

UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

**INTERNATIONAL INVESTMENT
AGREEMENTS:
FLEXIBILITY FOR DEVELOPMENT**

UNCTAD Series
on issues in international investment agreements



UNITED NATIONS
New York and Geneva, 2000

NOTE

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

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

The following symbols have been used in the tables:

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

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IIA Issues Paper Series

The main purpose of the UNCTAD Series on issues in international investment agreements is to address key concepts and issues relevant to international investment agreements and to present them in a manner that is easily accessible to end-users. The series covers the following topics:

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- State contracts
- Taking of property
- Taxation
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Preface

The United Nations Conference on Trade and Development (UNCTAD) is implementing a work programme on international investment agreements, with a view towards assisting developing countries to participate as effectively as possible in international investment rule-making at the bilateral, regional, plurilateral and multilateral levels. The programme embraces capacity-building seminars, regional symposia, training courses, dialogues between negotiators and groups of civil society and the preparation of a series of issues papers.

This paper is part of that series. It is addressed to government officials, corporate executives, representatives of non-governmental organizations, officials of international agencies and researchers. The series seeks to provide balanced analyses of issues that may arise in discussions about international investment agreements. Each study may be read by itself, independently of the others. Since, however, the issues treated closely interact with one another, the studies pay particular attention to such interactions.

The series is produced by a team led by Karl P. Sauvant, Khalil Hamdani and Pedro Roffe. The principal officer responsible for its production is John Gara, who oversees the development of papers at various stages. The other members of the team include S.M. Bushehri, Anna Joubin-Bret, Patricia Mira Pontón, Aimé Murigande and Jörg Weber. The series' principal advisors are Arghyrios A. Fatouros, Sanjaya Lall and Peter Muchlinski.

The present paper is based on a manuscript prepared by Victoria Aranda, with contributions from Boubacar Hassane, Patrick Juillard, Abraham Negash and Assad Omer. The final version reflects comments received from Marise Cremona, A.V. Ganesan, Donald M. Goldberg, Patrick Robinson and M. Sornarajah. Comments were also provided by Jean-Luc Le Bideau, Susan Borkowski, Rainer Geiger, Murray Gibbs, Joachim Karl, Mark Koulen, Miguel Rodriguez Mendoza, Magda Shahin, Marinus Sikkel, Dilip Sinha and Kenneth Vandeveld. The manuscript benefitted also from the papers submitted and comments made by experts during the various expert meetings, and from comments made by delegations during the deliberations of the Commission on Investment, Technology and Related Financial Issues. The paper was desk-top published by Teresita Sabico.



Rubens Ricupero
Secretary-General of UNCTAD

Geneva, June 2000

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UNCTAD has carried out a number of activities related to the work programme in cooperation with other intergovernmental organizations, including the Secretariat of the Andean Community, La Francophonie, the Inter-Arab Investment Guarantee Corporation, the League of Arab States, the Organization of American States, and the World Trade Organization. UNCTAD has also cooperated with non-governmental organizations, including the German Development Policy Forum, the Centro de Estudios Interdisciplinarios de Derecho Industrial y Económico - Universidad de Buenos Aires, the Consumer Unity and Trust Society - India, the Economic Research Forum - Cairo, the European Roundtable of Industrialists, the Friedrich Ebert Foundation, the International Confederation of Free Trade Unions, Oxfam, SOMO - Centre for Research on Multinational Corporations, the Third World Network, Universidad del Pacífico, University of the West Indies, and World Wildlife Fund International.

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