



WTO STRUCTURED DISCUSSIONS ON INVESTMENT FACILITATION FOR DEVELOPMENT

MEETING HELD ON 27 FEBRUARY 2020

Summary of discussions by the Coordinator¹

1 INTRODUCTION

1.1. An open-ended organizational meeting of the Structured Discussions on Investment Facilitation for Development was held on 27 February 2020, coordinated by H.E. Ambassador Eduardo Gálvez (Chile). As indicated in the annotated agenda circulated by the Coordinator to all Members on 21 February 2020,² its main purpose was to agree on a work plan for the months ahead up to MC12. The meeting also provided an opportunity to introduce the Streamlined Text, as well as any available written proposals or contributions submitted by Members in preparation for the start of negotiations at the first substantive meeting, scheduled on 12 and 13 March.

2 LATEST DEVELOPMENTS SINCE THE LAST MEETING

2.1. The Philippines informed Members of its decision to join the initiative, which had been previously communicated in document INF/IFD/W/14. The Kingdom of Bahrain also announced its decision to formally join the initiative on Investment Facilitation for Development. Both Members confirmed their readiness to work towards achieving a concrete outcome at MC12. Participating Members expressed their appreciation and welcomed them to the process, emphasizing that the initiative now counted with the support of 100 Members. The United Kingdom took the floor for the first time to confirm its continued support to the initiative.

2.2. The Coordinator informed Members about two high-level meetings on investment facilitation held in the context of the World Economic Forum (WEF) Annual Meeting in Davos on 23 January 2020, namely, an informal ministerial meeting on Investment Facilitation for Development,³ and a session on "Easing Investment Worldwide" organized by the WEF attended by business leaders, ministers and other stakeholders.⁴ He emphasized that Davos marked an important milestone as it showed the increasing momentum of, and support for the initiative, including its significance for business.

3 ORGANIZATION OF WORK AND OBJECTIVES FOR THE PERIOD JANUARY TO MAY 2020 - UP TO MC12

3.1. The Coordinator shared his views with Members regarding the proposed organization of work (schedule of meetings and working methodology) and objectives for the period up to May 2020 – as

¹ This summary, prepared and circulated under the Coordinator's responsibility, is being shared with a view to providing delegations with a record of the discussions and assisting them in reporting back to their capitals. It provides a non-exhaustive, illustrative review of the issues addressed by Members at the meeting.

² Document INF/IFD/W/16.

³ The informal ministerial gathering was coordinated by Mr Rodrigo Yañez, Vice-Minister of Trade of Chile. See Report of the informal ministerial meeting prepared by the Coordinator, Document INF/IFD/W/13, dated 31 January 2020.

⁴ The Coordinator informed that, as a result of that meeting, business leaders, government official and other stakeholders released a message in support of negotiating an international framework on investment facilitation for development at the WTO. It is available at: <https://www.weforum.org/agenda/2020/01/talks-on-investment-for-development-move-ahead/>

outlined in the Annotated Agenda and its Annex, as well as in the Schedule of Meetings proposed by the Coordinator.

3.2. The Coordinator stated that, following the decision taken by participating Members at the stock-taking and next steps meeting held in December 2019 to move into negotiating mode as of March 2020 and the aim expressed by Ministers in the 2019 Joint Ministerial Statement to work towards a concrete outcome at MC12⁵, work in the coming months will focus on further developing the elements and specific provisions of a multilateral framework on investment facilitation for development.

3.3. As requested by participating Members at the meeting held in December, a "Streamlined Text" had been prepared and circulated by the Coordinator under his responsibility in mid-January 2020. As agreed at the December meeting, the Streamlined Text, together with any other text proposals or contributions by Members, would constitute the basis for the negotiations in the lead-up to MC12.

3.4. The Coordinator underlined that achieving a concrete outcome on investment facilitation for development at MC12 would require commitment, intensified engagement on the substance, as well as continuous outreach – notably to developing and least-developed country Members.

3.5. With a view to making as much progress as possible in the months ahead, he had proposed a work plan consisting of the "Schedule of Meetings" for the period January to May 2020" (document INF/IFD/W/15/Rev.1), and the "Working Methodology" for the period March to May 2020, which was annexed to the annotated agenda. The schedule of meetings proposed three substantive meetings in March, April and May and a preparatory meeting ahead of Nur-Sultan.

3.6. Referring to the proposed "Working Methodology", the Coordinator explained that the aim was to review, at each substantive meeting, all the different elements and issues under consideration on the basis of the Streamlined Text alongside any other available text proposals or contributions by Members. Therefore, each substantive meeting would be organized on a thematic, element-by-element basis, covering all elements and issues under consideration. He encouraged Members wishing to submit text proposals or contributions to do so in advance of each meeting in order to provide other Members with adequate time to review them before the meeting.

3.7. Also, as indicated in the Working Methodology, it was proposed that the Coordinator prepare under his responsibility an informal "Consolidated Text" with a view to facilitating the discussions, as well as delegations' consultations in their respective capitals and outreach efforts. Such "Consolidated Text" would be prepared on the basis of the Streamlined Text and any written proposals or contributions by Members. He explained that the "Consolidated Text" would be without prejudice to the positions or views of Members on the different issues discussed. As it was done in the past, a short non-attributable summary of discussions would be prepared. In addition, it was proposed that the Coordinator make "drafting suggestions" reflecting the comments made by Members on the different issues discussed, so as to get a sense of the direction of the discussions and keep track of the progress made at each of the upcoming substantive meetings. The drafting suggestions by the Coordinator would be circulated to Members, on a non-prejudicial basis, as soon as possible after each meeting for their consideration at the following meeting.

3.8. As usual, at every meeting, Members would have the opportunity to revert to issues discussed at previous meetings or raise any other investment facilitation-related issues they may wish. Besides, given the short time between the organizational meeting and MC12, the working methodology foresaw the possibility for the Coordinator to convene additional inter-sessional or informal meetings, under different formats and configurations, to discuss specific issues of interest to Members.

3.9. Participating Members fully supported the "Schedule of Meetings" and "Working Methodology" proposed by the Coordinator up to MC12. A large number of delegations intervened to reaffirm their commitment to work towards achieving a concrete outcome at MC12. Participating Members considered that the Streamlined Text, together with textual proposals or contributions by Members, provided a sound basis for starting negotiations in March.

⁵ Document WT/L/1072/Rev.1, dated 22 November 2019.

3.10. A number of proponents encouraged delegations to actively engage in the discussions and stressed the importance of achieving a balanced and inclusive outcome on investment facilitation in Nur-Sultan. The proposal to prepare an informal "Consolidated Text" was deemed useful in helping Members advance the discussions on the basis of a single document. A key proponent shared its aspiration of having a single and "as clean as possible" text ahead of MC12. The proponents stated their commitment to intensifying outreach efforts, particularly towards developing and LDC Members, in the months ahead.

3.11. A number of participating Members also deemed helpful to have intersessional or informal meetings under different formats and configurations to discuss specific issues of interest to Members. Some delegations signalled their intention to put forward text contributions or proposals on specific issues. A delegation requested to circulate the drafting suggestions by the Coordinator as soon as possible after each meeting in order to allow delegations to assess them properly before the following meeting. Another delegation pointed out that, as the negotiations progressed, it would become more important to further discuss the scope and legal architecture of the framework. Participating Members highlighted the importance of achieving a concrete outcome at MC12 in order to show that the WTO can deliver on a topic of relevance to WTO Members and the private sector. The importance of keeping the initiative transparent, open and inclusive was also emphasized by Members.

4 INTRODUCTION AND PRESENTATION OF THE STREAMLINED TEXT

4.1. The Coordinator explained that, following the guidance provided by Members at the stocktaking and next steps meeting, the Streamlined Text was prepared using as a basis the Working Document⁶ and factoring in the detailed substantive comments and drafting suggestions expressed by participating Members over the period September – December 2019. The document aimed at assisting Members in further developing the elements and specific provisions of the framework. Its structure, content and wording did not in any way prejudge the position or views of any delegations, or their right to submit any changes to it or make any proposals for Members' consideration. The Streamlined Text was intended to facilitate open, transparent and inclusive discussions in the upcoming negotiating phase. He pointed out that the whole document was in between brackets, reflecting that it was subject to negotiations.

4.2. The Coordinator provided an overview of the "Streamlined Text", including the criteria followed to prepare it, which are explained in the cover note of the document, so as to help Members prepare for the start of negotiations as of March.

5 INTRODUCTION/PRESENTATION OF ANY AVAILABLE TEXT PROPOSALS BY MEMBERS

5.1. A participating Member introduced its proposal for WTO disciplines and commitments relating to investment facilitation for development, circulated to all Members (document INF/IFD/RD/46),⁷ in preparation for the start of negotiations in March. In its presentation, the delegation indicated that its proposal aimed at contributing to a meaningful investment facilitation framework, while ensuring consistency with the WTO legal framework, notably the GATS. It stated that its proposal fully respected the scope of the initiative and did not address market access, investment protection and Investor-State Dispute Settlement (ISDS). The delegation pointed out that its proposal included some placeholders, and reserved its right to submit proposals on specific issues at a later stage.

6 OTHER BUSINESS

6.1. Ambassador Galvez announced that his posting in Geneva was concluding at the end of February 2020. He said that, as of March, his successor – Mathias Francke from Chile – would take up the mantle of coordinator. He further indicated that Mr Francke would be travelling to Geneva, ahead of the first substantive meeting in March, to meet with interested delegations.

⁶ Document INF/IFD/RD/39, dated 24 July 2019.

⁷ Dated 26 February 2020.