

Laos BTA/WTO Project



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M E M O R A N D U M

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SUBJECT: Laos BTA/WTO Project Quarterly Report: July 2009 – September 2009

Assistance to Lao BTA Compliance and WTO Accession (the Laos BTA/WTO Project) is an ADVANCE project. The ADVANCE projects are the primary means by which the U.S. government and the people of the United States support the people and governments of ASEAN to promote a democratic, prosperous, secure and integrated region. ADVANCE provides world-class training and technical support for the development of a democratic, prosperous, and secure Southeast Asia while promoting greater cooperation and understanding between the people of the Association of Southeast Asian Nations and the United States.

To help achieve the goals spelled out in its Economic Growth and Poverty Reduction Strategy the Government of the Lao Peoples Democratic Republic is acceding to the World Trade Organization, implementing the Lao-U.S. Bilateral Trade Agreement, and, along with the other ASEAN Member States, establishing the ASEAN Economic Community by 2015. Because these three paths – multilateral bilateral, and regional – have a common core of commitments, Laos' WTO, BTA, and AEC work programs overlap substantially and the Laos BTA/WTO Accession Project is able to deliver one technical assistance package to help Laos achieve progress in all three. In so doing it supports the Government of Laos to enhance its economic engagement with the United States and the world, as well as to fully integrate with the rest of ASEAN.

CURRENT STATUS OF ALL ACTIVITIES AND PROGRESS

In the third quarter of 2009, the Laos BTA/WTO Project hired a local Project Analyst; carried out the Lao Intellectual Property regime assessment; implemented the Trading Rights Seminar; continued revising the GATS Enquiry Point briefing paper; finalized and submitted the Telecommunications Services Assessment; began work on the Lao Export Manuals; conducted important planning for the

Public-Private Sector workshop; and submitted concept notes to the Lao on the SPS/TBT and trade-related Reading Room activities.

Project highlights for the second quarter, July 2009 – September 2009, include:

Hired the local Project Analyst. In early August, the project hired Ms. Chanthala Koukeomanivong to start immediately as a Project Analyst. She will work directly with the FTPD until December 18, 2009, to implement activities. As a first assignment, Ms. Koukeomanivong participated in the IPR assessment by accompanying the Nathan consultants on interviews with Lao IPR stakeholders. She assisted in the coordination of the Trading Rights Workshop, and jumpstarted conversations regarding the progress and future steps for the website development. She is helping Nathan and the FTPD to track and expedite the implementation and timing of ongoing activities.

Implemented the Intellectual Property Rights Assessment. Nathan Associates' in-house IPR expert, Ms. Judy Goans led a rapid needs assessment of the Lao intellectual property rights regime from August 3 – 14. Mr. Nimesh Modak, a home office project coordinator for the ASEAN-US Technical Assistance and Training Facility under ADVANCE, assisted Ms. Goans with the assessment. The consultant team met with a variety of key Lao IPR stakeholders in both the public and private sectors and conducted a wrap-up session of the assessment at the Lao National Authority for Science and Technology's Department of Intellectual Property Standardization and Metrology headquarters on August 14. Ms. Goans is currently finalizing the assessment, which will report on specific stakeholder needs for future technical assistance. She has identified several urgent priorities: revising several laws to protect Laos' investments and exporters (such as enacting plant variety, geographical indications, and certification marks protection laws); recommendations to join several international agreements; and, building capacity for IPR enforcement and IPR public awareness activities.

Conducted the Trading Rights seminar. On September 22 – 23, the project conducted a seminar for Lao government officials, including representatives from the National Assembly, as well as the private sector. The seminar explored trading rights as they relate to Laos' joining of the World Trade Organization and implementation of the U.S. Bilateral Trade Agreement commitments. U.S. Ambassador Ravic Huso and Lao Vice-Minister of Trade Khemmani Pholsena opened the workshop stressing the importance of trading rights as a key step in promoting Lao competitiveness and development. Instructor Michael Hathaway, who served as the Deputy General Counsel of the US Trade Representative's Office for 15 years, led an engaging seminar covering the key concepts in trading rights, the implementation considerations for Laos, and addressed areas of possible non-conformance. Participant engagement on the topic was high, as illustrated by the audience's decision to postpone lunch on the final day to allow more time for discussion on the topic. Mr. Hathaway subsequently held advisory meetings with counterparts to answer pending questions. Upon request from Dr. Laohao, Mr. Hathaway reviewed and provided comments on the existing Lao enterprise law. Mr. Hathaway is in the process of completing the other deliverables under the trading rights activity.

Continued revising the GATS Enquiry Point briefing paper. The project identified and reached out to individuals for answers to pending questions regarding implementation of the Vietnamese and Cambodian enquiry points.

Submitted the final version of the telecommunication services assessment. The project submitted the final version of the *Trade in Telecommunication Services in the Lao PDR* to the MOIC and received

their approval for it. Subsequently, we submitted the assessment to RDMA and USAID's TCBoost project, a cost-sharing partner on this activity.

Initiated production of the US Market Export Manuals. Nathan international trade specialists Michael Blakeley and Greg Tyng began production of five manuals that describe how to export products from five priority Lao sectors chosen by our Laotian colleagues to the US market. The five sectors covered by the manuals are agricultural products, textiles and garments (with concentration in men's products), silk products, handicrafts, and wood based products.

Completed preparation for the Public-Private Sector Dialogue Activity. The project initiated plans to conduct a seminar for the Lao Government and the Lao private sector on the US Government and other models on inter-ministerial and public-private sector policy coordination and dialogue. The seminar, which will be facilitated by Project Director Ms. Teri Simpson Lojewski and led by a former USTR staff member Mr. Robert Fisher, will explore public-private sector dialogue as a platform to engage the private sector on the trade negotiations process, economic integration process and process of implementing obligations/commitments under the BTA and the ASEAN AEC and through WTO accession. This seminar was scheduled to be conducted in September of 2009; however, shortly before the workshop date, our Lao counterparts requested that the seminar be postponed because certain specific high level individuals deemed essential to the workshop's success were unexpectedly required to attend meetings outside of Laos and thus could not attend. The workshop is now expected to be higher profile than originally planned with more and higher level participants. Due to Laos' hosting of the South East Asian (SEA) Games this fall, no new date has yet been set for this workshop.

Concept notes submitted for the Reading Room and SPS/TBT Activities. We submitted both concept notes to our Lao counterparts for comments and questions. We will submit approval requests to USAID with the intent to begin work immediately on these two activities as soon as we receive feedback and consent from our Lao counterparts.

OTHER WORK PLAN ACTIVITIES

After discussions with the FTPD, the project initiated conversations with the trainers of the project's previous fact sheet writing workshop to see if another workshop can be scheduled before December 18, 2009. We had viewed an additional fact sheet training as something to be done only if time and budget allowed. However, given the interest in and level of success of the previous training and the constraint that the SEA Games have placed on several other planned activities, we have committed to our Lao colleagues to do our best to conduct another fact sheet training during the SEA Games-constrained period.

OTHER ISSUES

Laos is preparing to host the South East Asian (SEA) Games in November and December 2009. Due to this high profile and important event, the project was requested to not implement large activities during this time period. That request will result in delays in the implementation of work plan activities. In addition, the project recently was informed that several of our Lao counterparts are away for training for extended periods during the SEA Games-constrained time, likely also related to the SEA Games. Their absence is affecting Laos' internal activity approval process as well as implementation.