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Expert Group Meeting (EGM) Investment Provisions in Trade Agreements in Asia and the Pacific: Legal issues and priorities for graduating LDCs

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Today's agenda:

14:00- 14:15 (15 min) BKK time: Scene setting

- Introduction, remarks, brief introduction to the current functions of Legal TINA (ESCAP, Trade Policy and Facilitation Section)

14:15- 15:30 (75 min) Expert perspectives and recommendations

- **Mr. Hamed El-Kady**, Chief, International Investment Agreements, UN Trade and Development (UNCTAD)
- **Mr. Yuji Ando**, Senior Director for Global Strategy (Southwest Asia), JETRO (former Country Representative of JETRO Bangladesh)
- **Mr. Bob Tseng**, Managing Partner of TWL Law Group and Visiting Scholar at Chulalongkorn University
- **Mr. Kiyoyasu Tanaka**, Senior Research Fellow at JETRO IDE
- **Mr. Shintaro Hamanaka**, Senior Research Fellow at JETRO IDE
- **Mr. Julien Chaisse**, Professor at the City University of Hong Kong
- **Mr. Henry Gao**, Professor of Law at Singapore Management University, TINA Advisory Board Member

Background: 5 of the 10 LDCs in Asia Pacific are scheduled to graduate soon.

The status of LDC graduation[*1] in Asia and the Pacific

← Istanbul Programme of Action (2011-2020)[*2] → ← Doha Programme of Action (2022-2031)[*3] →

	2012	2015	2018	2021	2024	2026 (current)	2027	2030
Afghanistan								
Bangladesh			Met the graduation criteria for the first time	Recommended for graduation		Scheduled to graduate (2026)[*2]		
Bhutan		Met the graduation criteria for the first time	**Recommended for graduation**	Graduated (2023)				
Cambodia				Met the graduation criteria for the first time	Recommended for graduation		Scheduled to graduate (2029)	
Kiribati		Met the criteria for the second time but not recommended	**Recommended for graduation**[*1]	Postponed the decision for graduation				
Lao P.D.R.			Met the graduation criteria for the first time	Recommended for graduation		Scheduled to graduate (2026)		
Maldives	Graduated (2011)							
Myanmar			Met the graduation criteria for the first time	Deferred decision on graduation	Deferred decision on graduation			
Nepal		Met the graduation criteria for the first time		Recommended for graduation		Scheduled to graduate (2026)		
Samoa	Graduated (2014)							
Solomon Islands		Met the graduation criteria for the first time	Recommended for graduation				Scheduled to graduate (2027)	
Timor-Leste		Met the graduation criteria for the first time		Deferred decision on graduation	No longer meet the graduation criteria			
Tuvalu	**Recommended for graduation**	Deferred decision on graduation		Postponed the decision for graduation				
Vanuatu	**Recommended for graduation**		Graduated (2020)					
Total # of LDCs (expected)	**13** (in 2012)			**11** (in 2021)	**10** (in 2024)		**7** (in 2027)	**5** (in 2030)

*1: The UN Committee for Development Policy (CDP) reviews the status of all LDCs during each triennial review.
*2: IPoA and DPoA are global UN frameworks supporting least developed countries (LDCs).
*3: Bangladesh requested a 3-year deferral, from 24 November 2026 to 24 November 2029. The CDP has supported an extension in principle, although reportedly for a shorter period, and the request remains subject to consideration by ECOSOC and approval by the UNGA.

Source: Asia-Pacific perspectives on the Doha Programme of Action for the Least Developed Countries for the Decade 2022-2031

Request(s) from member States (graduating LDCs) 1/2



Officials
(trade negotiators / relevant ministries)

"....and as discussed during the meeting, we would like to formally request ESCAP's kind support in ***organizing a dedicated capacity-building training programme on negotiation focusing Investment chapter for FTA or CEPA*** *for approximately 12–15 officials from relevant government agencies...the proposed training may focus on, inter alia:*

- ***Core disciplines and emerging trends in investment chapters of FTAs/CEPAs;***
- ***Analytical tools for assessing the impact of investment provisions on FDI inflows;***
- ***Comparative analysis of investment commitments across different RTAs;***
- ***Negotiation techniques and best practices for investment chapters; and***
- ***Practical application of investment-related modules within the TINA platform.***

Such a programme would ***significantly enhance the negotiating preparedness our officials for investment-related issues, particularly as we enter a critical phase of concluding and implementing FTAs/CEPAs in the post-LDC graduation landscape****. We would be grateful if ESCAP could kindly share its views on the possible modality, tentative timeline, and scope of the proposed training."*

Request(s) from member States (graduating LDCs) 2/2

In short...

- **What should trade negotiators understand about investment provisions?**

- How can negotiators **use analytical tools** (TINA, Legal TINA, UNCTAD tools, etc.) to **analyze FDI data and legal texts** to prepare for negotiations?

Strengthening Investment Negotiation Preparedness

Project: Trade Negotiations Capacity Development on Investment Chapters of Regional Trade Agreements (RTAs)

Objective: **Improve the quality of trade agreements negotiated by developing countries, particularly those facing LDC graduation, such as Bangladesh, Cambodia and Nepal.**

Outcome: **Improved understanding of investment chapters in trade agreements and enhanced government readiness to negotiate using analytical platforms such as TINA and Legal TINA.**

Output: **By the end of the project, target government officials have access to knowledge and analytical platforms, including e-learning course(s), to analyze investment provisions in trade negotiations.**

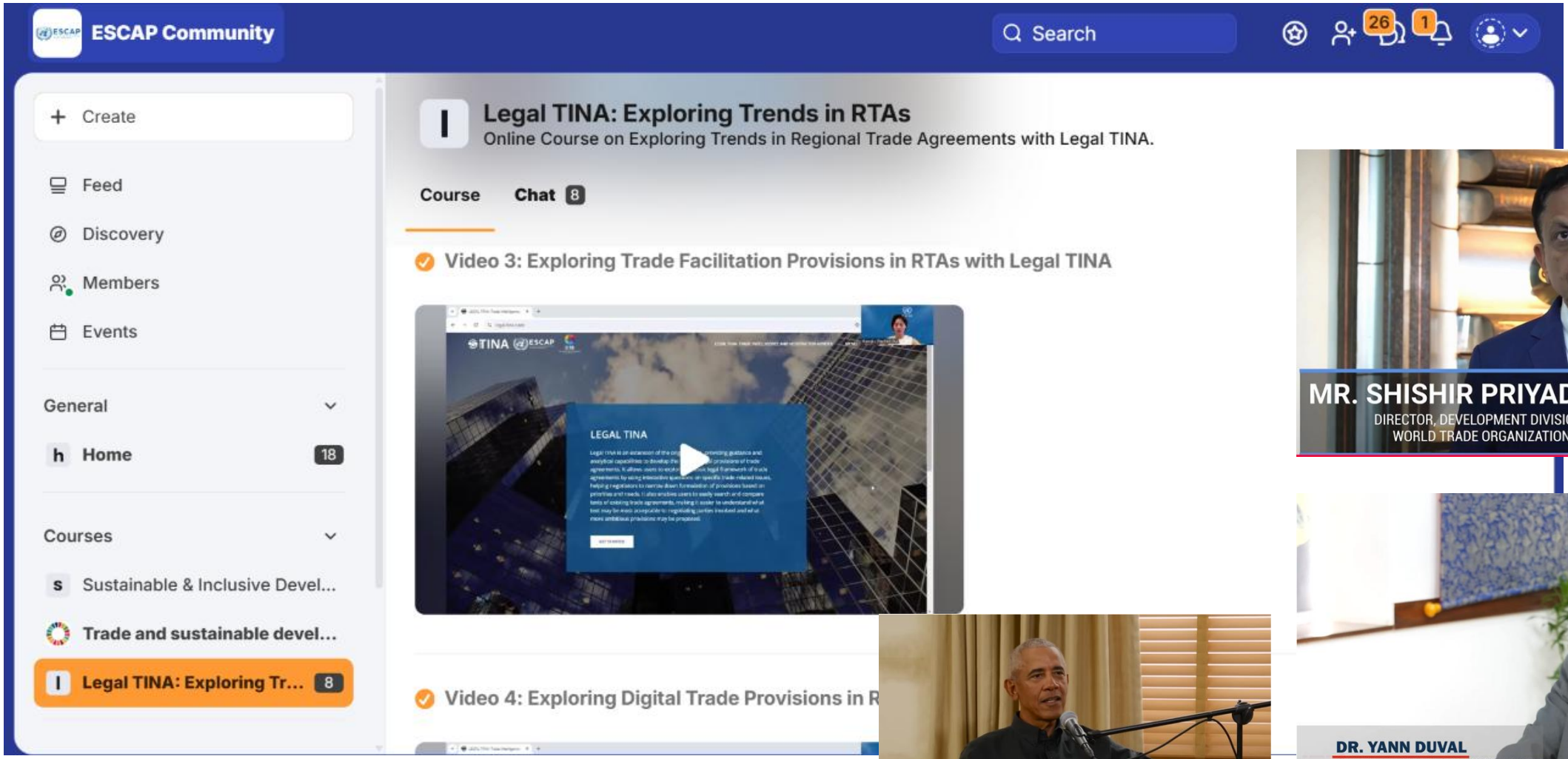
Tentative Project Schedule (as of July 22, 2026)

Activities		2026							2027					
		6	7	8	9	10	11	12	1	2	3	4	5	6
1: Design and develop the investment functions on analytical platforms (TINA included)	ESCAP TIID	Conceptualize/research/ coordinate			X	X	X	X	X	X	X	X	X	
	Expert Advisory Group		Set up a dedicated page	Launch	Recording the e-learning course				Participate in a one-day workshop (if possible)					
	Expert Group Meeting (EGM)		X (EGM 1 for legal analysis)	X (EGM 2 for economic analysis)	Individual interview(s)/ consultation session(s)									
	Upgrade TINA/Legal TINA			X	X	X	launch							
2. Development of the online course	Course development (e-learning)				**Recording**	Recording /editing	launch	Live session-1	Live session-2					
3. Workshop(s) *tentative	Workshop in Bangkok for selected participants								X					

Kick off

End

E-Learning course: Utilizing ESCAP's e-learning platform with expert interviews







← ↑ Illustrative examples of interview formats

Guiding questions for today: (from the EGM concept note)

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?
- What key investment-related issues in PTAs should be prioritized to focus on for graduating LDCs? (for future e-learning programmes)?
- 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, carveouts, 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?

To conclude the EGM:

- Invitation to join the **"Expert Advisory Group on Trade Negotiation Capacity Development on Investment Provisions in Regional Trade Agreements"**
  - Brings together top experts and practitioners with relevant experience across investment law, policy, and quantitative analysis to provide voluntary guidance on the design, delivery, and refinement of capacity development activities on investment provisions in RTAs for graduating LDCs.
  - Setting up a dedicated page on the UN ESCAP site with profiles and activities.
  - Operates from August 2026 to June 2027.

- **FYI: Next EGM in mid-August 2026**:
  - "FDI Data and Analytics for Trade Negotiators in Asia-Pacific Graduating LDCs"

- **Upon your availability:**
  - Participate in our e-learning course development (total 5-6 hours) ←a short interview.
  - Feedback, advice, and suggestion on the ongoing work.

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Thank you

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