Expert Group Meeting

Investment Provisions in Trade Agreements in Asia and the Pacific: Legal issues and priorities for graduating LDCs

July 24 (Friday) 2026, 14:00 (Bangkok Time), Hybrid (online)

*The Trade, Investment and Innovation Division (TIID) of ESCAP is pleased to host the **first of two Expert Group Meetings (EGMs) on Investment Provisions in Trade Agreements** for Graduating LDCs in Asia and the Pacific region. This **invitation-only meeting** will bring together experts, practitioners, and officials to support graduating LDCs in strengthening their trade negotiation capacity in investment-related areas. The discussions will help identify priority investment-related issues and inform further development of capacity-building programs and upgrades to analytical tools.*

Background:

Five of the ten LDCs in Asia and the Pacific are expected to graduate within the next three years, including Bangladesh, Nepal, and Cambodia. Graduating LDCs will face the gradual loss of preferential market access. As a result, these countries are increasingly seeking to strengthen their trade negotiation capacity and make more effective use of preferential trade agreements (PTAs).

For graduating LDCs, trade agreements could play a greater role in facilitating FDI by helping to create a more predictable investment environment and supporting countries' integration into regional value chains. ESCAP supports countries through developing capacity-building courses (e.g., e-learning courses, workshops) and analytical tools for trade negotiators (e.g., Legal TINA, TINA). This EGM will gather expert inputs on how these capacity-building courses and analytical tools can be further strengthened to better support graduating LDCs in attracting FDI for sustainable development through PTAs.

Structure:

Two EGM sessions are planned. This first session will focus on legal aspects of investment provisions in trade agreements, while the second session will focus more on the economic side in relation to analyzing FDI flows.

Guiding questions:

The following guiding questions are indicative, and the EGM does **not intend to cover all.*

1. **Trends in investment provisions:**
    - What are the recent trends in BITs and PTAs, and what are their implications for graduating LDCs? Given the trend of declining new formation of BITs, what are the implications for graduating LDCs? How can graduating LDCs preserve their right to regulate while providing adequate investor protection?
    - What key investment-related issues in PTAs should be prioritized to focus on for graduating LDCs? (for future e-learning programmes)?

- What are the key Investor-State Dispute Settlement (ISDS)-related trends and risks that graduating LDCs should understand, including issues such as fair and equitable treatment (FET), indirect expropriation, and survival clauses?

- Based on these priorities, what topics should be specifically highlighted in e-learning materials to help negotiators better understand investment-related components of trade agreements?

2. **Private-sector (investors) perspectives:**
   - How do businesses view trade agreements (PTA, EPA, FTA) when making decisions on overseas investment, particularly to developing countries?
   - Based on recent experiences, including the Bangladesh–Japan EPA process and investor advisory work in Southeast & South Asia, what practical impact can trade agreements have on investor confidence, business planning, and the attractiveness of graduating LDCs as investment destinations? What legal and regulatory issues most affect investment decisions in developing-country and graduating LDC contexts?
3. **Practical steps:**
   - How can graduating LDCs better prepare for negotiations, including through the possible development of model texts? What practical steps could be taken to move forward?
   - How can graduating LDCs design investment provisions to balance investor protection with the right to regulate, including through clearer treaty language, exceptions, carve-outs, safeguards, and sustainable development-oriented provisions?
4. **Analytical tools:**
   - What functions in analytical tools, including Legal TINA and TINA, could be strengthened, taking into account existing platforms and country needs?

Agenda *Bangkok time

14:00-14:15 (15 min)	**Opening remarks:** • **Mr. Yann Duval,** Chief of Trade Policy Facilitation Section (TPFS), ESCAP **Setting the scene (10 min):** Brief Introduction of the functions of Legal TINA • **Mr. Alexey Kravchenko,** TPFS, ESCAP • **Ms. Runqiu Du**, TPFS, ESCAP **Brief introduction of the project overview:** • **Mr. Eiichiro Takinami**, TPFS, ESCAP
14:15-15:30 **(75 min)**	**Session: Expert perspectives and recommendations** *Experts will be invited to provide one brief verbal intervention of approximately 5–8 min. in response to question(s), based on the guiding questions listed above. Experts may also be invited to provide brief responses during the discussion. Experts are **not***

	expected to prepare formal presentations or respond to all questions. Experts are welcome to contribute based on their existing knowledge and experience. 1. **Mr. Hamed El-Kady**, Chief, International Investment Agreements, UN Trade and Development (UNCTAD) 2. **Mr. Yuji Ando**, Senior Director for Global Strategy (Southwest Asia), JETRO (former Country Representative of JETRO Bangladesh) (**tentative*: *Private-sector perspective and implications from the recently concluded Bangladesh-Japan EPA*) 3. **Mr. Bob Tseng**, Managing Partner of TWL Law Group and Visiting Scholar at Chulalongkorn University (**tentative*: *Legal practitioners' and private-sector perspectives on overseas investment decisions, including the treaty-related and regulatory issues most relevant to investors)* 4. **Mr. Kiyoyasu Tanaka**, Senior Research Fellow at JETRO IDE (**tentative*: *scholarly perspective, recent empirical research in relation to investment provision, PTAs to investment and implications for graduating LDCs*) 5. **Mr. Shintaro Hamanaka**, Senior Research Fellow at JETRO IDE (**tentative*: *scholarly perspective and implications for graduating LDCs*) 6. **Mr. Julien Chaisse**, Professor at the City University of Hong Kong (**tentative*: *scholarly perspective on trends in investment provisions in Asia-Pacific and implications for graduating LDCs*) 7. **Mr. Henry Gao**, Professor of Law at Singapore Management University, TINA Advisory Board Member Followed by Q/A and discussion among participants. Moderated by Eiichiro Takinami (ESCAP)