



International
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Report on the 6th capacity building workshop/webinar on Investment Facilitation self-assessments: Determining implementation gaps and technical assistance needs

5 May 2023

The 6th capacity building workshop/webinar on Investment Facilitation self-assessments: Determining implementation gaps and technical assistance needs took place on 5 May 2023 at the WTO premises as well as virtually via zoom. It hosted 110 participants online and 35 participants in the room. The workshop/webinar was organised in the framework of ITC's [Investment Facilitation for Development project](#). This workshop/webinar was funded by the German Federal Ministry for Economic Cooperation and Development (BMZ) and supported by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ).

The workshop/webinar provided investment facilitation experts' perspectives and their first-hand experiences on how to effectively conduct investment facilitation self-assessments. It focused specifically on the operational aspects of self-assessments, from the start of the self-assessment process to the final step of notifying the categorization of IFD provisions and technical assistance and capacity building needs to the WTO. The experiences shared in this workshop/webinar included those drawing on the assessments conducted in the context of the Trade Facilitation Agreement (TFA); pilot assessments conducted in the context of the joint ITC and German Institute of Development and Sustainability (IDOS) project; and the assessments underway through the OECS/ITC project.

The workshop/webinar was organized to support WTO Members that wish to prepare for future investment facilitation self-assessments. It was open to all WTO delegates and government representatives from capitals. The workshop/webinar was held under the Chatham House Rule to facilitate open and results-oriented discussions.

The workshop/webinar's programme is annexed to this report.

Summary of the main outcomes of the workshop/webinar

I. The ongoing negotiations of the Investment Facilitation for Development Agreement at the WTO

The Joint Initiative on Investment Facilitation for Development (IFD) aims to develop a multilateral framework that improves transparency and predictability of investment measures, streamlines administrative procedures and requirements, promotes international cooperation, and facilitates developing and least developed Members greater participation in global investment flows – with the overarching aim of fostering sustainable development.

The IFD initiative is entering into the final stages of the text negotiations, which the IFD participants aim to conclude by July 2023. Currently, over 110 WTO Members – accounting for more than two-thirds of the WTO Membership – participate in the negotiations. Among them, there are 77 developing countries and 20 least developing countries (LDCs). The IFD initiative is progressing well on the substantive provisions. While the participants are working on solving the few remaining brackets, the draft IFD Agreement consists of an almost clean text. In addition to the substantive provisions, the Agreement also recognizes the importance of supporting developing and LDC Members in implementing the future Agreement.

Following the same approach as the TFA, the IFD comprehensive special and differential treatment (S&DT) provisions allow Members to assess implementation gaps and identify their technical assistance and capacity building (TACB) needs to implement the future Agreement. Need assessments will enable developing and LDC Members to self-categorize the provisions of the future IFD Agreement under categories A, B or C and submit notifications to benefit from the S&DT provisions. This process will ensure that developing and LDC Members can fully take advantage of these S&DT provisions and reap the full benefits of the future Agreement. Related to this, three pilot projects on IF self-assessments conducted in Lao PDR, Togo and Zambia, as well as the ongoing IF self-assessment in OECS countries, were highlighted.

II. The Investment Facilitation Self-Assessment Guide

A draft Investment Facilitation Self-Assessment Guide (the Guide) has been developed by seven partners international organizations namely the IDB, ITC, OECD, UNCTAD, UNECA, WBG, and WEF, under the coordination of the WTO Secretariat. The Guide aims to facilitate the self-assessment process and assist developing and LDC Members determine implementation gaps, their needs for TACB and national priorities when implementing the future IFD Agreement. The Guide is still being updated according to the progress made on the draft Agreement. It covers all the substantive provisions in the draft Agreement and allows developing and LDC Members to categorize provisions into three different categories according to their current implementation capacity, TACB needs, and time needed to implement them (Category A means immediate implementation, Category B means that a transitional period is required prior to implementation and Category C means TACB and a transitional period are required prior to implementation).

The objective of the self-assessments is to determine overall compliance level of Members in relation to the obligations under the future Agreement. It can also be used as a tool to raise awareness within Members on their own governance, as the future Agreement needs

a whole-of-government approach to successfully implement it. To better assist Members, the WTO Secretariat circulated a survey to ascertain TACB needs and to assess the demand for funding and resources required for the implementation of the future IFD Agreement.

III. The organization of self-assessments: Lessons learnt

A. Before the self-assessments

Understanding the purpose of the self-assessments: It is important not to call the self-assessments “workshops” during which decisions are taken. Rather, governments have full discretion to consider and review the results and to decide what to commit to in the notifications to the WTO. Participants have to be familiar with the IFD Agreement, knowledgeable in their areas of work and senior enough to provide inputs on the regulatory framework in order to complete the situational/gap analysis and the questionnaire as contained in the self-assessment Guide. It is also important to make sure that all the relevant stakeholders understand that conducting a self-assessment is not equivalent to making binding commitments.

Designate a coordinating agency: Having a coordinating agency places a host country in the driving seat for the whole self-assessment process. This is crucial, as the self-assessment is an internal and national activity. This agency should formally be assigned the responsibility for the self-assessments. Ideally, the coordinating agency should have experience with investment policy-making issues and have the authority to interact with other governmental agencies involved in the whole life cycle of investment projects. It is also important to make it clear that the role of this agency is to coordinate the self-assessment and not to implement the IFD Agreement.

Identify relevant stakeholders: The IFD Agreement has a broad scope, covering a large set of laws and regulations. Thus, it is crucial to include all government agencies at the national and sub-national levels that are involved in the whole life cycle of investment projects, including investment promotion agencies and non-governmental stakeholders such as foreign and domestic investors, academic research institutes and civil society organisations. These stakeholders have practical and ground-level knowledge and can provide inputs that are crucial to assess the factual compliance with the IFD provisions.

Determine key roles to organize the in-country self-assessments: An event ranging from 3-5 days with parallel group discussions structured in accordance with the Sections of the IFD Agreement was suggested. Three key roles need to be filled, namely facilitators, note takers and event managers. Staff training may be necessary to ensure the understanding of the Agreement. It might be useful also to have a combination of a local facilitator(s) who speaks the local language and an international facilitator(s) who is an expert on the Agreement. Geneva based delegates who have been involved in the negotiations could also take part in this exercise.

Distribute the text of the IFD Agreement and other materials prior to the in-country self-assessments: The text of the Agreement and the self-assessment Guide should be circulated to stakeholders in advance of the in-country self-assessments. It would also be useful to ask participants to fill out the Guide’s situational/gap analysis before the actual assessment exercise. This would provide a foundation, ensure meaningful and

comprehensive discussions among stakeholders and increase the quality of the whole assessment process.

B. During the self-assessments

Engage high-level officials: Support and encouragement from a high-level official is crucial to the process, as it can provide a strong signal to stakeholders of the willingness to improve and reforms investment facilitation measures. This could be in a form of having short remarks from a high-level official at an opening ceremony of the exercise.

Explain the text of the IFD Agreement and the self-assessment process, including the self-assessment Guide, at the start of the exercise: It is recommended to develop standard sets of presentations on these two matters, adopt a standard agenda and use the same self-assessment Guide to ensure efficiency and consistency of the self-assessments conducted in different countries. The provisions of the Agreement should be read out loud to the participants, as this helps them to have a better understanding of the text and gets them involved and fully committed to the assessment.

Complete the self-assessment: The tables contained in the Guide should be completed under the guidance of facilitators. Therefore, it is important to have experienced facilitators who can lead the process; guide the discussions, notably to identify barriers; and share experiences on how to overcome those barriers in the process of completing the situational/gap analysis table. The notes taken by the note takers should also be displayed in real time on a screen, to facilitate the discussions and help participants to further consider matters in question. It is also suggested to be as specific and detailed as possible when completing the tables, to clearly identify barriers and the TACB needed to implement the IFD Agreement.

Validate the results: At the end of the assessment, the results should be reported back to the government, for it to review and decide what exactly should be notified to the WTO. It will help the country to prioritize, among the many needs identified, what are the most pressing ones that are crucial to both the private and public sectors.

Complete a notification template: Having a notification template completed and all IFD provisions categorized allows the government to have an overview of the timeframes to implement each provision and to make sure that they can meet all the implementation deadlines. There could also be a review of the notification by all relevant agencies involved in the implementation process, to make sure that the implementation dates as specified in the notification are agreeable.

C. After the self-assessments

Follow up with the coordinating agency: Once the self-assessment is completed, it is important to follow up with the coordinating agency on the internal process of formalizing the notification and submitting it to the WTO. A local consultant could also play a role in this context.

Establish a national investment facilitation committee: The role of a national investment facilitation committee is to oversee the implementation process and coordinate the principal stakeholders involved in relation to foreign direct investment, such as relevant government agencies, the business community and civil society, at both the national and sub-national levels. This committee is not responsible for the implementation per se, but rather to steer the implementation and to monitor and make sure that all the committed

implementation deadlines notified to the WTO are met. Therefore, these national committees do play a very important role throughout the whole implementation process.

IV. The organization of self-assessments: Key challenges

Stakeholder engagement: It can be a challenge to designate an appropriate agency to lead and coordinate the self-assessment process and to identify all the agencies involved in the implementation process, due to the wide scope of the application of the IFD Agreement. Getting all the stakeholders, both from public and private sectors, actively involved in the discussions and to participate throughout the whole assessment process is challenging and requires advanced planning.

Language barrier: If the national language is not one of the WTO official languages (English, French, Spanish) in which the official documents (including the IFD Agreement itself) are available, this can pose a significant challenge for stakeholders to understand the Agreement and provide inputs to the process. Having an interpreter(s) could be a solution; however, it normally comes with a cost. Alternatively, the government could assign national experts who know the Agreement to translate, convey key obligations and gather all the inputs from the stakeholders for the self-assessment report. In this context, Geneva based delegates who have been involved in the negotiations could also be appropriate persons for this task.

No one-size-fits-all solutions: The planning and organisation of self-assessments have to be tailor-made to the particular needs and nature of each Member. Therefore, it is important that Members consult with experts and plan their self-assessments in advance, to avoid any potential challenges that could arise during the process and to make the assessment as efficient and fruitful as possible.



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Workshop/webinar invitation: Investment facilitation self-assessments: Determining implementation gaps and technical assistance needs

5 May 2023

PROGRAMME

This workshop/webinar is funded by the German Federal Ministry for Economic Cooperation and Development (BMZ) and supported by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ).

This workshop/webinar will take place on 5 May 2023 from 10:00-12:00 Central European Time (CET), in person at the WTO premises (Room S1) and virtually via zoom.

The negotiations on the text of the Investment Facilitation for Development (IFD) Agreement are approaching conclusion. The Investment Facilitation (IF) Self-Assessment Guide, developed together with seven partner international organizations under the coordination of the WTO Secretariat, aims to assist developing and LDC participating Members identify their implementation gaps, as well as their technical-assistance and capacity-building (TACB) needs to implement the Agreement. The draft IF Self-Assessment Guide will be introduced to WTO Members participating in the negotiations in the margins of the April IFD meetings, with the participation of the international organizations that contributed to the Guide.

Members that wish to do so will be able to conduct a self-assessment based on the Guide to evaluate their national situations pertaining to all “substantive” articles of the Draft IFD Agreement (i.e., those provisions that potentially require some action for their implementation). Thus, they will be able to identify actions necessary and time needed to comply with all relevant articles as well as the type and scale of TACB support that might be required. The “situational/gap analysis” will help Members to use the flexibility provided under the categorization of provisions (categories A, B, or C) that is key for enhancing participation, raising awareness, and

mobilizing the TACB support necessary for the implementation of the Agreement. The self-assessments, modelled on a similar process conducted in the context of the Trade Facilitation Agreement (TFA), are meant to help Members to fully benefit from the IFD Agreement.

To support WTO Members that so wish preparing for the self-assessments, this workshop/webinar will focus on the **operational aspects** of the self-assessments. Aspects include: how to plan and ensure that stakeholders have the necessary knowledge about the IFD Agreement prior to the starting of the process; how to organize the assessments in an efficient manner; how to use the process to identify – to the fullest possible extent – implementation bottlenecks; how to coordinate among competent authorities and prepare them for the future implementation of the IFD Agreement; how to consult with stakeholders; how to ensure that stakeholder representatives remain in the self-assessment workshops for the entire time period; and how to categorize needs and notify the WTO Secretariat about technical assistance and capacity-building needs.

The workshop/webinar will provide an opportunity to share experiences regarding the conduct of self-assessments, including drawing on the experience of the assessments conducted in the context of the TFA; [pilot assessments](#) conducted in the context of the joint ITC and German Institute of Development and Sustainability (IDOS) [project](#); and the assessments underway through the OECS/ITC project.

The workshop/webinar will also provide an opportunity for participating Members and international organizations working on investment facilitation to discuss and exchange views on the practical challenges in the organization of the self-assessments and how to overcome those challenges.

PROGRAMME

The webinar will have the following agenda and speakers:

10:00 – 10:15: Opening remarks

- **Rajesh Aggarwal**, Director (oic), Division of Market Development, ITC

Moderator

- **Karl P. Sauvant**, Senior Fellow, Columbia University, CCSI
- **Chiara Santangelo**, Counsellor, WTO-Unit, Permanent Mission of the Federal Republic of Germany to the Office of the UN and the other International Organizations

- **Sofia Boza**, Ambassador, Permanent Representative of Chile to the WTO, Co-coordinator of the Structured Discussions on Investment Facilitation for Development

“The status of the WTO Investment Facilitation for Development negotiations and the importance of the self-assessments”

10:15 – 11:00 Part I: The self-assessment process: determining implementation gaps, barriers and technical assistance and capacity building needs

- **Claudia Locatelli**, Counsellor, WTO – *“The Investment Facilitation Self-Assessment Guide”*
- **Sheri Rosenow**, Customs Attorney and Counsellor, WTO – *“How self-assessments were organized in the context of the Trade Facilitation Agreement: lessons learnt”*
- **Zoryana Olekseyuk**, Senior Researcher, IDOS – *“Organizing self-assessments: learning from the pilot assessments in Laos, Togo and Zambia”*
- **Hadil Hijazi**, Director, WTI Advisors — *“Organizing self-assessments: learning from the OECS/ITC project”*
- **Q&A and free flow discussions**

11:00 – 11:15 Coffee break

11:15 – 11:55 Part II: Interactive roundtable on key challenges regarding organizing self-assessments

- **Mohammad Saeed**, Senior Trade Facilitation Adviser, ITC – *“Facilitating TFA assessments: lessons learnt from ITC’s experience”*
- **Khemdeth Sihavong**, Deputy Director General, Department of Import and Export, Ministry of Industry and Commerce, Lao PDR
- **Shimukunku Manchishi**, Research Fellow, Trade and Investment Unit, Zambia Institute for Policy Analysis and Research
- **Cathyann Alexander-Pierre**, Senior Specialist, Grenada Investment Promotion Agency

- **Q&A and free flow discussions**, including with representatives of the partner international organizations involved in the development of the IF Self-Assessment Guide (IDB, OECD, UNCTAD, UNECA, WBG, WEF)

11:55 – 12:00 Concluding remarks

- **Jung Sung Park**, Deputy Permanent Representative to the WTO of the Permanent Mission of Republic of Korea in Geneva and Co-coordinator of the Structured Discussions on Investment Facilitation for Development

“Key takeaways”

- **Rajesh Aggarwal**, Director (oic), Division of Market Development, ITC

Background information:

ITC-IDOS project on [Investment Facilitation for Development](#).

Axel Berger, Ann-Margret Bolmer and Zoryana Olekseyuk, *“Implementing an Investment Facilitation for Development Agreement: How to self-assess implementation gaps and technical assistance needs”* (Geneva: ITC, 2022), [available here](#).

Bios:

Rajesh Aggarwal

Rajesh Aggarwal is Officer in Charge, Director, Division for Market Development, ITC. He is leading a programme assisting the private sector in developing countries to be the change agent for trade policy reforms and engage in business advocacy with their governments in the design and implementation of trade policies and negotiating positions that reflect business interests. Before joining the ITC, he worked for the Indian Government and participated in the WTO Doha Round of trade negotiations. He has published in the area of trade negotiations, including on “Dynamics of agriculture negotiations in WTO” in the *Journal of World Trade*.

Cathyann Alexander-Pierre

Cathyann Alexander-Pierre is the Senior Specialist on Investment Promotion and facilitation with the Grenada Investment Development Corporation (GIDC). She has over 18 years of experience in investment promotion, advocacy, and investment

policy development. She has been instrumental in facilitating many investments in Grenada within the Tourism, Information Communication Technology (ICT) and Agribusiness sectors. She has been involved in the discussion for investment facilitation for development since Grenada's signing to the Joint Initiative. She holds a Master of Business Administration degree from the Edinburgh Business School – Heriot-Watt University.

Sofia Boza

Sofia Boza is the Ambassador of Chile to the World Trade Organization since July 2022. She has also taken over the co-coordination of the Structured Discussions on Investment Facilitation for Development. Prior to that, she was an Associate Professor and Chief at the Department of Rural Management and Innovation at the University of Chile and Professor at the Institute of International Studies at the same University. She holds a bachelor's degree in economics from the University of Seville and a PhD in Economics from the Autonomous University of Madrid.

Hadil Hijazi

Hadil Hijazi is a Director of WTI Advisors. She advises governments and private institutions on trade policy formulation and design, WTO and FTA negotiations, WTO accession, trade in services, and investment facilitation, among other things. She supported CARICOM in the structured discussions on Investment Facilitation for Development and is currently advising the member states of the OECS on investment facilitation, including in assisting their self-assessments.

Claudia Locatelli

Claudia Locatelli is Counsellor at the WTO Secretariat specialized in trade in services, services regulation and international investment matters. She has been responsible for investment facilitation for development since the Joint Initiative's start, and currently leads the Secretariat team servicing it. Before joining the WTO, she worked at the Swiss State Secretariat for Economic Affairs during the Uruguay Round negotiations, after which she joined the European Commission, working at the EU's Permanent Mission to the WTO, in different DGs as well as two European Commissioners' Cabinets.

Shimukunku Manchishi

Shimukunku Manchishi holds a Master in International Trade Policy and Law from Lund University. An Economist and Trade Expert with professional experience spanning about 8 years, his areas of interest include research in Private Sector Development, International Economics and International Trade Agreements. He

previously worked for the Zambia Development Agency as an Export Development Officer and is currently a Researcher Fellow in the Trade and Investment Unit of the Zambia Institute for Policy Analysis and Research where he has been since 2018. He has also undertaken consultancy work for the International Trade Centre, COMESA Business Council and African Development Bank.

Zoryana Olekseyuk

Zoryana Olekseyuk is a Senior Researcher at the German Institute of Development and Sustainability (IDOS). Her work focuses on economic integration/disintegration, trade, FDI, and investment facilitation, mainly with respect to developing countries. Being an experienced computable general equilibrium (CGE) modeller, she developed many innovative CGE models, e.g., incorporating heterogeneous firms and FDI in services. She has contributed to many international research projects and acts as a consultant for the World Bank and WTO. Her research is published in such journals as *World Economy*, *Empirical Review of Development Economics*, *Economic Modelling*, and the *Journal of International Trade and Economic Development*.

Jung Sung Park

Jung Sung Park is the Deputy Permanent Representative to the WTO of the Permanent Mission of Republic of Korea in Geneva since February 2022. He has also been serving as the co-coordinator of the Structured Discussions on Investment Facilitation for Development since June 2022. His previous positions include Director-General for policy coordination in industry, energy, trade, science ITC, and SMEs under the Prime Minister. He also participated in various bilateral FTA negotiations and led Invest Korea. He has a bachelor's degree in economics from Seoul National University and J.D. from Nova Southeastern University.

Sheri Rosenow

Sheri Rosenow is a customs attorney and counsellor at the WTO. She has been involved in issues related to the WTO Trade Facilitation Agreement since the negotiations began. She was responsible for the trade facilitation needs assessment programme and is currently responsible for the WTO Trade Facilitation Agreement Facility. Prior to joining the WTO Secretariat, she worked as an advisor on customs and WTO accession issues for USAID projects in Central Asia and the Middle East. She started her career on the commercial legal staff of the US Customs Service.

Mohammad Saeed

Mohammad Saeed is Senior Adviser on Trade Facilitation and Policy for Business with ITC, leading its trade-facilitation team. He focuses on assisting countries to promote trade through improving the competitiveness of private businesses. He has provided advisory services to 50+ developing countries for their trade policy reforms. Before that, he served as Senior Technical Adviser on trade and transport facilitation at UNCTAD. He has extensive experience in handling complex issues of international trade law, having served on six WTO Dispute Panels, including four as Chair. He worked as trade negotiator of Pakistan in the WTO Doha Round Negotiations.

Chiara Santangelo

Chiara Santangelo is a Trade Law Counsellor at the German Permanent Mission to the UN and WTO. Since 2019, she has been following the plurilateral initiatives on E-commerce and Investment Facilitation for Development. For over ten years, she has been working for the German Ministry of Economic Affairs, covering digital policy and foreign trade in different functions. She started her career as an intellectual property lawyer and holds a Ph.D. on the enforcement of intellectual property from the Max-Planck Institute Freiburg (Germany) and an LL.M. in European Legal Studies from the College of Europe in Bruges (Belgium).

Karl P. Sauvant

Karl P. Sauvant introduced the idea of an International Support Program for Sustainable Investment Facilitation in the E15 Task Force on Investment Policy in 2015. From there, the proposal was taken forward in the WTO. He has written extensively on this subject (<https://ssrn.com/author=2461782>) and currently assists ITC on a project on Investment Facilitation for Development. He retired in 2005 as Director of UNCTAD's Investment Division and established, in 2006, what is now the Columbia Center on Sustainable Investment (CCSI). He stepped down as the Center's Executive Director in 2012, to focus his work on teaching, research and writing.

Khemdeth Sihavong

Khemdeth Sihavong is Deputy Director General of Department of Foreign Trade Policy, Ministry of Industry and Commerce of Lao PDR, and responsible for WTO related issues. Between 2019 and 2023, he was posted in Geneva, as a trade counselor of Lao PDR to WTO, WIPO and UNCTAD. Previously, he was Deputy Director General of the Department of Foreign Trade Policy and the Department of Import and Export, Ministry of Industry and Commerce of Lao PDR. He has a

Bachelor of Commerce from Tasmania University and an Executive Certificate for Senior Managers in Government from the Harvard Kennedy School of Government.



THE INVESTMENT FACILITATION SELF-ASSESSMENT GUIDE

Introduction and overview

- Developed with seven partner IOs: IDB, ITC, OECD, UNCTAD, UNECA, WBG, WEF
- Latest Draft IFD Agreement
- Same approach & structure as TFA Guide (TN/TF/W/143/Rev.8)
- Covers only substantive articles (*not* Sections I, V and VII)

Overview

1. IFD Needs Assessments

- a. Legal basis
- b. Objectives

2. IFD Self-Assessment Guide

- a. Structure
- b. How to use the Guide

IFD Needs Assessments

1.a Legal basis

28. CATEGORIES OF PROVISIONS

28.1 There are **three categories of provisions**:

- a) Category A ...
- b) Category B ...
- c) Category C ...

28.2. Each developing country and least-developed country Member **shall self-designate**, on an individual basis, the provisions it is including under **Category A, Category B and Category C**. These self-designations shall be guided by the self-assessment of compliance levels and implementation needs of developing and least-developed country Members.

IFD Needs Assessments

1.b. Objectives

- Determine overall compliance level, **whole-of-govt approach**
- Identify special and differential treatment needs
 - » Provisions/obligations that need **more time** to implement
 - » Provisions/obligations that require **more time** to implement **and TACB support**
- National priorities for implementation
- **Ultimate objective: make notifications** to the WTO pursuant to Articles 29 and 30 IFD Agreement

IFD Self-Assessment Guide

2.a Structure – for each article

1. Quick Summary Notes

What does this Article regulate? Authorities concerned by its implementation? What are the requirements?

2. Legal text (Draft IFD Agreement, including footnotes)

3. **A set of questions** on the actions that might be required to implement the article – 6 dimensions namely: **A.** Legal framework; **B.** Procedures (administrative policy); **C.** Institutional framework; **D.** Human resources/Training; **E.** Communication and IT; **F.** Other

4. **'Situational/Gap Analysis' table** to be completed based on the replies to above set of questions

5. **Questionnaire** on implementation, including notably categorization (A, B or C) of the Article/sub-provision

IFD Self-Assessment Guide

2.b How to use the Guide

For each of the articles addressed, Guide helps Members to complete:

1. Situational / Gap analysis

- Describe your current situation relative to the article
- Identify the actions necessary to comply with that article
- Identify the TACB support you will need

Be specific/precise! Serves as basis to calculate **cost** of implementation!

2. Questionnaire

- ✍ Helps you identify a S&DT category for each article (**cat. A, B, or C**)
- ✍ **For B, C:** time needed to implement; lead agency; stakeholders
- 📄 National priority level for implementation

ARTICLE [Number] [Title]**I. Situational/Gap Analysis**

Describe Your Current Situation	Barriers (Give Reasons for non-compliance)	Actions/Resources Required & Cost (Number the Actions)	TACB Resources Needed (Specify Action Number)
A. Policy/Legal Framework: Click or tap here to enter text.	Click or tap here to enter text. 2	Click or tap here to enter text.	Click or tap here to enter text. 4
B. Procedures: 1 Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text. 3	Click or tap here to enter text.
C. Institutional Framework: Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
D. Human Resources/Training: Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
E. Communication/Information Technology: Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
F. Other Issues to Note⁵: Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

Example: Art. 18 Use of ICT/e-Government



Current situation,
including barriers:

1. There is no national legal requirement to accept electronic submission of applications.
2. There is no capacity to allow for the electronic payment of authorization fees.

Situational/gap analysis



Identify actions /
resources needed to
comply with
obligation:

1. Review and update legislation
Training/sensitisation
of competent
authorities on their
roles/responsibilities
2. Implement
e-payments system

Actions needed



TACB support
needs:

1. Legal drafting
Capacity building
in IT in
different
depts/agencies
2. Financial and
HR assistance
to implement
e-payments
system

TACB support needed

Questionnaire for categorization (A, B, C)

Based on Situational/Gap analysis, questionnaire helps developing and LDC Members to:

- Identify if additional time and/or technical assistance is needed to implement
- Properly categorize IFD provisions into **categories A, B and C** for the notifications to use SDT provisions

II. Questionnaire

1. Do you comply with this article?

Fully: Partially: No: Not Applicable:

5

2. In which category (A, B, or C) would you classify this article?

6

Category A (by date of entry into force): Category B (with extra time): Category C (with extra time and technical assistance):

3. If you answered Category B or C, approximately how much time will you need to implement?

7

6 months: 1 Year: 3 Years: 5 Years: Other (Specify): Click or tap here to enter text.

4. Which technical assistance projects/agencies/international organizations have you identified to help, or are helping you implement this article?

Click or tap here to enter text.

8

5. Which lead domestic agency or organization and other stakeholders would be responsible for implementation of this article?

Click or tap here to enter text.

9

6. Which stakeholders not participating in the needs assessment of this article should be consulted?

Click or tap here to enter text.

10

7. What is the National Priority Level (For implementation)?

11

High: Medium: Low: None: Explain: Click or tap here to enter text.

8. Are there additional issues to note? If so, which ones?

Click or tap here to enter text.

12

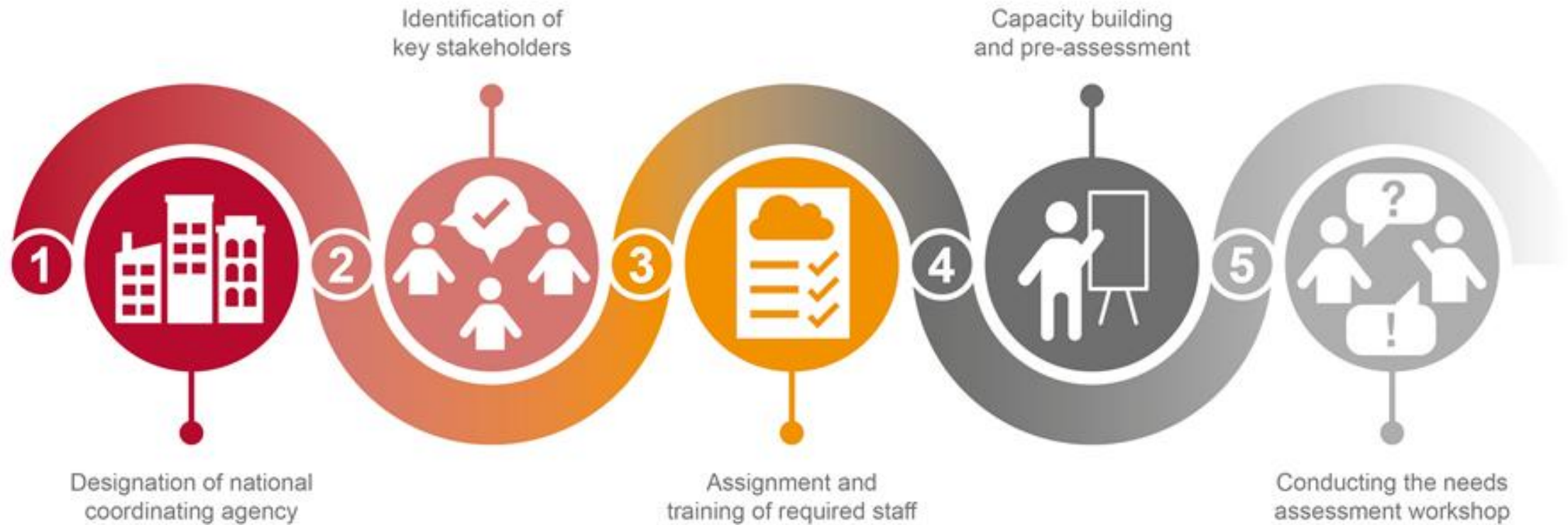
Concluding remarks

- 🕒 **Guide = living** document (progress in IFD Agreement text, feedback from pilot projects, etc.)
- 🕒 Key element for **outreach**
- 🕒 **Guide** = common 'template' to help ensure consistency in conducting the NAs and in recording results, especially in case of multiple assistance providers for conducting the NAs
- 🕒 **Main outcome: notifications** in accordance with Articles 29 and 30 IFD Agreement

Organizing self-assessments: learning from the pilot assessments in Lao PDR, Togo and Zambia

Zoryana Olekseyuk
WTO, 5.05.2023

Suggested IFD needs assessment process



Source: [Berger, Bolmer and Olekseyuk \(2022\)](#)



Step 1: Designation of a national coordination agency

- Choose a suitable national coordinating agency
- The agency assumes responsibility for the workshop organization and beyond



Step 2: Identification of key stakeholders

- Follow a whole-of-government and multi-stakeholder approach
- The involvement of non-governmental stakeholders is crucial



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

- Three key roles need to be filled with knowledgeable experts: workshop facilitators, note takers and event manager
- Preliminary staff training to ensure a productive needs assessment workshop



Step 4: Capacity building and pre-assessment

- Conduct upstream capacity-building measures for participants
- Pre-assess the implementation of IFD Agreement articles



Step 5: Conducting the needs assessment workshop

- Group discussions provide the framework for carrying out the self-assessment
- Make use of plenary sessions to discuss diverse viewpoints and to validate previously received results

Thank you!

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Workshop/webinar on Investment facilitation self-assessments: Determining implementation gaps and technical assistance needs

10:00 a.m. – 12:00 p.m. CET, 5 May 2023

Facilitating TFA assessments: lessons learnt from ITC's experience

Mohammad Saeed, Senior Trade Facilitation Adviser, ITC

- The Needs Assessment (NA) must be seen as an opportunity to **raise awareness of national stakeholders** regarding the IFD Agreement and its implication with a view to **enhance countries' buy-in** on their future implementation.
- As such, the self-assessment process should be framed as a **national exercise** to help relevant stakeholders to understand their current gaps vs. IFD text and start **planning future reforms in a structured manner**. Building capacity of national stakeholders on the mechanisms foreseen under the IFD should be part-and-parcel of the NA methodology.
- The **NA could be first step in an iterative process** through which national stakeholders will deepen their understanding of the IFD and progressively refine their gap analysis probably without the services of external facilitators. Experience from the TFA has shown that some countries undertook multiple NAs as a way to build confidence and capacity among stakeholders on their current situation at domestic level.
- The **NA must explicitly carry the message that it is 'Confidential' and would not be shared beyond National Stakeholders**. It should be positioned as a tool / process to **inform countries' future decision making** with regards to investment facilitation. The result of the Assessment should thus remain a **"work in progress"** to avoid giving the impression to national stakeholder that it would be taken as countries' commitments under the IFD Agreement.
- A successful NA process calls for effective **inter-agency coordination** and collaboration, to ensure wide engagement of domestic stakeholders at **national and subnational** level. A 'whole of government' approach will facilitate the consolidation of relevant information on the existing gaps with the IFD Agreement but also enhance ownership of relevant ministries and agencies for future reforms.
- The **business community should be an integral part of the Needs Assessment process** to provide feedback on current status of IF mechanism from a user perspective, but also to contribute to the **prioritization** of potential reforms.
- The NA should also be leveraged to facilitate **coordination and information-sharing between Geneva-based WTO missions** involved in the negotiation and **ministries / agencies** in charge of investment facilitation related formalities at domestic level.

- Building upon the lessons-learnt from the National Trade Facilitation Committee, countries should consider – from early stage - establishing **an institutional mechanism at national level** (working-group / taskforce...) to **facilitate the coordination and collaboration** of relevant ministries / agencies (and the private sector). This mechanism shouldn't be responsible for the implementation of IF reforms but rather to **guide the overall process in a transparent and inclusive manner**.
 - Unlike the approach used under the TFA, the categorization exercised should **not use the terms “implemented” / “partially implemented”** as it **unnecessarily draws a link between the Needs Assessment process and the legal commitments** to be undertaken by countries. Alternative semantic should be considered: e.g., reform not started, in progress, completed.
 - It adds value to have ‘facilitator’ led exercise at least for the first time. The facilitator(s) must be perceived as ‘Neutral and honest broker’ who can relate with the ground realities also.
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