

## IMPLEMENTING AN INVESTMENT FACILITATION FOR DEVELOPMENT AGREEMENT

How to self-assess implementation gaps and  
technical assistance needs

Technical paper

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## About the paper

This report is part of a series of background papers written in the context of a project by the International Trade Centre (ITC) and the German Institute of Development and Sustainability (IDOS) on “Investment Facilitation for Development.” The project supports the negotiations on a multilateral framework on investment facilitation for development by building negotiation capacity in developing (including least developed) countries, channeling ground-level and analytical expertise to negotiators and promoting public discussions of issues related to investment facilitation for development.

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## Acronyms

EUI	European University Institute
FDI	Foreign direct investment
GDPR	General Data Protection Regulation
GIZ	Gesellschaft für Internationale Zusammenarbeit
IADB	Inter-American Development Bank
IDOS	German Institute of Development and Sustainability
IFD	Investment Facilitation for Development
IISD	International Institute for Sustainable Development
IPA	Investment promotion agency
ITC	International Trade Centre
LDC	Least developed countries
NGO	Non-governmental organisations
OECD	Organisation for Economic Co-operation and Development
TACB	Technical assistance and capacity-building
TFA	Trade Facilitation Agreement
UNCTAD	United Nations Conference on Trade and Development
UNECA	United Nations Economic Commission for Africa
UNESCAP	United Nations Economic Commission for Asia and Pacific
US	United States of America
WEF	World Economic Forum
WTO	World Trade Organization
ZIPAR	Zambia Institute for Policy Analysis and Research

## Executive summary

Low- and lower-middle income countries are the potential main beneficiaries of a future World Trade Organization (WTO) Investment Facilitation for Development (IFD) Agreement. Yet, in order for the potential gains to fully materialize, a key element is to establish an international support structure with WTO Member country-led needs assessments. The results of such needs assessments serve as a starting point for Members to submit their notifications to the WTO under the section on special and differential treatment of the IFD Agreement. This paper outlines the proposal for such a needs assessment, drawing on the experiences of the Trade Facilitation Agreement (TFA) and recent pilot needs assessments in the context of a research project conducted by the German Institute of Development and Sustainability (IDOS). The paper aims to assist WTO Members in preparing and conducting self-assessments in the context of the IFD Agreement.

A needs assessment process for an IFD Agreement should put the host country in the driver's seat, adopt a whole-of-government and multi-stakeholder approach, and make use of a standardized self-assessment guide, developed by the WTO Secretariat with the support of FDI-competent international and regional organizations. Experience from the pilot needs assessments indicates that such a process should furthermore account for specific characteristics of the IFD Agreement. These are, for example, a very precise selection of participants from different institutions and an intensive content-related preparation of participants and involved staff. Moreover, given the Agreement's focus on development, the approach should also align the implementation of investment facilitation measures with countries' sustainable development strategies.

A workshop involving all relevant stakeholders is the core element of a needs assessment process. The workshop aims to complete so-called needs assessment forms, which ask for the current implementation status of all substantive IFD articles, existing barriers, as well as national policy actions and areas for external technical assistance and capacity building (TACB) to overcome these barriers. We suggest five steps for a needs assessment process under the IFD Agreement:



### Step 1: Designation of a national coordination agency

- **Choose an adequate national coordinating agency** that has the necessary expertise on trade and investment policymaking as well as authority vis-à-vis other governmental agencies to organize the workshop and steer the overall process.
- **The agency assumes responsibility for the workshop organization and beyond.** Next to the careful identification and invitation of all relevant stakeholders, the coordinating agency organizes capacity-building trainings, the self-assessment workshop and any follow-up activities.



### Step 2: Identification of key stakeholders

- **Follow a whole-of-government and multi-stakeholder approach.** Given the IFD Agreement's broad scope and its potential impact on a large set of laws, regulations and administrative practices, a wide range of actors from both government and non-governmental institutions have to be assembled.
- **The involvement of non-governmental stakeholders is crucial to assess the implementation of the IFD Agreement's articles.** The views of domestic and foreign investors are crucial to assess the *de facto* implementation of the IFD Agreement, as are labour unions, academic and research institutions, and civil society organizations due to their on-the-ground knowledge.



### Step 3: Assignment and training of staff required for needs assessment

- **In order to ensure an effective needs assessment workshop, three key roles need to be filled with knowledgeable experts.** While **facilitators** guide the workshop discussions and provide technical knowledge, **note takers** document the discussion and its outcome. An **event manager** takes overall logistical tasks for organizing trainings, capacity-building events and the assessment workshop.
- **Prepare the staff thoroughly.** Several facilitators and note takers are required for the workshop conduction. As not all of them may be familiar with the Agreement and its more than 20 substantive articles, additional training may be necessary to ensure a productive needs assessment process.



### Step 4: Capacity building and pre-assessment

- **Conduct upstream capacity-building measures for participants.** An IFD-related capacity-building event and the circulation of an information package help ensure meaningful and comprehensive discussions among the stakeholders during the workshop.
- **Pre-assess the implementation of IFD Agreement articles.** Ask participants to fill out needs assessment forms beforehand, so that these can be used as a foundation and guidance for group discussions as part of the workshop.



### Step 5: Conducting the needs assessment workshop

- **Group discussions provide the framework for carrying out the self-assessment.** The needs assessment forms should be completed under guidance of facilitators, by using the self-assessment guide to ensure a common information and conceptual basis across Members.
- **Make use of plenary sessions to discuss diverse viewpoints.** While the needs assessment forms should be initially completed within smaller groups, another review should be conducted by all participants in the plenary to make use of diverse viewpoints and arguments and to validate previously received results.

The suggested process is not to be misunderstood as a one-size-fits-all solution, but should be adapted to the existing needs and circumstances for every single case, still ensuring the best possible framework under the given circumstances.

For a successful IFD Agreement implementation process, it is important to keep the momentum generated by the needs assessment workshop, which brings together most – if not all – relevant stakeholders. A possible institutional arrangement to ensure longer-term follow-up could be a national investment facilitation committee. Establishing such a committee would allow for broad support of the implementation of the IFD Agreement, including all relevant perspectives during the implementation phase after the entry into force of the Agreement. Such a committee can also maintain the link to the future WTO Investment Facilitation Committee and serve as the point of contact for international donors to ensure coordinated and aligned TACB support.



## I. INTRODUCTION

More than 110 Members of the World Trade Organization (WTO) are negotiating an Investment Facilitation for Development (IFD) Agreement. The goal of the Agreement is to help attract and retain foreign direct investment (FDI) through a reduction of transaction costs faced by foreign investors. More specifically, the Agreement aims to set up “a more transparent, efficient and investment-friendly business climate – by making it easier for investors to invest, conduct their day-to-day business and to expand their existing investments (whole-investment-lifecycle approach). Its focus is not on changing Members’ investment policies, but on making investment policies more transparent and predictable, as well as investment-related administrative procedures more streamlined and efficient” (WTO, 2021b, p. 2), with the objective of sustaining and reinforcing sustainable development.

Low- and lower-middle income countries have been identified as the potential main beneficiaries, according to a recent study modelling the potential economic impacts of an IFD Agreement.<sup>1</sup> At the same time, this group of countries has the lowest levels in terms of the adoption of investment facilitation measures.<sup>2</sup> Hence, reform needs are likely to be substantial in many developing and least developed countries (LDCs) for them to benefit from a future Agreement. Crucially, the potential gains will only materialize if these countries are able to effectively implement the IFD Agreement’s articles.

While the negotiations are ongoing, Members have started to reflect on a support structure to help developing countries implement the future Agreement. The IFD Agreement adopts the approach of the Trade Facilitation Agreement (TFA) for special and differential treatment, which makes the implementation of articles dependent on the actual capacities of the Members. A key element of such a support structure will be a process to help Members to self-assess their implementation gaps, policy reforms and external assistance needs.<sup>3</sup> Furthermore, such needs assessments are a key tool to help Members prepare their notifications obligation to the WTO Investment Facilitation Committee after the entry into force of the Agreement. According to the IFD Agreement draft, developing-country and LDC Members can implement certain articles upon the entry into force of the Agreement, after a certain transition period or after the provision of technical assistance and support for capacity building. To facilitate such a needs assessment process, the negotiating parties agreed in February 2022 to set up a working group involving FDI-competent regional and international organizations to develop a self-assessment guide to be used by Members for assessing their implementation readiness.<sup>4</sup>

A self-assessment process in the framework of the IFD Agreement has several benefits for developing-country and LDC Members of the WTO:

1. An assessment of the current situation in terms of the implementation of the Agreement’s articles helps to raise awareness among stakeholders at the country level about the benefits and challenges of the future Agreement. It also helps to create knowledge and awareness on the content of the Agreement and related implementation challenges. This allows the establishment of an epistemic community, which assumes a crucial role in the implementation of the Agreement.<sup>5</sup>
2. A self-assessment can help Members to prepare their notifications on the extent and the timing of the implementation of the IFD articles by prioritizing articles, for example in light of their national sustainable development strategies; by developing timetables for the implementation

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<sup>1</sup> Balistreri, E.J., and Z. Olekseyuk (2021). *Economic impacts of investment facilitation*. Working Paper Series 21-WP 615. Ames, Iowa: Iowa State University, Center for Agricultural and Rural Development. Last accessed on 26 October 2022 from <https://www.card.iastate.edu/products/publications/pdf/21wp615.pdf>

<sup>2</sup> Berger, A., A. Dadkhah and Z. Olekseyuk (2021). *Quantifying investment facilitation at country level: introducing a new index*. DIE Discussion Paper 23/2021. Bonn: German Development Institute / Deutsches Institut für Entwicklungspolitik (DIE). Last accessed on 26 October 2022 from [https://www.idos-research.de/uploads/media/DP\\_23.2021.pdf](https://www.idos-research.de/uploads/media/DP_23.2021.pdf)

<sup>3</sup> In the following, we refer to this process as a *needs assessment* for the purpose of simplification.

<sup>4</sup> WTO (2022). *Investment facilitation for development. Investment facilitation negotiators take steps to assess needs of developing countries*. Last accessed on 26 October 2022 from [https://www.wto.org/english/news\\_e/news22\\_e/infac\\_23feb22\\_e.htm](https://www.wto.org/english/news_e/news22_e/infac_23feb22_e.htm)

<sup>5</sup> Hoekman, B. (2022). From trade to investment facilitation: Parallels and differences. In A. Berger and K.P. Sauvart (Eds.). *Investment facilitation for development. A toolkit for policymakers* (pp. 28–42). Technical paper second edition. Geneva: International Trade Centre.

of investment facilitation measures; and by defining technical assistance and capacity-building (TACB) needs.

3. A needs assessment may also help to comprehensively map relevant domestic investment-related regulations and procedures. In fact, such a regulatory mapping should be part of the preparatory work for the assessment of the readiness of a Member to implement the IFD Agreement. Moreover, it is a necessary step to identify redundancies and therefore the potential for streamlining processes.
4. Needs assessments enable a demand-driven provision of external assistance and help international donors better coordinate their activities as well as align their support to the actual needs of developing-country and LDC Members.
5. A first round of needs assessments already during the negotiation phase, or immediately after the conclusion, may provide important feedback from country-based experts and stakeholders that might be useful during the finalizing stage and lead to important insights about the support structure needed to successfully implement the Agreement after its conclusion.

The needs assessment process foreseen under the IFD Agreement builds on a similar process in the context of the TFA, which proved instrumental for its successful conclusion and increased its potential development impact. Although there are important lessons to be learnt from the TFA needs assessment process (as discussed in section 2), important differences need to be taken into account when conceptualizing a similar process in the context of the IFD Agreement. These relate mainly to the scope of the Agreement, the involved stakeholders and the IFD's objective to foster sustainable development.

This paper outlines how a self assessment of implementation gaps and TACB needs for the future IFD Agreement can be conducted by WTO Members. It focuses on practical, process-related aspects of needs assessments and complements the self-assessment guide currently being developed by the WTO Secretariat and several cooperating international and regional organizations.<sup>6</sup> Additionally, we build on lessons learnt during the recently conducted research project of pilot needs assessments in Lao PDR, Togo and Zambia (see text box).<sup>7</sup>

With these objectives in mind, the paper is structured as follows: The subsequent section 2 will outline three key lessons learnt from the needs assessment process under the TFA. The following section 3 encompasses suggestions for a self-assessment process under the IFD Agreement consisting of five steps: designating a national coordinating agency, identifying key stakeholders to be involved, assigning and training required staff, capacity building for staff and stakeholders as well as conducting a needs assessment workshop. This part, presenting the core of this paper, builds on both the lessons learnt from the TFA as well as the experiences from pilot needs assessments in three LDCs. Following this, section 4 explores the challenges and limitations that need to be considered by Members when conducting a self assessment. An outlook on what is required to set investment facilitation into action is provided in section 5, while section 6 concludes this technical paper.

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<sup>6</sup> The WTO Secretariat cooperates with FDI-competent regional and international organizations with regard to the development of the self-assessment guide. These organizations include, among others, the Inter-American Development Bank (IADB), International Trade Centre (ITC), Organisation for Economic Co-operation and Development (OECD), United Nations Conference on Trade and Development (UNCTAD), World Bank Group and the World Economic Forum (WEF).

<sup>7</sup> IDOS (2021). *Implementation of a future WTO investment facilitation agreement: identification of reform needs and development policy measures*. Last accessed on 26 October 2022 from [https://www.idos-research.de/fileadmin/user\\_upload/pdfs/Ausbildung/PGC/20220223\\_2\\_Flyer\\_FT1\\_Sambia-Togo.pdf](https://www.idos-research.de/fileadmin/user_upload/pdfs/Ausbildung/PGC/20220223_2_Flyer_FT1_Sambia-Togo.pdf)

**Info Box: IDOS research project “Implementation of a future WTO Investment Facilitation for Development Agreement: Identification of reform needs and development policy measures”**  
(November 2021–May 2022).

- **Research question:** How can low- and lower-middle-income countries successfully implement key aspects of the WTO Investment Facilitation for Development (IFD) Agreement to contribute to development?
  - o Which **implementation gaps** do countries face with respect to the IFD Agreement?
  - o What are the **key barriers** when trying to implement the IFD Agreement?
  - o What are **common challenges** regarding the implementation of the IFD among countries?
  - o How can development cooperation **technically and financially assist** low- and lower-middle-income countries in building the necessary capacities to implement the future IFD Agreement?
- **Research design:** Pilot needs assessment workshops in three selected countries (Lao PDR, Togo and Zambia) in March and April 2022, with stakeholder groups consisting of national ministries and governmental agencies, domestic private sector, foreign investors, civil society and academia. In addition, workshops with experts from international organisations on potential technical assistance and capacity building.
- **Country selection:** Based on cross-country data on the adoption of investment facilitation measures for the low- and lower-middle-income countries, Togo is at the lower bound, followed by Lao PDR, while Zambia is at the upper end of overall Investment Facilitation Index (IFI) scores. Regional focus is given to South-East Asia and Sub-Saharan Africa, with the latter showing the highest adoption gaps (Berger, Dadkhah and Olekseyuk, 2021).
- **Selected IFD content:** Section II: Transparency of investment measures (sub-articles 5.4, 6.1,7.1, 7.2); Section III: Streamlining and speeding up administrative procedures (sub-articles 14.1, 15.1, 17.1); and Section IV: Focal points, domestic regulatory coherence and cross-border cooperation (sub-articles 21.1, 21.3, 22.3, 23.1- 23.3).
- **Project partners:** International Trade Centre (ITC), Zambia Institute for Policy Analysis and Research (ZIPAR), governments of Lao PDR, Togo and Zambia, consultants from National University of Laos and Université de Kara, Togo. Project advisory group: Columbia Law School, European University Institute (EUI), Gesellschaft für Internationale Zusammenarbeit (GIZ), International Institute for Sustainable Development (IISD), World Economic Forum (WEF), United Nations Economic Commission for Africa (UNECA), United Nations Economic Commission for Asia and Pacific (UNESCAP), World Bank and Inter-American Development Bank (IADB).
- **Main results:**
  - o None of the analysed sub-articles is fully implemented in the selected countries.
  - o Lack of institutional cooperation and coordination, lack of digitalisation, as well as insufficient, costly, and intransparent procedures are identified as **main barriers** for implementation.
  - o **International support actions** include training and capacity building in ICT and investment related topics, financial assistance for improved infrastructure and digitalisation as well as for research on best practices in the investment facilitation field.

Source: IDOS (2021)

## II. LESSONS FROM THE NEEDS ASSESSMENT PROCESS UNDER THE TFA

The negotiating parties and international and regional organizations do not need to start from scratch to organize a needs assessment process supporting the implementation of a future IFD Agreement. Rather, the TFA provides an important reference point. Its innovative approach allows developing-country and LDC Members to determine when they will implement each article and to what extent they need external assistance to strengthen their implementation capacity.<sup>8</sup> In order to take advantage of this flexibility of the TFA, Members were required to notify the WTO of their implementation preferences. In particular, based on a self assessment of their readiness to implement the Agreement, developing countries could submit an official notification to the WTO on how they would like to categorize the implementation of the different TFA articles. Hereby, three categories were defined by the TFA: Category A are articles which the country could implement by the time the Agreement entered into force (or after one year for LDCs), Category B refers to articles that require additional time and Category C contains articles that require additional time and TACB.<sup>9</sup>

During the trade facilitation negotiations, the WTO Secretariat, in collaboration with relevant international organizations, established a trade facilitation needs assessment process to help countries assess their overall compliance level with the TFA's articles, including identifying gaps and implementation support needs, in order to negotiate more effectively.<sup>10</sup> After the conclusion of the negotiations, the assessments were repeated to assist Members to self-assess the implementation gaps with respect to the finalized version of the TFA, take required national actions and identify TACB needs to overcome barriers for the necessary policy reforms. Members prepared their category ABC notifications based on the final text of the Agreement. Most developing-country and LDC Members conducted the needs self-assessments in cooperation with the WTO Secretariat, international and regional organizations as well as bilateral donors (94 needs assessments between 2007 and 2010, 78 between 2013 and 2014).<sup>11</sup> Generally, these needs assessments were held in five-day intensive workshops, during which representatives from the public and private sectors came together to determine the current status and implementation needs for each article of the TFA, with guidance from expert facilitators. A report prepared by the WTO Secretariat after the first phase of the needs assessment programme highlights that the needs assessment workshops conducted by the Members with support of the cooperating international organizations and donor agencies helped, among other things, to raise awareness and knowledge about the TFA, better coordinate national stakeholders and to incentivize the participation of developing countries' delegates in the TFA negotiations.<sup>12</sup>

Analysing the implementation and results of the needs assessments under the TFA is of particular interest in the context of this paper, as this offers the possibility to identify best practices and learn from

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<sup>8</sup> For more information on the effects of trade facilitation measures for developing-country and LDC Members, see Zaki, C. (2014). An empirical assessment of the trade facilitation initiative: econometric evidence and global economic effects. *World Trade Review*, vol. 13, No. 1, pp. 103–130. <https://doi.org/10.1017/S1474745613000256>; OECD (2015). Implementing the Trade Facilitation Agreement. In *Aid for trade at a glance 2015: reducing trade costs for inclusive, sustainable growth*. Paris: Organisation for Economic Co-Operation and Development. Last accessed on 26 October 2022 from [https://doi.org/10.1787/aid\\_glance-2015-8-en](https://doi.org/10.1787/aid_glance-2015-8-en)

<sup>9</sup> WTO (2014). *WTO agreement on trade facilitation: self assessment guide (Rev. 8)*. Geneva: World Trade Organization.

<sup>10</sup> For more information on the needs assessment process under the TFA, see TFAF (2021b). *WTO needs assessments: assistance to notify the categories*. Trade Facilitation Agreement Facility. Last accessed on 26 October 2022 from <https://www.tfafacility.org/assistance-grants/wto-needs-assessments>

<sup>11</sup> TFAF (2021a). *Grants tracker: expression of interests (EOI) resulting in assistance*. Trade Facilitation Agreement Facility. Last accessed on 26 October 2022 from <https://www.tfafacility.org/assistance-grants/grants-tracker>. For further information on the implementation situation, see Sanchez, A., and L. Ristic (2022). *Understanding the complexity of trade facilitation reforms: the UNCTAD Trade Facilitation Agreement Implementation score*. UNCTAD. Last accessed on 26 October 2022 from <https://unctad.org/news/understanding-complexity-trade-facilitation-reforms-unctad-trade-facilitation-agreement>

<sup>12</sup> WTO (2011). *World Trade Organization trade facilitation national needs assessment project (1 September 2007 – 31 December 2010)*. Final Report. Geneva: World Trade Organization. For more information on the TFA, the needs assessment workshop and its current implementation situation, see WTO (2012). *World Trade Organization. Summary of WTO trade facilitation needs assessments results*. WTO Document TN/TF/W/17. Last accessed on 26 October 2022 from [https://www.google.de/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwil\\_ObCxuv5AhWXHuwKHV8fDTkQFnoEC\\_AcQAQ&url=https%3A%2F%2Fdocs.wto.org%2Fdoc%2Fol2fe%2FPages%2FSS%2Fdirectdoc.aspx%3Ffilename%3DQ%3A%2FTN%2FTF%2FW177.pdf&usq=AOvVaw2jG5pwnbf4uiSoTsucVrU7](https://www.google.de/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwil_ObCxuv5AhWXHuwKHV8fDTkQFnoEC_AcQAQ&url=https%3A%2F%2Fdocs.wto.org%2Fdoc%2Fol2fe%2FPages%2FSS%2Fdirectdoc.aspx%3Ffilename%3DQ%3A%2FTN%2FTF%2FW177.pdf&usq=AOvVaw2jG5pwnbf4uiSoTsucVrU7); UNECE (2015). *Guide to drafting a national trade facilitation roadmap*. UNECE document ECE/TRADE/420. Last accessed on 26 October 2022 from <https://unece.org/DAM/trade/Publications/ECE-TRADE-420E.pdf>; TFAF (2021b). *WTO needs assessments: assistance to notify the categories*. Trade Facilitation Agreement Facility. Last accessed on 26 October 2022 from <https://www.tfafacility.org/assistance-grants/wto-needs-assessments>

experiences for assessing implementation gaps and technical assistance needs in the context of the future IFD Agreement. The following key lessons and best practices can be drawn from the TFA needs assessment process, based on discussions with the key experts of the TFA's needs assessments.<sup>13</sup>

1. The process should be based on a self assessment. The WTO Secretariat, in close cooperation with regional and international organizations, may provide support for preparing and conducting the needs assessments, in particular in the form of process facilitators and a self-assessment guide. However, the Member wishing to implement the IFD Agreement should be responsible for the planning and execution of the process. A coordinating agency with formal competence and convening power should be assigned to organize the process (e.g. ministry of trade or commerce). This ensures that all the agencies and other stakeholders from the respective country, which play a role in supporting the implementation of the Agreement, are involved in the needs assessment process. Having a coordinating agency also ensures that external assistance is demand-led and thus enables the international donor community to align its support with the actual needs at the country level.
2. To provide a holistic picture of the country's readiness to implement the IFD Agreement, a broad range of actors need to be involved. On the side of the government, all affected ministries and agencies have to participate to assess implementation gaps and barriers, plan the government's actions to implement the Agreement's articles and define areas for which external support is required. It is also crucial to engage the officials of a country's mission to the WTO. These officials have often been involved in negotiating the Agreement. They have thus a good understanding of the articles, their country's current compliance status and its implementation needs. After the conclusion of the TFA negotiations, their participation was beneficial because they oversaw the notification process to the WTO Trade Facilitation Committee. In addition to governmental actors, private-sector and civil society actors should be involved, with the countries themselves having to decide which actors to engage. Bringing together all these governmental and non-governmental actors for a self-assessment process helped to build an epistemic and cooperative community within countries, which is also needed to implement a technically demanding and complex IFD Agreement.<sup>14</sup>
3. A standardized self-assessment guide facilitates the overall process and helps to ensure the overall coherence of the processes across different countries, highlighting the importance of a similar guide being currently prepared by the WTO Secretariat in cooperation with international and regional organizations. In addition to the guide, the Secretariat should prepare additional supporting materials, such as PowerPoint presentations on the IFD Agreement, model agendas and invitation letters for the in-country workshop and working group assignments.<sup>15</sup>

The above-mentioned key lessons from the needs assessment process under the TFA provide an important impetus for the development of similar processes under the IFD Agreement. The WTO Secretariat and other international and regional organizations benefit from their own experience of preparing and conducting needs assessments and supporting the implementation of the TFA Agreement. Given that both agreements focus on facilitation, many of those lessons learnt can be replicated in the case of the IFD Agreement. Members have also gained relevant experience regarding setting up appropriate institutional structures or developing policy solutions that can be replicated to

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<sup>13</sup> These findings are based on expert discussions on 4 May 2020 and 16 February 2022 on implementing an IFD Agreement conducted in the framework of an ITC-IDOS project on Investment Facilitation for Development; see DIE, ITC (2020). *Report on the 2nd virtual meeting of the expert network on a multilateral framework on investment facilitation for development*. Last accessed on 26 October 2022 from [https://intracen.org/sites/default/files/inline-files/IF%2C%202nd%20Expert%20Network%2C%204%20May%202020%2C%20report%2C%20as%20of%2025%20August%202020\\_FINAL%20copy.pdf](https://intracen.org/sites/default/files/inline-files/IF%2C%202nd%20Expert%20Network%2C%204%20May%202020%2C%20report%2C%20as%20of%2025%20August%202020_FINAL%20copy.pdf) and DIE, ITC (2022). *Report on the 9th virtual meeting of the expert network on a multilateral framework on investment facilitation for development*. Last accessed on 26 October 2022 from [https://intracen.org/sites/default/files/inline-files/Invitation\\_EN\\_meeting\\_16\\_Feb\\_final-1.pdf](https://intracen.org/sites/default/files/inline-files/Invitation_EN_meeting_16_Feb_final-1.pdf). For general lessons learnt from the implementation of the TFA without specific reference to the needs assessment see, e.g., WTO (2021a). *First review of the operation and implementation of the Trade Facilitation Agreement*. Factual Report G/TFA/W/41, Geneva: World Trade Organization; Saeed, M. (2022). *Implementing an Investment Facilitation Framework for Development: lessons from the Trade Facilitation Agreement*. *Columbia FDI Perspectives*, No. 322. New York, NY: Columbia University, Columbia Center on Sustainable Investment (CCSI).

<sup>14</sup> Hoekman, B. (2022). From trade to investment facilitation: Parallels and differences. In A. Berger and K.P. Sauvart (Eds.). *Investment facilitation for development. A toolkit for policymakers* (pp. 28–42). Technical paper second edition. Geneva: International Trade Centre.

<sup>15</sup> TFAF (2021b). *WTO needs assessments: assistance to notify the categories*. Trade Facilitation Agreement Facility. Last accessed on 26 October 2022 from <https://www.tfafacility.org/assistance-grants/wto-needs-assessments>

implement the IFD Agreement. Furthermore, there are some provisions in the TFA and IFD Agreements that are similar in nature (e.g. single electronic windows), thus making the implementation easier.

However, both Agreements differ in some important aspects, which should thus be taken into account in developing a needs assessment process in the context of the IFD Agreement.

1. **Scope of the Agreement:** While the TFA focuses on trade in goods, it also applies to the provision of information to prospective importers and exporters, simplifies procedures at the border and in transit, and includes post-importation measures such as post-clearance audit and right of appeal. The IFD Agreement focuses on investments in goods sectors, but more importantly also in the area of services, which accounts for two-thirds of global FDI.<sup>16</sup> Its scope addresses many behind-the-border issues. It touches upon regulatory aspects across the whole life-cycle of an FDI project: from investment attraction and setting up an investment project to its operation, including linkages to the local economy and the expansion or retention of the investment.
2. **Stakeholders involved:** The TFA applies to the import and export as well as transit processes, such as maintaining a risk management system and an authorized operator programme, sharing information between customs administrations as well as including border agency cooperation – both internally and across borders. Consequentially, the TFA must be implemented by all border agencies that have requirements for imports, exports and/or transits. The needs assessment process under the IFD Agreement covers regulations affecting all aspects of the production process relating to foreign investments and involves multiple governmental agencies and non-governmental actors. Importantly, in addition to the national level, the IFD Agreement covers also the sub-national level, which increases implementation complexities. Moreover, investment promotion agencies (IPAs) seem to have a central role to play. This results in a different composition of stakeholders that need to be involved in the needs assessments process.
3. **Development aspect:** The unique feature of the IFD Agreement is the reference to the economic development of the Members as the objective of the Agreement. The IFD Agreement includes many articles that can indirectly impact a Member's economic development by increasing FDI flows. Other articles have the potential to directly contribute to development, for example by setting up supplier databases or by promoting international standards of responsible business conduct.<sup>17</sup> This additional focus on development has the potential to increase the complexity of the implementation process, as stakeholders have to reflect on the development impact of each article of the IFD Agreement.

While WTO Members can benefit from their prior experience with the implementation of the TFA, the IFD Agreement includes different sets of (often behind-the-border) laws and regulations, stakeholders and levels of government. Furthermore, the “for development” principle additionally requires stakeholders to reflect on the development impact of the Agreement's articles. Thus, the implementation of the IFD Agreement is at least as demanding and complex as in the case of the TFA. It is therefore key to develop a needs assessment process that enhances Members' readiness and capacity to implement the Agreement. The next section outlines in detail such a needs assessment process.

### III. A NEEDS ASSESSMENT PROCESS UNDER THE IFD AGREEMENT

In the following, we propose an approach to a needs assessment process under the IFD Agreement. It focuses on the actions and steps that need to be taken by the Members willing to self-assess their readiness to implement the Agreement. The results of this process serve as a starting point for governments to submit their notifications to the WTO under the section on special and differential treatment of the Agreement. The suggested self-assessment process is embedded in the framework

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<sup>16</sup> Latorre, M.C., Z. Olekseyuk and H. Yonezawa (2020). Foreign multinationals in service sectors: a general equilibrium analysis of Brexit. *The World Economy*, vol. 43, No. 11, pp. 2830–2859; UNCTAD (2022b). *World investment report 2022. International tax reforms and sustainable investment*. Geneva: United Nations. Last accessed on 26 October 2022 from [https://unctad.org/system/files/official-document/wir2022\\_en.pdf](https://unctad.org/system/files/official-document/wir2022_en.pdf)

<sup>17</sup> See Berger, A., Y. Kagan and K.P. Sauvant (2022). *Investment facilitation for development. A toolkit for policymakers*. Technical paper second edition. Geneva: International Trade Centre. Last accessed on 26 October 2022 from <https://intracen.org/media/file/11076>

following the lessons learnt from the TFA experience, putting the host country in the driver's seat, adopting a whole-of-government and multi-stakeholder approach, and using a self-assessment guide as a central guiding document. Experiences gained in the aforementioned pilot needs assessments in Lao PDR, Togo and Zambia confirm the usefulness of the applied lessons learnt from the TFA process, but also offer new, specific insights for conducting needs assessments in the context of the IFD. These include, for example, a very precise selection of participants from different institutions (e.g. the ones with extensive knowledge on investment regime and procedures) as well as an intensive content-related preparation of participants and discussion facilitators in the form of a preliminary capacity-building event due to the complexity and comprehensiveness of investment facilitation articles. Moreover, given the Agreement's focus on development, the approach should also align the implementation of investment facilitation articles with countries' sustainable development strategies.

Based on a self-assessment guide, developed by the WTO Secretariat with the support of FDI-competent international and regional organizations, assessments are conducted on a common information and conceptual basis across Members. It also allows for comparable results across the country-level self assessments, which can be used to coordinate the external assistance provided by international and regional organizations and bilateral donors. At the core of the guide are sections on each of the substantive articles of the IFD Agreement that need to be implemented by the Members.<sup>18</sup> Each of these sections of the guide starts with a summary of the respective substantive article of the Agreement explaining what activities are being regulated, which stakeholders need to be involved in the discussion and what the requirements of the article are. Then, the legal text of the respective article and guiding questions for the discussions among stakeholders during the needs assessment workshops along the main characteristics of domestic investment facilitation frameworks are provided. These characteristics include the policy and legal framework, procedures, the institutional framework, human resources and training, communication and information technology, as well as equipment and infrastructure. The guiding questions point to key prerequisites that need to be fulfilled to implement the Agreement. Moreover, the guide provides further explanations and examples of actions that might be required at the country level to ensure the implementation of the article.

The guiding questions should be used to fill in the forms for the actual needs assessment, forms that are also part of the self-assessment guide. Following the TFA guide, these forms include a situation/gap analysis chart and a questionnaire on the status of implementation and TACB needs.<sup>19</sup> These two not only play a role during the discussions but also during the technical preparation of the needs assessment.<sup>20</sup> More precisely, such needs assessment forms should ask the following core questions:

1. What is the current situation with respect to the *de facto* implementation of the articles of the IFD Agreement? How does the country comply with the article?
2. If an article is not yet fully implemented, what are the barriers preventing full implementation?
3. What are appropriate actions and related costs/resources that can help overcome these barriers?
4. What kind of external support (in terms of TACB) is necessary to help the country overcome the previously identified implementation barriers, including an assessment of the anticipated costs and resources?
5. How long is the expected implementation period for every single article, including their classification into the three categories A, B and C?
6. Which domestic agencies or institutions would be responsible for the implementation of the article?
7. What is the national priority level for the implementation of every single article?

The guide should provide detailed instructions on how to fill in the forms, also stating the level (i.e. article or sub-article), which serves as the basis for completing the forms. Moreover, for some questions, for example regarding the compliance level or expected implementation period, there should be predefined

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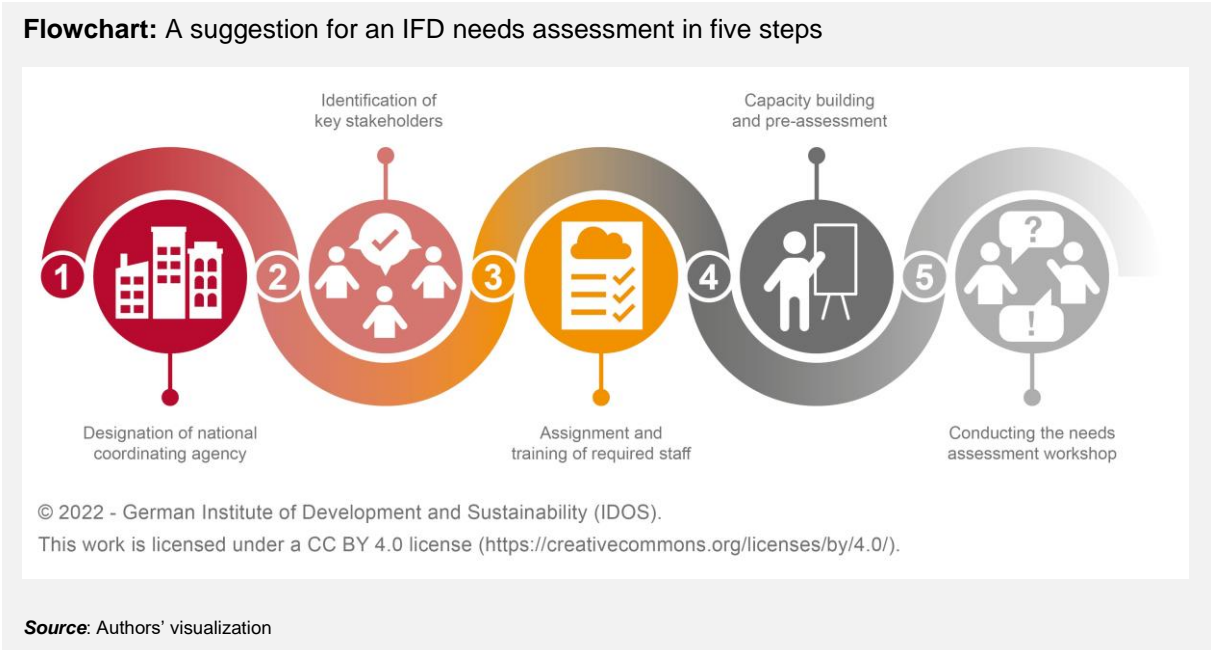
<sup>18</sup> All provisions including binding and best-endeavour language should be included in the guide and discussed during the needs assessment as if a full implementation is necessary.

<sup>19</sup> TFAF (2021b). *WTO needs assessments: assistance to notify the categories*. Trade Facilitation Agreement Facility. Last accessed on 26 October 2022 from <https://www.tfafacility.org/assistance-grants/wto-needs-assessments>

<sup>20</sup> These two documents will be summarized in the following as *needs assessment forms*.

answers that allow for more comparability and easier consolidation of results among the Members. However, these predefined answers have to be clearly defined. For example, there should be a sufficient explanation of what full or partial compliance means, how to estimate the expected implementation time and assign the categories A, B or C, as well as how the national priority levels are defined. In addition, the guide should specify which costs and resources should be taken into account, for example only fixed costs for the initial implementation or also ongoing/annual costs for the effective functioning of provisions.

Based on such a detailed self-assessment guide, we suggest five steps for the needs assessment process (see Flowchart), with a workshop involving all relevant stakeholders as its core element. Such a self-assessment workshop should include both plenary sessions and smaller group discussions to enable an in-depth exchange and optimize the time available. The group discussions, with the participation of a diverse group of stakeholders associated with FDI issues, aim to identify the current implementation status of each article of the Agreement, actions that need to be taken to fully implement them, resources required for that purpose as well as TACB support in line with the implementation timeline of the respective articles. The final product of such a workshop is a report and a table that assesses the compliance level of the articles in reference to the Agreement and alongside the categories A, B and C. The results serve as a report to the national government, which makes the final decision about the official notification to the WTO.



Each article of the IFD Agreement should be discussed for a period of 90 to 120 minutes, depending on its length, complexity and the level of existing compliance. This time-frame is suggested according to the experiences from the pilot needs assessments as well as from the TFA process. In total, we assume that a workshop assessment requires at least five days.<sup>21</sup> However, how many group discussions are necessary and how long the entire workshop lasts depend eventually on the decisions taken by the Member's national coordinating agency. To be as time-efficient as possible, the discussions of the articles should be conducted in parallel groups. The stakeholders, whose selection is explained in more detail in step 2, are assigned to specific groups according to the substance of the Agreement's articles.

The group discussions should be framed by plenary sessions. During the opening plenary session, the goals of the IFD Agreement and the high political importance of the needs assessment should be underlined. At the end of each day, a plenary session convenes all participants to present and reflect on the results of the parallel working groups in order to give every stakeholder the chance to provide his

<sup>21</sup> Hereby we assume that needs assessments are conducted in three parallel group discussions and that the workshop participants have received capacity building with regard to the IFD Agreement's contents.



or her comments and additional inputs. On the last day, a final plenary session reflects on the main outcomes of the workshop and provides an overview of the next steps. The workshop should be closed with a short feedback survey among the participants regarding the organization and value added of the event. An overview of the envisaged timetable of such a needs assessment workshop is provided in Annex I.

Based on the above, we propose a chronological order for the needs assessment process, starting with the designation of a national coordinator (step 1), and continuing with the stakeholder selection (step 2), assignment and training of the staff involved (step 3), capacity-building measures for participants and pre-assessment (step 4) and the conduction of a self-assessment workshop (step 5).

### **Step 1: Designation of a national coordinating agency**

As the needs assessment is an extensive process and involves a whole range of actors on the national and sub-national levels, in a first step, a governmental agency should be designated for its organization and coordination. This agency should have both the necessary expertise on trade and investment policymaking as well as the required authority vis-à-vis other governmental agencies. For many Members, their respective trade or investment ministries could take over such a coordinating role, or even the IPA if it is independent, well-capacitated and mandated by the highest level. The coordinating agency needs to play a central role both during the planning and conduction of the needs assessment as well as during the actual implementation of the IFD Agreement. Moreover, if the needs assessment takes place while negotiations are ongoing, it should maintain the link to the negotiations in order to feed back any experiences and lessons learnt on the drafting of the legal text as well as its subsequent implementation. Ideally, the agency is mandated by the highest level of government in the respective country, that is, the prime minister or the president, to coordinate the process and convene other governmental and non-governmental actors. The tasks of the coordinating agency include the careful identification and invitation of all relevant stakeholders, thus creating and preserving an epistemic community, as well as the organization of capacity-building trainings, the self-assessment workshop and any follow-up activities, potentially including the submission of the official notification to the WTO specifying TACB needs. It therefore should possess contacts and knowledge in the investment sector as well as the necessary convening power to assemble a diverse range of actors at the national and sub-national levels. To this end, one or two actors (e.g. ministry of trade, ministry of investment and/or the IPA) should be designated as the coordinating agency.

During all these steps, the coordinating agency may seek the support of international or regional FDI-competent organizations, but it needs to be in the driver's seat during the whole process. In addition, it can be considered whether a knowledge partner (research institute/consultancy) should be brought in who is well-networked in the stakeholder landscape of the Member country and can thus support the selection process. In the pilot needs assessments in Lao PDR, Togo and Zambia, the workshops were usually organized by a tandem of the governmental side (investment, trade or foreign affairs ministry) and a consultant or research institution with profound knowledge about the domestic economy and the stakeholder landscape.

Given the focus of the IFD Agreement on development, the coordinating agency should ideally strive to align both the needs assessment and the actual implementation of the articles with the national development strategy. Exemplarily, a country's Sustainable Development Goal objectives, nationally determined climate goals of the Paris Agreement, responsible business conduct and anti-corruption measures as well as national action plans on business and human rights<sup>22</sup> should be taken into account to reflect the development focus of the Agreement.

### **Step 2: Identification of key stakeholders**

Given the IFD Agreement's broad scope and its potential impact on a large set of laws, regulations and administrative practices at different levels of government, it seems appropriate to follow a whole-of-government and multi-stakeholder approach when identifying the stakeholders to be involved in the needs assessment process. Hence, governmental actors as well as private-sector and non-

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<sup>22</sup> National Action Plans on Business and Human Rights (2022). *Countries*. Last accessed on 26 October 2022 from <https://globalnaps.org/country/>

governmental actors should be represented in the needs assessment. However, given the differences among countries in terms of governmental structures and investment regimes, the selection of stakeholders may vary for every needs assessment workshop, and the explanations given here should be adapted to the country-specific context.

On the side of the government, all ministries and agencies at the national level that play a role during the whole lifecycle of FDI projects need to be involved. Given the fact that the scope of the IFD Agreement extends to the sub-national level, it is necessary to also involve regional or provincial ministries and other governmental actors (e.g. some countries contain also sub-national IPAs). As it may not be feasible to include all of them in the self-assessment workshop, their views could be collected in consultations prior to the workshop and/or they could provide feedback on the results of the workshop.

In many countries, the competencies for negotiating the IFD Agreement and for regulating FDI are divided among different ministries, especially a ministry of trade or commerce, a ministry of investment or planning as well as a ministry of foreign affairs. The activities of the ministries responsible for trade and investment need to be well-coordinated during the negotiations, and even more so during the implementation phase of the Agreement. Hence, these ministries are key actors during the self-assessment process as well. Furthermore, the ministries responsible for industrial policy or development planning need to be involved, given their importance in providing a conducive environment for foreign investors and supporting linkages between multinational enterprises and domestic suppliers. Likewise, ministries of justice and digital governance or information and communication technologies need to participate in light of the Agreement's aim to improve the transparency of legal and regulatory systems, often using digital means to achieve these goals. Depending on the country context, additional governmental actors such as the ministries of finance, labour and environment – and even the central bank – need to be involved, as their competencies often cover also the regulation of FDI. Moreover, since FDI projects are often sector-specific, it may be necessary to involve sectoral ministries such as those responsible for tourism, agriculture or natural resources. Beyond the executive branch, a needs assessment process should involve the legislative branch, which is a key actor with regard to the transparency of laws affecting foreign investors or the adoption of legal reforms that are necessary to establish or improve the institutional frameworks needed to implement investment facilitation measures.

The national IPA has a particularly important role, as do any sub-national IPAs, where applicable. This agency is typically responsible for a number of functions that are needed to successfully implement the IFD Agreement. Those functions range from making available information on laws, regulations and procedures – in particular through digital and online tools – to responding to requests from foreign investors and providing after-care services. Depending on the national context, the IPA may also have the responsibility for a single window that consolidates the services of several governmental agencies and allows foreign investors to submit all forms needed for the authorization of an investment project.

In addition to governmental stakeholders, various non-governmental stakeholders should be involved. To assess a Member's ability to implement the Agreement, it is necessary to go beyond the mere description of the *de jure* adoption of laws and regulations affecting foreign investors and to assess their *de facto* implementation. This is of special interest, as investment facilitation indicators, such as the Investment Facilitation Index,<sup>23</sup> only indicate the *de jure* adoption of IFD articles, while the needs assessment has to focus on *de facto* implementation as assessed by relevant stakeholders in the country. The views of foreign and domestic investors are therefore especially relevant in the context of a needs assessment. In particular, they care about the usability of investment facilitation measures such as functioning focal points or transparent processes and regulatory systems. Therefore, they need to be involved in a self-assessment process. The most practical and efficient way to involve the foreign investor community is via foreign chambers of commerce that represent foreign investors from different sectors. In many countries, at least European, US and increasingly companies from developing countries are represented by their respective chambers of commerce. In addition to foreign investors, the domestic corporate sector should also be involved in the needs assessment process via domestic industry associations. The involvement of the private sector is also beneficial for the firms, since they

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<sup>23</sup> Berger, A., A. Dadkhah and Z. Olekseyuk (2021). *Quantifying investment facilitation at country level: introducing a new index*. DIE Discussion Paper 23/2021. Bonn: German Development Institute / Deutsches Institut für Entwicklungspolitik (DIE). Last accessed on 26 October 2022 from [https://www.idos-research.de/uploads/media/DP\\_23.2021.pdf](https://www.idos-research.de/uploads/media/DP_23.2021.pdf)

can better understand the implications of the Agreement as well as how they can best make use of it and adapt to it. Other stakeholders with experience on the domestic legal and regulatory framework affecting foreign investors include labour unions, academic and research institutions, as well as other civil society organizations such as NGOs, which often have a good understanding of frameworks defining the impact of FDI projects on the ground.

During the pilot needs assessments in Lao PDR, Togo and Zambia, it proved particularly useful to precisely identify stakeholders from general and indicative lists of the organizations, associations and ministries/agencies (see Annex II) responsible for investment authorization or other services related to FDI that are in contact with investors and thereby have a deeper understanding of the national investment regime. This is an especially important criterion considering that, in essence, participants need to evaluate specific articles of the Agreement during the self assessment and hence need to possess the necessary knowledge. It should also be clearly stated in the workshop invitations in case more than one person from an organization is supposed to take part because their presence is necessary in more than one parallel working group. For example, during the pilot needs assessments, the presence of the IPA was required in all parallel working groups. Experiences from both the TFA needs assessments and the IDOS research project suggest that a group size of 8-15 participants is appropriate to allow for an efficient discussion, while at the same time offering the possibility to cover the whole range of stakeholders in parallel discussions with specific foci on dedicated parts of the Agreement. With three parallel groups, a maximum number of 45 participants should not be exceeded and a number of around 30 participants is recommended. The exact selection of stakeholders falls within the remit of the national coordinating agency, as described in step 1. Importantly, this selection process should be inclusive and encourage invitees to actively participate in the needs assessment and the accompanying capacity-building measures.

### Step 3: Assignment and training of staff required for needs assessment

The key element of a self-assessment process is the national-level workshop involving the actors mentioned under step 2. During this workshop, several roles have to be filled to ensure that the needs assessment is conducted successfully. It has to be ensured that those leading it are well-acquainted with the content of the IFD Agreement and with the responsibilities necessary for conducting the workshop. This involves thorough preparation, teamwork and an adequate division of labour. The roles include:

- **Facilitators:** The process facilitators guide the workshop discussions following the self-assessment guide, explain the respective articles of the Agreement and answer factual questions regarding any investment facilitation article. Furthermore, the facilitators should be able to present the outcomes of group discussions during plenary sessions, which are held at the end of each day, with the goal of validating the results by all stakeholders. Given the described tasks, preferably two facilitators for each group discussion need to be assigned by the coordinating agency. The two facilitators should ideally have substantial knowledge of both the Agreement – to provide interpretative guidance on the articles of the IFD Agreement and their implementation on the ground – and the investment framework of the country conducting the self assessment. One of the facilitators could be a local expert, for example from the Member's coordinating agency, and the other one could be an expert from a regional or international organization involved in the development of the self-assessment guide, thus possessing substantive knowledge about the IFD Agreement. Depending on their involvement in the actual IFD negotiations, a representative of the Member's WTO mission could also take over the role of facilitator. If possible, an expert who has already led or participated in a needs assessment process of another Member could be recruited in order to benefit from his/her expertise. Furthermore, the facilitators should – if possible – be fluent in the *lingua franca* of the country to enable a successful conduction of the workshop without any language barriers. Ideally, the facilitators can also answer questions that go beyond the IFD articles, for example regarding the nature of the Agreement (multilateral vs. plurilateral) and its integration into the WTO system; the relationship with other WTO or non-WTO agreements; how the Agreement will impact the Member's obligations; or questions regarding the potential concern of being brought into the WTO dispute settlement process for not implementing the Agreement.

- **Note takers:**<sup>24</sup> The note takers, assigned by the national coordinating agency, have the task of documenting the conversation and capturing the group discussions' outcomes in the needs assessment forms, which are part of the self-assessment guide. Ideally, all notes should be displayed on a screen throughout the discussion, so that participants can read and adjust them if needed. These forms serve then as a basis for validating the results during the plenary sessions. After the validation, the documents represent the final output of each group discussion and constitute a part of the final report. Moreover, the note takers could be responsible for the audio recording of the discussions. Such an audio recording could be part of the process documentation and might be used after the workshop to improve the forms produced under time pressure. Note takers should also assist in forwarding the completed forms to other workshop staff and preparing the final report (including the summarizing figures) for the final presentation of outcomes to the Member's government. Given these tasks, the note takers have to be well-informed about the contents of the Agreement, and especially about specific articles covered by the group discussion in which they assist, so that they are capable of filling in the forms correctly within the available time.
  
- **Event manager:** The national coordinating agency should assign an event manager who takes over all logistical tasks for organizing the training, capacity building and the assessment workshop. The tasks of such an event manager should cover a selection of appropriate locations (e.g. with several separate rooms for parallel group discussions and one bigger room for plenary sessions in the case of there being an assessment workshop), the provision of all required equipment and its maintenance (e.g. overhead projectors, laptops, microphones, flip charts), the organization of a catering vendor for lunch and coffee breaks, communication with all involved parties and sending out all the necessary materials, as well as the registration of participants during the events. He or she should also support the feedback session at the end of the workshop. In contrast to the other staff members, the event manager does not require any specific knowledge in the field of investment facilitation.

As the workshop will most likely have to be structured in parallel working groups in order to have sufficient time to discuss the more than 20 substantive articles of the IFD Agreement, it is necessary to engage several facilitators and note takers (e.g. six facilitators and three note takers in the case of three parallel groups). Most probably not all of them will be familiar with the IFD Agreement and their specific tasks, so additional training is necessary to ensure a productive needs assessment. This should take place a few weeks prior to the workshop and, if necessary, be conducted by experts with in-depth knowledge about the IFD Agreement. It could be done by some of the facilitators with respective knowledge or by the staff of international organizations supporting the needs assessment process. The training should focus on:

- Ensuring a deep understanding of the IFD Agreement articles.
- Clarifying the purpose, goal and context of the workshop.
- Describing the specific tasks of facilitators and note takers.
- Providing guidance on the moderation and facilitation of the group discussions.

The duration of the training should be adapted according to the needs of the prospective facilitators and note takers. During the pilot needs assessments in Lao PDR, Togo and Zambia, different types of trainings were conducted. In one country, such training was conducted in a face-to-face setting one week before the assessment workshop, in which a group discussion was simulated using a draft self-assessment guide. In this way, the process of a discussion became clear to all participants, technical questions about the content of the IFD Agreement could be clarified and the individual roles became clearer. In another country, virtual training took place due to a hybrid assessment workshop with one facilitator and one note taker online, and another facilitator on site for each group discussion. In this case, no group discussion was simulated in advance, but a meeting took place before the start of the workshop to clarify the roles and open questions. We observed that during this assessment workshop, facilitators were less familiar with their roles and the discussion was less smooth. Based on this experience, we recommend a simulation of a group discussion following our first example so that the

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<sup>24</sup> The *note taker* referred to in this document assumes a similar role as the *secretary*, who supported the group discussions during the TFA needs assessment.

team is well-rehearsed and would in addition advise on conducting quite extensive training that covers all the substantive articles of the IFD Agreement.

#### **Step 4: Capacity building and pre-assessment**

Since only a few stakeholders are expected to have comprehensive knowledge about the IFD Agreement and the implementation of investment facilitation articles in their respective countries, information-sharing about the Agreement and reflections in advance about the current level of implementation would help to ensure there is a time-efficient and in-depth discussion during the needs assessment workshop. Thus, we recommend an additional IFD-related capacity-building event for all participants a couple of weeks before the assessment workshop and the circulation of an information package with the self-assessment guide and the needs assessment forms. The need for such capacity building was indicated in the pilot assessment workshops, as a lot of time had to be initially spent on discussing the background of the whole exercise as well as substantive questions about the Agreement and the individual articles. Thus, building common ground regarding the current negotiations and the Agreement's content among all the participants would ensure more meaningful and comprehensive results in terms of implementation status, barriers as well as potential actions for successful implementation. Furthermore, it would also avoid any possible expectations that the assessment workshop itself provides detailed capacity building.

The technical preparation measures, for example a capacity-building event for participants and a pre-assessment, are organized by the national coordinating agency and by the assigned event manager, who can seek support from international organizations or other countries that have already carried out a needs assessment. Conducting a pre-assessment would significantly increase the quality of the whole exercise. After or during the capacity-building event, the participants can be asked to fill in and return the needs assessment forms before carrying out the actual assessment workshop. Hereby, they may also provide partial answers, for example focusing on their areas of expertise or on the article covered by the assigned working group. The completed forms serve then as the foundation for group discussions, thus getting to grips with the forms in advance and completing them enhances the efficiency and success of the assessment workshop, as the participants arrive well-prepared. Moreover, it also offers the possibility to the facilitators to have a preliminary evaluation of completed forms prior to the workshop and to use the gained insights to guide the group discussion. To make such a pre-assessment less time-consuming, we suggest using online survey tools, which enable faster processing of received data.

Taking into account the experiences gained during the pilot needs assessments in Lao PDR, Togo and Zambia, we strongly recommend the use of capacity-building events and a pre-assessment, even though they might tie up some human and time resources. Participants in the pilot assessment workshops often came to the events expecting to learn something about the IFD Agreement. This was mostly related to the unfamiliarity that national agencies and organizations had with the Agreement. This caused the problem that a lot of time during group discussions had to be devoted to clarifying and discussing open factual questions in order to provide the participants with a basic understanding of the Agreement and its content. However, in order not to lose valuable time and to obtain a realistic assessment of existing implementation gaps, barriers and needs, we recommend upstream preparation measures when conducting IFD needs assessments in the future.

#### **Step 5: Conducting the needs assessment workshop**

As mentioned previously, the core and the final step of the needs assessment process is a multi-stakeholder assessment workshop. Here participants will assess the current implementation status and the existing barriers for the substantive articles of the IFD Agreement. Furthermore, they will sketch out national policy actions as well as areas for external technical assistance and capacity development support to overcome the barriers. To do so, they will make use of the self-assessment guide and the forms introduced in the beginning of this paper.

The experience of the TFA shows that such a workshop will have to take place over at least a full working week. The described capacity-building event together with the detailed pre-assessment should enable focused, precise and time-efficient discussions. As the programme template in Annex I shows, the workshop could start with opening remarks by one or several high-level representatives from the key

ministries responsible for the implementation of the future IFD Agreement, thereby providing the necessary political support for the process. Furthermore, a knowledgeable official from the capital or the country's mission to the WTO in Geneva could provide the workshop participants with an overview of the goals of the IFD Agreement and elaborate on the national interests towards the IFD Agreement or the country's contribution to the negotiations. Subsequently, the process facilitators, whose role is introduced in step 3, will take over and present the workshop's agenda and structure. In order to enable in-depth discussions of the complex articles of the IFD Agreement among a larger group of stakeholders, we recommend organizing the main part of the workshop as parallel group discussions structured along the sections of the IFD Agreement, e.g. transparency, administrative procedures, focal point and cooperation as well as sustainable investment.<sup>25</sup>

The facilitators will moderate and guide the parallel discussions and be mindful about adhering to the discussion etiquette. They should use the questions provided in the self-assessment guide as well as the insights from the pre-assessment, if available, to probe and steer the discussions. The aim of the parallel working groups is to fill in the forms as the discussion output. Based on the good practice from the TFA process and the pilot assessments, we recommend displaying the needs assessment forms with all the notes on a screen in real time throughout the discussion, so that all the participants can reflect on the answers until a consensus is reached. In case of disagreements, both sides on an issue can be noted down.

After completion of the forms, the results of the group discussions should be reported back to the plenary to give all the other participants a chance to provide their views and validate the outcome. We suggest conducting such a plenary session at the end of every workshop day, so that freshly produced outcomes can be directly validated by all the participants. The results of the workshop assessment will then be summarized in a report to be drafted by the process facilitators (with the support of note takers) and presented to the main ministries coordinating the process. Hereby, all information resulting from this assessment belongs to the Member and must be treated as confidential by all involved staff, that is, they must not offer any direct ties to individuals and, furthermore, they must only provide the information to the absolutely necessary persons and organizations with explicit permission of the government. Before the start of the group discussion, all the participants should be informed about all the confidentiality and data protection issues and sign a consent form (an example is provided in Annex III) to enable an open and substantive discussion.

At the end of the event, it is essential to receive differentiated feedback regarding the facilitation, organization and outcome of the workshop assessment. Such feedback can be best collected via an online survey, as this makes it easier to complete the evaluation (an example is provided in Annex IV). In that case, however, the venue has to provide a stable WiFi connection so that all participants have the possibility to access the survey via their electronic devices. A survey should ask for an evaluation of the following points:

- Increased understanding of the IFD Agreement in general (through capacity-building measures and the workshop assessment itself) and of the national implementation challenges in particular;
- Format of the assessment workshop, stakeholder assignment, (interpretative) guidance of the discussion;
- Conduction and moderation of the plenary sessions;
- Satisfaction with the results.

Experiences from the research project showed that – if possible – a designated slot should be allocated for the participants to answer the feedback survey, which can be scheduled for the last workshop day. This ensures that as many participants as possible provide their feedback. The results of this survey – especially regarding the understanding of the IFD Agreement and the format of the workshop – might also be channelled back to the level of the WTO Secretariat and other international and regional organizations as lessons learnt for further national self assessments. Similarly, it might be helpful if the facilitators and note takers pass on their lessons learnt and suggestions to the international

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<sup>25</sup> Depending on the national context and/or the number of participants, the coordinating agency may also decide to hold the workshop only in plenary format, as also happened in the case of the TFA.

organizations. This could improve the guide and the process and allow for these lessons and suggestions to be considered for further self assessments.

## IV. POTENTIAL CHALLENGES AND LIMITATIONS

The described needs assessment process constitutes a recommendation based on the lessons learnt from the TFA and on our own experiences during the research project on the pilot IFD needs assessments in Lao PDR, Togo and Zambia. We used all available information to develop a suitable framework for successfully conducting a gap and needs analysis following the best practices and methodological considerations in qualitative research. However, Members should be open-minded and flexible when designing a needs assessment process given the different country-related contexts, capacities and time availabilities, as well as the preferences of the agencies involved. Thus, the suggested process is not to be misunderstood as a one-size-fits-all solution, but instead should be adapted to the existing constraints in every single case, thereby ensuring the best possible framework under the given circumstances – which proves to be the main challenge in conducting a needs assessment. For example, in case only a lower number of participants are available for the assessment workshop, one could abandon working groups and discuss all the articles in the plenary, automatically saving time by avoiding unnecessary validation sessions. In case of impossible technical preparation measures (e.g. capacity-building events for participants and staff), one could at least distribute the self-assessment guide and other additional materials to give the participants a chance to get themselves acquainted with the contents of the IFD Agreement and potentially clarify some existing questions before the assessment workshop. Flexibility should also apply to the daily workshop schedule, which should be adjusted spontaneously according to the flow of the discussions and the needs of the participants (for breaks, as well as coffee and lunch).

Another tremendous challenge with conducting needs assessments is many participants' limited pre-existing knowledge about the IFD Agreement, the interpretation of its more than 20 articles and the status of existing processes and procedures. However, thorough knowledge of the Agreement is required to enable workshop discussions that are as detailed and precise as possible. As described above, we suggest tackling this problem by providing (eventually virtual/online) capacity-building events for the participants and conducting a pre-assessment. This enables workshop organizers to detect any misunderstandings of or misapprehensions about the articles and to explain them again in more detail during the workshop.

Given the Covid-19 pandemic and similar health emergencies, the planning of standard face-to-face events has been challenging and may also affect the organization of future in-person events.<sup>26</sup> Furthermore, given the wide usage of communication technologies, the assessment workshops can in principle also be conducted in a virtual format (e.g. due to budgetary constraints). During the pilot needs assessments in Lao PDR, Togo and Zambia, workshops were conducted in a face-to-face format in two countries and in hybrid format in a country where international travel was not possible due to entry restrictions at the time. The hybrid workshop format was chosen to ensure the active participation of local stakeholders at one location during discussions as well as to enable informal communication and networking. Comparing both formats, a face-to-face format for assessment workshops is recommended based on our experience. This is mainly because dynamic interaction between the virtually present facilitator and physically present local stakeholders is much more difficult given the technically induced delays and difficulties (e.g. poor internet connection and/or equipment for hybrid meetings, insufficient audio quality, delays in translation). A purely virtual format – with all stakeholders and facilitators participating remotely – has a number of logistical and budgetary advantages, but it can only be considered as a second-best option. This is due to the lack of social interaction, which is key for in-depth discussions on technical issues among a group of stakeholders that do not necessarily know each other. In addition, during the research project, the dropout rates were higher during the workshop, which was conducted in hybrid form. The same can be expected for virtual workshop formats. This can be traced back both to the mode as well as the duration. However, we felt that during the in-presence workshops,

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<sup>26</sup> Given the new pandemic-related challenges, the consent form for workshop participants should also include the local hygiene rules to avoid corresponding risks and health hazards. An example is included in Annex III.

facilitators were able to better maintain motivation and the personal commitment to the assessment – something that was considerably harder to achieve during the hybrid workshop.

Another concern is the composition of the stakeholders attending the needs assessment workshops. Experience from the pilot needs assessments shows that an imbalance can arise to the disadvantage of non-government participants, especially due to the non-availability of private-sector or civil society experts, so that the initially intended diversity among participants – as reflected by the invitations being sent to a heterogeneous group of stakeholders – cannot be achieved in reality. Additionally, the dropout rate among the workshop participants might significantly increase over the days, hence exacerbating the mentioned difficulties. The imbalances can be countered by applying the following options:

Firstly, a targeted stakeholder selection might prevent an overrepresentation of government entities and achieve a sufficient level of participation by private-sector and civil society experts. Throughout this selection, the benefits for the stakeholder group from participation in the workshop should be emphasized and might be communicated in personal calls by the workshop organizers during the preparation phase. Secondly, the payment of per diems or the reimbursement of travel costs after each day or at the end of the workshop might be an option to motivate the stakeholders to participate for the duration. Lastly, awarding certificates for participation in the needs assessment process – a common practice during the TFA needs assessments – might offer another incentive.

Last but not least, an additional consideration regarding the diversity of the groups participating in the discussions are the potential power inequalities across ethnical, hierarchical and gender dimensions. To ensure that all participants feel comfortable in the group and are willing to share their opinions, the facilitators have a special responsibility to make sure that the rules for speaking (presented at the beginning of the assessment workshop) are observed. This would encourage those participants who are underrepresented or have said little to provide their opinions. For this, the facilitators should be familiar with the local context and the communication culture. Moreover, the assurance of the confidentiality and data protection of all participating stakeholders may help to incentivize active participation in the workshops (see consent form in Annex III).

## V. OUTLOOK – PUTTING INVESTMENT FACILITATION MEASURES INTO ACTION

The self assessment of implementation gaps and barriers as well as TACB needs is only one – although crucial – step on the way to successfully implementing the IFD Agreement. While we focus primarily on the description of such a needs assessment process in this paper, we would like to sketch out the next steps to be undertaken by Members. Based on the results of the needs assessment workshops, the Members can decide on the necessary policy and administrative reforms needed to comply with the IFD Agreement. Given the Agreement's flexibilities, the Members can determine a timetable or sequence for these reforms. Furthermore, they should also decide which reforms can be conducted autonomously and for which reforms additional TACB support from the international community would be needed. Based on this strategizing, which reflects the outcomes of the needs assessment process, a Member will notify the WTO Investment Facilitation Committee about the articles it intends to implement upon entry into force (Category A), after a transition period (Category B) or upon the provision of external TACB support.

For a successful implementation process, it is important to keep the momentum generated via the needs assessment workshop, which brings together most, if not all, relevant stakeholders. Regarding this challenge, it is key to put processes and mechanisms in place that ensure that necessary reforms are undertaken over a longer period of time. A possible institutional arrangement in this respect could be a national investment facilitation committee that adopts a whole-of-government and multi-stakeholder approach. Here one could also draw on the extensive experience of the TFA implementation where national trade facilitation bodies existed even before the conclusion of TFA negotiations. According to the UNCTAD Database for National Trade Facilitation Committees, more than 140 countries had



established such a body as of January 2020.<sup>27</sup> This network of National Trade Facilitation Committees is seen as a leading coordination mechanism for coherent and all-inclusive trade facilitation policy reforms. As a multi-stakeholder platform, the network quickly proved to be most suitably positioned to lead the coordination of countries' trade facilitation efforts. Nowadays, these committees constitute the leading platform for cooperation between public agencies and private-sector stakeholders towards establishing a transparent and predictable trading environment.<sup>28</sup>

Establishing a national investment facilitation committee would allow for broad support of the implementation of the IFD Agreement and ensure that all relevant perspectives are included during the implementation phase after the entry into force of the Agreement. It can also help to tackle existing gaps regarding lack of cooperation and communication among investment-related stakeholders – both on the governmental and private-sector sides. However, with investment facilitation being a horizontal issue, it is crucial to involve various actors (e.g. ministries, IPAs, the private sector and civil society) at the provincial, national and international levels. Such a national committee should maintain the link to the WTO Investment Facilitation Committee to provide feedback, to report and monitor the progress of implementing the IFD Agreement, thereby enabling the international organizations to provide the envisaged TACB measures. A national investment facilitation committee could also serve as a point of contact for international donors, ensuring that their TACB support is well-coordinated and aligned to the priorities and needs of the Member. In the event that a state does not have the necessary resources to set up such a committee, existing institutional structures can be used to take over its functions. In the field of investment facilitation, the IPA can serve the role of a coordinating agency, if it possesses the necessary capacity and authority within the governmental system of the Member. Moreover, it may be necessary for Members to seek support from the international community to build the needed capacity of the investment facilitation committee and/or the IPA.

## VI. CONCLUSION

This technical paper presents the blueprint for a self-assessment process through which developing countries, and especially LDCs, can determine existing gaps in the implementation of the IFD Agreement and identify actions as well as TACB measures to fill these gaps. This exercise would allow them to prepare the notifications to the WTO that are necessary to take advantage of the implementation flexibilities provided under the IFD Agreement's section on special and differential treatment for developing-country and LDC Members. Moreover, if needs assessments are conducted during the negotiation phase of the Agreement, they could also help countries to build capacity and knowledge around investment facilitation, thereby enabling them to more actively be involved in the ongoing negotiation process. Hereby, Members may feed back their insights from the needs assessments to improve the Agreement's legal text and ensure the clarity of language used.

Following the example of the TFA needs assessments, the host country needs to be in the driver's seat and follow a multi-stakeholder and whole-of-government approach. Experiences from the TFA and the three pilot needs assessments in Lao PDR, Togo and Zambia highlight which specific framework conditions need to be put in place for a successful needs assessment:

- In order to account for the complexity and range of investment facilitation measures, a needs assessment requires a very precise selection of workshop participants from a broad range of stakeholders including different governmental agencies as well as private-sector and non-governmental actors.

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<sup>27</sup> UNCTAD (2022a). *UNCTAD database for national trade facilitation committees*. Last accessed on 26 October 2022 from <https://unctad.org/topic/transport-and-trade-logistics/trade-facilitation/committees-around-world>. For more general information on national trade facilitation bodies, see COMCEC (2015). *Establishing well functioning national trade facilitation bodies NTFBs in the OIC member states*. Comcec Coordination Office. Last accessed on 26 October 2022 from [https://sbb.gov.tr/wp-content/uploads/2018/11/Establishing\\_Well\\_Functioning\\_National\\_Trade\\_Facilitation\\_Bodies\\_NTFBs\\_in\\_the\\_OIC\\_Member\\_States%E2%80%8B.pdf](https://sbb.gov.tr/wp-content/uploads/2018/11/Establishing_Well_Functioning_National_Trade_Facilitation_Bodies_NTFBs_in_the_OIC_Member_States%E2%80%8B.pdf); Adam, A.G. (2017). Taking the first step to facilitate trade in Sudan: setting up a national committee on trade facilitation. *Smartlessons*, February 2017. Last accessed on 26 October 2022 from <https://openknowledge.worldbank.org/bitstream/handle/10986/26289/113165-BRI-IFC-SMART-LESSONS-BRIEF-PUBLIC-20170302T111010-2017-Sudan-Trade-A.pdf?sequence=1>

<sup>28</sup> UNCTAD (2020). *National trade facilitation committees as coordinators of trade facilitation reforms*. UNCTAD Series No. 14 on Transport and Trade Facilitation. Last accessed on 26 October 2022 from [https://unctad.org/system/files/official-document/dtltlb2020d1\\_en.pdf](https://unctad.org/system/files/official-document/dtltlb2020d1_en.pdf)

- Moreover, intensive content-related capacity-building measures for the participants and involved staff are of utmost importance to ensure efficient and precise discussions on specific investment facilitation measures.
- Given successful organization and capacity building, the needs assessment workshop serves as the core of the process and consists of group discussions and plenary sessions to compile and present the final report to a country's governmental representatives.

This paper is intended to assist WTO Members in preparing and conducting self assessments in the context of the IFD Agreement. In addition, it supports international organizations on their way to developing the self-assessment guide and the detailed process to support Members' needs assessments.

## ANNEXES

### Annex I Programme of an exemplary needs assessment workshop

<b>Day 1</b>			
	<b>Session</b>	<b>Presenter</b>	<b>Further comments</b>
9:00 – 9:20	Opening remarks	Responsible government entities	Ideally a high-level official that can provide political support for the process.
9:20 – 9:40	Opening remarks from process facilitators	Facilitators	
10:00 – 10:30	Introduction of the IFD Agreement	Official from capital or WTO mission	
10:30 – 11:00	Introduction of parallel working groups	Facilitators	Giving a short explanation of the methods of the working groups.
11:00 – 12:30	Discussions in parallel working groups	Participants	Working groups (for example): ‘Transparency’ ‘Administrative Procedures’ ‘Focal Point and Cooperation’
<b>Lunch Break</b>			
13:30 – 15:30	Discussions in parallel working groups	Participants	Working groups
15:30 – 17:00	Plenary session	Facilitators	Discussion and/or consideration of the results from the different working groups

<b>Day 2</b>			
	<b>Session</b>	<b>Presenter</b>	<b>Further comments</b>
09:00 – 09:15	Registration	Organizers	
09:15 – 12:30	Discussions in parallel working groups	Participants	Same working groups
<b><i>Lunch Break</i></b>			
13:30 – 15:30	Discussions in parallel working groups	Participants	Same working groups
15:30 – 17:00	Plenary session	Facilitators	Discussion and/or consideration of the results from the different working groups

<b>Day 3</b>			
	<b>Session</b>	<b>Presenter</b>	<b>Further comments</b>
09:00 – 09:15	Registration	Organizers	
09:15 – 12:30	Discussions in parallel working groups	Participants	Same working groups
<b><i>Lunch Break</i></b>			
13:30 – 15:30	Discussions in parallel working groups	Participants	Same working groups

15:30 – 17:00	Plenary session	Facilitators	Discussion and/or consideration of the results from the different working groups
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<b>Day 4</b>			
	<b>Session</b>	<b>Presenter</b>	<b>Further comments</b>
09:00 – 09:15	Registration	Organizers	
09:15 – 12:30	Discussions in parallel working groups	Participants	Same working groups
<b><i>Lunch Break</i></b>			
13:30 – 15:30	Discussions in parallel working groups	Participants	Same working groups
15:30 – 17:00	Plenary session	Facilitators	Discussion and/or consideration of the results from the different working groups

<b>Day 5</b>			
	<b>Session</b>	<b>Presenter</b>	<b>Further comments</b>
09:00 – 09:15	Registration	Organizers	
09:15 – 12:00	Final discussions in parallel working groups and preparation of the final report	Facilitators	Same working groups
<b><i>Lunch Break</i></b>			

13:30 – 15:00	Presentation of the outcomes of the working groups	Facilitators	Presentation and discussion of the outcomes of the needs assessment workshop
15:00 – 16:00	Plenary session	Facilitators and participants	Feedback round (online survey)
16:00 – 17:00	Closing remarks	Representatives of government entities	Giving an outlook on the further steps and farewell to the participants

## Annex II Proposed stakeholder checklist

<b>Governmental actors</b>	<b>Private actors</b>	<b>Non-governmental actors</b>
National Parliament	National Chamber of Commerce	Academic Institutions focusing on Industrial/Trade/Economic/Investment Research
Investment Promotion Agency (IPA)	Associations of Small and Medium Enterprises	Association of NGOs
Sub-national IPAs/ IPAs of Special Economic Zones	Association of Enterprises	Trade and Investment Policy Think Tanks
Ministry of Commerce and/or Trade	Binational Business Associations	Think Tanks for Poverty Reduction and Economic Development
Ministry of Investment Promotion and/or Planning	Foreign Investor Associations/ Foreign Chambers of Commerce	Consumer Associations
Ministry of Foreign Affairs	Regional Business Member Organization	Foreign Development Organizations (such as GIZ, USAID, etc.)
Ministry of Finance	Private Companies working within an investment-relevant sector	Trade unions
Ministry of Mining and Energy	Sectoral Business Associations (such as agriculture, mining, manufacturing)	
Ministry of Small and Medium Enterprises		
Ministry of Post, Telecommunications and Communications		
Ministry of Agriculture		
Ministry of Justice		
Agency for Environmental Management or other sector-specific agencies for sectoral authorizations of investment		
Other line ministries from investment relevant (economic) sectors		
Economic Development Agency		
Revenue Authority		
Business Regulatory Agency		
Patents and Companies Registration Agency		
National Economic Advisory Council		
Tax collecting entity		
Court of Commerce		
Bank for Investment, Central Bank		

**Note:** Stakeholder assignment may vary across countries in question. Furthermore, the suggested entities from the governmental side may include representatives of the national or sub-national level, depending on the country context.

# Annex III Consent form for workshop participants

## Working group discussion in [city/country] - Consent Form

The focus group discussions in [city] at the [venue] on the [date] will be audio-recorded, and one note taker will take minutes. Both notes and recordings will remain confidential. Your personal identity will remain anonymous and non-attributable throughout the analysis and publication of the results; your views will not be directly attributed to you in any document that may be produced from the group discussion. The name of your firm or institution may however be known in the report unless you explicitly indicate otherwise.

By signing this document, you agree that you will keep the identity of all working group members and all comments made during the discussion confidential and non-attributable to participants (Chatham House Rules). However, the organiser cannot guarantee that others in this group will fully respect the confidentiality of the group.

The information gathered from this assessment will be used to contribute to the implementation of the WTO Investment Facilitation for Development Agreement. Data will be stored for one year and managed in compliance with the General Data Protection Regulation (GDPR). The results of the assessment may be presented in the form of a report or presentation and will be made available to international organisations or countries pledging their support for technical assistance or capacity building measures.

We are aware that this group discussion may include risks by discussing sensitive information. These risks will be mitigated by a strict protection of the data in a password protected software environment. Only the process organisers and facilitators will have access to the notes.

[If still applicable: Further potential risks are health hazards due to the ongoing COVID-19 pandemic. Since the COVID-19 virus is still present in [country], the risk of an infection will be mitigated via the conduction of temperature checks of all participants and staff prior to the workshop, the wearing of facemasks and keeping physical distance at all time as well as disinfecting work surfaces before and after usage. By signing the document below, you agree to the adherence of these hygiene standards.]

### Consent

I hereby agree to participate in the needs assessment workshop on the implementation of the WTO Investment Facilitation for Development Agreement on the conditions stated above. Moreover, I agree to maintain confidentiality of information shared in the focus group discussions.

I understand that if I decide to participate, my participation is free and voluntary, and I have the right to withdraw my consent or to stop my participation at any time without penalty or negative consequences.

Signature of participant

Date:

Full name in block letters \_\_\_\_\_

I hereby agree to the tape recording of my participation in the focus group discussions. ( ) Yes ( ) No

I hereby agree that the name of my firm / institution may be disclosed in the report. ( ) Yes ( ) No

If you have any questions about your rights as a workshop participant or are dissatisfied at any time with any aspect of the needs assessment process, you may contact the organiser [name] [mail address] from the [institution’s name] in [city, country].



## Annex IV Feedback survey

Your feedback is needed!

Workshop - IFD Agreement implementation gaps and needs assessment

### *Workshop*

1) The workshop gave me a better understanding of the WTO IFD Agreement.

- Strongly disagree
- Disagree
- Neutral
- Agree
- Strongly agree
- Not applicable

2) The workshop gave me a better understanding of the implementation challenges of the WTO IFD Agreement in *specific country*.

- Strongly disagree
- Disagree
- Neutral
- Agree
- Strongly agree
- Not applicable

### *Group discussions*

3) The group discussion delivered the content of the workshop effectively.

- Strongly disagree
- Disagree
- Neutral
- Agree
- Strongly agree
- Not applicable

4. The division of stakeholders in the groups enabled a successful discussion.

- Strongly disagree
- Disagree
- Neutral
- Agree

- Strongly agree
- Not applicable

5. In your opinion, were important stakeholders missing who should have participated in the workshop?  
If so, which ones?

6. The facilitator asked the right guiding questions during the discussion.

- Strongly disagree
- Disagree
- Neutral
- Agree
- Strongly agree
- Not applicable

7. The group discussion covered the most important topics.

- Strongly disagree
- Disagree
- Neutral
- Agree
- Strongly agree
- Not applicable

*Moderation and workshop program*

9. The facilitation during the opening and closing session was satisfactory.

- Strongly disagree
- Disagree
- Neutral
- Agree
- Strongly agree
- Not applicable

10. The workshop program (including length of group discussion, length and number of breaks, wrap-up and plenary sessions) was satisfactory.

- Strongly disagree
- Disagree
- Neutral
- Agree
- Strongly agree

( ) Not applicable

11. Do you have any other remarks, comments or suggestions for improvement?

Thank You!

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