direct Investment Policies, Promotion and Facilitation for Sustainable Development in Asia and the Pacific](#)

*Asia-Pacific:* We prepared for a presentation that took place on **23 February 2021** during the 10<sup>th</sup> meeting of the Asia Pacific FDI Network on “*Improving the contribution of investment facilitation frameworks to sustainable development*” during a session on ‘Investment Facilitation for Development at regional and multilateral levels’ (spoken remarks and PPT). We also chaired a session on Digital FDI (spoken remarks).

*Asia-Pacific:* We prepared for a 30 March 2021 high-level regional roundtable on investment facilitation in the Asia Pacific to build support and engagement for a substantive WTO agreement. The Deputy Secretary General of the Council for the Development of Cambodia as well as the lead negotiator for Cambodia on investment facilitation both spoke (in different sessions).

*Latin America:* We planned for a 6 May 2021 high-level regional roundtable on investment facilitation in Latin America, again to build support and engagement for a substantive WTO agreement. We are inviting the United States to engage the new administration and see if they might join the negotiations at the WTO.

*Latin America:* We planned for a **27 February 2021** presentation to the International Chamber of Commerce (ICC) Brazil Commission on Trade and Investment Policy, including to build industry support for a WTO Investment Facilitation agreement, as well as speaking on investment facilitation and sustainability, including specific measures to consider, during an episode of Women Inside Trade (from 50:40 to 57:00).

*Caribbean:* Towards the end of 2020 we co-organized with the University of the West Indies, ITC, and DIE a high-level and technical investment facilitation event for Caribbean policymakers that took place on 26 February 2021.

*Africa:* Towards the end of 2020 we co-organized with AUC, UNECA, ITC, and DIE high-level and technical investment facilitation event for African policymakers that took place on **3-4 March 2021**. Five ministers spoke, including from key economies currently not supporting the WTO Investment Facilitation negotiations (e.g. South Africa and Kenya), and over 100 policymakers participated, so an important step to engage African actors on these issues. The CEO of the Ghana Investment Promotion Center (GIPC) spoke about the Recognized Sustainable Investor measure being adopted, raising awareness and potential replication at the regional level, per project design/goal.

The Coordinator for Investment Facilitation at the WTO, who participated, stated “*Congratulations on another well organised event. Discussions were very interesting and they provide us a lot of things to think about as we move forward in the IFDA discussions here in Geneva*”. The WTO Secretariat stated, “*The African HL Roundtable was amazingly well organized, high-level both in terms of participants and substance! Really well done!*”

In addition, as a result of this event a meeting is planned in Geneva between African WTO members on the WTO IF text and the planned AfCFTA Investment Protocol. In fact, we have learned that the Investment Protocol may be named the **Sustainable Investment Protocol** and **focus on sustainable investment facilitation** (a decision that may be formalized by leaders in the future). This information and advice come from a key collaborator of the project who is advising negotiations of the Investment Protocol (University of Geneva Professor Makane Moïse Mbengue).

*OFDI Toolkit:* We are working with UNESCAP and King’s College London on the **first toolkit to leverage OFDI for sustainable development (draft)**, through linking the evidence on home effects to home-country measures, as well as transmission channels and mediating factors. It is planned to be unveiled at the World Investment Forum in October 2021 in Abu Dhabi.



## (6) HIGH-LEVEL ENGAGEMENT

G20 Trade and Investment: Our **T20 policy brief recommendations** on sustainable and digital investment were included in the T20 Communiqué, which suggested to launch a **new public-private alliance to restart investment flows** through tackling bottlenecks and limiting factors. We presented these ideas myriad times in public virtual meetings (21 May 2020, 16 June 2020, 7 September 2020 Riyadh Economic Summit, culminating in a 17 September **T20 Summit to engage with G20 actors**.

These suggestions were supported in the G20 Communiqué, which called on G20 economies (and invited guest economies) to adopt “measures to ... enhance the contribution of FDI to sustainable development” through “possible intensification of the provision of investment-related technical assistance ... to address gaps and inefficiencies through increased coordination and cooperation”.

APEC Investment Expert Group: We spoke and presented on sustainable investment during a 2 November 2020 APEC **Public-Private Dialogue on Inclusive and Responsible Business and Investment**, and during the **second meeting of the IEG** during under the Malaysian host year.

*APEC Investment Expert Group:* We prepared for a presentation of project activities and provided recommendations – to both increase sustainable investment and help advance the WTO Investment Facilitation process – during the first Senior Official Meeting (SOM) Investment Expert Group (IEG) meeting with New Zealand as Host Economy on 18-19 February 2021.

This included formal feedback on **APEC’s Investment Facilitation Action Plan (IFAP) (spoken remarks and PPT)** and the existing eight IFAP Principles, including suggesting three new IFAP principles on (a) alignment of investment facilitation efforts at different levels so these are mutually supportive (e.g. APEC and WTO); (b) ensuring that investment facilitation focuses on increasing investment’s contribution to sustainable development; and (c) facilitating Digital FDI.

Separately, we presented ongoing work to develop an **OFDI Policy Toolkit for Sustainable Development (spoken remarks and PPT)**, and how APEC (and other) economies could leverage this in the future.

OECD Investment Committee: We spoke on sustainable investment work, ensuring the project supports and is connected to the **OECD FDI Qualities work** and **IPA engagement**, including on 30 September during the **3<sup>rd</sup> Roundtable on Sustainable Investment** and on 20 October 2020 during the **5<sup>th</sup> meeting of the OECD IPA Network**, sharing a background paper on IPA-IPA cooperation with the Secretariat.

World Economic Forum Davos Agenda: In the fall of 2020 we organized a session on Retooling Global FDI that took place on **29 January 2021** during our traditional Davos week to raise at a high-level the challenge of a collapse in FDI and solutions both to reverse this trend and increase FDI’s development impact. The aim was to help build support for a WTO Agreement on Investment Facilitation for Development and a possible new public-private alliance to Enable Action on Sustainable Investment (EASI). At least **158,463 people** from around the world watched the session.

## (7) CONCLUSION

The Forum is grateful for donor support of the Sustainable Investment Policy and Practice Trajectory. To ensure close coordination and input from donors on activities, in 2020 updates were provided to donors in February, March, May, June, August, September, November, and December. We look forward to continuing to work closely together in 2021 and beyond with the aim of achieving substantive results in all of these areas.

### Arrangement on Delegated Cooperation (negotiated template)

- This is a common template for arrangements on delegated cooperation adopted by the following Nordic Plus members: Denmark, DFID, Finland, Ireland, the Netherlands, Norway and Sida.
- Together with the Nordic Plus Practical Guide on Delegated Cooperation the template is an important tool when Nordic Plus members enter into delegated cooperation arrangements. However, the template only serves as a starting point in the drafting process. It is important that the end result of the drafting process fits the particularities of each cooperation.
- The Arrangement should preferably be entered into at ministry or agency level. If there are more Donors than two, insert the additional Donors' names in the heading. The template presupposes that the commitments between the Lead Donor and the Partner country are laid down in a "Project Arrangement". Lead Donors who prefer entering into "Agreements" with the Partner country instead of "Arrangements" when being Lead Donor, should replace "Project Arrangement" with "Project Agreement" at relevant places in the template.

### **Arrangement on Delegated Cooperation between the Norwegian Ministry of Climate and Environment (MCE), and the UK Foreign, Commonwealth & Development Office (FCDO) and the Ministry of Foreign Affairs of the Netherlands (DGIS) regarding support to *Tropical Forest Alliance Phase 3***

(MCE Ref. 21/1377, FCDO Purchase Order 40127228)

WHEREAS the World Economic Forum (WEF) (the Grant Recipient) has requested FCDO, DGIS and MCE (the Donors) to support Tropical Forest Alliance Phase 3 (the Project);

WHEREAS the Donors have decided to comply with the request, and wish to channel their support through the Norwegian Ministry of Climate and Environment (MCE) (the Lead Donor), who will take on the responsibility of acting on behalf of FCDO and DGIS (the Co-Donors) as specified in this arrangement on delegated cooperation (this Arrangement);

WHEREAS the Lead Donor will enter into an arrangement with WEF (the Project Arrangement) regarding support to and implementation of the Project;

WHEREAS respect for human rights, democratic principles, the rule of law and good governance will form the basis of the cooperation and constitute essential elements of this Arrangement and the Project Arrangement;

NOW THEREFORE the Donors have reached the following understanding:

#### **Paragraph I Scope and objectives**

1. This Arrangement sets forth common provisions and procedures for the delegated cooperation between the Donors regarding their support to the Project. The objective of the Arrangement is to improve donor coordination and harmonisation through delegated cooperation, thereby reducing the administrative burden of WEF and enhancing the efficiency of the Donors' development cooperation.
2. The scope of the Project as well as the provisions for the Donors' support to the Project towards WEF will be defined in the Project Arrangement which the Lead Donor will enter into with WEF. The Project Arrangement will clearly state the Donors' co-financing of the Project and the Lead Donor's authority to represent the Donors in accordance with this Arrangement. The Co-Donors will carry no responsibility or liability towards WEF for the implementation of the Project Arrangement.



Before entering into the Project Arrangement, the Lead Donor will submit a copy of the final draft Project Arrangement to the Co-Donors for approval. The same applies in respect of any amendments to the Project Arrangement, which will also be subject to consultations, see Paragraph III, Section 3. Further, the Lead Donor will submit a copy of this Arrangement to WEF as soon as it has been entered into.

3. No offer, payment, consideration, gift or benefit of any kind, which could be regarded as an illegal or corrupt practice, has or will be made, promised, sought or accepted, neither directly nor indirectly, as an inducement or reward in relation to activities funded under this Arrangement, incl. tendering, award or execution of contracts. Any such practice will be grounds for the immediate cancellation of this Arrangement and for such additional action, civil and/or criminal, as may be appropriate.
4. The Lead Donor will immediately and without undue delay inform the other Donors of any event which interferes or threatens to materially interfere with the successful implementation of the Project including credible suspicion of or actual fraud, corruption, terrorist financing or any other financial irregularity or impropriety.
5. In the event of any credible indications that the Donors funds may have been subject to financial irregularities, any of the Donors may at any time during the period of this arrangement and up to five years after the end of the Project, arrange for additional fraud investigations, on-the spot checks and / or inspections to be carried out. These may be carried out by the Lead Donor, or any authorized representatives of the Donors after agreement with the Lead Donor.
6. The Donors have a zero tolerance for inaction approach to tackling sexual exploitation, abuse and sexual harassment ("SEAH") and agree that the terms set out in Annex 1 will be included in the Project Arrangement with the Grant Recipient

#### **Paragraph II Contribution of the Donors**

1. The Donors will, subject to parliamentary appropriations, make total contributions not exceeding the following amounts (collectively referred to as the Contribution) exclusively to support the Project in the period July 1<sup>st</sup> 2021 to June 30<sup>th</sup> 2024:

		<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Total</b>
<b>Norway, MCE</b>	<b>NOK</b>	<b>16,000,000</b>	<b>14,000,000</b>	<b>5,000,000</b>	<b>35,000,000</b>
<b>UK, FCDO</b>	<b>GBP</b>	<b>750,000</b>	<b>750,000</b>	<b>500,000</b>	<b>2,000,000*</b>
<b>Netherland, DGIS</b>	<b>CHF</b>	<b>1,600,000</b>	<b>1,000,000</b>	<b>1,000,000</b>	<b>3,600,000</b>
Illustrative total**	CHF	4,300,000	3,480,000	2,180,000	9,960,000
WEF/TFA request***	CHF	4,310,096	3,488,894	2,181,304	9,980,294

\* Final disbursement from FCDO by 31<sup>st</sup> July 2023.

\*\* Illustrative total included to allow for an approximate comparison between commitment and WEF/TFA budget request. Based on exchange rates GBP (11.60) and CHF (9.15) to NOK, May 2021 (rounded figures). This is not a commitment; **all commitments are per donors preferred currency only (bold figures)**. The accumulated total will hence depend on exchange rates at the day of payment and cannot be a fixed commitment. Under the same assumptions and qualifications, UK contributes approximately 26% to the total commitment, Nederland 36% and Norway 38%.

\*\*\* As per WEF/TFA project proposal.

The annual breakdown is tentative, based on submitted project budget from WEF.

2. Upon completion of the Project any remaining Project funds on the bank account of the Lead Donor mentioned in Paragraph IV, Section 2, including any unspent interests and funds returned from WEF according to the Project Arrangement will be refunded on a proportional basis unless otherwise decided by the Donors.

#### **Paragraph III Cooperation and representation**

1. The Lead Donor will administer the Contribution and follow up the Project towards WEF in accordance with the stipulations in the Project arrangement and the Lead Donor's prevailing general principles and guidelines for development assistance.
2. The Lead Donor will consult with the Co-Donors in case fundamental changes which adversely affect the Project occur and before making any decision of principle regarding the Project, e.g. before suspension or termination of, or amendments to, the Project Arrangement.
3. The Donors will meet once a year (the Annual Donor Meeting) no later than one week prior to annual meeting called for by WEF (November each year) in order to discuss the progress of the Project and the cooperation between the Donors. The documentation submitted according to Paragraph V will form the basis for the discussions. The meeting will be called and chaired by the Lead Donor. The Lead Donor will draft minutes from the meeting, and send the draft for comments and approval to the Co-Donors within two weeks after the meeting. Moreover, the Co-Donors may at any time request a meeting with the Lead Donor to discuss the progress and plans of the Project and the cooperation between the Donors.
4. Subject to applicable law the Co-Donors will be given access, whenever requested, to all documentation and information in the possession of the Lead Donor pertaining to Lead Donor's administration of the Contribution and implementation of the Project. Further, the Lead Donor will obtain from WEF any information or documentation relating to the Project that the Co-Donors may reasonably request.
5. All communication regarding this Arrangement will be directed to:

For the Lead Donor: The Norwegian Ministry of Climate and Environment,  
[postmottak@kld.dep.no](mailto:postmottak@kld.dep.no), marked "21/1377 Support to TFA Phase 3".

For the Co-Donor: DGIS, (10)(2e) Climate Team,  
 (10)(2e) [@minbuza.nl](mailto:@minbuza.nl)

For the Co-Donor: (10)(2e) Adviser, Natural Resources Team,  
 (10)(2e) [@fcdo.gov.uk](mailto:@fcdo.gov.uk)

#### **Paragraph IV Disbursements**

1. Disbursements from the Co-Donors to the Lead Donor will be made semiannually, by 31<sup>st</sup> August and 28<sup>th</sup> February, depending on the progress and performance to date and the liquidity needs of the Project the coming period of six months. Upon receiving disbursement requests from WEF the Lead Donor will submit written disbursement requests to the Co-Donors minimum two weeks before the deadline. Such a request from the Lead Donor will contain the information received in the disbursement request from WEF and an overview of total donor contributions to the Lead Donor, total disbursements to WEF, and total actuals (as received by WEF) in CHF.

Unless otherwise decided each Donor's annual contribution to disbursement to WEF will be proportional among the Donors.

2. The Co-Donors will disburse its contribution to the Lead Donor's bank account upon approval of the disbursement requests from the Lead Donor. The Lead Donor will immediately in writing acknowledge receipt of the contribution. Upon receiving the Co-Donor's contribution, the Lead Donor will disburse the contributions to WEF.

#### **Paragraph V Reporting**

1. Within one week before the Annual Donor Meeting the Lead Donor will submit to the Co-Donors for information a copy the following documentation which WEF has

submitted for the forthcoming annual meeting with the Donors:

- the annual progress report
- the annual financial statement
- the audit report of the preceding fiscal year
- the work plan and budget for the subsequent fiscal year.

Within the same deadline the Lead Donor will submit to the Co-Donors for information:

- Lead Donor's assessment of the above mentioned documentation
- Lead Donor's draft points for the meeting with WEF highlighting key issues and strategic matters which the Lead Donor suggests to discuss with WEF.

The above-mentioned provisions will apply correspondingly to the final report, the final financial statements and the final audit report from WEF.

2. The Lead Donor will further submit to the Co-Donors for information, as soon as it is available, a copy of the agreed minutes from the annual meeting with WEF.
3. If a review or evaluation of the Project is carried out, the following will be submitted to the Co-Donors for information:
  - prior to the review/evaluation a copy of the draft Terms of Reference
  - a copy the review/evaluation report
  - any comments by the WEF to the report
  - the Lead Donor's assessment of the report and suggestions to any follow up actions.
4. Together with the disbursement request for the co-donors, and following the deadlines in Paragraph IV, Section 1, the Lead Donor will submit to the Co-Donors financial statements showing, funds received from the Co-Donors, funds disbursed to WEF, and the balance of the Contribution carried over to the following year. The financial statements will be in NOK and calculated equivalent in CHF. The Co-donors will receive an letter of approval of the annual progress and financial reports including the amount of the accounted expenditures in the currency in which the Co-donors has paid (including a calculation).

#### **Paragraph VI Reservations**

1. The Donors will do their utmost to reach a joint position on how to handle the matter if one or more of the Donors are of the opinion that its contribution has not been, or will not be, used and/or accounted for by WEF as described in the Project Arrangement, including if one or more of the Donors are of the opinion that political changes which would negatively affect the achievement of the goal and objectives of the Project have occurred. The Donors may decide, without affecting other actions, that the Lead Donor will:
  - withhold/suspend any future disbursements to WEF
  - reclaim all or part of the funds already disbursed to WEF and/or
  - cancel the Project Arrangement and this Arrangement.
2. If the Donors are unable to reach a joint position on how to handle the matter, each Donor may, without affecting other actions:
  - withhold/suspend any future disbursements to the Lead Donor
  - reclaim any contribution transferred to the Lead Donor, but not yet disbursed to WEF and/or
  - request, in respect of its contribution, that the Lead Donor takes any such action as mentioned in Section 1 above towards WEF.

3. If the Lead Donor does not fulfil its commitments according to this Arrangement, each Co-Donors may, after consultations with the Lead Donor, without affecting other actions:

- withhold/suspend any future disbursements
- reclaim all or part of funds already disbursed to the Lead Donor and/or
- cancel this Arrangement.

In respect of funds already disbursed or irrevocably committed to WEF or any other third party in accordance with this Arrangement, the Lead Donor's repayment to the Co-Donor(s) will be limited to the amount repaid by WEF or such third party.

4. The Lead Donor will inform WEF immediately in writing of any action as referred to in this paragraph, and will take any necessary actions in respect of the Project Arrangement, including (partially) cancel the Project Arrangement. In case of cancellation of this Arrangement by one or more of the Donors, the Donors will consult with each other and WEF on how to bring the Arrangement to an orderly end in respect of the cancelling Donor(s). Any amount corresponding to the contribution by the cancelling Donors which remains unspent by WEF will be returned to that/those Donors immediately and unconditionally unless otherwise decided by the Donors.

In respect of unspent funds in the possession of WEF the Lead Donor will exercise its best efforts in reclaiming the cancelling/reclaiming Donors contribution from WEF. However, the Lead Donor will not cover/reimburse any amounts which are not repaid by WEF or which have been irrevocably committed in good faith to any third party.

#### **Paragraph VII Duration - Disputes**

1. The delegated cooperation under this Arrangement will start on the date it is signed by the Donors, and will end on 31<sup>st</sup> June 2024 unless the Donors decide to change the date.
2. Each Donor may terminate this Arrangement upon four months written notice to the other Donors. Paragraph VI, Section 4 will apply accordingly.
3. If any dispute arises relating to the implementation or interpretation of this Arrangement, the Donors will consult with a view to reaching a solution.

The undersigned have signed the Arrangement in three originals in the English language.

Date the 24 day of June of 2021.

For MCE

For FCDO

(10)(2e)

(10)(2e)  
Adviser, Natural Resources Team

For DGIS

(10)(2e)

(10)(2e) Climate Team

## ANNEX 1– JOINT DONOR LANGUAGE ON SEAH

1. The Donors have a zero tolerance for inaction approach to tackling sexual exploitation, abuse and harassment (“SEAH”).<sup>[1]</sup> This means the Grant Recipient, and its implementing partners, will take all reasonable and adequate steps to prevent SEAH of any person linked to the delivery of the Project Arrangement by both its employees and any implementing partner and respond appropriately when reports of SEAH arise. The Grant Recipient must apply the IASC Six Core Principles Relating to Sexual Exploitation and Abuse and the following principles and practices when implementing this project and provide evidence to demonstrate this where required:

- a) Adherence to the IASC-Minimum Operation Standards and/or SEA elements of the Core Humanitarian Standard on Quality and Accountability;
- b) A survivor-centred approach<sup>[2]</sup> to SEAH issues;
- c) Strong leadership and signalling on tackling SEAH;
- d) Make all reasonable and adequate efforts to address gender inequality and other power imbalances;
- e) Robust reporting to enhance accountability and transparency;
- f) Ensure that SEAH standards from this arrangement are reflected in funding templates with implementing partners, [for UN entities: by means such as, but not limited to, adherence to the United Nations Protocol on Allegations of Sexual Exploitation and Abuse Involving Implementing Partners.]

2. The Grant Recipient will adhere to the following reporting requirements:

- a. The Grant Recipient will promptly contact the Donors through written notice to [reportingconcerns@fcdo.gov.uk](mailto:reportingconcerns@fcdo.gov.uk), [Postmottak@kld.dep.no](mailto:Postmottak@kld.dep.no) and [safeguarding@minbuza.nl](mailto:safeguarding@minbuza.nl) to report any allegation credible enough to warrant an investigation of SEAH related to this Memorandum.
- b. The Grant Recipient should also promptly report to [reportingconcerns@fcdo.gov.uk](mailto:reportingconcerns@fcdo.gov.uk), [Postmottak@kld.dep.no](mailto:Postmottak@kld.dep.no) and [safeguarding@minbuza.nl](mailto:safeguarding@minbuza.nl) any allegation credible enough to warrant an investigation of SEAH that are not directly related to this Memorandum but would be of significant impact to the partnership.
- c.
3. The report, as referred to in paragraph 2.a and 2.b, will indicate: [agreement/arrangement number], nature of the alleged misconduct, date of alleged misconduct, date of first report to Grant Recipient, location [as/if specified by [donor]], involvement of implementing partner, state of affairs concerning the investigation and the action that will be taken by the Partner, and whether the case is referred to law enforcement. The organisation will provide updates on the status of the case. The notice will be given in writing and delivered to the point of contact mentioned in paragraph 2.a and 2.b.

4. It is understood and accepted that the Grant Recipients arrangement to report on SEAH is subject to not compromising the safety, security, privacy and due process rights of any concerned persons.

<sup>[1]</sup> See UNGA Resolution A/RES/73/148 for the definition of sexual harassment and UNSG Bulletin ST/SGB/2003/13 for the definition of sexual exploitation and abuse. Both definitions are included in the DAC Recommendation on Ending Sexual Exploitation, Abuse, and Harassment in Development Co-operation and Humanitarian Assistance: Key Pillars of Prevention and Response.

<sup>[2]</sup> A survivor-centred approach is one for which the survivor’s dignity, experiences, considerations, needs, and resiliencies are placed at the centre of the process, from the initial program design to investigating and responding to potential incidents. Consistent with the *UN Protocol on Allegations of SEA Involving Implementing Partners*, the survivor should be informed, participate in the decision-making process, and provide consent on the possible use and disclosure of their information. Those interacting with the survivor and/or handling information regarding the allegation must maintain confidentiality, ensure safety of the survivor, and apply survivor-centred principles which are safety, confidentiality, respect, and non-discrimination. When the survivor is a child, the approach must consider the best interests of the child and engage with the family/caregivers as appropriate. Staff and partners should comply with host country and local child welfare and protection legislation and international standards, whichever gives greater protection.



5. When the Grant Recipient becomes aware of suspicions or complaints of SEAH, the Grant Recipient will take swift and appropriate action to stop harm occurring, investigate and report to relevant authorities (for criminal matters) when safe to do so and after considering the wishes of the survivor.