

Ethics, Security, and International Investment: New Rules for a New Global Order?

*A Strategic Consultation
December 2-4, 2001*

International Sustainable and Ethical Investment Rules Project

Project Collaborators:

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Sustainable
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Introduction

The *Strategic Consultation on Ethics, Security and International Investment* brought together 28 key policy experts, activists, and business representatives to generate ten-year scenarios about the evolution of global investment governance.

Held December 2-4, 2001 at the Pocantico Conference Center of the Rockefeller Brothers Fund, the strategic consultation was organized by the International Sustainable and Ethical Investment Rules Project.

The dynamic group of participants was drawn from nine countries: Singapore, Indonesia, Kenya, Uruguay, Chile, Argentina, the Netherlands, Canada and the United States. While they spanned a broad range of interests and expertise—socially responsible investment, international economics, trade and the environment, poverty and development—they are all part of a global ‘sustainability movement’.

The strategic consultation had two objectives:

- The consultation aimed to engage potential allies and collaborators in developing a common understanding about the need and the potential for advocacy on international investment rules that balance private investor rights with binding social and environmental obligations.
- Through the use of Scenarios methodology, the consultation aimed to sharpen the strategic thinking of Project Partners and allies about how and where to direct advocacy, especially in the aftermath of September 11.

To that end, participants worked collaboratively to generate and draw strategic implications from four distinct, plausible scenarios of how an international investment regime could emerge—and how to integrate sustainability ethics into it—over the next decade.

Scenario methodologies provide a means to generate thought, think creatively, challenge participant’s assumptions, and provide an effective framework for dialogue among a diverse group of stakeholders. In a word, scenarios are tools. Scenarios are tools to examine a number of different - highly probable - futures to better understand the driving forces of today, and develop the means to

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work towards preferred futures. Specifically, scenarios have several characteristics that make them very powerful for shaping foreign policy (Global Business Network: What Are Scenarios?).

Alain Wouters of the Global Business Network (GBN) Europe facilitated the consultation. GBN is widely recognized for helping companies, governments, and multi-stakeholder groups think strategically and solve problems by collaboratively creating narrative scenarios

Generating Scenarios: The Methodology

The methodology for generating 10-year investment governance scenarios involved small and whole group discussions in six discrete steps:

1. Identifying personal hopes and fears for how a global investment regime will develop;
2. Brainstorming the wide range of 'driving forces' of international investment rules;
3. Selecting 'critical uncertainties', that is, those driving forces that will both have a high level of impact and are highly uncertain.
4. Creating a matrix based on two critical uncertainties to serve as the scaffolding for scenario narratives.
5. Collaboratively generating scenario stories.
6. Drawing strategic implications from the scenarios.

HOPES AND FEARS

Participants identified their deepest hopes and fears for how an international investment regime will develop. Hopes clustered around three themes:

More Balanced Values in International Investment

- Global communal values are recognized as crucial and consequent;
- Sustainable and inclusive development; balance between foreign and indigenous investment; human and environmental factors balance economic factors.

Empowered communities and local control

- Strong civil society as key actor in driving corporate accountability;
- Citizens have access to legal redress in international court against egregious corporate activity.
- Shift in power away from the private sector;
- Investment rules defer to local public interest as defined by a democratic legislative process;
- Decentralization of international investment governance will become the tool for fighting poverty and promoting sustainability;
- Communities develop the skills and tools necessary to broadly benefit from global investment.

Consensus on Binding Multilateral Rules for Sustainable International Investment

- Governments, NGOs, businesses and other stakeholders arrive at a truly

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common point in terms of shared values and global objectives and are prepared to act on their responsibilities;

- Harmonization and advancement of global environmental and labor standards through required corporate disclosure and monitoring;
- Ethical values, especially social responsibility towards the poor, would replace profits as main driving force of private investment;
- Prudential regulation of over-the-counter financial transactions and off-shore tax havens;
- Multinational corporations operate under binding environmental and social guidelines.

Participants deepest fears focused largely on 'business-as usual' or the fear of greater war and instability and were clustered on four themes:

Global Developments 'Crush' Local Initiatives

- Investment rules will expand to trump local standards of accountability and control of resources (e.g. groundwater);
- An integrated web of international agreements (WTO, FTAA, investment, services, competition) buttresses and encourages unsustainable investment.

Financial Markets--Business as Usual

- Little or nothing is done to replace 'Washington consensus' both as theory and dominant policy, with new regulatory framework for governing financial markets;
- Negotiations as usual in the WTO and in bilateral agreements.

Corporate Dominance and Narrow Economic Values

- Inability of governments to manage economic interdependence and corporate power;
- Unchecked power of multinational corporations;
- Civil society's efforts to implement binding rules end up in the 'heap' of voluntary initiatives.
- "Race to the bottom" in global investment practices;
- Investment rules ignore ethics and sustainability, exacerbate disparities between developed and developing countries, and heighten volatility of financial markets;
- Right to pursue profits trumps public interests, solidifying corporate influence at the expense of the poor.

Instability and Isolationism=Less Cooperation

- Widespread nuclear attacks—global diplomacy is paralyzed by militarism, xenophobia and economic recession;
- Increase in financial flows of drugs and terrorism funds with consequent destabilizing of governmental regimes, especially in South America and the Middle East.
- Industrialized nations push through global rules which do not embody shared values and trigger a backlash that slows progress towards sustainable development.

DRIVING FORCES AND CRITICAL UNCERTAINTIES

The first building block of any scenario is to explore the wide range of forces which drive

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global change in international investment and governance. The participants settled on the following as major driving forces:

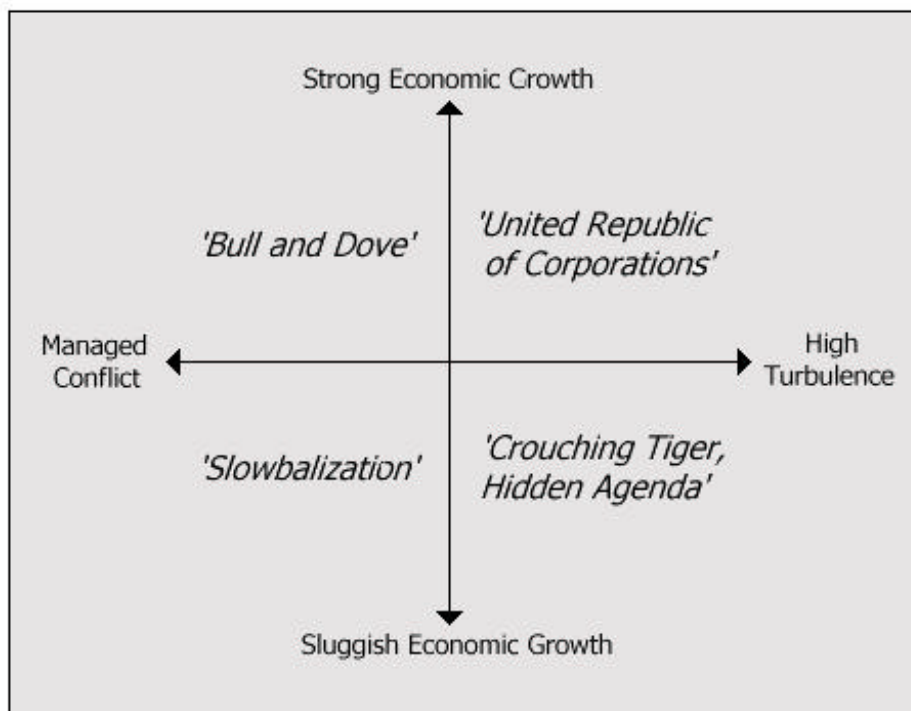
- State of the economy
- State of international peace and security
- Market forces
- Transparency of private and public institutions
- Role and responsiveness of governments
- Level of income inequality and redistribution
- Technological change
- Media and consumer groups
- Ecological limits and shocks

- Institutional reform of the World Trade Organization

Critical uncertainties are driving forces which are both highly determinative and highly uncertain. The two were:

- *State of the economy:*
Continued sluggish growth or recession vs sustained recovery
- *State of international peace and security:*
High conflict and increasing turbulence vs managed conflict and relatively stability

The Scenarios Matrix



Plotting the two critical uncertainties on a vertical and a horizontal axis yielded a matrix with four 'snapshots' or starting points for the creation of scenario stories. Participants worked in small groups first, to create a coherent narrative in each quadrant of the matrix and then to draw strategic implications from the narrative.

Slow-balization

Slow Growth and Managed Conflict

This scenario envisioned a world of managed but ongoing conflict and slow growth. The global economic recession resembles Japan's deflationary condition of the 90's and there is no economic recovery for the U.S. in sight. A handful of countries that have defaulted on their sovereign loans have "fallen off the cliff" but most countries continue to chug along. Foreign direct investment experiences a flight to quality and dries up in the poorer countries. Several countries implement capital controls.

In the drive to manage conflict, U.S. civil liberties are infringed and **the push for corporate disclosure and transparency reverses towards opacity**. Corporations continue lay-offs, and the first to go are the environmental units and officers responsible for voluntary corporate social responsibility. Resources are reallocated to increased security around overseas operations.

Most airlines are nationalized, creating "United American" airways. Biotechnology and GMO companies are the only sectors making money. But the U.S. push for GMOs creates a substantial backlash to the point of creating a trade rift between the U.S. and the E.U.

The one exception to the global economic malaise is China where production is booming, domestic consumers and buying, and the domestic equity markets are maturing.

Due to the bearish markets, **NGO and foundation resources are under duress** and there is consolidation among environmental NGOs. Trade unions are striking and the level of new found trust between the labor and environmental movements begins to erode. Policy groups find it harder to stay afloat. A split occurs leaving only a few mainstream conservation groups and

a handful of increasingly radical anti-globalization activists.

In 2002, **U.S. pension funds are hit hard** by the sudden collapse of another multinational corporation ("**Enron II**") and beneficiaries and trustees begin to demand greater levels of corporate governance and disclosure to pension funds. U.S. and Dutch NGOs begin a joint campaign engaging the two largest pension funds to invest with environmental and social criteria and to use their power as activist shareholders.

Other world events in 2002: Arafat is assassinated and Aceh uprising is quelled. Egypt calls for elections, and poison gas is released in Milwaukee. The Rio +10 meeting in Johannesburg is postponed indefinitely.

In 2003, despite a failed UN Afghanistan administration, Unocal and the U.S. government announce a pipeline will be constructed which will create "much needed jobs" in the war torn country.

The WTO talks on investment stall and **regional trade and investment blocs begin to form**. However, the FTAA fails due to intransigence by the U.S. agricultural interests and Brazil.

In 2005, a Coca Cola plant is expropriated in India. Corporations continue a fortress mentality and increase security operations overseas, resulting in several cases of human rights abuses. The cases are captured on film and broadcast over the internet. In response to expropriation fears, **companies push for a stronger dispute settlement mechanism**.

French farmer Msr. Bove attacks another McDonalds. Soon after he is nominated and

Slow-balization

runs an unsuccessful bid for the French presidency.

In 2007, **China experiences a massive drought attributed primarily to climate change**. Millions of Chinese die or become water refugees while arable land disappears. This crisis turns China from a laggard to a leader on climate change issues

and fossil fuel reduction. China calls on the world for a new environmental ethic and increased wind energy; U.S. President Gore flies to Beijing for an environmental summit.

<p>Strategic Implications:</p> <ul style="list-style-type: none">• Regionalism and nationalism increase so BITs and regional investment agreements are the primary points of entry for formal rules.• Human rights become increasingly central to the investment rules debate.• Local communities become more engaged on the implications of investment rules.• Alliances between communities have the potential to mitigate the impact of Chapter 11 on state environmental rule making.• WTO and IMF are useful as standards-setting agencies.• Pension funds will harness shareholder power to drive the corporate governance debate particularly surrounding mandatory information disclosure.• The emergence of China will necessitate collaborative relationships with Chinese civil society.	<p>Key Uncertainties:</p> <ul style="list-style-type: none">• Will global income inequality improve or worsen?• Threat of war: global security environment• Sustainable growth or long-term recession?• Shareholder responsibility: Will major shareholders (pension funds) step up and take action?• NGO influence: achievement of binding standards or diminishing power due to lack of funding• Level and quality of governance
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Crouching Tiger, Hidden Agenda

Slow Growth and High Turbulence

This scenario envisions a world of slow economic growth and high turbulence. The year 2002 is marked by an ongoing global recession that has landed the Quad and developing nations in equally dire straits. The high tech sector has hit a prolonged slump following the turn of the century crash. Speculation of bankruptcy by giant Motorola is in the newspapers by year's end. National political debates center not around the economy, but on new conceptions of security following the tragedy of September 11.

Many global civil society organizations that had focused on sustainable development turn their attention to the new global security climate. By mid-2002, defense spending has risen markedly while overseas development assistance (ODA) has dried up. The new climate is reflected in the **failure at Johannesburg** to come to any sort of agreement despite pledges for a 'New Deal' Declaration. Some see it as a necessary break from the past while others simply declare that sustainable development is 'dead'.

Multilateralism is furthered damaged when new **World Trade Organization negotiations stall**, leaving increased regionalization in the global trade system. African nations abandon en masse the Africa Growth and Opportunity Act, deciding instead to focus on the fledgling African Union and bilateral agreements with the European Union.

The world is abruptly reminded that global capitalism is still a target when a General Electric facility in South America is attacked by terrorists. Suddenly, security is on the agenda of corporations all over the world. In early 2008, with a hot war between India and Pakistan threatening to spread to other continents, **GE takes the lead in organizing the landmark summit 'Big Business for Peace'**.

After the inaugural conference, a coalition of corporations and security-oriented NGOs launch a global security dialogue.

There has been a shakeout in the NGO world. Many organizations have been forced to close due to a shrinking funding base and reoriented political priorities. The focus of the dialogue is overcoming the widespread fear that has gripped the public in most parts of the world over the last 3 years. Some of its themes include developing a global NGO coalition, community security, and poverty reduction

The recession continues through mid-decade. **Many regions succumb to protectionism** which is particularly problematic for countries in East Asia that still primarily rely on exported industries. China has become the leading export nation in the world. Due to its institutional deficiencies and lack of participatory politics, it is unable to weather the prolonged recession and is wracked by mounting social instability.

In 2008, a combination of factors comes together to bring a relative sense of calm to the international community. A series of cease-fires have ended many of the conflicts in South Asia and the Middle East including the Indo-Pakistani war. The global economy has begun to grow again, led by unprecedented investment in environmental and renewable energy technologies. This trend gives impetus behind **a renewed UN Framework on Climate Change**, is signed in Burkina Faso and comes into force in 2009. The Big Business for Peace coalition is widely seen as a pivotal force behind the deal.

By the end of the decade, the new concept of global security contains environmental and energy issues as key components. The discourse surrounding

Crouching Tiger, Hidden Agenda

Slow Growth and High Turbulence

the monumental Burkina Protocol is dominated by calls for a new 'platform' for global security. Private sector involvement has reached an all-time high as **a new form of corporate governance** lends itself to the new

security framework. The language of the Agreement emphasizes community development and poverty reduction as core action areas.

<p>Strategic Implications:</p> <ul style="list-style-type: none">• Environmental groups succeed by linking to security framework (poverty, peace and human rights)• Regional level investment is more sustainable: a new, non-Western form of corporate governance arises• Advocacy should aim towards sub regional and local leverage points• Asian monetary system develops• Corporate-NGO alliances on security will emerge as important force• Governance for security: a different vision, concept will be needed globally	<p>Key Uncertainties:</p> <ul style="list-style-type: none">• The presence of financial crises (devaluations, recessions, deflation)• Geopolitical stability: war, terrorism, regional meltdowns, length of crises is crucial• Ability of nations to commit and comply with an international investment agreement• Role of the media and civil society: could be incremental or a galvanizing event may occur• Corporate behavior: cooperative stance (Corporate Social Responsibility, self-governance) or head in the sand approach
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United Republic of Corporations*

High Turbulence and Strong Economic Growth

This scenario is characterized by high global turbulence and strong economic growth. The year 2002 marks a sharp rise in defense spending all over the world, driven by rising conflict during the preceding years. Economic growth is driven by large defense contracts and growth in allied industries. The result is highly stratified corporate driven growth, a far cry from the 'lift all boats' scenario that was pushed by neo-liberals at the close of the 20th Century. Regions that do not host defense-related industries or do not have geopolitical importance are left behind by this economic expansion.

The World Trade Organization resurges under the leadership of Director-General Supachai. **The Doha round gains momentum** after several world leaders praise free trade as a way of quelling regional conflicts. Free trade critics point to the rising inequality between and within nations as a major cause of conflict and argue that trade system must be reformed. Corporations react to the unstable international climate by increasingly organizing themselves and cutting off channels for civil society input.

In the year 2004, **Boeing and General Electric establish the Security Coordination Forum**. This organization, backed by the White House, embarks on a series of legislative initiatives aimed ostensibly at reducing bureaucratic obstacles to free markets and enhancing the international position of the US economy. On the environmental front, **oil companies break ground in the Arctic National Wildlife Refuge** after the passage of the National Energy Independence Act, which cited global instability as the principle reason behind the law.

In the year 2005, income inequality on an international level has reached an all-time high. Even in social democracies of Western Europe, the patten of economic growth in the 21st

Century has had a highly stratifying effect. The loss of the ANWR battle was a serious blow to the environmental movement, especially in the United States. Although some feared the movement would lose steam as a result of ANWR, the proposed drilling eventually galvanizes environmentalists to a greater degree than before.

In mid 2006, a series of chemical spills at refineries in California (that formerly averted regulatory oversight) pollutes the drinking water for 2 million people. From within the environmental movement, **a new coalition for ethics emerges** and specifically targets the Security Coordination Forum to adopt standards of ethical behavior. The idea of corporations playing a role in promoting social welfare becomes an increasingly popular topic in the media. Many argue that corporations have successfully reduced the size and influence of governments and must act to fill this void.

Concurrently in developing countries a similar type of movement arises as economic reforms fail to raise public welfare enough to continue support. As a consequence, the World Trade Organization is abandoned after the majority of its developing nation members do not feel it will ever be balanced enough to meet their needs. On the security front, an unprecedented civil war breaks out in Indonesia in early 2009. Separatist groups gained public support during the five years of repressive decrees that aimed to consolidate central authority.

The decade comes to a close on a grim note. **Democracy suffers throughout the world**. The private sector has risen to preeminence but without the optimistic outcomes that had been predicted at the end of the century. The only sources of optimism are the emerging movements for private sector ethics. Most feel,

*One participant dubbed this the 'Max Headroom' Scenario

United Republic of Corporations

High Turbulence and Strong Economic Growth

however, that these will not have far-reaching impacts until a semblance of global peace is restored.

<p>Strategic Implications:</p> <ul style="list-style-type: none">• No transparency in world economic governance• Increased battles for democracy and human rights• Philanthropic funds will go to conflict resolution at the expense of policy think tanks and other NGOs• The most important issue for the international community is security• Civic leaders face unprecedented physical threats• A collaborative approach emerges in developing countries to reform from within• Corporate ethics emerge under the rubric of security	<p>Key Uncertainties:</p> <ul style="list-style-type: none">• How much capital will flow to developing countries?• Political fallout of 9/11-- multilateralism or contraction towards isolationism?• Strength, capacity and determination of NGOs• EU-US Political Relationship: cooperation or competition?• Multilateral Environmental Agreements (esp. the Kyoto Agreement): how will they develop?• Macroeconomic backdrop: will economic growth resume?
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This scenario is characterized by strong economic growth and managed conflict. 2002 begins with all industrial countries still in recession but with hopeful signs that the year may bring a return to economic growth. The People's Republic of China has steered clear of the rest of the world's political and economic turmoil. The country is poised to use its WTO membership to become the leader of developing countries vis-à-vis the Quad countries in global economic relations. Emerging stock markets, led by China and Central Europe, perform relatively well and lead some analysts to say that **the era of the US stock markets as the driver of global growth is over**. The global economy increasingly looks regionalized and multipolar.

The resurgence of emerging markets does not lead to a lessening of income inequalities. The 'haves' continue to hold the vast majority of the world's wealth, land, knowledge, and power. Official development assistance begins to rise for the first time in decades.

Africa is still in crisis due to the continued economic stagnation and the AIDS pandemic which has significantly reduced the size of the labor force in certain regions. Resource extraction continues to be a source of hard currency throughout the Continent. In certain cases, factional conflict have been prolonged and worsened by the presence of resource revenue. The usual hotspots of Nigeria, Sudan, and Angola continue to flare up occasionally while Chad becomes an area of renewed concern as oil money flowing to the central government becomes a source of ethnic tension.

The onset of climate change continues to disrupt weather patterns and water resources are severely strained. Except for a few well-balanced treaties, regional governments and nations alike compete and bicker fiercely over water usage and conservation. In certain areas such as South Asia, **outright war over water resources becomes a possibility**.

With the global economy growing at a healthy rate, there is strong policy inertia within the industrialized countries. In the private sector, things are moving more quickly as **the Socially Responsible Investment (SRI) community takes off and becomes increasingly mainstream**. Renewable energy forms an important component of this movement as technologies become increasingly profitable and commercially viable. Members of the World Trade Organization make steady but very slow **progress towards the goals of the Doha Declaration**. Developing countries begin to see some payoffs in tariff reductions for products such as textiles and agriculture.

At the close of the decade, 'free' markets are as strong as ever despite persistent conflicts throughout the world. **Markets coalesce on a regional basis and Mercosur emerges** as the exemplary Free Trade Area and begins to rival East Asia as the most dynamic commercial arena. Other South American countries line up to become members. As China, India, and Latin America steadily grow richer, developing countries gain significant leverage on the world stage. This forces decisions at the WTO on the Singapore issues and the creation of a 'development' box that aims to address global inequity.

<p>Strategic Implications:</p> <ul style="list-style-type: none">• Developing countries increasingly exert their influence on the world stage.• NGOs must learn to find common ground with developing countries• WTO negotiations will continue to shift towards developing nation issues• NGOs must engage with the SRI community to forge new business norms• Regionalization will create strategic opportunities for NGOs.• Investment negotiations move forward in regional arenas.	<p>Key uncertainties:</p> <ul style="list-style-type: none">• Role of developing countries: withdrawal or participation in the debate and construction of a rules regime?• Participation of civil society: does it matter?• Political stability: irregularity of government policy in response to heightened terrorism and threat of nuclear warfare.• Global recession or growth: recession leads to poor governance; prosperity increases chances for positive change.• The impact of sustainability issues on U.S. electorate as a force for international policy change.• Expansion or reduction of transparency and accountability through trade:?• Stability of China: How will the government respond to political transition?
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The scenarios provided much food for thought. One of the insights, robust across all scenarios, is the need to lodge advocacy on ethical investment rules within the broader framework of global security and equity. Another insight is that business, especially multinational corporations, will continue to be key players. In some scenarios, at least some sectors of business recognize the need for global governance to address equity and security. Successful advocacy will need to strategically engage business.

One of the conclusions is that advocacy for a sustainable development framework for international investment rules could find fertile ground in the negotiations leading to a Free Trade Agreement of the Americas (FTAA). This agreement has more political momentum than other regional agreements and unlike the WTO, contains fewer members, which could ease the implementation of binding rules. Moreover, the potential for an Inter-America NGO coalition is strong. Another compelling reason to focus on the FTAA is that the scenarios indicate that globalism might enter a period of contraction while regionalism increases in importance.

Another conclusion is that the role of China in global economic and political affairs will continue to grow. If China continues to successfully nurture its economy its manufacturing sector will likely gain market share and move up the value chain. NGOs will play a crucial role in pushing foreign investors to implement corporate responsibility measures in projects in China. In order to be successful in this, partnerships must be formed with Chinese organizations.

In none of the scenarios did the World Summit for Sustainable Development trigger political support for a new approach to global economic

governance. This could increase the importance of private sector and NGO-corporate partnerships. A model for this could be the high tech sector and its use of the Global Reporting Initiative, stakeholder engagement to constantly improve environmental performance with minimal governmental involvement. However, other sectors might be slow to follow high tech's lead in terms of information disclosure. Many companies in sectors such as energy might remain opaque and closed to NGO collaboration.

The scenarios indicate that another major challenge is the persistence of skewed investment flows to developing countries. Africa continues to receive a trickle of FDI and sustainable development advocates have still largely failed to address this issue.

Overall, each of the scenarios suggests that the next ten years hold a lot of wild cards and will be highly dynamic. Whether and how sustainable and ethical investment rules get on to the international agenda will depend largely, as one participant put it, whether "the sustainability community" takes on the investment issue. Drawing from common themes emerging in all four scenarios, the table on the following page includes some of the steps that should be taken by that community, including the International Sustainable and Ethical Investment Rules Project

Insights and Conclusions

New Rules for a New Global Order?

Entry Points

- Focus near-term advocacy on investment negotiations in the FTAA; look to existing commitments of FTAA signatories (i.e. OECD Guidelines on MNEs) to elevate into binding mechanisms.
- Push for investment rules at the WSSD in Johannesburg (while expectations are mixed for WSSD, it is fertile ground for moving investment governance into the Sustainability movement).
- Engage pension funds on environmental and social criteria as part of corporate governance.
- Press for corporate governance standards within the Doha round investment negotiations.

Coalition building

- Move the sustainability agenda to include peace and global security and vice versa.
- Build a coalition of NGOs and Business to promote security and peace (i.e. Peace is good for business).
- Promote linkages between SRI-driven corporate social responsibility and global public policy efforts.
- Organize a working group and regional conference on investment governance in Africa. Promote investment rules agenda among the financial architecture movement and pursue linkages with private financial institution advocacy.
- Enhance awareness and involvement of state and regional citizens in the investment rules debate.
- Develop relationships with unions and pension beneficiaries.

Defining Standards

- Identify and explicitly define the 'public goods' to be protected within investment agreements.
- Influence the lexicon of Corporate Governance to include social and environmental commitments and disclosure requirements.
- Build upon and cross-reference the guidelines promoted by the ECA Watch campaign in investment rules.
- Expose redundancy of ECA risk mechanisms and dispute resolution mechanisms in investor rights. (If investment agreements reduce risk, why are governments still insuring risk through ECAs?)
- Support the International Right to Know campaign to promote disclosure as a home country investor obligation.

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