

出國報告（出國類別：開會）

參加OECD第8屆國際投資全球論壇 會議

服務機關：經濟部投資業務處

參與單位：協合國際法律事務所

姓名職稱：莊文章科長、陳言博組員、吳必然博士

派赴國家：法國巴黎

出國期間：98年12月7-8日

報告日期：99年3月5日

參加「OECD 第 8 屆國際投資全球論壇」研討會

出國報告

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參加「OECD 第 8 屆國際投資全球論壇」研討會 出國報告

壹、研討會背景說明

「OECD 國際投資全球論壇」(The OECD Global Forum on International Investment, GFII)自 2001 年首次舉辦以來，已歷經 6 次在開發中/新興國家辦理，去(2008)年第 7 屆會議(GFI-7)是首次回到 OECD 巴黎總部舉辦，本(2009)年 GFI-8 亦將在巴黎舉行。

GFII 是國際投資政策界每年一度盛事，其任務是吸引各國政府及有興趣之利害關係人參與，經由同儕學習及對話方式，探討投資政策領域正面臨或已浮現之重要議題，以促進投資，達到成長及永續發展。本次會議主題是討論「超越危機：全球經濟朝向更堅實、透明及公平的國際投資」(Beyond the crisis: international investment for a stronger, cleaner, fairer global economy)。

本次會議共有來自約 60 國及國際組織 300 餘人與會，除開幕及閉幕式外，共舉行與投資議題相關之 8 場分組會議，40 餘位專家發表其論點或研究結果，論文達 35 篇以上。由於分組會議係 4 場同時舉行，而本次我方與會 3 名人員人力分配無法參與所有場次，僅選擇參加與業務較相關之 6 場分組會議，會議重點臚陳如后。

貳、會議日期：98 年 12 月 7 日至 8 日

參、會議地點：法國巴黎

肆、我國與會人員：經濟部投資業務處莊文章科長及陳言博組員、協
合國際法律事務所吳必然博士

伍、會議議程：(詳如附件)

12 月 7 日

開幕

高階圓桌會議：全球經濟朝向更堅實、透明及公平的國際投資

分組討論：

分組 1.1：拉丁美洲投資政策之挑戰與重點

分組 1.2：釋放非洲投資潛力

分組 1.3：探索負責任企業經營行為與公司治理：日本經驗分享

分組 1.4：2009 年世界投資與政治風險

12 月 8 日

分組討論

分組 2.1：外國投資與國家安全

分組 2.2：推動農業部門之負責任國際投資
分組 2.3：金融風暴下發展中市場之對外投資
分組 2.4：評量投資政策架構之品質
OECD 多國籍企業指導綱領諮商會議
NEPAD-OECD 非洲投資計畫綜合座談
閉幕式

陸、研討會內容

一、大會開幕致詞：

OECD 秘書長 Mr. Angel Gurría 致詞重點：首先歡迎各國及國際組織代表與會。本次會議主題旨在探討在經歷過去依段時間之金融風暴所引發之經濟危機，目前尚未有明確證據顯示國際主要已開發經濟體將仍在明(2010)年脫離經濟危機，然而，反觀許多發展中國家，如中國或巴西等，則展現出逐漸脫離全球金融風暴之態勢。在經濟危機後，已開發經濟體與發展中經濟體逐漸拉近距離，使得全球經濟呈現多元發展中心之未來，必須思考國際投資在促進更堅實、透明及公平之全球經濟所扮演之角色，並同時是創新、經濟轉型及成長之主要力量。此外，本次會議進行的同時，在歐洲丹麥首都哥本哈根也進行著全球氣候變遷會議，在這個全人類社會所必須共同面對的挑戰下，作為國際投資主要參與者之多國籍企業被期待，也必須有所行動，適逢此時，OECD 也開始進行對於多國籍企業指導綱領之檢討，以為呼應。希望與會者在 2 天會議中，提供建議及經驗分享。

二、高階圓桌會議：由路透社投資事務記者 Jeremy Gaunt 擔任引言人，論壇主題全球經濟朝向更堅實、透明及公平的國際投資。主要來賓發言重點如下：

1. 共同會議主席埃及投資部長 Mr. Mahmoud Mohieldin：由於埃及近年進行政治及經濟改革，成功吸引許多國外 FDI，特別是歐盟成員經濟體及美國之投資。但是隨著金融風暴以及伴隨而來的經濟危機，埃及在外人投資 FDI 上明顯減少，目前除加強國內基礎建設外，並致力於產業之轉型。

2. 共同會議主席美國國務院經濟、能源及商業事務助理國務卿 Mr. Jose W. Fernandez：在全球化的時代，全球經濟危機需要全球共同合作一同對抗，歐巴馬總統也一再宣示對抗經濟危機並推出一系列政策，不僅擴大內需及促進就業外，同時也藉此機會檢視美國及全球金融體系及避免貿易保護主義之抬頭，期望與各國合作共同走出全球經濟危機，打造更堅實之全球經濟體系。

3. 論壇針對國際投資是否能促進更堅實、透明及公平之全球經濟進行綜合討論。在綜合討論前，會議秘書針對本次論壇主題進行投票，與會人員中有半數以上(但不到六成)相信國際投資能促進更堅實及透明之全球經濟，但是不到半數認為國際投資能促進更公平的全球經濟；在論壇結束後，在就本次論壇主題進行投票，結果顯示有超過半數(六成左右)之與會者均認為國際投資能促進更堅實、透明及公平之全球經濟。

三、分組討論

第一天 12 月 7 日分組討論：

分組 1.4：2009 年世界投資與政治風險

分組主持人：UNCTAD 中國籍投資事務主任詹曉寧(James Chan)表示受到金融風暴及經濟危機影響，過去兩年全球投資活動明顯減少。由於本次危機係肇因於金融部門利用衍生商品過度擴張授信，在金融風暴產生及政府介入下後，紛紛減少融資部位，導致許多企業紛紛中止進行之投資方案，同時也減少僱用人數；政府部門則將資源集中在擴大國內公共建設之方案或與就業或救濟有關之方案中，以致於對外投資減少。然而，根據統計結果顯示，某些開發中國家之對外投資存量卻逆勢逐漸增加，特別是中國。此一統計成果顯現出以開發國家與發展中國家拉近經濟發展之差距，也透露出世界經濟重心之逐漸轉移。

討論重點如下：

參與本次主題講者包括：MIGA 經濟與政策部門之首席經濟學家 Frank Lysy、世界銀行投資環境諮詢小組維也納辦公室主任 Karin Millett、MIGA 研究與知識部門主管 StephN Dreyhaupt、2009 國際投資與政治風險共同作者 Persephone Economou 及 Gras Savoye - Risques Financiers et Politiques 代表 Jean-Luc Debievre。本次會議主題係針對 MIGA 在 2009 年 12 月所出版之調查報告「2009 國際投資與政治風險」(World Investment and Political Risk 2009)進行討論。在後金融風暴及經濟危機時代，全球經濟正逐漸走向復甦之路，即便企業投資人對於全球經濟前景多表樂觀，但仍相當看重國際投資上之政治風險。本篇報告進一步針對金融風暴下之國際投資政治風險提出三討論面向：1. 金融風暴如何影響外國直接投資 FDI 對投資發展中市場之看法。2. 金融風暴對投資環境革新帶來之影響，以及其與政治風險之關連。3. 金融風暴如何影響南/北方投資人(North-

and South- Investors)對政治風險之認知。藉由前述三項討論題綱瞭解，國際投資之政治風險可分為系統性、非系統性風險及無法預期之風險，非系統性風險係只個別投資專案本身之風險，常可介於事前評估、與利害關係人(含政府部門)溝通互動及利用顯有金融、法律工具或其他機制避免；系統性風險為整體區域或全球性之系統性變化所誘發之風險，可係用現有國際規則工具、跨國組織及建立良好投資體制加以減輕；而非預期政治風險則同時包含個體與總體之非預期或突發事件所產生之政治風險，通常無將之加以消除。因此，與會者紛紛對於如何減緩(mitigation)國際投資中之政治風險，並分別從 FDI 與政治風險本質關係、企業經營角度，以及南方(發展中經濟體)投資人之角度出發，提出不同減緩國際投資政治風險之可行方式。

第二天 12 月 8 日分組討論會議

分組 2.3：金融風暴下發展中市場之對外投資

本分組會議係由哥倫比亞大學 Vale 永續國際投資中心(Vale Columbia center on Sustainable international Investment)主任 Dr. Karl P. Suvant 主持，渠表示全球因金融風暴所引發的經濟危機成為發展中經濟體拉近與以開發經濟體間差距提供契機，但也面臨所多挑戰。特別是大家熟知之發展中國家為金磚四國(BRICS)，其所面臨的挑戰確有相當的不同，以致於其因應經濟危機挑戰所採取的對策有所不同，像是俄羅斯過去主要外匯收入來源集中在

有關與談人及與會者討論重點敘述如下：

據統計 2008 年發展中市場對外投資達美金 3500 億元，所佔全球年度投資流量之比重為歷年來之最。除了其中有些較為矚目之投資案件，如 Gazprom 或 Tata 集團收購 Jaguar 汽車外，尚有許多發展中市場之不甚知名之企業對外投資，驅使這些企業對外投資之力量為何？其所選定投資之地點或產業，以及面臨的挑戰與政策體制為何？反之，金融海嘯及經濟危機對於發展中市場之影響程度為何？某些國家採取金融海嘯的後果為成長減緩及緊縮授信，其對於發展中國家之影響為何？是否導致對內或對外直接投資 FDI 採取新限制措施，而不同發展中經濟體所受到之影響亦有所不同。

經由討論可瞭解或可觀察出發展中國家對外投資之地點、產業及所採取之項目，具有一定之趨勢。就中國為例，由於其目前仍為共產體制國家，許多有能力對外投資之企業均為國有企業，而其所投資之對象

多主要為能源部門，包括非洲及南美洲之石油、礦產，當然較為矚目之案件為收購澳洲礦業企業力必力拓公司，雖然此項合併案最後未完成，但可以察覺中國國有企業對外投資所引發之疑慮；另外，中國對外輸出工程服務之紀錄也呈現逐年成長。此外，國際投資之保護主義是否是造成國際投資流量減少之原因，以及投資地主國在何種條件下會協助或阻止來自發展中市場之外人直接投資 FDI 等問題收到與會講者熱烈討論。

土耳其 Kadir Has 大學教授 Sedat Aybar 表示土耳其為加入歐盟在經濟體制上面作了許多努力，長期以來土耳其也輸出大量勞工至歐盟先進國家，並接受歐盟大量投資，進容海嘯的確為土耳其帶來嚴重衝擊，也始得加入歐盟與調整經濟體質之政策受到挑戰。然而，從反面角度觀看，土耳其可借此時期思考未來發展的方式，及其與歐盟之經濟關係。印度政府財政部國庫稅收官員 Dheeraj Bhatnagar 表示印度雖整體遭受金融海嘯衝擊不大，但若深入區分印度不同產業及區域，可以發現不同區域受到金融海嘯的衝擊有所不同。外人直接投資的部分也相對減少，反之印度之大型企業也在此時期不僅對外擴張，同時也對內進行整合，Tata 集團等極為明例。而印度政府為配合對抗失業及加速發展落後地區之政策，多採取相關軟性措施(Soft measures)引導外資投資，對於避免失業率攀升有一定的幫助。以色列臺拉維夫大學教授 Seev Hirsh 表示，依據其調查，因為具有堅強的經濟基礎建設(基本體質)，中東海灣小國受到金融海嘯影響甚巨，資產泡沫情況相當嚴重，資金顯著外流，顯示前金融海嘯前，該小國未有效引導資金進入相關基礎建設部門之政策。俄羅斯世界經濟與國際關係研究中心歐盟研究組主任 Alexei Kuznetsov 表示俄羅斯在金融海嘯時期，經濟因國際商品價格及能源產品價格波動影響很大。俄羅斯在此期間，外人投資有顯著減少，但其對外投資則亦受到影響而降低。阿根廷國家投資促進總署主席 Beatriz Nofal 女士表示阿國受國際原物料波動影響，對外投資及外人直接投資 FDI 明顯減少，傳統以來，阿國許多產業即限制外人投資，目前阿國政府將檢討整體國家投資政策，以因應經濟危機後全球復甦之腳步。

與會講者均認為全球即將步入復甦階段，跨國企業在此期間已進行一定之整合，並且隨著發展中市場之政策協助，許多發展中經濟體之大型企業，在本土市場之支持下，得以對外進一步擴張。只是，不同企業所著眼之對外投資地點、產業及採取之方式(合併、收購或轉投資重組等)端視其投資著眼市場、資源、效率或其他非商業考量。

更新「OECD 多國企業指導綱領」(OECD Guidelines for Multinational Enterprises) 諮商會議

OECD 投資委員會為因應金融海嘯之全球經濟轉變、多國籍企業全球投資活動及許多發展中國家對於國際投資政策之需求，於 2009 年開始推動更新 OECD 多國企業指導綱領。OECD 將彙整各 42 個國家聯絡點(NCP; National Contact Point)及非政府部門之建議，涵括企業倫理之主要領域，如企業遵循法令之作法、遵循國際所公認之標準及有效回應社會之期待。由於 OECD 多國企業指導綱領距離上一次 2000 年檢討更新已接近有 10 前期間，其中不僅國際經濟與投資環境巨變、多國企業增長迅速且明顯變革、非 OECD 會員國所吸引之國際投資也早已超越 OECD 會員國、非遵循國之多國企業於國際投資之影響力也逐漸增加，以及國際社會、政府及非政府之社會部門對於建立負責任商業行為高標之期待，OECD 在 2009 年年度 NCP 會議中決議將進行對多國企業指導綱領之檢視與更新。

本次諮商主要針對三項主題：實體規定、程序規定及制度議題。並邀請英國及荷蘭 NCP 代表進行專案報告及經驗分享。在實體規定方面，涉及供應鏈/實地查核、人權、就業與產業關係、揭露、環境及稅收議題；程序規定方面，涉及 NCP 手續之例外、功能性等同標準及個別環境尊重、平行程序、多方管轄事件及 Forum Shopping、(投資)促進、資源等；制度爭議方面，涉及多國企業指導綱領與多國企業之關係，以及非遵循國之參與。

另外，許多長期關注多國企業指導綱領發展之組織，包括 BIAC、TUAC、OECD Watch、ILO 等，均針對其中相關內容進行討論，並提出意見。此外，聯合國秘書長特別代表 John Ruggie 教授也針對 OECD 多國企業指導綱領提出評估意見，並提出 Due Diligence Approach 以解決國際對於多國企業指導綱領之規範內容及方式，以及從結果及強制面向要求多國企業遵循之困難。最後，諮詢論壇主席，即投資委員會主席 Manfred Schekulin 做成結論，OECD 投資委員會將匯集本次會議之意見，並將其中較有爭議之部分，如 Due Diligence Approach 或 Functional Equivalence 之採行、是否除將國際勞工組織核心公約規範內容外，另納入相關國際勞動綱領之規範、事件管轄積極衝突之解決，以及 OECD 多國指導綱領之定位及其與非遵循國參與之程度等，交由相關 NCP 會員、國際組織及非政府團體進一步表示意見，預計於 2010 年 4 月彙整完成，提報投資委員會。

四、結論與建議

相較於去年度第7屆國際投資論壇會議，本年度國際投資論壇會議主題、討論內容及參與人數均有明顯變化。或許受到金融海嘯及經濟危機影響，或是同時間在丹麥舉行全球氣候變遷會議之影響，本年度參與人數、講者及發表文章明顯減少。然而，在本次會議主題中也觀察到以已開發經濟體為主所組成之富人俱樂部 OECD 也逐漸增加與發展中國家之交流，期望持續在國際經濟及投資事務上，扮演關鍵角色。特別是其開放，甚至邀請許多主要發展中之非遵循經濟體參與 OECD 多國企業指導綱領更新之諮商會議，並嘗試擴大綱領所涵括內涵(包括許多發展中國家所重視之環境與勞動議題)，改變其規範方式(Approach)，以更具軟法(Soft Law)性質並使其內容與其他相關國際規範工具(instruments)相調和，減少規範衝突，其增加 OECD 多國企業指導綱領在國際社會之適用，以及形塑國際投資制度架構。

自從 OECD 於 1998 年推動多邊投資協定(MAI)失敗後，OECD 投資事務轉以軟法性質之綱領(Guidelines)作為推動國際投資行為制度化之方式。隨著全球經濟變遷及地球暖化影響，整體經濟制度及人類社會所面臨之挑戰已超乎 10 年其所能想像。在此時我國或許可以在下列三方面努力：

1. 持續推動能力建構。自從 OECD 推動 MAI 失敗後，國際間投資法制多以雙邊投資協定(BIA)或是在區域貿易協定(FTA)中投資專章表現。然而，其所著重之內涵已從保護投資人轉變為兼顧投資地主國發展之勞動與環境議題。值得我進一步深入研究，其與國際同步。
2. 我國可評估實質參與 OECD 多國企業指導綱領，或推動加入成為 NCP。鑑於本次 OECD 多國企業指導綱領受到聯合國秘書長商業與人權特別代表 John Ruggie、ILO、UNCTAD、世界銀行及發展中國家等重視，顯見若多國企業指導綱領逾 2010 年完成更新後，將成為當前國際投資規範中之重要遵循非拘束力規範。我國可藉由實質參與 OECD 多國企業指導綱領，與國際發展接軌與整合。
3. 我國為因應未來國家發展之需求與挑戰，已著手進行政府組織再造工作，在思索對外經貿政策與鬆綁我國投資限制政策中，可參考美國政府組織，於政府體制中建立專責及專業單位，再進一步開放國際投資活動下，兼顧國家發展及國家基礎安全之需求。

GLOBAL FORUM VIII

ON International Investment



Beyond the crisis:
International investment
for a stronger, cleaner,
fairer global economy

7-8 December 2009
OECD Conference Centre
Paris, France





www.oecd.org/investment/gfi-8

CALL FOR PAPERS

CONTACT INFORMATION

Inquiries concerning the Global Forum on International Investment, registration and corporate sponsorship opportunities should be directed to:

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www.oecd.org/investment/gfi-8

Proposals for papers focused on the Global Forum themes are now being accepted for consideration to be included in the official conference documentation.

Given the focus of the GFII on the identification and dissemination of practical policy solutions and knowledge, papers submitted for the conference should have a strong "applied" orientation. Papers can have an individual country orientation, a regional orientation, or deal with topics thematically at a global level. All accepted submissions will be distributed as part of the official conference documentation and serve as background material for the relevant sessions in the programme. Papers can be in English or French.

For planning purposes, authors are strongly encouraged to submit their paper proposals to the OECD Secretariat by 6 November 2009. The deadline for final submissions is 27 November 2009.

Proposals should be directed to the GFII Programme Manager, Dr. Michael Gestrin at Michael.Gestrin@OECD.org.



Organisation for Economic
Co-operation and Development



UNCTAD co-sponsors this event.

GLOBAL FORUM VIII

ON International Investment



**Beyond the crisis:
International investment
for a stronger, cleaner,
fairer global economy**

**7-8 December 2009
OECD Conference Centre
Paris, France**

A large, stylized illustration of a hand holding a globe. The hand is rendered in a dark, textured style, and the globe shows the continents of North and South America. The word 'Programme' is overlaid on the globe.

Programme

OVERVIEW

DAY 1 – 7 DECEMBER 2009

08:00 – 09:30	Registration
09:30 – 12:30	Opening plenary and ministerial roundtable debate Topic: International investment is a force for a stronger, cleaner, fairer global economy (Room 1)
12:30 – 15:00	Lunch
15:00 – 18:00	Parallel sessions 1.1 Investment policy challenges and priorities in Latin America (Room 6) 1.2 Unlocking investment potential in Africa: What role for the OECD after the Doha review of the Monterrey Consensus (Room 7) 1.3 Exploring the interface between responsible business conduct and corporate governance: Lessons from the Japanese experience (Auditorium) 1.4 World Investment and Political Risk 2009: Cross-border investment in uncertain times (Room 9)
18:00 – 20:00	Reception (Château)

DAY 2 – 8 DECEMBER 2009

10:00 – 12:30	Parallel sessions 2.1 Foreign investment and national security: Future challenges to a balanced approach (Room 6) 2.2 Promoting responsible international investment in agriculture (Room D) 2.3 Outward investment from emerging markets in a time of crisis (Room 9) 2.4 Measuring the quality of investment policy frameworks: Useful guides for policy reform or a beauty contest? (Auditorium)
12:30 – 15:00	Lunch
14:30 – 18:00	Consultation on an update of the OECD Guidelines for Multinational Enterprises (Room 1)
15:00 – 18:00	GFII Special Session: Briefing with Dr. Ibrahim Assane Mayaki, Chief Executive Officer, NEPAD, for African Ambassadors and other interested GFII delegates on recent NEPAD initiatives, including the NEPAD-OECD Africa Investment Initiative. This session will be chaired by Ambassador Konji Sebati, South Africa. (Room 9)
18:00 – 20:00	Reception (Château)

DETAILED PROGRAMME

DAY 1 – 7 DECEMBER 2009

08:00- 09:30

Registration - Coffee and viennoiseries provided outside Room 1

Opening plenary (Room 1)

09:30- 09:45

Welcome address, Mr. Angel Gurría, OECD Secretary-General

09:45 - 12:30

Ministerial Roundtable Debate International Investment is a force for a Stronger, Cleaner, Fairer Global Economy

The Participants

The conference co-chairs

H.E. Mahmoud Mohieldin, Minister of Investment, Egypt

H.E. Jose W. Fernandez, Assistant Secretary of State for Economic, Energy and Business Affairs, United States

The panel

H.E. Marco Vinicio Ruiz, Minister for Trade, Costa Rica

H.E. Ibrahima Mbaye, Minister in charge of NEPAD, Senegal

H.E. Nguyen Bich Dat, Vice Minister of Planning and Investment, Vietnam

H.E. Bayu Krishnamurti, Vice-Minister for Agriculture, Indonesia

The discussants

Carolyn Ervin, Director, Directorate for Financial and Enterprise Affairs, OECD

Izumi Kobayashi, Executive Vice President, MIGA, World Bank

James Zhan, Director, Division on Investment and Enterprise, UNCTAD

Karl P. Sauvant, Executive Director, Vale Columbia Center on Sustainable International Investment, United States

The moderator

Jeremy Gaunt, Reuters European Investment Correspondent, London

Overview and structure of the debate

The panel for the debate consists of high-ranking government representatives from Africa, Asia, Latin America, the Middle East, and North America. The session will be co-chaired by Egypt and the United States. The debate will explore the three dimensions of the conference theme in turn. Each segment of the debate will open with a presentation laying out key arguments on how international investment can contribute to a stronger, cleaner, and fairer global economy.

Before the debate gets underway, the audience will be invited to vote on the key proposition being discussed, namely that “International investment is a force for a stronger, cleaner, fairer global economy”. At the end of the debate, the audience will be again invited to vote on the proposition to see what impact the discussion has had on opinion. The results of the votes will be tabulated automatically and presented on-screen.

09:45 – 10:00

Opening presentations by the conference co-chairs (7 minutes each)

10:00 – 10:40

International Investment for a Stronger Global Economy

Kick-off presentation: Karl P. Sauvant (5 minutes)

Panel debate (35 minutes)

Key policy questions:

- Can international investment be part of the solution to the crisis, or has the crisis shown that, in reality, it is more part of the problem?
- Could the crisis spur more coherent approaches to international investment policy in the future, in contrast to the incoherence of the current “spaghetti bowl” of international agreements?
- Could the crisis result in a stronger global economy by bringing greater balance to investment globalization?

10:40 – 11:20

International Investment for a Cleaner Global Economy

Kick-off presentation: H.E. Marco Vinicio Ruiz (5 minutes)

Panel debate (35 minutes)

Key policy questions:

- With respect to the environment, many people see international investment as part of the problem. Others view it as a necessary part of the solution. How can these views be reconciled, if at all?
- Is the only path to a cleaner global economy limits on investment globalization?
- What role should governments play, including through instruments for promoting responsible business conduct, such as the OECD Guidelines for Multinational Enterprises?

<p>11:20 – 12:00</p>	<p>International Investment for a Fairer Global Economy</p> <p>Kick-off presentation: H.E. Ibrahima Mbaye (5 minutes)</p> <p>Panel debate (35 minutes)</p> <p>Key policy questions:</p> <ul style="list-style-type: none"> • In 2002, the Monterrey Consensus underscored the crucial role that private investment needs to play if we are to achieve important development objectives, such as the Millennium Development Goals (MDGs). But has this potential been realized? • Could international investment do more to support a fairer global economy by doing more to support development? • What policy and regulatory frameworks are needed for international investment to play a role as a cornerstone of a fairer global economy? <p>Open questions and answers period</p> <p>Closing comments by the co-chairs</p> <ul style="list-style-type: none"> • Tabulation and comparison of the post-debate audience vote with the pre-debate vote
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<p>12:30-15:00</p>	<p>Lunch break</p>
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Parallel sessions 15:00 – 18:00 (with a coffee break from 16:00 – 16:30)

Session 1.1. Investment policy challenges and priorities in Latin America
(Room 6)

Co-Chairs:

H.E. Marco Vinicio Ruiz, Minister for Trade, Costa Rica

Manfred Schekulin, Chair, OECD Investment Committee

Speakers

Fernando Cepeda Ulloa, Ambassador of Colombia, Paris, France

Beatriz Nofal, President, ProsperAr (National Investment Development Agency), Argentina

Discussant

Anthony O’Sullivan, Head, Private Sector Development Division, OECD

Overview

Across Latin America and the Caribbean governments are moving to improve their investment climates in support of more and better private investment for sustainable growth and employment. As they do so many of these countries have sought to draw on OECD experience and methods to strengthen their investment policy frameworks and implementation strategies. Indeed, several countries in the region were actively involved in developing the OECD’s Policy Framework for Investment (PFI) and participate in other core activities of the OECD Investment Committee.

This session will seek to identify and discuss the key policy areas for OECD’s future co-operation with Latin America and the Caribbean, for example:

- International investment, including open and transparent investment policies and sound approaches to foreign investment incentives;
- Good practices for investment promotion agencies, including governance, customer segmentation, aftercare services and monitoring of effectiveness;
- Policies to foster enterprise development: including one-stop shops, access to finance, business skills development and the promotion of SME-MNE linkages;
- Responsible business conduct, building on the existing Latin American network of five National Contact Points for the OECD Guidelines for Multinational Enterprises;
- Infrastructure development: making the most of private-public partnerships to maximise the provision of essential services;
- National strategies for promoting “green investment”.

Key questions

- What are the top investment policy priorities in Latin America today?
- To what extent has the global economic crisis affected investment in Latin America?

Session 1.2. Unlocking Investment Potential in Africa: What role for the OECD after the Doha review of the Monterrey Consensus?

Joint DAC-Investment Committee Session (Room 7)

Chair:

H.E. Ibrahima Mbaye, Minister Counsellor in charge of NEPAD, Senegal

Keynote speaker:

Dr. Ibrahim Assane Mayaki, Chief Executive Officer, NEPAD

Discussants:

Steve Groff, Deputy Director, OECD Development Co-operation Directorate

Karim Dahou, Executive Manager, NEPAD-OECD Africa Investment Initiative, OECD

Richard Parry, Head of Unit, OECD Centre for Tax Policy Administration

Dambudzo Muzenda, OECD Investment Division

Toru Homma, Regional Advisor, Japan International Cooperation Agency, Kenya

Kimmo Siniavuori, Commercial Counsellor, Ministry of Foreign Affairs, Finland

Overview:

With a particular focus on the NEPAD-OECD Africa Investment Initiative as a vehicle for promoting private sector-led growth in Africa, this session will consider how the OECD can more effectively support financing for development post-Doha. The session will consider how the Initiative can promote a balanced approach to development in the area of investment. One of the key themes in the Monterrey Consensus is the need for policy coherence and co-ordination between the different policy communities involved. This recognition has underpinned the growing co-operation between the OECD's Development Assistance Committee and the OECD Investment Committee, including the formation of a group of 'Friends of the Africa Investment Initiative', which aims to align better the activities of donors around investment policy priorities in Africa.

The session will consider how to take co-operation between these two policy communities forward, including through joint use of African and OECD instruments such as the African Peer Review Mechanism (APRM), the PFI and the OECD Principles for Private sector Participation in Infrastructure to improve Africa's business climate. It will also consider development partners' innovative strategies aimed at using ODA as a catalyst for sound private investment.

The first part will address key focus issues discussed during the last Ministerial Meeting of the Initiative, held in Johannesburg on 11-12 November. It will focus on *tax for investment and development* and on *boosting investment in energy infrastructure, including through carbon finance*. The second part will concentrate on lessons learned from development partners using ODA as a leverage for sustainable investment. The use of the PFI in Japan's and Finland's bilateral ODA will serve as an example.

Key questions:

- What lessons have donors learned in terms of effective methods of leveraging ODA in support of efforts to improve investment climates?
- How can we achieve a better three-way alignment between donors, the investment policy community, which is increasingly engaging on development issues, and African countries' investment policy priorities?

Session 1.3. Special lecture on exploring the interface between responsible business conduct and corporate governance: Lessons from the Japanese experience (Auditorium)

Keynote speaker:

Professor Haruo Funabashi, Visiting Professor at Hitotsubashi University Graduate School of International Corporate Strategy, Tokyo, and author of "*Timeless Ventures: 32 Japanese Companies that Imbibed 8 Principles of Longevity*"

Discussants:

Anant G. Nadkarni, Vice President of the Tata Council for Community Initiatives

Pierre Habbard, Senior Fellow, TUAC

Pamela Muckosy, Head of Research, Ethical Corporation

Overview

It is widely acknowledged that good governance is critical to corporate profitability and longevity. However achieving it is an increasingly complex task. Nature, society, and business are interconnected in complex ways. It indeed no longer appears sufficient for decision-makers to be accountable to shareholders; they are increasingly expected to respond to the expectations of the societies in which they operate as well.

Key questions:

- Are corporate governance and corporate social responsibility two alien concepts or two sides of the same coin?
- How has the financial crisis altered the relationship between corporate governance and corporate social responsibility?
- What supporting role can the OECD Corporate Governance Principles and the OECD Guidelines for Multinational Enterprises play in promoting corporate sustainability?

Session 1.4. World Investment and Political Risk 2009: Cross-border investment in uncertain times

Organised in co-operation with MIGA, World Bank (Room 9)

Chair:

James Zhan, Director, DITE, UNCTAD

Speakers:

Frank J. Lysy, Chief Economist and Director, Economics and Policy Group, MIGA

Karin Millett, Head, IG Vienna Office, Investment Climate Advisory Services, World Bank Group

Stephan Dreyhaupt, Head, Research and Knowledge, MIGA

Persephone Economou, Co-Author, World Investment and Political Risk 2009

Jean-Luc Debievre, Broker, Gras Savoye - Risques Financiers et Politiques

Overview

Well into its deepest financial crisis in the post-war era, the world economy is entering a phase of economic recovery and financial stabilization. While corporate investors have maintained an overall positive outlook on foreign direct investment, political risk still features as major concern. Against this back drop, this session will showcase a major study by the Multilateral Investment Guarantee Agency (MIGA) of the World Bank Group, just released, on World Investment and Political Risk.

Key questions:

- How has the financial crisis altered foreign direct investment prospects for emerging markets? (Frank Lysy)
- What was the impact of the financial crisis on investment climate reform and what is the link to political risk (Karin Millett)
- How has the financial crisis affected political risk perceptions for North- and South-based investors? (Stephan Dreyhaupt, Persephone Economou)

Discussion

- Foreign direct investment and political risk mitigation (Frank Lysy)
- Political risk mitigation: the corporate perspective (Jean-Luc Debievre)
- South-based FDI: what can the PRI industry do to support this trend? (Stephan Dreyhaupt)

Discussion

**All participants are invited to a reception in the
Chateau 18:00 – 20:00**

9:00-10:00

Coffee and viennoiseries provided outside Room 1

Parallel sessions 10:00 – 12:30 (with coffee break from 11:00 – 11:30)

**Session 2.1. Foreign investment and national security:
Future challenges to a balanced approach (Room 6)**

In co-operation with the Peterson Institute for International Economics

Chair:

The Hon. Marc Lalonde, P.C., O.C., Q.C.

Speakers:

Theodore H. Moran, Non-Resident Senior Fellow, Peterson Institute of International Economics

Nicolas Véron, Senior Research Fellow, Bruegel, Brussels

Kathryn Gordon, Head of the Freedom of Investment Unit, OECD

Daniel M. Price, Senior Partner, Sidley Austin LLP; former Assistant to the US President and Deputy National Security Advisor for International Economics

Overview:

The OECD Guidelines for Recipient Country Investment Policies relating to National Security were adopted by the OECD in 2009 to help governments safeguard their countries' national security, while also preserving their reputation for fair treatment of international investors. The motivation behind the development of these Guidelines has been the increasing use of national security reviews of incoming investment over the last five years and the growing number of investment transactions being investigated, mitigated or eventually blocked on national security grounds. To prevent protectionist use of national security measures and to increase their effectiveness, these new Guidelines help governments to make their national security measures least-discriminatory, transparent and predictable, proportionate to the objective pursued, and accountable in their application. They also form the basis for peer review of national security measures under investment policy peer monitoring hosted at the OECD.

Key questions:

- When might a foreign acquisition pose a genuine national security threat, and when is this entirely implausible?
- Does the fact that more countries are adopting security-related investment policies reflect a riskier international security environment or a trend toward disguised protectionism?
- Are there signs that security-related arrangements are more open for strategic use by domestic companies to gain competitive advantage over foreign rivals? Given that SWFs are relatively new actors in the international investment arena, what issues might yet pose challenges for governments?

Session 2.2. Promoting responsible international investment in agriculture

(Room D)

Co-Chairs

Kenko Sone, Director of OECD Division, Ministry of Foreign Affairs, Japan

H.E. Bayu Krishnamurti, Vice-Minister for Agriculture, Indonesia

Speakers

Hafiz Mirza, Chief, Development Issues Section - IIAB, UNCTAD

David Hallam, Deputy Director, Trade and Market Division, FAO

John Lamb, Senior Agribusiness Specialist, World Bank

Joachim Pohl, Legal Expert, Investment Division, OECD

Overview

Increasing investment in agriculture is vital to achieving higher productivity and greater food production, thereby ensuring global food security and poverty reduction. Investment in agriculture has the potential to raise recipient country incomes, especially rural incomes, by providing employment, increasing agricultural productivity, transferring agricultural techniques and technology, and creating market infrastructure. However, it also holds potential dangers. If the recipient country policy framework is weak, such investment could pose significant risks, including corruption, displacement of local peoples, and environmental damage.

Any policy response will need to achieve a balance by addressing both the responsibilities of investors as well as the role of government in putting in place sound policy frameworks. Work is therefore underway to initiate a co-ordinated global response to the growing trend of major agricultural investment associated with acquisition of rights to land and related resources, particularly in the developing world.

This session will serve as a consultation to a Japanese led initiative on this topic (co-sponsored by the FAO, IFAD, UNCTAD, and the World Bank), which was kick-started at a roundtable held concurrently with the 64th United Nations General Assembly on 23 September 2009. The session provides an opportunity to both consult the Global Forum on these issues and to support co-operation with the international bodies and other stakeholders involved in the initiative. Internationally agreed standards, including OECD instruments, that could be built upon to develop a code of conduct will be discussed.

Key questions

- How can the current initiative draw on past good practices and experience gained and, where appropriate, content already developed by relevant guidelines, schemes or codes of conduct, whether public or private?
- Examples of existing schemes include the Equator Principles, the Extractive Industry Transparency Initiative, Santiago Principles, and the OECD Guidelines for MNEs and other OECD instruments. What others might be relevant? In what ways might they be used?

Session 2.3. Outward investment from emerging markets in a time of crisis

Hosted by the Vale Columbia Center on Sustainable International Investment (Room 9)

Chair:

Karl P. Sauvant, Executive Director, Vale Columbia Center on Sustainable International Investment

Speakers:

Sedat Aybar, Associate Professor of Economics, Department of Economics; Chair, Director of Centre for Middle-eastern and African Studies, Kadir Has University, Istanbul, Turkey.

Dheeraj Bhatnagar, Commissioner, Department of Revenue, Ministry of Finance, Government of India

Seev Hirsch, Emeritus Professor, The Leon Recanati Graduate School of Business, Tel Aviv University, Israel.

Alexei Kuznetsov, Head, Section of EU Studies, Institute of World Economy and International Relations (IMEMO), Moscow, Russia.

Beatriz Nofal, President of ProsperAr (National Investment Development Agency), Argentina.

Marjan Svetličič, Head, Centre of International Relations, University of Ljubljana, Ljubljana, Slovenia.

Overview:

Building on recent surveys of multinationals in a number of emerging markets, this session will discuss a number of issues related to outward FDI from these economies. Outward investment from emerging markets was USD 350 billion in 2008, representing a sizable share of global investment flows. However, beyond some headline names (Gazprom) and deals (Tata buying Jaguar), not much is widely known about the companies that undertake this investment, what drives them to do so, the locations and industries on which they have focused, the challenges they face and the policy regimes under which they operate in their home countries. One aim of this session is to explore these issues.

The second aim of the session is to explore how the global financial and economic crisis has affected (and may continue to affect) outward investment from emerging markets. Some consequences of the crisis, e.g., declining growth and tight credit, have been perhaps more widespread than others, e.g., new restrictions on both inward and outward FDI. But even so, there are significant differences among emerging economies, say China and Russia. The former has the resources to acquire foreign assets in a buyer's market, while the latter has suffered from the steep fall in commodity prices.

Key questions:

- Are there any general trends discernible in outward investment from emerging markets – in regional concentration, industry focus, reliance on M&As, etc.?
- What is the impact of the financial crisis and recession?
- Has FDI protectionism been a factor in decline or delay?
- Is the crisis having an effect on emerging market outward investors and is it likely to be a long-term effect?
- To what extent are home countries helping/hindering outward FDI from emerging markets?

**Session 2.4. Measuring the quality of investment policy frameworks:
Useful guides for policy or a beauty contest?**
Organised in co-operation with UNCTAD and the World Bank (Auditorium)

Chair:

Pierre Poret, Head, Investment Division, OECD

Speakers:

Peter Kusek, Investment Policy Officer, Investment Climate Advisory Services, World Bank
Group; Investment Across Borders

Astrit Sulstarova, Economic Affairs Officer, Investment Trends and Data section, UNCTAD; FDI
performance and potential rankings

Jeremy Clegg, Head of the International Business Division, University of Leeds Business School
Stephen Thompsen, Senior Economist, Investment Division, OECD; The FDI Regulatory
Restrictiveness Index

Alexander Böhmer, Head, MENA Programme, Private Sector Development Division, OECD;
Business Climate Development Strategy

Overview

Foreign direct investment can make an important contribution to development. It can generate employment, it can serve as a channel for technology transfer, and it can improve access to export markets, to name but a few benefits. For this reason, there has been growing interest in developing tools for measuring the attractiveness of countries for FDI. This session will consider several such tools that have been developed at the OECD, UNCTAD, and the World Bank. It will do so from two perspectives. First, it will consider some of the methodological challenges involved, including data quality. Second, it will consider how these tools, which are often presented in the form of rankings, influence the policy reform process in the countries covered.

Key questions

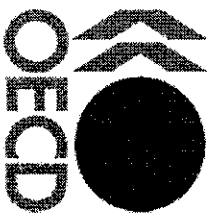
- What are the key methodological challenges in measuring the attractiveness of countries to FDI?
- Is there evidence that such metrics and rankings have had a positive impact on the policy reform process?
- How can governments seeking to improve their investment environments best incorporate such measures into their broader investment policy reform efforts?

12:30-14:30	Lunch break
14:30 – 18:00	Consultation on an update of the OECD Guidelines for Multinational Enterprises (Room 1)
16:00-16:30	Coffee provided outside Room 1
15:00 – 18:00	GFII Special Session: Briefing with Dr. Ibrahim Assane Mayaki, Chief Executive Officer, NEPAD, for African Ambassadors and other interested GFII delegates on recent NEPAD initiatives, including the NEPAD-OECD Africa Investment Initiative. This session will be chaired by Ambassador Konji Sebati, South Africa. (Room 9)

**All participants are cordially invited to a reception
hosted by**

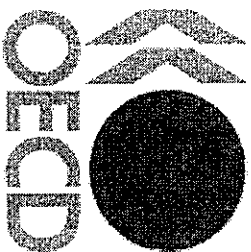
H.E. Ambassador Konji Sebati, South Africa

Venue: Chateau 18:00



Organised by the OECD Investment Committee in co-operation with
the United Nations Conference on Trade and Development (UNCTAD)





**CONSULTATION ON AN UPDATE OF THE
OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES**

Agenda

8 December 2009

14:30 -18:00

**OECD Conference Centre
Paris, France
Room 1**

Investment Division, Directorate for Financial and Enterprise Affairs
Organisation for Economic Co-operation and Development
2 rue André-Pascal, Paris 75116, France
www.oecd.org/Investment

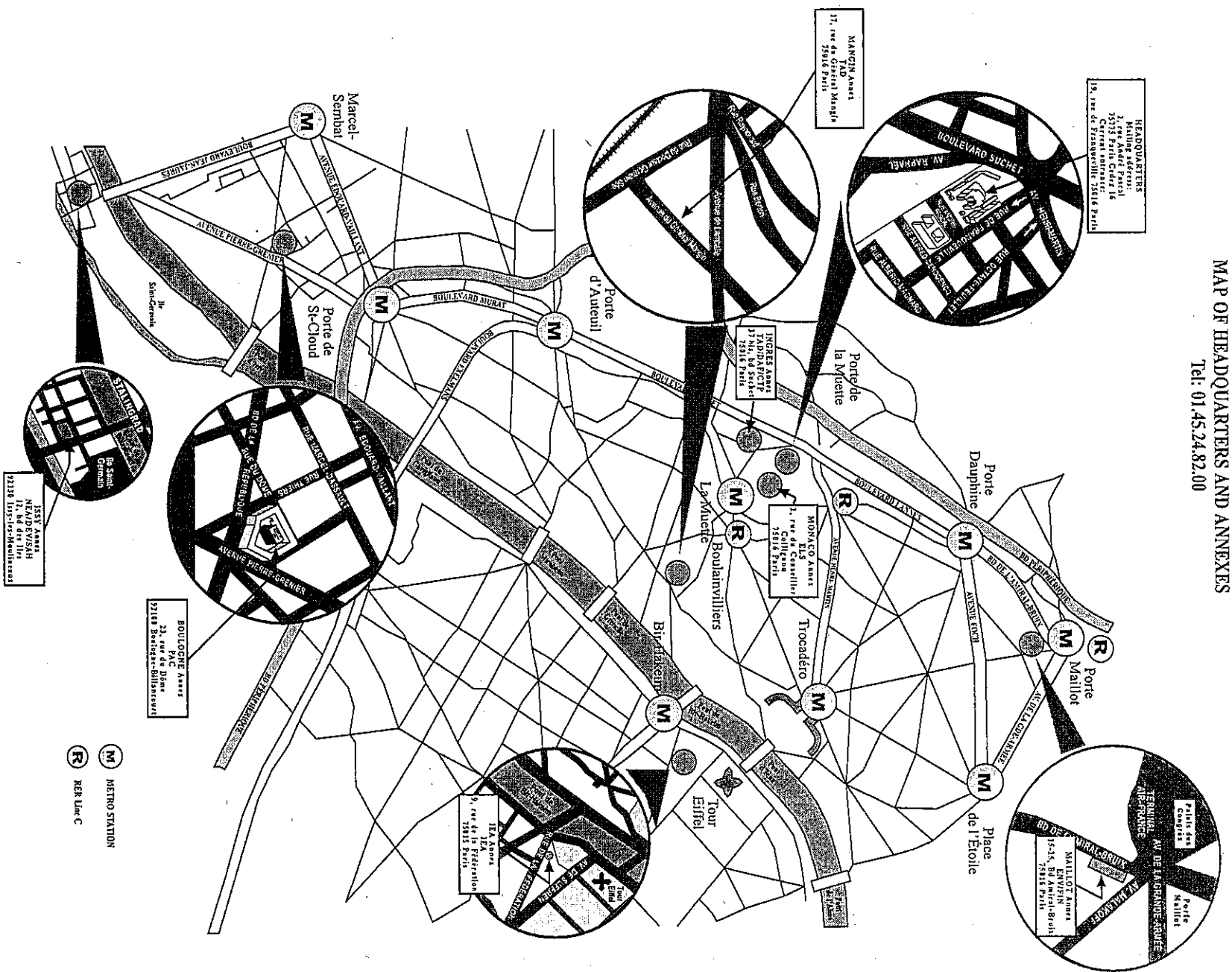
AGENDA

Opening Remarks	
14:30 - 14:45	<p>Richard Boucher, OECD Deputy Secretary-General Chair: Manfred Schekulin, OECD Investment Committee Chair and Austrian NCP</p> <p align="center">Substantive Provisions</p>
14:45 - 16:00	<p>Introduction: Vernon MackKay, Chair of the Working Party of the OECD Investment Committee and Ricardo Guerra de Araujo, Brazil</p> <p>Issues for discussion include:</p> <ul style="list-style-type: none"> • Supply chains /due diligence (including financial services) • Human rights • Employment and Industrial Relations • Disclosure • Environment • Taxation <p>Open discussion</p> <p align="center">Procedural Provisions</p>
16:00 - 17:00	<p>Introduction: Julian Farrel, Chairman, UK NCP Steering Board and Herman Mulder, Dutch NCP</p> <p>Issues for discussion include:</p> <ul style="list-style-type: none"> • Expectations of NCP processes • Functional equivalence and respect of individual circumstances • Parallel proceedings • Multi-jurisdiction instances/Forum shopping • Promotion • Resources <p>Open discussion</p> <p align="center">Institutional Issues</p>
17:00 - 17:45	<p>Introduction: Marcelo Garcia Silva, Chilean NCP and Patrick Colmer, Australian NCP</p> <p>Issues for discussion include:</p> <ul style="list-style-type: none"> • Relationship between the Guidelines and the OECD Declaration on International Investment and Multinational Enterprises • Participation of non-adhering countries in the updating process <p>Open discussion</p>
17:45 – 18:00	<p>Round-up and Next Steps by the Chair of the Consultation</p>

OECD

MAP OF HEADQUARTERS AND ANNEXES

Tel: 01.45.24.82.00



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 The logo for the Global Forum on International Investment, featuring a stylized globe.

Global Forum on International Investment

Practical information

[Venue and dates](#) | [Registration](#) | [Accreditation](#) | [Language](#) | [Hotels](#) | [Contact us](#)

Venue and dates

The eighth Global Forum on International Investment will take place in Paris on **7-8 December 2009**. It will be held at the newly opened conference centre at OECD Headquarters, 2 rue André-Pascal, 75016 Paris, France ([location map](#)). Further information about this venue, including maps, directions and hotels in the area, is available on the [Conference Centre website](#).

Registration

Participation is by invitation only. There is no conference fee but registration is mandatory. Enquiries concerning registration should be addressed to investment@oecd.org.

Accreditation

For security reasons, all participants must be accredited and be in possession of their identification badge at all times, including at social events. Participants will receive their badges at the registration desk upon arrival at the Conference. Please note that the access to the meeting room will be restricted to those wearing their identification badges.

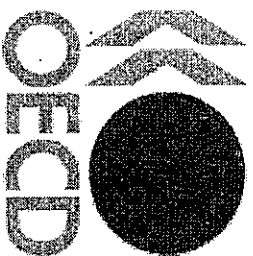
Language

The official languages of the conference are English and French. Simultaneous interpretation to and from English and French will be available.

Hotels

Participants are responsible for hotel reservations and payment. [A list of hotels within the vicinity of the OECD Headquarters is available on the OECD Conference Centre's web site.](#)

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**CONSULTATION ON AN UPDATE OF THE
OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES**

Consultation Note

**8 December 2009
14:30 - 18:00**

**OECD Conference Centre
Paris, France
Room 1**

Investment Division, Directorate for Financial and Enterprise Affairs
Organisation for Economic Co-operation and Development
2 rue André-Pascal, Paris 75116, France
www.oecd.org/investment

7. The Consultation Note will further revised in light of further inputs gathered at the 8 and 9 December meetings to serve as a basis for developing proposed terms of reference for a possible update for the Investment Committee Working Party's consideration in March 2010 and, for approval by adhering countries at Investment Committee level subject to appropriate amendments. Adhering countries hope to be in a position of taking a decision on launching an update by the time of the OECD Ministerial Meeting at the end of May 2010.

II. Substantive provisions

8. This section compiles substantive issues identified by NCPs, the Investment Committee and its Working Party, OECD bodies, international organisations, BIAC, TUAC and OECD Watch and other non-governmental organisations, as well as those raised in the context of discussions of the OECD Secretary-General with leading business organisations and communications by John Ruggie, the UN Secretary-General's Special Representative for Business and Human Rights, on the merits of updating the Guidelines' recommendations and/or the Commentaries.

9. *Technical updates* appear to be needed to ensure that the instruments cited in the Guidelines or the Commentaries are accurate and up-to-date. Selected examples include: new United Nations instruments such as the *Convention against Corruption* which entered into force in 2003; new OECD instruments such as the *OECD Principles of Corporate Governance* revised in 2004, the 2003 *OECD Guidelines for Protecting Consumers from Fraudulent and Deceptive Commercial Practices Across Borders* or the two 2009 *Recommendations on Tax Measures for further combating bribery of foreign officials in international business transactions*. All relevant international organisations and OECD bodies will need to continue to be consulted to ensure that the references to their instruments are appropriate.

10. *Supply chain*. Several stakeholders consider that it would be important to give clearer guidance regarding the application of the Guidelines to supply chains. The discussion within the Investment Committee in 2003 focused on the influence of multinational enterprises on the conduct of their business partners using the presence of an "investment nexus" as a definition of their sphere of influence for the purpose of the Guidelines. More recent discussions, including by Professor Ruggie³, have shifted the focus from the sphere of influence toward the concept of "due diligence" that companies are expected to perform in light of their own circumstances in order to do no harm along their supply chains. A "due diligence" approach is used in the Environment Chapter of the Guidelines and is applicable to other areas, including human rights (see below).

11. Issues of a similar nature, and where "due diligence" may have relevance, have also arisen in the context of specific instances relating to lending and investing activities of financial institutions. New instruments or tools have also emerged on responsible lending or investment by financial institutions such as the *IFC Policy and Performance Environmental and Social Standards* (last revised in 2006), the *Equator Principles* (2003, 2006), and the *UN Principles of Responsible Investment* (2005) and *OECD Guidelines for Pension Fund Governance* (2009).

12. *Human rights*. Human rights are covered in several ways throughout the Guidelines, including core international labour rights under Chapter IV on Employment and Industrial Relations. Leading business organisations and commentators, including Professor Ruggie, have considered that the reference to respecting human rights "consistent with the host government's international obligations and commitments" in Chapter II on General Policies does not appear to provide sufficient guidance to companies in the event of supposed conflicting requirements between internationally-recognised standards on human rights and host country policies, including situations where the host country has not ratified a specific human rights instrument. It has also been noted that the Guidelines could benefit from reflecting guidance on other human rights aspects provided in the 2006 OECD

³ *Clarifying the Concepts of "Sphere of Influence" and "Complicity,"* 2008, A/HRC/8/16, 15 May 2008.

20. *Multi-jurisdiction instances.* Another complicated situation NCPs have been facing concerns those specific instances involving multinational enterprises from different adhering countries working in consortium or similar arrangements. Multi-jurisdiction instances may also result in forum shopping. Would there be merit in developing further guidance in the Procedural Guidance or Commentary on how NCPs should co-operatively handle multi-jurisdictional cases?
21. *Ensuring credibility and efficiency of the implementation of the "specific instance" facility.* BIAC, TUAC, OECD Watch and Professor Ruggie have, in particular, made a number of suggestions for additional performance NCP criteria, including attention to avoiding conflicts of interest which may arise from the fact that NCPs are located in ministries responsible for trade, investment or business promotion. Adhering countries have also commented that additional guidance and clarity may be needed to ensure the consensual and non-adversarial role of NCPs in conciliating and mediating specific instances as well as the principle of confidentiality during the process of mediation and conciliation are well understood by the interested parties.
22. *Dealing with parallel proceedings and other situations.* Parallel proceedings are reported to be one of the main reasons for not taking up specific instances, at the dissatisfaction of the parties bringing the instances in question. Based on work in the Working Party and by individual NCPs⁴ on this matter, would there be merit in building further guidance in the Procedural Guidance or Commentary?
23. *Peer review.* Peer review is a traditional and well tested working method at the OECD. A variant of peer review - "peer learning" - has been used in an informal and ad hoc way in NCP and Working Party meetings. Should a more structured process be considered and built in the Procedural Guidance or Commentary? Lessons in this respect as well as other matters raised in this section can be expected from the volunteer peer review of the Dutch NCP to be carried out between October 2009 and March 2010.
24. *Relationship between the Guidelines and the OECD Declaration.* Delegates at the Working Party have raised the issue of the pros and cons of allowing for the possibility of decoupling the Guidelines from the Declaration, in light of situations where non-OECD partners would declare a willingness to adhere to the Guidelines while not being ready to adhere to the other instruments of the Declaration.
- IV. Consultation process until March 2010**
25. The main purpose of the planned consultation process is to:
- hear the views of consultation partners on an update on the OECD Guidelines for Multinational Enterprises;
 - assist in the development of terms of reference as a prelude to a decision on such an update; and
 - explore the interest of non-adhering governments in being involved, and in which forms, in an update of the Guidelines.
26. Adhering countries agree that the consultation process on an update of the Guidelines should be transparent and inclusive while allowing for solicitation of inputs from targeted expert partners.
27. Consultation partners include:

⁴ In September 2009 the UK NCP issued guidance to parties to specific instances on the approach, including principles, it intends to follow for handling situations of parallel legal proceedings.

ANNEX - RESOURCE REFERENCES IN ANNUAL REPORTS ON THE OECD
GUIDELINES FOR MULTINATIONAL ENTERPRISES

also available at www.oecd.org/daf/investment/guidelines

- 2001
- Strategic issues facing NCPs, pp 25-27.
 - TUAC Survey of the Functioning of National Contact Points, pp 37-44.
 - BIAAC and NGO Statements on the OECD Guidelines for Multinational Enterprises, pp 31-35 and 45-48 respectively.
 - The OECD Guidelines and Other Corporate Responsibility Instruments, pp 57-75.
 - Summary of the 2001 Roundtable on "Global Instruments for Corporate Responsibility – Maximizing the Contribution of the Guidelines Relative to Other Global Instruments, pp 50-56.
- 2002
- Section V. Progress to date and considerations for future action (functional equivalence, relation with ILO, policy coherence and linkages, promotion, the role of the specific instance facility), pp 26-27.
 - TUAC Working Paper on the Functioning of National Contact Points and How to Improve the Promotion and Implementation of the OECD Guidelines for Multinational Enterprises, pp 55-62.
 - Summary of the Roundtable on Responsible Supply, pp. 65-75.
 - BIAAC Discussion paper on Supply Management, pp 81-88.
 - Discussion Paper for the Meeting of the Trade Union Experts on the Implementation of the OECD Guidelines and the Functioning of National Contact Points, pp 125-132.
 - Joint OECD-GRI Document on the Global Reporting Initiative and the OECD Guidelines (published separately).
- 2003
- Statement by the Investment Committee on the "Investment nexus, pp 21-22.
 - Sections VI-VII. Follow-up and considerations for future action (NCP procedures, relationship between the Guidelines implementation and national legal, regulatory and administrative procedures, non-adhering countries), pp 23-27.
 - Submissions by BIAAC, TUAC and OECD Watch, pp. 87-107.
 - Background paper on the Scope of the Guidelines, pp 39-43.
 - Background paper on NCP procedures, pp 45-57.
 - Anti-Corruption Instruments and the OECD Guidelines for Multinational Enterprises, pp 153-180.

2007

- Section VI on Considerations for Future Action (NCP performance, supporting role of the Guidelines in the financial sector, non-adhering countries), pp 29-30.
- Joint-OECD-UN PRI Document on the OECD Guidelines for Multinational Enterprises: Complementarities and Distinctive Contributions, pp 181-193.
- The OECD Guidelines for Multinational Enterprises and the Equator Principles – Similarities, Differences and Synergies, pp 193-200.
- BIAC submission on the OECD Guidelines for Multinational-Enterprises and the Financial Sector, pp 212-216.
- OECD Watch submission on the Supporting Role of the OECD Guidelines in the Financial Sector, pp 200-211.

2008

- Chapter 1, section 6 on Considerations for Future Action (peer learning, mediation and conciliation, parallel proceedings, promotion, NCP resources), pp 22-24.
- Key Note Presentation by John Ruggie, Special Representative of the UN Secretary-General for Human Rights, pp 100-104.
- Submissions by TUAC and OECD Watch, pp 105-126.
- Review of NCP Performance: Key findings, pp 81-99.

2009

- Section VI, Considerations for Future Action (NCP performance, outreach, updating the Guidelines), DAF/INV/NCP(2009)1/REV1, pp 20-21.
- Summary of Roundtable on Consumer Empowerment and Responsible Business Conduct, DAF/INV/NCP(2009)2.