Economic and Social Commission for Asia and the Pacific
Committee on Trade and Investment
Sixth session
Bangkok, 13–15 March 2019

Report of the Committee on Trade and Investment on its sixth session

I. Matters calling for action by the Commission or brought to its attention

A. Matters calling for action

1. The following recommendations of the Committee on Trade and Investment are brought to the attention of the Economic and Social Commission for Asia and the Pacific (ESCAP) for its consideration and possible action:

Recommendation 1

The Committee recommends that the secretariat continue its activities in trade and investment with a view to promoting regional cooperation among ESCAP members and associate members with regard to achieving the targets of the 2030 Agenda for Sustainable Development.

Recommendation 2

The Committee recommends that the secretariat continue a joint study with the United Nations Conference on Trade and Development (UNCTAD) on the impact of non-tariff measures, with particular attention to the impact on the private sector, including the perspectives of small and medium-sized enterprises.

Recommendation 3

The Committee recommends that the research findings of the joint ESCAP-UNCTAD study on the impact of non-tariff measures be discussed in 2019 as appropriate and for further discussion in the Committee on Trade and Investment.

B. Matters brought to the attention of the Commission

2. The following decisions adopted by the Committee are brought to the attention of the Commission:
Decision

The Committee takes note of the findings and recommendations contained in the following documents:

(a) Summary of the Asia-Pacific Trade and Investment Report 2018 (ESCAP/CTI/2019/1);
(b) Navigating non-tariff measures towards sustainable development (ESCAP/CTI/2019/2);
(c) Promoting cross-border paperless trade in Asia and the Pacific (ESCAP/CTI/2019/3);
(d) Leveraging e-commerce for graduation of least developed countries (ESCAP/CTI/2019/4);
(e) Promoting sustainable investment and business (ESCAP/CTI/2019/5);
(f) Engaging the business sector in promoting sustainable development (ESCAP/CTI/2019/6);
(g) Recent activities and priorities for future work of the secretariat in the area of trade and investment under the subprogramme on trade, investment and innovation (ESCAP/CTI/2019/7);
(h) Strategic direction of the Committee on Trade and Investment (ESCAP/CTI/2019/8).

II. Proceedings

A. Asia-Pacific Trade and Investment Report 2018
(Agenda item 2)

Review of recent trends and developments
(Agenda item 2 (a))

Implications of rising protectionism, including trade wars, on regional trade and investment
(Agenda item 2 (b))

3. The Committee had before it the note by the secretariat on the summary of the Asia-Pacific Trade and Investment Report 2018 (ESCAP/CTI/2019/1).

4. The Committee benefited from a panel on the implications of rising protectionism, including trade wars, on regional trade and investment. The panel comprised Mr. Ratnakar Adhikari, Executive Director, Executive Secretariat for the Enhanced Integrated Framework at the World Trade Organization (WTO); Ms. Deborah Elms, Founder and Executive Director, Asian Trade Centre; Mr. Pradeep S. Mehta, Secretary-General, Consumer Unity and Trust Society International, and Secretary, Consumer Unity and Trust Society Institute for Regulation and Competition; and Mr. Ian Mitchell, Co-Director, Development Cooperation, and Senior Policy Fellow, Center for Global Development. The panel was moderated by the Deputy Executive Secretary of ESCAP.

5. Representatives of the following members and associate members of the Commission made statements: Bangladesh; China; India; Kiribati; Mongolia; Republic of Korea; Russian Federation; and Sri Lanka.
6. The Committee shared the view that a safe and seamless trade environment was instrumental for trade growth and sustainable development and, in that context, noted the importance of trade facilitation, including the adoption and implementation of the Agreement on Trade Facilitation of WTO.

7. The Committee recognized the importance of regional cooperation for promoting trade and investment. In that context, one representative commended the work of ESCAP, with particular reference to the Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific.

8. One representative called for speeding up the conclusion of regional trade agreements, such as the Regional Comprehensive Economic Partnership. The representative also noted the benefits of the Belt and Road Initiative for job creation, regional economic growth and improving people’s well-being and that the Initiative was based on the principles of consultation, contribution and shared benefits. The representative expressed her country’s willingness to continue cooperation with ESCAP to promote trade so that the Initiative could better contribute to economic and social development in Asia and the Pacific.

9. One representative informed the Committee of her country’s position that regional connectivity initiatives must follow the principles of financial responsibility, in a manner that respected sovereignty and territorial integrity. In that regard, she informed the Committee that her country had articulated its principled position on the Belt and Road Initiative to ESCAP and had requested that it be fully reflected in the report of the Committee on its current session.

10. The Committee recognized the importance of the multilateral trading system and the need for reforming WTO while maintaining special and differential treatment provisions for developing and least developed countries. In that regard, one representative noted that countries had various positions on reforming WTO and that any recommendations made for that purpose should take those positions into account.

11. The Committee noted that trade development in some countries was constrained by limited product diversification, isolation from global markets, weak infrastructure, limited access to finance, lack of testing facilities to comply with non-tariff measures, poor information and communications technology connectivity, and the lack of an enabling environment to support the development of trade, in particular paperless trade and e-commerce.

12. In addition, the Committee noted with concern the impact of global trade wars and protectionism on global value chains and enterprises participating in such chains, in particular small and medium-sized enterprises. Such impacts included rising transport costs as a result of rechannelling trade and cargo flows. The Committee noted the view that there were no winners in such wars.

13. The Committee recognized the importance of trade in services. In that context, one representative noted that countries should overcome the fear of migration.

14. Various representatives informed the Committee of initiatives in their countries to promote trade and investment, including improving a sustainable and inclusive investment environment, concluding free trade agreements, improving and digitalizing customs procedures, developing entrepreneurship, upgrading skills, diversifying exports, improving transport networks, reducing transport and trade costs, promoting digital trade, consulting the business
sector, taking measures to comply with the Agreement on Trade Facilitation of WTO, and improving domestic testing capacity.

15. The Committee noted with appreciation the financial support provided by the Government of the Republic of Korea in the area of regional trade facilitation and capacity-building for developing countries in the region through ESCAP. In particular, the representative of the Republic of Korea informed the Committee that her Government had provided a trust fund of $1.1 million for six years from 2013 to 2018 and that as of 2019, her Government intended to scale up the funding and provide $660,000 for the next three years.

16. One representative expressed his country’s concerns about the use of unilateral trade sanctions for political purposes, which often failed to meet their objective but harmed micro-, small and medium-sized enterprises.

17. One representative noted that data localization should not be a restriction for micro-, small and medium-sized enterprises but would enhance the security of digital trade.

18. Another representative emphasized the need for broadening cooperation between international organizations such as ESCAP and UNCTAD to work on trade and investment issues pertinent to the Asia-Pacific region, including trade digitalization.

19. The representative of Mongolia expressed deep appreciation to the secretariat for the valuable assistance received for his country’s capacity development on trade policy issues and reaffirmed his country’s full support for the Commission’s work in promoting more mutually beneficial trade and shared prosperity in the region. The representative also informed the Committee that his country was in the final stages of ratification of its membership in the Asia-Pacific Trade Agreement.

B. Navigating non-tariff measures towards sustainable development
(Agenda item 3)

20. The Committee had before it the note by the secretariat on navigating non-tariff measures towards sustainable development (ESCAP/CTI/2019/2).

21. The Committee benefited from a panel on navigating non-tariff measures towards sustainable development. The panel comprised Mr. Wannawit Ahkuputra, Senior Advisor, International Affairs, Office of Permanent Secretary, Ministry of Digital Economy and Society, Thailand; Ms. Kristina Cherniavskaia, Leading Specialist, Ministry of Economic Development, Russian Federation; Ms. Belinda Cleeland, Head of Research and Innovation, International Organization for Standardization Central Secretariat; Ms. Pamela Coke-Hamilton, Director, Division on International Trade and Commodities, UNCTAD; and Mr. Antoine Sautenet, Diplomatic Adviser, Group Public Affairs Department, Asia and Market Access, Michelin, Thailand. The panel was moderated by the Director of the Trade, Investment and Innovation Division of ESCAP.

22. Representatives of the following members and associate members made statements: Bangladesh; India; Japan; Kiribati; Russian Federation; Sri Lanka; and Uzbekistan.

23. The Committee shared the view that non-tariff measures might have a legitimate purpose but should not result in undue barriers to trade. In that
regard, the Committee shared the view that regional cooperation was required to remove non-tariff trade barriers in order to promote regional trade. One representative noted that only non-discriminatory and evidence-based non-tariff measures could be supported and that it was the collective responsibility of the global community to tackle non-tariff measures that were trade restrictive and acted as obstacles on the path to achieving the Sustainable Development Goals.

24. The Committee noted that the lack of adequate testing and of laboratory facilities to ensure conformity with assessment procedures and international standards was an enduring challenge in various countries and that compliance with such standards carried a significant cost. In that context, the representative of the Government of Kiribati informed the Committee of her country’s initiative to establish a centralized laboratory to improve testing capacity and pursue strategic partnerships, including a partnership with ESCAP for enhancing transparency of non-tariff measures and building capacity for gathering and notification of such measures to facilitate trade.

25. The representative of the Government of Bangladesh informed the Committee that his country was pursuing relentless efforts for duty-free access of its products and the free movement of natural persons in the world market and noted that his country had become eligible for graduation from the least developed country status, which would bring a lot of opportunities but also challenges, such as preference erosion in key export destinations. To address those challenges, the country needed to diversify its products and markets.

26. One representative noted that while it was recognized that increased protection of intellectual property rights could enhance inflows of foreign direct investment, from a developing country’s point of view, there was a need to balance its developmental aspirations, especially its ability to provide public goods, including regulation, and ensure access to affordable medicine.

27. The Committee was informed of the reforms and initiatives in Uzbekistan to promote trade and investment, including the establishment of an enabling business and investment climate.

28. The Committee noted the importance of access to electronic trading platforms and noted that exporters faced constraints regarding registration on such platforms. In that context, one representative observed that the requirement to create a juristic person at the location of the electronic platform was excessive in the context of a digital economy. With regard to the so-called new barriers identified in document ESCAP/CTI/2019/2 that inhibited the cross-border transfer of data, the representative noted that the description was too narrow and that there was a need to develop a common and balanced approach to regulating e-commerce platforms as there was no single understanding of the issue.

29. One representative called for a more formal set-up for a discussion on excessive non-tariff measures which acted as a barrier to trade in order to arrive at some form of common understanding and approach.

C. Promoting cross-border paperless trade in Asia and the Pacific (Agenda item 4)

30. The Committee had before it the note by the secretariat on promoting cross-border paperless trade in Asia and the Pacific (ESCAP/CTI/2019/3).
31. Representatives of the following members and associate members made statements: China; and India.

32. The Committee noted the potential benefits of becoming a party to the Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific.

33. The representative of the Government of China noted with appreciation the efforts of the secretariat in capacity-building in the area of paperless trade and the funding received for that purpose from the Republic of Korea and the Russian Federation. She informed the Committee that her country was progressing towards ratification of the Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific and expressed the hope that more countries would become a party to the Framework Agreement to promote connectivity in the region.

34. The Committee was informed of the initiatives of the Government of India to improve cross-border paperless trade, including the implementation of the Agreement on Trade Facilitation of WTO, the establishment of a single window system, the establishment of a common digital platform for issuance of e-certificates of origin, which should be live in the next few months, and an electronic data exchange with various countries.

D. Leveraging e-commerce for graduation of least developed countries
(Agenda item 5)

35. The Committee had before it the note by the secretariat on leveraging e-commerce for graduation of least developed countries (ESCAP/CTI/2019/4).

36. Representatives of the following members and associate members made statements: China; India; and Russian Federation.

37. The Committee recognized the importance of digital technologies to make trade efficient and, in that regard, noted that e-commerce platforms were enabling millions of micro-, small and medium-sized enterprises in developing countries to market themselves and integrate into global value chains.

38. The Committee noted that some of the challenges associated with e-commerce included the lack of a logistics and transportation system, of a secure payment system, of skills, of customer trust and of a refund policy, as well as a dependency on cash on delivery in various countries.

39. The Committee further noted that the world remained divided on proposals for framing rules on e-commerce at WTO. In particular, issues such as cross-border flows, server localization and source code disclosure were highly contentious.

40. The Committee shared the view that narrowing the digital divide in developing and least developed countries remained a big challenge, requiring massive planning and long-term vision. In that regard, one representative noted that capacity-building initiatives, the creation of digital infrastructure and easy facilitation for products of least developed countries traded through e-commerce platforms could be considered within the Asia-Pacific region.

41. The Committee was informed of initiatives in China to promote e-commerce in the countryside and make it more inclusive, including the provision of infrastructure and establishment of service centres. These experiences could be shared with least developed countries.
42. The Committee noted that it was difficult for many companies to take advantage of e-commerce because of constraints in the registration process and excessive requirements for documentation, especially for micro-, small and medium-sized enterprises. In that regard, one representative recommended that to overcome these obstacles transparency between various e-commerce platforms should be improved, including non-discrimination among suppliers. Trade agreements could include provisions for that purpose. In addition, standards could be developed to make new forms of payment for e-commerce. In this context, the representative informed the Committee of initiatives undertaken to promote e-commerce and paperless trade in the Russian Federation and the Eurasian Economic Union.

E. Promoting sustainable investment and business
(Agenda item 6)

43. The Committee had before it the note by the secretariat on promoting sustainable investment and business (ESCAP/CTI/2019/5).

44. Representatives of the following members and associate members made statements: Afghanistan; India; and Russian Federation.

45. Representatives of the following intergovernmental organizations also made statements: International Institute for Trade and Development.

46. The Committee recognized that responsible business conduct principles and standards emphasized the integration of environmental and social concerns within core business operations but noted that lack of willingness and insufficient knowledge among the owners of and investors in various companies had continued to be challenges to mainstreaming these principles and standards in business operations. In that regard, the Committee recognized that Governments had played a vital role to motivate and apply pressure to companies to adopt these principles and standards for ensuring benefits for both workers and companies themselves through proper policies and legislation.

47. The Committee was informed of the initiatives taken by various countries to improve the business and investment climate, including building infrastructure and free economic zones, simplifying and reducing taxes, improving competition, minimizing government interference in the economy, protecting private property, removing excessive administrative barriers and implementing measures against corruption.

48. One representative noted that sustainable investment should be focused on creating value in the recipient country in terms of job creation, labour protection, good environmental practices, welfare measures at local level, among others. The representative also noted that investor-State dispute settlement provisions in international investment agreements were often draconian and that many countries were revising their commitments under international investment agreements refocusing on investment facilitation and sustainable development.

49. The Committee shared the view that sustainability or non-financial corporate reporting on accountability was important to monitor the sustainability of individual companies.

50. One representative noted the need for collective work to promote investment in priority regional projects, including projects with innovative
financing modalities and those that involve business-to-business transactions and public-private partnerships.

51. The Committee was informed of reforms and initiatives in Afghanistan to promote trade, investment, transport and transit, including the establishment and operationalization of transport, transit, air cargo and other economic corridors and related agreements centred on that country.

F. Engaging the business sector in promoting sustainable development (Agenda item 7)

52. The Committee had before it the note by the secretariat on engaging the business sector in promoting sustainable development (ESCAP/CTI/2019/6).

53. Representatives of the following members and associate members made statements: Russian Federation; and Sri Lanka.

54. The Committee was informed that under the ESCAP Sustainable Business Network, the task forces on trade and transport facilitation; micro-, small and medium-sized enterprises and social enterprises; and agriculture and food had been abolished as they had either achieved their objective or no longer solicited sufficient interest from the Network members. A new Executive Council had been established to guide the work of the Network and its future direction, including the organization of the Asia-Pacific Business Forum.

55. The Committee recognized the importance of engaging the business sector in achieving the Sustainable Development Goals. In that context, one representative noted that public-private partnerships should be strengthened to enhance the engagement of the business sector in promoting sustainable development in coordination with the Government and other stakeholders.

56. One representative noted the importance of the annual Asia-Pacific Business Forum, in particular for micro-, small and medium-sized enterprises, and reconfirmed his country’s commitment to work with ESCAP, in particular to promote the integration of these enterprises in global value chains. The representative also informed the Committee that his country organized two annual forums of importance to business, namely the Eastern Economic Forum and the St. Petersburg International Economic Forum. These Forums also allowed for business matching. The next Eastern Economic Forum would be held in Vladivostok, Russian Federation, in September 2019 while the next St. Petersburg International Forum would be held in June 2019 and everyone who was interested was welcome to attend.

57. The Committee was informed that the Asia-Pacific Business Forum 2019 would be held on 20 and 21 June 2019 in Port Moresby.

G. Recent activities of the secretariat and associated results pertaining to trade and investment under the subprogramme on trade, investment and innovation (Agenda item 8)

58. The Committee had before it the note by the secretariat on recent activities and priorities for future work of the secretariat in the area of trade and investment under the subprogramme on trade, investment and innovation (ESCAP/CTI/2019/7). The Director of the Trade, Investment and Innovation Division introduced the note.
59. Representatives of the following members and associate members made statements: China; Myanmar; and Sri Lanka

60. One representative noted the importance of the Asia-Pacific Trade Agreement for the development and connectivity of the participating States and welcomed the results of the fourth round which entered into force on 1 July 2018. The representative informed the Committee that the participating States were in the process of starting the fifth round of tariff negotiations and negotiations in other substantive areas, including trade facilitation, investment, trade in services and non-tariff measures. The representative expressed the hope that such negotiations would send a strong message against unilateral protectionist actions.

61. In response to a query on whether the secretariat was cooperating with the Organization for Economic Cooperation and Development in the area of responsible business conduct, the secretariat informed the Committee that such cooperation was indeed taking place on a continuing basis and the next joint event, also involving the Association of Southeast Asian Nations Intergovernmental Commission on Human Rights, the International Labour Organization, the United Nations Development Programme and the Government of Thailand, would be held from 11 to 14 June 2019.

62. One representative expressed appreciation for the activities of the secretariat in trade and investment and looked forward to a continuation of such activities in his country.

H. Consideration of the future focus of the subprogramme on trade, investment and innovation in trade and investment and the strategic direction of the Committee on Trade and Investment (Agenda item 9)

63. The Committee had before it the notes by the secretariat on recent activities and priorities for future work of the secretariat in the area of trade and investment under the subprogramme on trade, investment and innovation (ESCAP/CTI/2019/7) and on the strategic direction of the Committee (ESCAP/CTI/2019/8).

64. Representatives of the following members and associate members made statements: Japan; Russian Federation; Singapore; and Sri Lanka.

65. The Committee considered a proposal supported by two representatives to establish an expert or working group on non-tariff measures on a formal basis which would assess the impact of these measures and discuss the use of non-justifiable non-tariff measures but could not reach consensus on this issue. In particular, two other representatives voiced the opinion that there was no clear mandate or terms of reference for such a body and that the work of such a body could be duplicative with ongoing work in this area by other organizations, such as UNCTAD and WTO. In that regard, two delegations proposed to continue discussions on the issue through expert group meetings.

66. One representative proposed that discussions with member States on the agenda of the Committee could take place prior to Committee sessions to promote discussions. The representative supported the priorities of the secretariat in trade and investment, in particular digital trade. The representative also expressed the wish to see more future discussions on the issue of micro-, small and medium-sized enterprises.
I. Consideration of draft resolutions for submission to the Commission at its seventy-fifth session
(Agenda item 10)

67. No proposals for draft resolutions were made.

J. Other matters
(Agenda item 11)

68. No other matters were discussed.

K. Adoption of the report of the Committee on its sixth session
(Agenda item 12)

69. The Committee adopted the present report on 15 March 2019.

III. Organization

A. Opening, duration and organization of the session

70. The Committee held its sixth session in Bangkok from 13 to 15 March 2019. The session was opened by Ms. Pimchanok Vonkorpon, Director-General, Trade Policy and Strategy Office, Department of Trade Negotiations, Ministry of Commerce, Thailand. The Executive Secretary of ESCAP delivered an opening statement.

B. Attendance

71. The Committee session was attended by representatives of the following members and associate members: Afghanistan; Armenia; Australia; Azerbaijan; Bangladesh; Bhutan; Cambodia; China; Fiji; Georgia; India; Indonesia; Iran (Islamic Republic of); Japan; Kiribati; Kyrgyzstan; Lao People’s Democratic Republic; Macao, China; Malaysia; Mongolia; Myanmar; Nepal; Pakistan; Papua New Guinea; Philippines; Republic of Korea; Russian Federation; Singapore; Solomon Islands; Sri Lanka; Thailand; Timor-Leste; United Kingdom of Great Britain and Northern Ireland; United States of America; and Uzbekistan.

72. Representatives of the following United Nations bodies and specialized agencies attended: Food and Agriculture Organization of the United Nations; International Labour Organization; UNCTAD; United Nations Commission on International Trade Law; United Nations Industrial Development Organization; and WTO.

73. Representatives of the following intergovernmental organizations attended: Association of Southeast Asian Nations; and Colombo Plan secretariat.

74. Representatives of the following non-governmental organizations, civil society and other entities attended: Commonwealth Small States Office, Geneva; Consumer Unity and Trust Society; Global Trade Professionals Alliance; International Institute for Trade and Development; and International Organization for Standardization.
C. Election of officers

75. The Committee elected the following officers:

Chair: Mr. Tumurkhuleg Tugsbilguun (Mongolia)
Vice-Chairs: Mr. Md. Badrul Hassan Babul (Bangladesh)
Ms. Karishma Narayan (Fiji)

D. Agenda

76. The Committee adopted the following agenda:

1. Opening of the session:
   (a) Opening statements;
   (b) Election of the bureau;
   (c) Adoption of the agenda.

2. Asia-Pacific Trade and Investment Report 2018:
   (a) Review of recent trends and developments;
   (b) Implications of rising protectionism, including trade wars, on regional trade and investment.

3. Navigating non-tariff measures towards sustainable development.

4. Promoting cross-border paperless trade in Asia and the Pacific.

5. Leveraging e-commerce for graduation of least developed countries.

6. Promoting sustainable investment and business.

7. Engaging the business sector in promoting sustainable development.

8. Recent activities of the secretariat and associated results pertaining to trade and investment under the subprogramme on trade, investment and innovation.

9. Consideration of the future focus of the subprogramme on trade, investment and innovation in trade and investment and the strategic direction of the Committee on Trade and Investment.

10. Consideration of draft resolutions for submission to the Commission at its seventy-fifth session.

11. Other matters.

12. Adoption of the report of the Committee on its sixth session.
E. Back-to-back events

77. The following events were organized in conjunction with the sixth session of the Committee either as preliminary events or as side events to the sixth Asia-Pacific Trade and Investment Week:


(b) 12 and 13 March 2019: 5th meeting of the Interim Intergovernmental Steering Group on Cross-border Paperless Trade Facilitation;

(c) 12 March 2019: regional seminar on investment facilitation for sustainable development;

(d) 13 and 14 March 2019: workshop on non-tariff measures and international standards for sustainable development;

(e) 14 March 2019: demonstration of trade intelligence and negotiation adviser;

(f) 14 and 15 March 2019: forum on trade digitalization for sustainable regional integration;

(g) 15 March 2019: follow-up workshop on reducing the costs of non-tariff measures in North and Central Asia;

(h) 15 March 2019: integrating Southeast Asian small and medium-sized enterprises in global value chains.
Annex

List of documents

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Title</th>
<th>Agenda item</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General series</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ESCAP/CTI/2019/1</td>
<td>Summary of the Asia-Pacific Trade and Investment Report 2018</td>
<td>2</td>
</tr>
<tr>
<td>ESCAP/CTI/2019/2</td>
<td>Navigating non-tariff measures towards sustainable development</td>
<td>3</td>
</tr>
<tr>
<td>ESCAP/CTI/2019/3</td>
<td>Promoting cross-border paperless trade in Asia and the Pacific</td>
<td>4</td>
</tr>
<tr>
<td>ESCAP/CTI/2019/4</td>
<td>Leveraging e-commerce for graduation of least developed countries</td>
<td>5</td>
</tr>
<tr>
<td>ESCAP/CTI/2019/5</td>
<td>Promoting sustainable investment and business</td>
<td>6</td>
</tr>
<tr>
<td>ESCAP/CTI/2019/6</td>
<td>Engaging the business sector in promoting sustainable development</td>
<td>7</td>
</tr>
<tr>
<td>ESCAP/CTI/2019/7</td>
<td>Recent activities and priorities for future work of the secretariat in the area of trade and investment under the subprogramme on trade, investment and innovation</td>
<td>8 and 9</td>
</tr>
<tr>
<td>ESCAP/CTI/2019/8</td>
<td>Strategic direction of the Committee on Trade and Investment</td>
<td>9</td>
</tr>
<tr>
<td>ESCAP/CTI/2019/9</td>
<td>Report of the Committee on Trade and Investment on its sixth session</td>
<td></td>
</tr>
<tr>
<td><strong>Limited series</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ESCAP/CTI/2019/L.1/Rev.1</td>
<td>Annotated provisional agenda</td>
<td>1 (c)</td>
</tr>
<tr>
<td>ESCAP/CTI/2019/L.2</td>
<td>Draft report</td>
<td>12</td>
</tr>
<tr>
<td><strong>Information available online</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><a href="http://www.unescap.org/intergovernmental-meetings/committee-trade-and-investment-sixth-session">www.unescap.org/intergovernmental-meetings/committee-trade-and-investment-sixth-session</a></td>
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<td></td>
</tr>
<tr>
<td><a href="http://www.unescap.org/intergovernmental-meetings/committee-trade-and-investment-sixth-session">www.unescap.org/intergovernmental-meetings/committee-trade-and-investment-sixth-session</a></td>
<td>List of participants</td>
<td></td>
</tr>
<tr>
<td><a href="http://www.unescap.org/intergovernmental-meetings/committee-trade-and-investment-sixth-session">www.unescap.org/intergovernmental-meetings/committee-trade-and-investment-sixth-session</a></td>
<td>Tentative programme</td>
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</tr>
</tbody>
</table>