



Future of manufacturing
**Foreign Investment Ombudsman –
Internationalisation policy measure
(Korea)**

[Born globals and their value chains](#)

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1. Context

1.1. Circumstances in which the measure was introduced, rationale, and relevance

The Foreign Investment Ombudsman was introduced on 26 October 1999 with the implementation of the Foreign Investment Promotion Act. The aim of the Foreign Investment Ombudsman (henceforth referred to as the Ombudsman) is to provide tailored post-investment and grievance-settlement services for foreign investors and enterprises doing business in Korea. Furthermore, the Ombudsman uses the insights from these grievances amongst foreign enterprises to provide input to policy makers to make regulatory adjustments and reforms to make Korea a more attractive environment for foreign enterprises.

The Ombudsman is located within the Foreign Investment Support Centre, which was also set up through the the Foreign Investment Promotion Act. The aim of the centre as stated in article 15 of the act is ‘to provide or conduct, either directly or as a proxy, consultations, guidance, advertisements, research, and civil petitions concerning foreign investment, and conduct various comprehensive support measures for foreign investors and foreign-capital invested companies.’ The Foreign Investment Ombudsman plays a role in achieving this overarching aim. The Ombudsman and the Foreign Investment Support Centre are both part of the [Korea Trade and Investment Promotion Agency](#), which is affiliated with the Korean government.

The Ombudsman has two main services it conducts for foreign enterprises in Korea, namely a Grievance Resolution Body and Aftercare Services Division. The Grievance Resolution Body focuses on complaints and grievances by foreign invested companies, examining cases from the perspective of the foreign company. Aftercare Services involve onsite visits to foreign companies to hear their grievances, to provide business management related consulting services.

The Ombudsman also has an added function of collecting the grievances and complaints from foreign companies and analysing the nature and cause of these complaints, to be used as input to propose regulatory reforms. Based on the Ombudsman’s examination of complaints, it can recommend policy improvements to the government and request policy reviews to relevant government bodies.

The rationale behind the grievance resolution and after care services are to support foreign enterprises in Korea; these grievance and resolutions serve as input for policy reform suggestions in order to ultimately make the foreign investment environment in South Korea more attractive for foreign enterprises.

1.2. The process of developing the measure

The Foreign Investment Ombudsman was set up on the recommendation of the Minister of Trade, Industry and Energy following deliberation by the Foreign Investment Committee and was developed during the late 1990s. Since the 1980s, South Korea has been working to improve its overseas Foreign Direct Investment (FDI) and the level of investment from South Korean companies abroad. At the same time, inviting further investment and business from other companies in South Korea has also been a policy priority. In this context the Foreign Investment Promotion Act was introduced, which also set up the Ombudsman. The Foreign Investment Ombudsman also heads the Grievance Resolution Body and the Investment Aftercare Division, which are bodies who contribute to the work of the Ombudsman.

1.3. Any changes in policy context over time

Alongside the establishment of the Foreign Direct Investment Act in 1999, the Korean government also established a [Committee on Foreign Direct Investment](#). This Committee, the CFDI, has been tasked with reviewing FDI policies and systems on a continuous basis. The CFDI consists of representatives of various ministries and agencies, such as the [Ministry of Knowledge Economy](#) (MKE), the [Ministry of Strategy and Finance](#) (MOSF) and heads of relevant local and city

governments. The CFDI has the mandate to make large and major policy decisions concerning FDI and develops an annual FDI Environment Improvement Plan based on proposals provided by ministries and local governments. In 2000, there was a policy change and the CFDI received a further mandate to also adjust the measures of relevant government agencies to improve the foreign investment environment (Bang and Thomsen, 2013). This development, together with the establishment of the Foreign Investment Support Centre and the Foreign Investment Ombudsman all point to a general trend in Korean policy to make the environment more attractive more foreign enterprises. Since the 1990s, this goal has remained the same and no major changes have taken place in the policy context since then; instead this policy goal is still actively pursued by the South Korean government institutions.

1.4. Evidence of complementarity and/or overlap between the measure and other policy measures

The [Grievance Resolution Body](#), headed by the Foreign Investment Ombudsman, sits within the [Korean Trade Investment Promotion Agency](#) (KOTRA). The Grievance Resolution Body offered by the Foreign Investment Ombudsman works in close cooperation with the Investment Consulting Centre within KOTRA. The Investment Consulting Centre provides investment consulting in regards to several matters, including starting a business in Korea, helping foreign investors carry out their investment plans along with helping foreign investors get settled in Korea.

On a broader level, the Ombudsman is part of the general policy direction of improving the foreign investment environment in South Korea. This is evidenced by the different organisations set up by the [Foreign Investment Promotion Act of 1999](#). There is therefore a good degree of complementarity between the organisations and policies set up in aid of promoting FDI.

2. Content

2.1. Objectives of the measure

As previously discussed, the aim of this policy measure is to identify and resolve grievances of foreign invested companies in Korea. The aim of the Ombudsman and its legal mandate are described in the Foreign Investment Promotion Act. The overarching aim is to help support the settlement of difficult affairs between foreign-capital invested countries in Korea. However, beyond the legal mandate and aim of the Ombudsman, no formal and measurable objectives have been established for the organisation:

The practical duties of the Ombudsman are also listed in the Foreign Investment Promotion Act, article 15.2:

A Foreign Investment Ombudsman shall perform the following duties:

1. Investigation and handling of complaints from foreign investors and foreign-capital invested companies;
2. Preparation of policy measures for improving a foreign investment system and recommendation on the implementation thereof to the relevant administrative agencies and public agencies;
3. Other necessary matters for handling complaints from foreign investors and foreign-capital invested companies.

2.2. Available budget

This information is not publicly available, although the budget for running the Ombudsman institute comes from the national government, via the Korea Trade-Investment Promotion Agency.

2.3. Target groups of the measure

This policy is aimed at all foreign investors and all companies registered as foreign-invested companies in Korea.

3. Relevance of the measure to SMEs/born globals and internationalisation

3.1. Relevance in relation to different types and stages of internationalisation

This measure is relevant to foreign companies of any size or orientation that have settled in Korea. The measure is mainly used to promote and facilitate foreign direct investment by foreign companies which settle in Korea. As the measure allows foreign enterprises in Korea to receive support when making and resolving grievances, the measure is used mainly by foreign enterprises that have already settled in Korea.

While the aforementioned services are the key services provided by the Ombudsman to foreign companies, it should be noted that the Ombudsman strives to improve the climate for foreign direct investment and foreign companies in Korea. As such it has a less direct role in making Korea more attractive to foreign companies to settle in. Hence, it implicitly also fosters other forms of inward internationalisation (like exports to Korea) and could be beneficial to foreign companies in earlier phases of internationalisation (that is, those only considering to enter the Korean market).

3.2. Support for cooperation between SMEs/born globals and wider international collaboration (if any)

The Foreign Investment Ombudsman is a part of the Korea Trade-Investment Promotion Agency (KOTRA) which has various policies and measures in place. The Ombudsman itself however focuses the bulk of its activities within Korea and acts from the perspective of improving the business climate for foreign companies; it does not directly have wider international collaboration. In an indirect sense the Ombudsman supports foreign business and investors and could be said to facilitate wider international collaboration. The KOTRA has a broader focus and has some 123 offices worldwide in over 80 countries to help promote trade and exports to and from Korea. These offices resemble export embassies of sorts.

3.3. Contribution of the measure to tackle SMEs'/born globals' internationalisation support needs

The Foreign Investment Ombudsman plays a role in representing the interests of foreign companies and helping to improve the regulatory and policy environment for foreign companies in Korea. Given that there has not been a formal evaluation or impact assessment of this measure, establishing the exact contribution of the Ombudsman to SME internationalisation is difficult.

One of the main functions of the Ombudsman is to identify the key problems and issues that foreign companies face in practice, and to address these issues at the company, as well as at the national level. In this way the Ombudsman indirectly helps SMEs in Korea, including internationalised SMEs, by contributing to a more favourable business environment. Furthermore, by helping foreign enterprises with their grievances, the Ombudsman helps enterprises, including SMEs, face challenges or problems they are having in conducting their business activities.

4. The operation of the measure

4.1. Promotion of the measure to internationalising businesses

The Ombudsman is promoted online through its website and its part in the larger KOTRA. The Ombudsman also hosts information and investment related fairs and, in doing so, is also engaged in developing its network. The Ombudsman participates in hosting investment delegations from different countries (such as Morocco, Ecuador, and Uzbekistan in 2015), and often participates and presents at various nationally and internationally focussed business forums and conferences to promote the Ombudsman (Korean Foreign Investment Ombudsman, 2015). The Ombudsman also has a good working relationship with the International Chambers of Commerce in Korea.

The Home Doctors also contribute indirectly to promoting the Ombudsman specifically, as they are the executive consultants who go to foreign companies with a grievance and speak with relevant stakeholders regarding a grievance and the possible resolution for it. In this way they act as indirect representatives for the Ombudsman and can contribute to promoting awareness of the Ombudsman and its activities.

The KOTRA also works closely with their network of 42 overseas branches, known as Korea Business Centres, who make foreign businesses aware of the services offered to foreign companies, including the Ombudsman.

4.2. The process of application and assessment of applications

Foreign enterprises can submit their grievance or complaint online on the Ombudsman's website, or using phone, fax, Twitter, or by visiting the Ombudsman in person. Applications for consultation can be made through the same communication channels. It is also possible for companies to receive onsite assistance from consultants of the Office of Foreign Investment Ombudsman. The time taken to process grievances and requests for Ombudsman services is variable and depends on the nature of the grievance or request. An application for grievance consulting can be done online by foreign investors, or foreign-invested companies across a range of fields of issues. The Ombudsman aims to process applications within 48 hours.

4.3. Delivery mechanism of the measure

The Ombudsman has several main functions, namely the receipt of grievances, Aftercare Services to resolve those grievances, including Home Doctor visits, and a more macro function of suggesting policy reforms based on the grievances received. Broadly speaking the Ombudsman engages in three types of resolution to grievances it receives: Home Doctor Resolutions, administrative interventions, and system improvements in the shape of regulatory reforms.

The Ombudsman receives and handles grievances from foreign invested companies through its Grievance Resolution Body. Upon receiving complaints and grievances from enterprises, it assists in consulting companies on areas relating to law, labour, taxation, tariff, customs, construction, environment, finance, foreign exchange and visas amongst other things. The rationale is to improve such aspects and, in doing so, to facilitate foreign companies doing business in Korea. The Ombudsman not only listens to and handles grievances by foreign companies, but it collates and tracks the nature of the complaints received.

The services provided by the Ombudsman also include 'Aftercare Services' to help resolve a grievance or dispute. Within some of these aftercare services a 'Home Doctor' is assigned to a foreign company with a grievance, who takes that particular foreign company as a case of sorts. The rationale behind having such a Home Doctor is that every company is different and in order to help a foreign company navigate doing business in Korea. In this way, the Home Doctors help with the grievance resolution process. In 2016, there were 10 Home Doctors at work at the Ombudsman.

The Home Doctors are the executive consultants of the aftercare section of the Office of the Ombudsman. The key areas of activity for Home Doctors are to carry out consultations with relevant

foreign-invested companies, discuss grievances and their basis with related organisations, and to pass on recommendations to the Ombudsman (InvestKorea, 2017).

Regarding the grievance resolution process, once an application has been received regarding a grievance, the resolution process has three main streams and, depending on the nature of the grievance, different steps will be taken for different cases. Key stages in resolving grievances include:

- Meeting with related organisations
- Identifying grievances and the basis for them
- Engaging with foreign-invested companies.

The case will then usually be handled further by one of the Home Doctors assigned to the case. The Ombudsman employs Home Doctors with different fields and sectors of expertise. The assignment depends on the nature of the case and a Home Doctor with an appropriate specialisation will be assigned the case. The Home Doctor will keep the company informed through every step of the resolution process. Ultimately, the aim is to achieve resolution of the grievances and this can be done through amendments to relevant laws and administrative support (InvestKorea, website).

Grievance resolution can be applied to a wide range of fields and policy areas. Cases of grievances in which the Ombudsman does not provide grievance resolution include private disputes between companies, sales of individual companies, requests that contradict global standards and matters that unfairly influence other companies or industries; depending on the type of actors involved and the nature of the dispute, other bodies besides the Ombudsman would be involved to resolve the grievance instead. The nature of the steps taken to resolve a given complaint or grievance depend of course on the nature of the complaint.

The Foreign Investment Ombudsman also offers advice on overall business management, proposes system improvements to government ministries and requests coordination between relevant government organisations in administrative procedures. Based on the nature of the complaints the Ombudsman receives, it can opt to suggest alterations to regulations and policies to the Korean government as well as the ministries involved with foreign investment policy. The grievances collected through the Grievance Resolution Body, and the cases worked by the Home Doctors also form important input for the Ombudsman and its recommendations for adjustments to policy surrounding foreign investment (InvestKorea, 2017).

The provision of policy reform suggestions takes place based on collated complaints and grievances which have been received by the Ombudsman, and insights gathered from the Aftercare Services. Based on analysis of such information the Ombudsman can then suggest a policy reform via the KOTRA, which is affiliated with the South Korean government.

4.4. Administration of the measure

The administration of the measure is carried out by the Ombudsman, which is an independent body although situated within the larger KOTRA.

5. Monitoring and evaluation

5.1. Monitoring of the implementation and take-up of the measure: method and contents

The Ombudsman monitors the number of grievances it receives, the nature and area of the grievance and how these are resolved; these facts are published in annual reports for the organisation, whose 2014 and 2015 versions are publicly available. These are the more concrete, hard indicators which the Ombudsman uses to steer its activities. From a softer perspective, the Office of the Ombudsman keeps track of the Korean investment environment and how this is perceived, though the exact methods and

sources of information used in gaining such insights are not disclosed. The Ombudsman also tracks other forms of feedback from the businesses which it supports and deals with.

5.2. Evaluation of the measure: methods and contents

The Office of the Foreign Ombudsman tracks the performance of its grievance resolution system and of its Home Doctors. Based on the fact that the role of the Home Doctors was expanded in 2015, the continued challenge cited by foreign companies of an unpredictable investment environment (InvestKorea, website) it appears that the Office of the Ombudsman is engaged in adapting the content and method of service delivery. The Ombudsman releases annual reports, but besides such monitoring activities, and those described above in section 5.1, there are no formal evaluations publicly available for the Ombudsman.

5.3. Any changes to the content or delivery of the measure following monitoring and evaluation

The Ombudsman does not produce openly available evaluations. It releases quarterly reports of the grievances they receive and handle for foreign companies however.

At the organisation level, the Ombudsman adopts a reflective approach to its governance. A recent change to policy in 2015 was the broadening of the roles of the Home Doctors. Whereas previously the Home Doctors would support companies in the aftermath of a grievance made to the Ombudsman, the Home Doctors now also maintain direct contact with the Chambers of Commerce in Korea and other associations related to foreign investment. The aim of this broadening is to further strengthen the network of the foreign business community (Korean Foreign Investment Ombudsman, 2015).

The 2015 Annual Report for the Ombudsman also indicates that the unpredictable Korean investment environment and uncertain business activities are cited by foreign companies as common grievances and sources of hesitance when investing in Korea. For this reason the Ombudsman developed the Regulatory Information Service, in cooperation with the Office of Government Policy Coordination, to establish what foreign companies need and to take this into consideration at the policy making level (Korean Foreign Investment Ombudsman, 2015).

6. Evidence of outcomes and impact

6.1. Evolution of the measure's spending

No information is publically available on this issue.

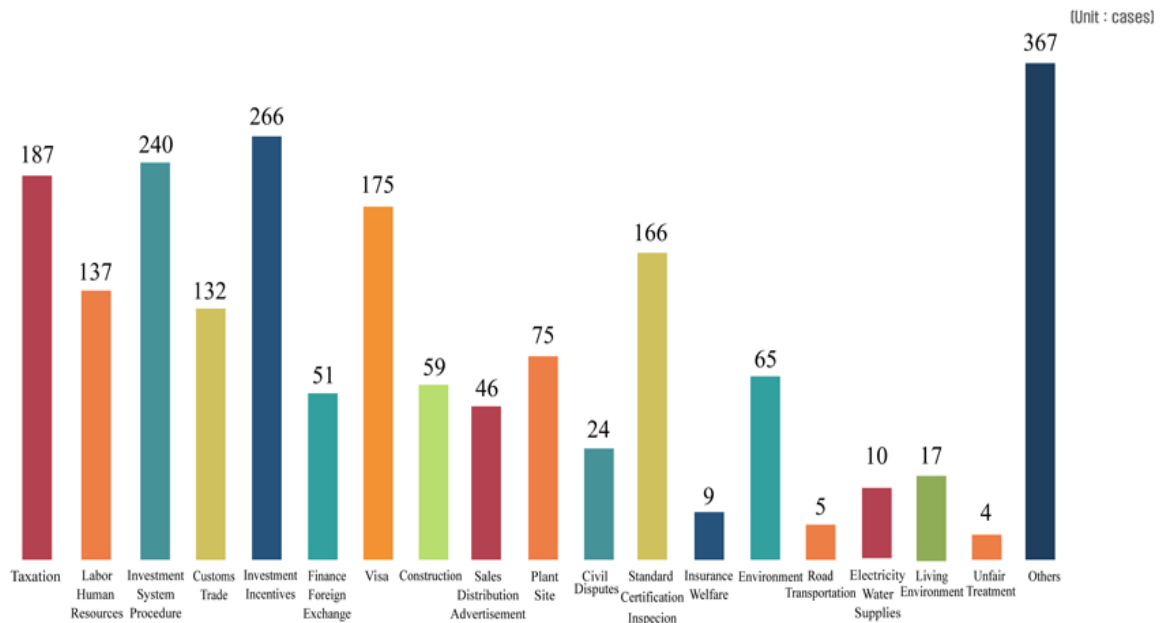
6.2. The quantitative and qualitative outcomes of the measure

The Ombudsman monitors the grievances it receives from foreign companies and how these are addressed. In 2015, 462 cases were received and in that same year 14 system improvements took place in the form of regulatory reforms. Of the 462 cases, 12 cases were resolved through administrative intervention by taking steps to improve the existing legal framework and 336 were resolved through Home Doctor resolution, mostly through consultations.

According to the 2015 Annual Report, among the 462 cases settled in 2015, cases regarding the investment system/procedure grievances were most common with 56 cases or 12.1%, followed by investment incentives (51 cases, 11%), taxation (51 cases, 11%), standards/certification/inspection (41 cases, 8.9%), customs/trade (37 cases, 8%), visa/immigration (37 cases, 8%); labour/human resources (23 cases, 5%). Others include environment (14 cases, 3%), plant sites (12 cases, 2.6%), sales/distribution/advertisement (11 cases, 2.4%), finance/foreign exchange (11 cases, 2.4%), construction/land (10 cases, 2.2%), civil disputes (6 cases, 1.3%), living environment (6 cases, 1.3%), insurance/welfare (5 cases, 1.1%), unfair treatment (4 cases, 0.9%), electricity/water supply (3 cases, 0.6%), and road/transportation (2 cases, 0.4%) (Korean Foreign Investment Ombudsman, 2015).

The table below provides the total number of grievances received between 2012 and 2016 according to different areas. Investment incentives, investment system procedures and taxation issues were the key reasons for companies submitting grievances to the Ombudsman in these years. The Ombudsman does not provide publicly available time series data on the fields of the complaints, though in its 2014 Annual Report, the Ombudsman indicates that the field of investment incentives has been the main source of grievances since 2009 (Korean Foreign Investment Ombudsman, 2014).

Figure 1. Overview of the grievances and their nature for 2012 – 2016



Source: Foreign Investment Ombudsman

6.3. Impact of the measure on its beneficiaries and other actors

As indicated above, there is no formal evaluation publicly available for this measure. As such, gaining concrete insight into the impact of this measure on beneficiaries is somewhat challenging. According to an interviewee, the Ombudsman helps to generally improve the Korean business environment for foreign companies. According to the organisation Invest Korea, the Ombudsman system is considered to be quite useful by other countries and viewed as a good impact for the Korea economy.

Accordingly, other countries try to take up a similar measure and tailored it to their own national institutional contexts; such countries include Vietnam, Russia, Uzbekistan, Malaysia, Mongolia, Brazil, and Chile (Kim, 2016).

Additionally, the United Nations Conference on Trade and Development and Asia-Pacific Economic Cooperation has praised Korea's Foreign Investment Ombudsman system as being an effective way to prevent investor-state disputes. The expertise of the [Office of the Ombudsman](#) and the grievance resolution system are said to play a strong role in the organisation's success.

6.4 Evidence of economic and employment impact

The Ombudsman contributes to changes in the regulatory environment for foreign firms which want to establish themselves in South Korea. According to the Ombudsman a total of 135 regulatory reforms have taken place since 2006, although the nature and scale of these reforms are not reported. No further evidence can be obtained that relates to the economic and employment impact of this measure. It is also difficult to attribute changes in employment or the FDI in South Korea to the work of the Ombudsman in exact terms.

7. Strengths and weaknesses of the measure

7.1. Strengths of the measure

A strength of the measure is the nature of the grievance resolution system and the Home Doctors which are implemented as part of the Ombudsman's service delivery. The Home Doctors and the fact that they are assigned to companies leads to more specialised and tailored advice and support to enterprises which submitted a grievance with the Ombudsman. Equally the organisation's independence and its mandate to recommend regulatory and policy adjustments to improve the foreign investment climate are strengths of the practice, evidenced by the international praise and take-up of the measure. The Ombudsman, its Grievance Resolution Body and Aftercare Services therefore seem to be quite transferable.

7.2. Weaknesses of the measure

A potential weakness of the measure is that the Home Doctors can be over-taxed with too many cases. A key added value of the Home Doctor system is the close collaboration and consultation and if the Home Doctors are not able, due to time constraints, to provide such personalised service the overall service delivery, specifically the aftercare and resolution aspects of the Ombudsman's services, can suffer (Kim, 2016).

7.3. Evidence of policy learning over time

The Ombudsman works specifically to encourage policy and regulatory adjustments and amendments through insights and lessons learned from foreign companies and their grievances in practice. The Ombudsman therefore plays a key role in promoting policy learning and adaptation to improve the business environment in Korea for foreign companies.

8. Recommendations

8.1. Overall recommendations regarding the measure

The Ombudsman appears to work well; it has steadily increased the number of resolved cases, namely from 353 cases in 2006 to 462 cases by 2015. Additionally, other countries emulate the Ombudsman, which implies a certain level of effective performance. Based on the potential weakness of the measure, namely over-taxing its Home Doctors, more Home Doctors could be introduced and this would strengthen this measure. Such a recommendation would involve more budget being allocated to the Ombudsman by the responsible ministry, namely the Minister of Trade, Industry and Energy. Furthermore, in 2015 the Office of the Ombudsman indicated that a continuing challenge for the organisation is that the Korean business environment is still seen as unpredictable. This is a feature which goes beyond the scope of the Ombudsman's ability to fix single-handedly, but the Ombudsman could promote its presence and activities more widely to businesses considering investing in Korea, to demonstrate that if grievances arise, there is governmental support with personal consultation services (the Home Doctors) in place specifically for foreign companies.

8.2. Recommendations on the national support system for SME/born globals' internationalisation

Korea has been working to improve the climate for SMEs generally since the Asian crisis of 1997 (OECD, 2013). This is evident in the continued moves to promote the competitiveness and exports of Korean SMEs abroad, as well as FDI to Korea. While policies such as the Ombudsman are in place to promote the environment for foreign companies, the perception of the policies for nationally based SMEs are mixed. In 2012, the productivity of Korean SMEs was said to be lower compared to large enterprises and the rate of exports amongst SMEs was decreasing (Byoung-ki, 2012). Therefore, there

was a need for more innovative policy. More recently, while Korea has improved its R&D sector to become one of the OECD's top performers in this area, the productivity levels, especially amongst SMEs, remain low. The Korean government has introduced plans to enhance productivity, namely through the Three-year Plan for Economic Innovation, which was launched in 2014, focusing on a regulatory reform (Byoung-ki, 2012). Indeed, the Korean government has a wide ranging set of priorities to generally improve the productivity and competitiveness of its traditional economic model, and this includes increasing digitisation in SMEs, improving their R&D spending, and promoting entrepreneurship and venture capital as a whole (OECD, 2015).

8.3. Any gaps in the provision of policy support and suggestions

There appears to be some way to go for the Korean government regarding its SME policy, for both those wanting to export from Korea and for foreign companies coming to Korea. The government is taking action to boost productivity for the economy as a whole and, as such, a wide range of policy priorities and initiatives have been set up. Therefore, at present, identifying gaps amidst the diverse range of instruments is difficult.

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All Eurofound publications are available at www.eurofound.europa.eu

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