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TRADE AND DEVELOPMENT BOARD
Commission on Investment, Technology,
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Geneva, 20–24 January 2003
Item 2 of the provisional agenda

PROVISIONAL AGENDA AND ANNOTATIONS

I. PROVISIONAL AGENDA

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II. ANNOTATIONS TO THE PROVISIONAL AGENDA

Introduction

1. At its nineteenth special session, held in April 2002 within the context of the UNCTAD Mid-term Review, the Trade and Development Board reviewed the functioning of its intergovernmental machinery and adopted guidelines to improve the machinery's efficiency (TD/B(S-XIX)/7). These guidelines state that the Commissions should conduct a policy discussion on the basis of secretariat research, reports of expert meetings and other relevant inputs, including from panellists and from other intergovernmental organizations and civil society. It should also place the outcome of the discussions within the appropriate policy context and framework. While considering the outcome of expert meetings, the Commissions should complement the issues dealt with by expert meetings, and avoid duplicating their debates as much as possible.

2. When deciding on the nature of the outcome, a main objective should be to maximize the time devoted to substantive dialogue among government representatives so as to build consensus on issues within UNCTAD's competence and reduce to the necessary minimum the time devoted to drafting exercises. The Bureau and the regional coordinators will indicate the nature of the outcome they seek from the Commissions. Whenever possible the outcome should be a Chairman's summary reflecting substantive dialogue and separate concise recommendations to the UNCTAD secretariat. Further options for the outcome may include: principles, guidelines, best practices, agreed conclusions, etc.

3. To this end, the Commission will have before it the reports of the expert meetings held during the previous months, as well as background documentation prepared by the secretariat identifying policy questions for discussion by the Commission.

Item 1: Election of officers

4. In accordance with rule 18 of the rules of procedure of the main Commissions of the Trade and Development Board, the Commission is to elect a Chairperson, five Vice-Chairpersons and a Rapporteur from among the representatives of its members, taking into account the need to ensure equitable geographical distribution. Moreover, rule 19 of the rules of procedure states that the Bureau of the Commission is to consist of seven members (i.e. four members from Lists A and C combined, two members from List B and one member from List D, referred to in the annex to General Assembly resolution 1995 (XIX) as amended).

5. Accordingly, following the cycle of rotation established after UNCTAD IX, the bureau for the seventh session of the Commission will be as follows: Chairperson from List D; Rapporteur from List A (Asia); and five Vice-Chairpersons (3 from lists A and C combined and 2 from List B).

Item 2: Adoption of the agenda and organization of work

6. The seventh session of the Commission is scheduled for 20–24 January 2003. At the closing plenary of its sixth session (21–25 January 2002), the Commission approved the provisional agenda for its seventh session and topics for the related expert meetings.

7. With regard to the organization of the work of the session, the Commission has five days available to it. It is suggested that the agenda items be taken up sequentially, with the first plenary meeting, on Monday, 20 January, being devoted to procedural matters and introductory statements.

8. The secretariat will prepare a detailed programme, which will be available on the first day of the session.

Documentation

TD/B/COM.2/43 “Provisional agenda and annotations”

Item 3: Policy issues related to investment and development

9. Countries have used various proactive policies and measures to attract and increase benefits from FDI, ranging from targeted promotion policies to incentives and performance requirements, as well as measures to support the enterprise sector. Many of these measures, however, have been subjected to new international rules in the framework of multilateral agreements such as the WTO Agreements on Trade-related Investment measures (TRIMs) and Subsidies and Countervailing Measures, or other regional or bilateral agreements. While some agreements are subject to further review, the challenge for policy makers is to deepen their understanding of what policies and policy tools are most important from a development perspective, how international rules in the area of investment would affect them, and what commitments can be sought from home countries and TNCs to support their development objectives. In particular, the notion and concept of the right to regulate in order to protect public interest and development objectives in the context of international investment agreements need to be further elaborated, as do the interlinkages between different international agreements and their effect on this right to regulate.

10. The Commission may wish to discuss which national policies are most important in increasing the benefits derived from FDI. Such an analysis could also contribute to the Commission’s discussion under item 4 on the design and implementation of international agreements in a manner enhancing their development impact and thus to a more equal distribution of the benefits of globalization.

Documentation

TD/B/COM.2/44	“Policy issues related to investment and development: Note by the UNCTAD secretariat”
TD/B/COM.2/48 TD/B/COM.2/EM.12/3	“Report of the Expert Meeting on the Development Dimension of FDI: Policies to Enhance the Role of FDI in Support of the Competitiveness of the Enterprise Sector and the Economic Performance of Host Economies, Taking into Account the Trade/Investment Interface, in the National and International Context”
TD/B/COM.2/EM.12/2	“The development dimension of foreign direct investment: Policies to enhance the role of FDI in the national and international context – Policy issues to consider: Note by the UNCTAD secretariat”

Item 4: Issues related to investment arrangements

11. At its sixth session, the Commission decided to convene an Expert Meeting on Experiences with Bilateral and Regional Approaches to Multilateral Cooperation in the area of Long-term Cross-border Investment, particularly Foreign Direct Investment (held in June 2002). The Commission will deliberate on the outcome of the expert meeting, particularly on the policy questions raised thereof.

12. In addition, the UNCTAD secretariat has prepared a paper on “Issues Related to International Arrangements” that identifies and comments on the policy questions raised by experts, particularly concerning what the most important national FDI policies are, how they are constrained and/or enhanced by international investment agreements (IIAs), and how they can be supported by IIAs.

Documentation

TD/B/COM.2/45	“Issues related to international arrangements: Note by the secretariat”
TD/B/COM.2/41 TD/B/COM.2/EM.11/3	“Report on the Expert Meeting on Experiences with Bilateral and Regional Approaches to Multilateral Cooperation in the area of Long-term Cross-border Investment, Particularly Foreign Direct Investment”

TD/B/COM.2/EM.11/2 “Experiences with bilateral and regional approaches to multilateral cooperation in the area of long-term cross-border investment, particularly foreign direct investment: Note by the UNCTAD secretariat”

Item 5: Investment policy reviews: exchange of national experiences

13. Investment policy reviews are intended to assist countries in improving their investment policies with a view to attracting foreign direct investment and benefiting more from it. The policy reviews are undertaken upon request of member States. The Commission on Investment, Technology and Related Financial Issues takes up the policy reviews at the intergovernmental level in order to promote the exchange of national experiences and, in particular, to familiarize Governments and investors with these countries’ investment environment.

14. The Commission will have before it the Investment Policy Review of Lesotho. The secretariat and a high-level representative will introduce the country report, and this will be followed by deliberations of the review panel and a general discussion.

15. Under this item the UNCTAD secretariat will also present an oral report to the Commission on the follow-up to the recommendations of previous policy reviews. Since the last session, the investment policy reviews of Botswana and Ghana have been considered. The Commission will have before it the chairpersons’ summaries of those reviews.

Documentation

UNCTAD/ITE/IPC/Misc.25 “Investment Policy Review of Lesotho”

UNCTAD/ITE/IPC/Misc. 26 “Summary of the deliberations of the Investment Policy Review of Botswana and Ghana”

Item 6: Reports of the subsidiary bodies of the Commission

16. Under this item, the Commission will consider the report of the nineteenth session of the Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting (ISAR) and the report of the fourth session of the Intergovernmental Group of Experts on Competition Law and Policy.

Documentation

TD/B/COM.2/47 TD/B/COM.2/ISAR/17	“Report of the Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting on its nineteenth session”
TD/B/COM.2/42 TD/B/COM.2/CLP/32	“Report of the Intergovernmental Group of Experts on Competition Law and Policy on its fourth session”

Item 7: Implementation of agreed conclusions and recommendations of the Commission, including post-Doha follow-up

17. The guidelines adopted by the Trade and Development Board at its nineteenth special session (TD/B(S-XIX)/7) state that “Commissions’ agendas will continue to include an item on follow-up and implementation of past recommendations. The secretariat will report on its implementation of recommendations addressed to it, and member States will be invited to report on their own implementation in statements to the Commission”.

18. In this context the UNCTAD secretariat will prepare a progress report on the implementation of agreed recommendations and conclusions adopted at the sixth session of the Commission addressed to UNCTAD. Concerning implementation by member States, those member States wishing to do so will have an opportunity to present their experience to the Commission.

Documentation

TD/B/COM.2/46	“The implementation of agreed conclusions and recommendations of the Commission, including post-Doha follow-up”
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Item 8: Provisional agenda for the eighth session of the Commission

19. A draft provisional agenda for the eighth session of the Commission will be submitted for consideration and approval.

Item 9: Other business

20. Under this item, the Division on Investment, Technology and Enterprise Development will make a presentation on its activities, during the period between the sixth and seventh sessions of the Commission. The Commission will have before it the DITE activities report for 2002.

21. Representatives of other international organizations will be invited to report briefly on their activities. The President of WAIPA will report on WAIPA's Eighth Annual Conference, which is to be held in parallel to the Commission.

22. To inform the Commission about the ongoing work of the Commission on Science and Technology for Development (CSTD), a briefing will be organized to highlight activities carried out within the framework of that Commission.

Item 10: Adoption of the report of the Commission

23. The report of the Commission will be adopted at its final plenary meeting and subsequently submitted to the Trade and Development Board.
