World Investment Report

2003 FDI Policies for Development: National and International Perspectives



United Nations New York and Geneva, 2003

NOTE

UNCTAD serves as the focal point within the United Nations Secretariat for all matters related to foreign direct investment and transnational corporations. In the past, the Programme on Transnational Corporations was carried out by the United Nations Centre on Transnational Corporations (1975-1992) and the Transnational Corporations and Management Division of the United Nations Department of Economic and Social Development (1992-1993). In 1993, the Programme was transferred to the United Nations Conference on Trade and Development. UNCTAD seeks to further the understanding of the nature of transnational corporations and their contribution to development and to create an enabling environment for international investment and enterprise development. UNCTAD's work is carried out through intergovernmental deliberations, technical assistance activities, seminars, workshops and conferences.

The term "country" as used in this study also refers, as appropriate, to territories or areas; the designations employed and the presentation of the material do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries. In addition, the designations of country groups are intended solely for statistical or analytical convenience and do not necessarily express a judgement about the stage of development reached by a particular country or area in the development process. The reference to a company and its activities should not be construed as an endorsement by UNCTAD of the company or its activities.

The boundaries and names shown and designations used on the maps presented in this publication do not imply official endorsement or acceptance by the United Nations.

The following symbols have been used in the tables:

Two dots (..) indicate that data are not available or are not separately reported. Rows in tables have been omitted in those cases where no data are available for any of the elements in the row;

A dash (-) indicates that the item is equal to zero or its value is negligible;

A blank in a table indicates that the item is not applicable, unless otherwise indicated;

A slash (/) between dates representing years, e.g., 1994/95, indicates a financial year;

Use of a hyphen (-) between dates representing years, e.g., 1994-1995, signifies the full period involved, including the beginning and end years;

Reference to "dollars" (\$) means United States dollars, unless otherwise indicated;

Annual rates of growth or change, unless otherwise stated, refer to annual compound rates;

Details and percentages in tables do not necessarily add to totals because of rounding.

The material contained in this study may be freely quoted with appropriate acknowledgement.

UNITED NATIONS PUBLICATION

Sales No. E.03.II.D.8

ISBN 92-1-112580-4

Copyright © United Nations, 2003 All rights reserved Manufactured in Switzerland

PREFACE

With its enormous potential to create jobs, raise productivity, enhance exports and transfer technology, foreign direct investment is a vital factor in the long-term economic development of the world's developing countries. Yet global investment inflows have declined significantly, from \$1.4 trillion in 2000 to \$650 billion in 2002, raising considerable concerns about prospects for achieving the Millennium Development Goals.

The World Investment Report 2003 looks in detail at what lies behind the downturn, how various regions and countries have fared, and what the chances are for recovery and growth in FDI flows at the global and regional levels.

The *Report* also assesses the interaction between national and international FDI policies and the implications this has for development. As competition for foreign direct investment increases, policies vis-à-vis transnational corporations are evolving. While national policies are the most important consideration in attracting such investment and benefiting more from it, they are increasingly being affected by rule-making at the international level. The challenge is to find a development-oriented balance.

Toward that end, the *Report* highlights some of the key issues, from the perspective of development, that need to be considered in investment agreements. Whether, how and where governments negotiate investment agreements is, of course, their own sovereign decision. But if such agreements are negotiated, the need to reduce poverty and stimulate development should take a central place as a guiding principle of such negotiations. Only then will we be able to say that investment can truly achieve its objectives.

Kofi A Annan

Secretary-General of the United Nations

New York, July 2003

ACKNOWLEDGEMENTS

The World Investment Report 2003 (WIR03) was prepared — under the overall direction of Karl P. Sauvant — by a team comprising Americo Beviglia Zampetti, Persephone Economou, Kumi Endo, Torbjörn Fredriksson, Masataka Fujita, Kálmán Kalotay, Michael Lim, Padma Mallampally, Abraham Negash, Hilary Nwokeabia, Ludger Odenthal, Miguel Pérez-Ludeña, Kee Hwee Wee, Katja Weigl and Zbigniew Zimny. Specific inputs were prepared by Rory Allan, Victoria Aranda, Douglas van den Berghe, Sirn Byung Kim, Anh-Nga Tran-Nguyen, Jörg Simon, James Xiaoning Zhan and Yong Zhang.

Principal research assistance was provided by Mohamed Chiraz Baly, Bradley Boicourt, John Bolmer, Lizanne Martinez and Tadelle Taye. Eva Oskam and Jeroen Dickhof assisted as interns at various stages. The production of the *WIR03* was carried out by Christopher Corbet, Lilian Mercado, Lynda Piscopo, Chantal Rakotondrainibe and Esther Valdivia-Fyfe. Graphics were done by Diego Oyarzun-Reyes. *WIR03* was desktop published by Teresita Sabico. It was edited by Bruce Ross-Larson and Meta de Coquereaumont.

Sanjaya Lall and Peter Muchlinski were principal consultants.

The *Report* benefited from inputs provided by participants in a Global Seminar in Geneva in May 2003, organized in cooperation with the Development Policy Forum of InWEnt on the special topic of *WIR03*. Participants were Florian Alburo, Sanchita Chatterjee, Benno Ferrarini, Susan Hayter, Yao-Su Hu, Datin Kaziah Abdul Kadir, Nagesh Kumar, Mariano Laplane, Howard Mann, Richard Newfarmer, Farooq Sobhan, M. Sornarajah and Miklos Szanyi.

Inputs were also received from Stanimir A. Alexandrov, Lorraine Eden, David Frans, Xing Houyuan, Mark Koulen, Julia Mikerova, Lilach Nachum, Roger Nellist, Assad Omer, Pedro Roffe, Pierre Sauvé, Frank Roger, Len Trevino and Rob van Tulder.

Comments and feedback were received during various stages of preparation from Robert Anderson, Audo Araújo Faleiro, Yoko Asuyama, Vudayagiri Balasubramanyam, Maria Borga, Peter Brimble, Philip Brusick, Peter Buckley, José Durán, Richard Eglin, Roderick Floud, Rainer Geiger, Andrea Goldstein, Kathryn Gordon, Charles Gore, Jim Gunderson, Jeffery Heinrich, Barry Herman, Pinfang Hong, Marie-France Houde, Anna Joubin-Bret, Joachim Karl, John Kline, Jesse Kreier, Tatjana Krylova, Sam Laird, Martha Lara, Don Lecraw, Robert Lipsey, Henry Loewendahl, Mina Mashayekhi, Raymond J. Mataloni, Anne Miroux, Hafiz Mirza, Juan Carlos Moreno-Brid, Michael Mortimore, Peter Nunnenkamp, Herbert Oberhänsli, Sheila Page, Antonio Parra, Carlo Pettinato, Craig Parsons, Sol Picciotto, Gwenael Quere, Prasada Reddy, Lorraine Ruffing, Hassan Qaqaya, Maryse Roberts, Patrick Robinson, Rodrigo Sabbatini, Nicolo Gligo Saenz, A. Edward Safarian, Magdolna Sass, Christoph H. Schreuer, Prakash Sethi, Angelika Sitz, Marjan Svetlicic, Taffere Tesfachew, Peter Utting, Thomas Wälde, Jörg Weber, Louis Wells, Gerald West and Christopher Wilkie. Comments were also received from delegates participating in the WTO Working Group on the Relationship between Trade and Investment.

Numerous officials of central banks, statistical offices, investment promotion and other government agencies, and officials of international organizations and non-governmental organizations, as well as executives of a number of companies, also contributed to WIRO3, especially through the provision of data and other information. Most particularly, they include BusinessMap from South Africa and the participants of the OGEMID network led by Thomas Wälde, and UNCTAD's network of experts on international investment agreements.

The Report benefited from overall advice from John H. Dunning, Senior Economic Advisor.

The financial support of the Governments of Germany, Norway, Sweden and the United Kingdom is gratefully acknowledged.

Table of contents

			Page
PR	EF	'ACE	iii
AC	CKN	NOWLEDGEMENTS	iv
OV	Æ	RVIEW	xiii
		PART ONE	
		FDI FALLS AGAIN—UNEVENLY	
CH	IAF	PTER I. FDI DOWN 21% GLOBALLY	3
A.	Th	ne downturn continues	4
B.	Th	ne unevenness of the downturn	5
C.	Pe	rformance Index captures the downturn's unevenness	9
D.		hy the downturn?	15 17
E.	So	ftening the impact	
F.	То	wards mega blocks?	23
G.	Pr	ospects	26
CH	IAF	PTER II. UNEVEN PERFORMANCE ACROSS REGIONS	33
Int	rod	luction	33
A.		eveloping countries	
	1.	11114	
		a. FDI down by two-fifthsb. Policy developments—improving the investment climate	34
		b. Policy developments—improving the investment climate	
		c. Trospects—quick recovery fixery	31
	2.	Asia and the Pacific	40
	۷٠	a. FDI down again, but several countries receiving significantly higher flows	
		b. Policy developments—more unilateral measures to improve the investment environments	
		c. Long-term prospects promising but short-term outlook uncertain	
	3.	Latin America and the Caribbean	
		a. The downturn—concentrated in Argentina, Brazil and Chile	
		b. Policy developments—linking FDI to development strategies	
		c. 1 rospects—not much change	50
B.	Ce	entral and Eastern Europe	
	1.	Defying the global trend	60
	2.	FDI in the Russian Federation—taking off?	62
	3. 4	The challenge of EU enlargement.	64 66
	4	FIUNDELIN-HOSHV SHIIIV	חח

		Page
C.	Developed countries	68
	1. FDI down, as cross-border M&As dwindle	
	Policy developments—continuing liberalization	
	3. Trospects—finging on economic recovery	
	PART TWO	
	ENHANCING THE DEVELOPMENT DIMENSIO	N OF
	INTERNATIONAL INVESTMENT AGREEMEN	NTS
IN	TRODUCTION	83
CF	HAPTER III. KEY NATIONAL FDI POLICIES AND INTERNAT	TIONAL
	VESTMENT AGREEMENTS	
Α.	Key national FDI policies	86
	1. Attracting investment	86
	2. Benefiting more from FDI	
	3. Addressing concerns about TNCs	88
В.	The growth of IIAs	
	1. Bilateral agreements	
	 Regional and interregional agreements Multilateral agreements 	
\mathbf{C}	Features of IIAs at different levels	
C.	1. Bilateral approaches	
	2. Regional and interregional approaches	94
	3. Multilateral approaches	
CF	HAPTER IV. EIGHT KEY ISSUES: NATIONAL EXPERIENCES	
	ND INTERNATIONAL APPROACHES	99
Α.	Definition of investment	99
	1. Why the definition of investment matters	99
	2. Scope of definitions	100
	3. Options for the future	101
В.	National treatment	
	1. The centrality of national treatment	
	Patterns of national policy National treatment and economic impact	
	a. Pre-establishment	
	b. Post-establishment	
	4. National treatment in IIAs	
	5. Options for the future	109
c.	Nationalization and expropriation	110
	1. The sensitivity of indirect takings and national policy dilemmas	110
	2. Coverage in IIAs	112
D.	Dispute settlement	114
-•	1. National policies on dispute settlement in the investment field	
	2. Legal effectiveness	115
	3. Coverage in IIAs	
	4. Key issues and options for the future	116

		Page
Ε.	Performance requirements	119
	1. Why use them?	119
	2. Declining incidence	
	3. How effective are they?	
	4. Coverage in IIAs	120
	5. Options for the future	
F.	Incentives	123
	1. Why use them?	
	2. Incentives-based competition for FDI intensifies	
	3. Are incentives worth their cost?	
	4. Few international agreements restrict the use of incentives—but some do	
	5. Options for the future	
G.	Transfer of technology	120
G.	1. The need for policies to promote technology transfer	
	2. Shifting towards a more market-friendly approach in national policies	129
	3. The right mix of policy instruments and conditions	
	4. International agreements mirror the shift in national policies	
	4. International agreements infror the shift in national policies	131
H.	Competition policy	134
	1. Policy challenges	134
	2. International cooperation arrangements	
CF	HAPTER V. THE IMPORTANCE OF NATIONAL POLICY SPACE	145
A.	Objectives of IIAs	147
В.	Structure	147
C	Content	140
D.	Implementation of IIAs	151
CF	HAPTER VI. HOME COUNTRIES AND INVESTORS	155
Α.	Home country measures	155
	1. Broad scope of measures	155
	2. Current use by developed countries	
	3. Effectiveness	
	4. The IIA dimension	
	5. Enhancing the development dimension	161
B.	Good corporate citizenship	164
	1. The concept	164
	2. Its international dimension	166
PA	ART TWO CONCLUSIONS: THE CHALLENGE	
	F THE DEVELOPMENT DIMENSION	171
JI		I/I
RF	EFERENCES	173
AN	NNEX A. ADDITIONAL TEXT TABLES	185
ΔΝ	NNEX B. STATISTICAL ANNEX	231
TTT	, 11 27 77 77 87 8 8 8 8 8 8 8 8 8 8 8 8 8 8	

		Page
	ECTED UNCTAD PUBLICATIONS ON TRANSNATIONAL	
COR	PORATIONS AND FOREIGN DIRECT INVESTMENT	299
QUESTIONNAIRE		
QCL		
	Boxes	
I.1.	The world's largest transnational corporations	5
I.2.	FDI booms and busts since 1970	16
I.3.	Divestment: factors and evidence	18
I.4.	Technology payments by developing countries and the FDI downturn	20
I.5.	UNCTAD's survey of investment promotion agencies	28
I.6.	Is a recovery in FDI flows on the way?	
II.1.	What Investment Policy Reviews show	36
II.2.	The need for an integrated approach to attract FDI to Africa and benefit more from it:	20
11.2	an African Investment Initiative	
II.3. II.4.	The FDI census in Bangladesh	42
II.4. II.5.	Effects of regional agreements on FDI in Asia	
II.6.	Indonesia's Investment Year 2003	
II.0. II.7.	The Indo-Lanka free trade agreement and FDI	
II.7. II.8.	Regional integration and TNC production networks in ASEAN	
II.9.	A new FDI strategy in Chile	
II.10.	NAFTA and FDI	50
II.10.	What made Luxembourg the world's largest FDI recipient and investor in 2002?	
II.11.	What reverse flows mean for Germany's FDI statistics	
II.12.	Measures to promote inward FDI in Japan	77
III.1.	The contents of BITs	
III.2.	Investment highlights of a new-age economic partnership	
III.3.	The Free Trade Area of the Americas	92
IV.1.	How serious is crowding out?	105
IV.2.	The impact of NAFTA on Mexico's policy on admission and establishment	109
IV.3.	Regulatory takings under Chapter 11 of NAFTA—four cases	113
IV.4.	Calculating compensation—the Santa Elena–Costa Rica arbitration	114
IV.5.	Investment arbitration and the control of claims made by investors	117
IV.6.	The OECD's checklist on FDI incentives	128
IV.7.	Implementation of transfer of technology provisions	
V.1.	Regulatory discretion in international trade agreements	145
V.2.	The right to regulate	146
V.3.	Emergency safeguard mechanisms in the area of investment	150
V.4.	The effect of the MFN clause in BITs—the example of performance requirements	152
VI.1.	The Business Linkages Challenge Fund	157
VI.2.	Support for investment and private-sector development in the Cotonou Agreement	160
VI.3.	Home country measures to mitigate risk linked to FDI in LDCs	162
VI 4	The OECD Guidelines for Multinational Enterprises	

预览已结束,完整报告链接和二维码如下:

https://www.yunbaogao.cn/report/index/report?reportId=5_6647



