

United Nations Conference on Trade and Development

**THE PROTECTION OF
NATIONAL SECURITY
IN IIAs**

**UNCTAD Series on
International Investment Policies for
Development**



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NOTE

As the focal point in the United Nations system for investment and technology, and building on 30 years of experience in these areas, UNCTAD, through its Division on Investment and Enterprise (DIAE), promotes understanding of key issues, particularly matters related to foreign direct investment and transfer of technology. DIAE also assists developing countries in attracting and benefiting from foreign direct investment, and in building their productive capacities and international competitiveness. The emphasis is on an integrated policy approach to investment, technological capacity-building and enterprise development.

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 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;

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

A blank in a table indicates that the item is not applicable;

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

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

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

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

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

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

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PREFACE

The secretariat of the United Nations Conference on Trade and Development (UNCTAD) is implementing a programme on international investment arrangements. The programme seeks to help developing countries participate as effectively as possible in international investment rulemaking. It embraces policy research and development, including the preparation of a series of issues papers; human resources capacity-building and institution-building, including national seminars, regional symposia, and training courses; and support for intergovernmental consensus-building.

This paper is part of the new *Series on International Investment Policies for Development*. It builds on and expands UNCTAD's *Series on Issues in International Investment Agreements*. Like the previous series, this new series is addressed to Government officials, corporate executives, representatives of non-governmental organizations, officials of international agencies and researchers.

The *Series* seeks to provide a balanced analysis of issues that may arise in the context of international approaches to investment rulemaking, and their impact on development. Its purpose is to contribute to a better understanding of difficult technical issues and their interaction, and of innovative ideas that could contribute to an increase in the development dimension of international investment agreements.

The *Series* is produced by a team led by James Zhan. The members of the team include Bekele Amare, Anna Joubin-Bret, Hamed El-Kady, Joachim Karl, Jan Knoerich, Ventzislav Kotetzov, Marie-Estelle Rey, Elisabeth Tuerk and Jörg Weber. Members of the Review Committee are John Kline, Peter Muchlinski, Antonio Parra, Patrick Robinson, Karl P. Sauvant, Pierre Sauvé, M. Sornarajah and Kenneth Vandavelde.

This paper was prepared by Joachim Karl. Amare Bekele, Hamed El-Kady, Michael Gindler, Elisabeth Tuerk and Jörg Weber made substantial contributions. Comments were received from Gabriel Bottini, Rudolf Dolzer, Anna Joubin-Bret, Patrick Robinson, Ignacio Torterola and James Zhan. Research assistance was provided by Sandra Boigontier and desktop publishing was done by Teresita Ventura.

This paper provides a timely discussion of a crucial issue related to the development dimension of IIAs, in line with the implementation of UNCTAD's renewed mandate in the area of international investment agreements emanating from the Accra Accord (paragraph 151).

Supachai Panitchpakdi
Secretary-General of UNCTAD

March 2009

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