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Report of the Trade and Development Commission on its eighth session

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Introduction

The eighth session of the Trade and Development Commission was held at the Palais des Nations, Geneva, on 4 November 2016, as a wrap up of the previous cycle of work.

I. Chair's summary

A. Opening statements

1. The following speakers made opening statements: the Director of the UNCTAD Division on International Trade in Goods and Services, and Commodities; the representative of Argentina, on behalf of the Group of 77 and China; the representative of the Namibia, on behalf of the African Group; the representative of the Bahamas, on behalf of the Group of Latin American and Caribbean Countries; and the representative of the European Union, on behalf of the European Union and its member States.

2. One delegation mentioned that the eighth session of the Trade and Development Commission came at an especially crucial moment given the disturbing slowdown in global trade and the vigorous debate on what that portended for development. The delegation made a proposal to convene a special session of the Trade and Development Board to continue discussing the developmental and structural implications of the slowdown of world trade. The proposal was considered to be in the spirit of the agreement reached in the context of the Nairobi Maafikiano on strengthening the intergovernmental machinery of UNCTAD.

3. Another delegation welcomed the work of UNCTAD in assisting African countries to find regional solutions including to trade and transport facilitation challenges. The work of UNCTAD on sustainable freight transport and finance in the Northern and Central Corridors of East Africa was commended. The delegation called on UNCTAD to continue providing support, technical assistance and capacity-building for African countries in the context of implementation of their obligations of the Agreement on Trade Facilitation of the World Trade Organization.

4. The delegations endorsed the cross-divisional training and capacity-building programmes of UNCTAD, such as the Course on Key Issues on the International Economic Agenda (known as the paragraph 166 course) and the Train for Trade programme.

5. They also expressed a need for UNCTAD to be provided with adequate resources in order to effectively respond to increasing demands from member States, especially in view of new mandates, arising from the Nairobi Maafikiano and outcomes of other multilateral summits and conferences.

6. Mindful of the three pillars of UNCTAD, many delegates reiterated the important UNCTAD contribution of sound analysis and technical assistance in a number of areas, among others, competition policy, non-tariff barriers, trade in services, commodities, the interface between trade and environment, including climate change, in promoting inclusive sustainable development, and sustainable and climate resilient freight transport and trade facilitation.

B. Reports of expert meetings

(Agenda item 3)

(a) Multi-year Expert Meeting on Transport, Trade Logistics and Trade Facilitation

(Agenda item 3 (a))

7. The Chair of the fourth session of the Multi-year Expert Meeting on Transport, Trade Logistics and Trade Facilitation presented the report of the session, stressing the meeting's timeliness in view of sustainable freight transport being reflected in the 2030 Agenda for Sustainable Development and in the agenda of the twenty-first session of the Conference of the Parties to the United Nations Framework Convention on Climate Change.

8. The Chair summarized some of the priority areas looking forward and noted that sustainable freight transport was a multidimensional concept based on three pillars (economy, society and environment). He stressed that cooperation among stakeholders and key players was vital, that sustainable freight transport strategies and action plans needed to be identified and that finance was a key enabling factor. He reiterated the importance of policy coordination and coherence, the urge to provide harmonized standards and measurement methods and the need of the international community for a formal framework on green and sustainable logistics. Transport, including sustainable freight transport, should not be considered as a cost but as an investment with high returns in the long term. The Chair emphasized the need for international coordination and the development of an action plan or coordination strategy, which could be developed under the auspices of UNCTAD.

9. The Commission took note of the report as contained in document TD/B/C.I/MEM.7/12.

(b) Multi-year Expert Meeting on Commodities and Development

(Agenda item 3 (b))

10. On behalf of the Chair of the Multi-year Expert Meeting on Commodities and Development, the Chief of the Commodity Research and Analysis Section of the UNCTAD Special Unit on Commodities presented the report of the eighth session, recalling the main issues covered.

11. The Commission took note of the report as contained in document TD/B/C.I/MEM.2/35 and Corr.1.

(c) Multi-year Expert Meeting on Trade, Services and Development

(Agenda item 3 (c))

12. The Chair of the fourth session of the Multi-year Expert Meeting on Trade, Services and Development presented the report, noting that the meeting had focused on how a coherent approach to services trade liberalization and regulation could enhance services supply and trade capacity, promoting greater participation of developing countries in global value chains, their economic diversification and upgrading, and thereby contributing to the Sustainable Development Goals. He underlined that participants strongly welcomed UNCTAD work on services as providing a useful toolbox for member States, comprised of the Multi-year Expert Meeting on Trade, Services and Development, Services Policy Reviews and the Global Services Forum. He further noted that the Nairobi Maafikiano had called upon UNCTAD to continue and reinforce its work on trade in services, services data and statistics and analysis of trade and services for development, and had confirmed that the topics of the existing multi-year expert meetings should remain the same unless otherwise decided by the Trade and Development Board.

13. The Trade and Development Commission took note of the report of the fourth session of the Multi-year Expert Meeting on Trade, Services and Development, as contained in document TD/B/C.I/MEM.4/12.

(d) Multi-year Expert Meeting on Promoting Economic Integration and Cooperation
(Agenda item 3 (d))

14. The Commission took note of the reports on the third and fourth sessions of Multi-year Expert Meeting on Promoting Economic Integration and Cooperation, as contained in document TD/B/C.I/MEM.6/9 and document TD/B/C.I/MEM.6/12 and Corr.1, respectively.

(e) Multi-year Expert Meeting on Enhancing the Enabling Economic Environment at All Levels in Support of Inclusive and Sustainable Development
(Agenda item 3 (e))

15. The Commission took note of the report of the third session of the Multi-year Expert Meeting on Enhancing the Enabling Economic Environment at All Levels in Support of Inclusive and Sustainable Development as contained in document TD/B/C.I/MEM.5/9.

(f) Expert Meeting on Trade as a Tool for the Economic Empowerment of Women
(Agenda item 3 (f))

16. The Vice-Chair-cum-Rapporteur of the Expert Meeting on Trade as a Tool for the Economic Empowerment of Women presented the report of the meeting. The Vice-Chair-cum-Rapporteur highlighted the positive results that had emerged from the evaluation of the expert meeting, recalling that around 60 per cent of respondents stated that the expert meeting had met its objectives and around 90 per cent of respondents declared that the issues addressed by the expert meeting were relevant or very relevant for their work. Respondents put forward suggestions for issues to be addressed in future expert meetings encompassing topics such as the trade, climate change and gender nexus; women entrepreneurs in Arab countries; supporting women informal traders, especially in the least developed countries; women's entrepreneurship and building inclusive institutions; use of information and communications technologies in rural areas and women leveraging information and communications technologies for international trade; and diaspora trade and remittances.

17. During the interactive discussion, one delegate expressed appreciation for the work of the secretariat on the report on the Expert Meeting on Trade as a Tool for the Economic Empowerment of Women. The delegate stressed that the positive feedback received by participants in the expert meeting demonstrated the increasing relevance of the topic and the strong interest in discussing measures that helped women benefit from trade and trade policies. She recalled the strengthened mandate on trade and gender resulting from the fourteenth session of the United Nations Conference on Trade and Development and called for a change so as to reinforce resource allocation to that important area.

18. The Commission took note of the report as contained in document TD/B/C.I/EM.8/3.

C. Report of the Intergovernmental Group of Experts on Competition Law and Policy on its fifteenth session
(Agenda item 4)

19. The secretariat provided an overall presentation of the fifteenth session of the Intergovernmental Group of Experts on Competition Law and Policy held from 19 to 21 October 2016. The secretariat highlighted the context in which the fifteenth session

was held. The session marked the seventieth anniversary of work in the United Nations on competition law and policy since 1946. The session was the first Intergovernmental Group of Experts held after the Seventh United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices held in July 2015 and after the reinvigorated UNCTAD mandate on competition given by Nairobi Maafikiano at the fourteenth session of the United Nations Conference on Trade and Development in July 2016. Finally, reference was made to the first session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy, which included discussions on engagement with stakeholders for the achievement of the Sustainable Development Goals, the collaborative economy, ongoing capacity-building activities, a future work programme and voluntary peer reviews.

20. Finally, the secretariat highlighted the agenda topics for the sixteenth session of the Intergovernmental Group of Experts on Competition Law and Policy to be held in July 2017. The topics were (a) challenges faced by young and small competition authorities in the design of merger control; (b) enhancing international cooperation in the investigation of cross-border competition cases – tools and procedures; (c) revision of chapters 2 and 7 of the UNCTAD Model Law on Competition; and (d) competition implications of the collaborative economy.

21. After the presentation, one delegate commended the work of the secretariat in relation to the Voluntary Peer Review of Uruguay.

22. The representative of one non-governmental organization asked whether the term “collaborative economy” referred to the sharing economy and whether there was an interest by competition authorities in discussing potential challenges in digital markets (e.g. social media) and big players in e-commerce platforms. The representative mentioned that the UNCTAD secretariat already had an e-commerce unit and that that work should be taken into account. The secretariat confirmed that the collaborative economy did refer to the sharing economy and noted that UNCTAD had a new mandate on consumer protection. As such, the secretariat would promote an integrated approach on both topics as well as coordinated work with e-commerce unit colleagues to exchange experiences and pursue together further work in the area.

23. Another delegate, welcoming the new head of the UNCTAD Competition and Consumer Policies Branch, and referred to the work of the West African Economic and Monetary Union on competition issues, in particular UNCTAD technical assistance activities to the competition commission of the of the West African Economic and Monetary Union since 2007. In addition, the delegate requested ad hoc technical assistance on consumer protection issues for Senegal as well as finalization of the work on regional competition law in support of the Union’s competition secretariat.

24. The Commission took note of the report as contained in document TD/B/C.I/CLP/40.

D. Progress report on promoting and strengthening synergies among the three pillars

(Agenda item 5)

Presentation of the activity report of the Division on Technology and Logistics

25. The Director of the UNCTAD Division on Technology and Logistics highlighted some of the division’s work on transport and trade facilitation as well as work carried out under the Train for Trade and paragraph 166 programmes. She emphasized the interlinkages and synergies built into that work to leverage complementarities between the

three UNCTAD pillars of work, namely research and analysis, consensus-building and technical assistance. She presented examples illustrating existing synergies and underscored the benefits of cross-fertilization between the range of activities under each pillar.

26. On research and analysis, the Director stressed the importance of work being disseminated through, inter alia, the *Review of Maritime Transport*, Transport and Trade Facilitation Newsletter, Liner Shipping Connectivity Index, online databases on maritime country profiles which the division was currently developing and work on human resources development. On technical assistance, established and new projects included a project focusing on sustainable freight transport, climate change impacts and resilience of small island developing States, implementation of the Agreement on Trade Facilitation of the World Trade Organization, the Automated System for Customs Data programme, port management programme with particular focus on the port performance scorecard and Train for Trade programme. The Course on Key Issues on the International Economic Agenda was an important project that built the capacity of policymakers and middle managers in developing countries.

27. As a way forward, the Nairobi Maafikiano was providing guidance on areas of focus and priority. Furthermore, the overall 2030 Agenda for Sustainable Development and Sustainable Development Goals provided an overarching framework that was currently guiding work on transport and trade facilitation. UNCTAD would strengthen the programme and foster partnerships among member States.

28. In response to questions raised, the Director noted that the division was working on filling existing gaps, in particular national trade facilitation committees with regard to least developed countries and landlocked developing countries. She also underlined the close working partnership with the World Trade Organization, which UNCTAD supported in building capacities in developing countries. UNCTAD would be participating in the twenty-second session of the Conference of the Parties and would showcase its work, in particular on sustainable transport, and help to advocate that sustainable transport was a win-win situation. The Chair of the Commission noted that work carried out by the division, especially in the field of transport and trade facilitation, was unique as it promoted a cross-cutting approach to addressing development issues. One delegate noted that Oman was hosting the paragraph 166 course and expressed her appreciation for the cooperation with UNCTAD.

Presentation of the activity report of the Special Unit on Commodities

29. The secretariat presented the activities undertaken by the UNCTAD Special Unit on Commodities since the last session of the Trade and Development Commission in May 2015. The report was structured around the three pillars of UNCTAD.

30. On research and analysis, the Special Unit on Commodities produced a number of studies. Two background papers were prepared for the Multi-year Expert Meeting on Commodities and Development. The first discussed recent developments in commodities markets and policy options for commodity-based inclusive growth and sustainable development; the second reviewed UNCTAD efforts towards strengthening commodity production in commodity-dependent developing countries and improving food security and export competitiveness. Moreover, the Special Unit prepared two papers highlighting recent developments in the commodities markets and their implications for development policy, one for the United Nations General Assembly and the other as a contribution to the *World Economic Situation and Prospects* of the United Nations. Furthermore, the Special Unit published the *Commodities and Development Report 2015*, the *Commodities at a Glance* report focusing on gold, a working paper on the new farm bill of the United States of America and its implications on cotton in Africa, a study the cocoa industry analysing the extent to which small farmers were integrated into the global value chain and a recent paper

on trade misinvoicing in primary commodities in developing countries, namely Chile, Côte d'Ivoire, Nigeria, South Africa and Zambia. Several other papers were being prepared.

31. Activities relating to consensus-building included a policy dialogue on commodities organized in New York and serviced by UNCTAD; the Oil Gas Mine Conference organized in Khartoum; the Global Commodities Forum organized in Nairobi as a pre-event to the fourteenth session of the United Nations Conference on Trade and Development; participation in the meetings of the Agricultural Market Information System, a Group of 20 initiative on agricultural commodities; participation in the Milan Exposition 2015; and the co-organization and hosting of the Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development meeting in Geneva.

32. With respect to technical cooperation activities, the Special Unit on Commodities contributed to the UNCTAD Virtual Institute training and mentoring programme in Chad and Togo, involving about 60 trainees. It had also been implementing two Development Account projects. The first aimed at strengthening the capacity of the Economic Community of Central African States countries to enhance domestic production linkages from the mineral resources sector. The second project intended to raise awareness of participating countries of the benefits of using cotton by-products to increase value addition in Eastern and Southern Africa. The Special Unit also continued to implement its Iron Ore Trust Fund Project that produced and disseminated information on the iron ore market.

33. The Commission took note of the oral report.

Presentation of the activity report of the Division on Trade in Goods and Services, and Commodities

34. The Director of the UNCTAD Division on International Trade in Goods and Services, and Commodities presented a progress report on the division's work in promoting and strengthening synergies among the three pillars. The presentation focused on the activities of the division's four clusters and the Trade and Gender Unit.

35. He outlined work in the area of capacity-building on trade negotiations and commercial diplomacy on the international trading system and trade policy; services, development and trade; and accession to the World Trade Organization. Trade analysis work focused on the UNCTAD programme on non-tariff measures and regulatory policies, while the voluntary peer reviews of competition law and policy and activities on consumer issues in member countries of the Association of Southeast Asian Nations provided examples of work on competition policy and consumer protection. UNCTAD National Green Export Reviews were discussed in the context of trade, environment and sustainable development. Lastly, the present and future work programme on trade, gender and development was outlined.

36. Some delegates expressed positive views of the work on non-tariff measures, recognizing it had high added value and was at the cutting edge of trade policy analysis given decreases in tariffs. In response, the secretariat emphasized the work was done in collaboration with other agencies, under the transparency in trade programme and, while the work did not consider the legality of non-tariff measures, it would assess the impact of those measures. One delegate also considered the non-tariff measure training courses run by UNCTAD to be extremely useful and hoped that they could be rolled out to other member States.

37. In response to a comment from one delegation regarding the need to be informed and updated on gender and trade policy, the secretariat noted that UNCTAD was in the process of mainstreaming the gender perspective in all of its work.

38. One delegate underscored his experience with a National Green Export Review and his optimism going forward when the review concluded with a workshop in 2017.

39. On the topic of enhancing the effectiveness of expert meetings, another delegate proposed inviting a wider range of policymakers, strengthening communications with member States and having expert meetings increasingly aim at improving external situations for developing countries.

40. Another delegate noted that the day marked when the Paris Agreement came into force and spoke of the importance of bridging the gap between trade facilitation and climate change.

41. In response to a question from one delegate on the division's work, the secretariat noted two recently published studies, one exploring the Trans-Pacific Partnership and the political economy and another addressing trade in agriculture with the Trans-Pacific Partnership. UNCTAD could only give fact-based policy recommendations and extensive analysis was being carried out by the organization in that area. Furthermore, the secretariat stressed the importance of countries having in place a holistic framework of trade, competition and consumer protection policies so that the gains from regional and megaregional trade agreements could be more widely, and sustainably, distributed.

II. Organizational matters

A. Opening of the session

42. The eighth session of the Trade and Development Commission was opened at the Palais des Nations, Geneva, Switzerland, on 4 November 2016 by the Director of the UNCTAD Division on International Trade in Goods and Services, and Commodities, on behalf of Mr. Humberto Jiménez Torres (Ecuador), Chair of the Commission at its seventh session.

B. Election of officers

(Agenda item 1)

43. At its opening plenary meeting on 4 November 2016, the Commission elected the following officers to serve on its Bureau:

Chair: Mr. Faiçal Souissi (Morocco)

Rapporteur: Ms. Anna Miyagi (Japan)

C. Adoption of the agenda and organization of work

(Agenda item 2)

44. At its opening plenary, the Commission adopted its provisional agenda as contained in document TD/B/C.I/39. The agenda was thus as follows:

1. Election of officers
2. Adoption of the agenda and organization of work
3. Reports of expert meetings:
 - (a) Multi-year Expert Meeting on Transport, Trade Logistics and Trade Facilitation

- (b) Multi-year Expert Meeting on Commodities and Development
- (c) Multi-year Expert Meeting on Trade, Services and Development
- (d) Multi-year Expert Meeting on Promoting Economic Integration and Cooperation
- (e) Multi-year Expert Meeting on Enhancing the Enabling Environment at All Levels in Support of Inclusive and Sustainable

Development

- (f) Expert Meeting on Trade as a Tool for the Economic Empowerment of Women

- 4. Report of the Intergovernmental Group of Experts on Competition Law and Policy on its fifteenth session
- 5. Progress report on promoting and strengthening synergies among the three pillars
- 6. Other business
- 7. Adoption of the report of the Commission to the Trade and Development Board

45. Also at the opening plenary meeting, the Chair noted that member States had agreed that there would be no agreed conclusions for the wrap-up session of the Commission.

D. Adoption of the report of the Commission to the Trade and Development Board

(Agenda item 7)

46. At its closing plenary meeting, on 4 November 2016, the Commission authorized the Rapporteur, under the authority of the Chair, to finalize the report after the conclusion of the meeting. The report would be submitted to the Trade and Development Board.

Annex

Attendance¹

1. Representatives from the following States members of UNCTAD and members of the Commission attended the session:

| | |
|-------------------|----------------------------|
| Algeria | France |
| Austria | India |
| Bahamas | Indonesia |
| Bangladesh | Iran (Islamic Republic of) |
| Belarus | Japan |
| Belgium | Lithuania |
| Bhutan | Malawi |
| Brazil | Mongolia |
| Brunei Darussalam | Morocco |
| Canada | Oman |
| China | Pakistan |
| Colombia | Philippines |
| Cuba | Poland |
| Côte d'Ivoire | Senegal |
| Djibouti | Turkey |
| Ecuador | United Arab Emirates |
| Ethiopia | |

2. The following non-member observer State of the Conference was represented at the session:

State of Palestine

3. The following intergovernmental organizations were represented at the session:

African, Caribbean and Pacific Group of States
European Union
Organisation internationale de la francophonie
South Centre

4. The following specialized agencies and related organizations were represented at the session:

International Labour Organization

5. The following non-governmental organizations were represented at the session:

General category:

Engineers of the World
International Centre for Trade and Sustainable Development

¹ For the list of participants, see TD/B/C.I/INF.8.