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Seminars on Negotiating and Implementing International Trade Agreements  
October 24-November 4, 1994 in Almaty, Kazakhstan  
November 9-19, 1994 in Bishkek, Kyrgyzstan

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Kelly Gauger  
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International Law Institute  
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## Overview

The International Law Institute, in conjunction with the United States Agency for International Development (USAID), has presented two consecutive two-week seminars on Negotiating and Implementing International Trade Agreements. The first seminar was held in Almaty, Kazakhstan, October 24-November 4, 1994, in association with the Ministry of Industry and Trade of Kazakhstan; the second in Bishkek, Kyrgyzstan, November 9-18, 1994, in association with the Chamber of Commerce and Industry and the Ministry of Foreign Affairs of Kyrgyzstan. Our primary goal was to introduce government officials and professionals from the private sectors of these two emerging market economies to the multilateral trading system and the policy objectives of trade agreements. The seminars were delivered in English and simultaneously interpreted into Russian. Each participant received a three-volume manual, consisting of several hundred pages of Russian-language materials on topics covered in the seminars.

The audience was quite large for the Bishkek seminar (ranging from 28-45 participants on a given day) mostly due to the hard work of our local counterparts, especially the Chamber of Commerce and Industry. However, the audience for the Almaty segment was considerably smaller (ranging from 5-15 participants). This was attributable to several factors. First, participants were drawn only from the Ministry of Industry and Trade, rather than from a cross-section of government and business, as they were in Bishkek. Second, the seminar was held at the Ministry itself, where people were easily drawn back to their offices when they or their bosses decided there was too much work to be done. Third, it was obvious that the Ministry put only minimal effort into publicizing and organizing the seminar beforehand, never even coming up with a formal list of participants. Therefore, participants "floated" in and out, and many of them indicated that their bosses were not entirely happy with their taking the time out of work. Finally, we were told that a bit of bad timing was involved: as a fairly significant change in the Government of Kazakhstan had occurred only weeks before the start of the seminar (bringing in a new Prime Minister and numerous Cabinet-level changes), many Ministry officials were busy "writing reports" for the new Minister. In the end, nine certificates of completion were awarded in Almaty, and thirty in Bishkek, acknowledging those participants who had attended at least half of the seminar.

### *The Almaty seminar, October 24-November 4*

The first week of the Almaty seminar was presented by Ambassador Joseph Greenwald. Ambassador Greenwald has had a distinguished career in the areas of trade law counseling and litigation, international trade negotiations, and representation in the United States and abroad on international economic issues. He has served as U.S. Assistant Secretary of State for Economic and Business Affairs, U.S. Ambassador to the European Community, and U.S. Ambassador to the Organization for Economic Cooperation and Development. Ambassador Greenwald's lecture topics included Regional, Bilateral and Multilateral Agreements (including GATT, NAFTA, the U.S.-Kazakhstan Bilateral Investment Treaty, and the Kazakhstan-Kyrgyzstan-Uzbekistan Free-Trade Agreement), Negotiating with the U.S., the European Community, Japan and China, and Dispute Resolution. He also addressed specific questions from the participants relating to Most Favored Nation status and the Generalized System of Preferences for developing countries, as

well as the prospect of a regional bank between Kazakhstan, Kyrgyzstan and Uzbekistan and the problems faced by Kazakhstan and the other Newly Independent States associated with the payments system. This final issue has apparently become quite a problem, as each of the republics has introduced its own currency, leading to disputes regarding forms of payment and causing significant delays.

The second week of the Almaty seminar was delivered by Mark Davis, an attorney formerly of Steptoe & Johnson who has recently formed his own firm with another Steptoe colleague. Mr. Davis' experience include representation of various U.S. companies and organizations in establishing trade and investment ventures in or with the USSR and its successor states, supervising preparation of defense to U.S. Government antidumping investigations for various foreign clients, and preparation of evidence, briefs and witnesses for submission to the Iran-U.S. Claims Tribunal for U.S. clients. Mr. Davis' lecture topics included Bilateral Investment Treaties (BITs) and Trade Related Investment Measures (TRIMs), International Commercial Arbitration, Intellectual Property, and Antidumping legislation. This final topic was of special interest to several Ministry officials, as stiff dumping penalties have in the past been imposed on Kazakhstan (the most well known case involving uranium exports). Mr. Davis explained exactly how dumping duties are calculated, how a country can have antidumping duties reduced after a certain period of time, and how Kazakhstan's non-compliance with past antidumping investigations have hurt the country. The session on antidumping was followed by a one-on-one session between Mr. Davis and the Ministry official responsible for this issue.

The participants in the seminar were drawn from various departments of the Ministry of Industry and Trade of Kazakhstan, including the Division for Trade and Economic Relations with Europe and the United States, the Division for Domestic Trade Regulation, and the Division of International Economic Cooperation. A complete participant list has been included at the end of this report.

A final evaluation form was distributed to participants at the end of the seminar, asking them to offer their opinion regarding various aspects of the course. When asked which topics were the "most useful", participants mentioned the lectures on Antidumping, International Commercial Arbitration, and Regional Trade Agreements. Judged "least useful" were lectures on Negotiating with the U.S. and with Japan, as Kazakhstan's trade with these countries is negligible. When asked whether the length of the daily sessions (9:30am-1:00pm) was "too long", "too short" or "just right", many indicated that it was "too long". This, in our opinion, reflects the Ministry's low level of motivation in promoting the seminar to its employees, as three and a half hours of instruction per day for two weeks is surely not "too long". When asked about the level of instruction, most responded that it was "just right". When asked whether the seminar would help them in their future work, every participant responded "absolutely".

#### **The Bishkek seminar, November 9-18, 1994**

The entire Bishkek seminar was delivered by Dan Haendel, whose broad experience includes service as Deputy General Counsel at the U.S. Department of Commerce, Senior Counsel in the

Office of the General Counsel at the Department of the Treasury, and Special Assistant in the Office of the Counselor at the Department of State. He has in the past organized and led legal assistance missions in commercial law to Eastern Europe, and currently teaches international finance at George Mason University's International Institute. Mr. Haendel's first lecture topic was Regional and Bilateral Trade Agreements, where he examined the U.S.-Kyrgyzstan Trade Agreement clause by clause, highlighting such issues as most favored nation status, nondiscriminatory treatment, market access, and trade in goods and services. He also addressed Conditions of Trade and Purchase Mechanisms, such as letters of credit, contracts and forms of payment. He covered the areas of Dispute Resolution, Commercial Arbitration, Intellectual Property, Customs, Licensing, and Franchising quite thoroughly. Finally, in response to specific requests from the participants, he discussed Barter and Countertrade (and why the U.S. government is against it), Foreign Exchange, Taxation, Accounting, Banking and Financial Infrastructure, Joint Ventures, and Foreign Direct Investment. Fortunately, Mr. Haendel's wide range of experience allowed him to adjust his lecture topics to suit the audience: as most of the participants were young and fairly inexperienced, and from the business community rather than government, this seminar touched more on basic international business transactions than did the Almaty seminar. A complete participant list for the seminar can be found at the end of this report.

Final evaluation forms were distributed to each participant at the end of the seminar. From their anonymous responses, we learned that the topics judged most useful were Commercial Arbitration, Intellectual Property, Joint Ventures, and Payment Mechanisms (especially letters of credit). Most judged the lectures on Regional and Bilateral Trade Agreements to be the least useful for their day-to-day work. When asked whether the daily sessions were "too long", "too short", or "just right", most responded that they were "just right", although a few indicated that they would have liked them to be a bit longer. (Sessions were held daily from 9am-1:00pm, but Mr. Haendel spent many afternoons after class talking to small groups or individuals about specific questions they had.) When asked whether the level of instruction was "too complicated", "too simple", or "just right", most responded that it was "just right" for most topics, "too complicated" regarding the discussion of Accounting, Taxation and Foreign Exchange, and "too simple" regarding Intellectual Property. When asked about the overall quality of both the instruction provided by Mr. Haendel and the interpretation by Catherine Boyle of the Monterey Institute, almost all responded "excellent".

### **Conclusion**

The seminar in Bishkek was clearly the more successful of the two, judging simply by the size of the audience we managed to reach. The most significant lesson that can be learned from these seminars is the importance of locating a local counterpart that is truly interested in hosting the seminar and is willing to put in the time necessary to adequately organize and publicize the course. Ministry officials and business managers need to be convinced that it is ultimately in their best interest to allow their employees the necessary time off work to attend such a seminar, and invitations need to be sent to a wide range of potential participants in order to ensure a larger audience, making the program worthwhile for the money spent.



## INTERNATIONAL LAW INSTITUTE

*Participant List*  
*Seminar on Negotiating and Implementing International Trade Agreements*  
*Almaty, Kazakhstan*  
*October 24-November 4, 1994*

Nataly Eugenjjevna Akentjeva  
Specialist, Division of International Economic Cooperation

Alma Aitkalieвна Batyrgulova  
Specialist, Protocol Service/Translation Division

Dimash Bazhirov  
Specialist, Division of International Economic Cooperation

Baurzhan Tlektsovich Dugalov  
Specialist, Imports/Special Products Division

Erkin Takmukhamedovich Sadykov  
Assistant to Deputy Minister Khairulla Ospanov

Bayar Surimanova  
Domestic Trade Regulation Division

Talgat Borankulov  
Assistant to Deputy Minister Khairulla Ospanov

Zhazigul Temirbekovna Tugelbaeva  
Specialist, Financial Department

Larisa Zhrenbaevna Sharbakova  
Specialist, Division for Trade and Economic Relations with Europe and the United States

Gulnar Karapjyanova  
Specialist, KAZAKHISTANIMPEX, a state-owned foreign trade company

Nadezhda Fedorovna Krasilnikova  
Senior Specialist, Main Division for Domestic Trade

Vera Ivanovna Plakhotnik  
Senior Specialist, Domestic Trade Regulation Division

Almira Yarovna Wildanova  
Specialist, Protocol Service/Translation Division

Gulnar Sattarova  
Head, Contracts/Legal Division

Arslan Zeinullovich Moldakhmetov  
Chief, Department of Multilateral International Economic Cooperation

Ermak Erzheparovich Dzherenbaev  
Specialist, Department of Multilateral International Economic Cooperation

Dimash Bazhirov  
Specialist, Imports/Special Products Division

Gulnara Bayar Surimanova  
Press Secretary

\*all participants are from the Ministry of Industry and Trade of Kazakhstan



## INTERNATIONAL LAW INSTITUTE

*Participant List*  
*Seminar on Negotiating and Implementing International Trade Agreements*  
*Bishkek, Kyrgyzstan*  
*November 9-18, 1994*

Igor Urevich Kim  
Associate  
Industrial-Commercial Center "Tazalyk"

Abdusatar Pazylovich Sarybaev  
Supervisor  
Firm "Kyrgyzexpertiza-South"

T. B. Mamasadykov  
Deputy Director of Marketing  
Stock Company "Almekh"

Azamat Isabekov  
Manager of Sales  
"Areopag-Bishkek" Joint Venture

Nurbek Berkulovich Elebaev  
Associate  
Chuisk Economic Company

Rastanbek Turdievich Tagaev  
Associate  
Chuisk Economic Company

Kurmanbek Afindievich Sulaimanov  
Associate  
Chuisk Economic Company

Yevgenia Vladimirovna Petrukhina  
"Eco-Resource" Cooperative Firm

Emil Melsovich Kadyrov  
Director of Marketing  
"Berekyinvest" Joint Stock Investment Fund

Elvira Selimovna Pavlova  
Deputy General Director for Foreign Economic Relations  
Scientific-Industrial Center of National Medicine

Aleksandr Vasilyevich Safonov  
Chairman of the Board  
Firm "Olimp"

Valerii Anatolevich Gerzha  
Specialist, Information Department  
Kyrgyz-German Trade House

Kalyibek Kadyrbenovich Jakynbekov  
Commercial Director  
Karabaltinskaya Garment Factory

Telek Ilyebaevich Jakipov  
Director  
"Kramstroibishkek"

Sergei Vasilyevich Zemlyakov  
Manager  
Joint Venture "Areopag Bishkek"

Salikh Katyrbekovich Murzayev  
Deputy Director  
National Information Center

Nurilya Usenbekovna Barakanova  
Specialist  
Trade House "A and K"

Abdikalil Tokoyevich Tokoev  
Deputy Head  
National Patent Division

Mirbek Shakirov  
Student, Department of Diplomacy and International Law  
International University of Kyrgyzstan

Oyuna Umuralieva  
Student, Department of Diplomacy and International Law  
International University of Kyrgyzstan

Ilya Esenovich Sultanbekov  
Private Businessman

Murat Mambetoliev  
Executive Director  
Joint Stock Company "Kyrgyzzagropromimpex"

Almaz Osmonolievich Ismankulov  
President of the Association of Ophthalmologists  
Association of Medical Enterprises

Shamil Ifatovich Mukhamedvaliev  
Tourism Expert  
"Dostuk-Trekking"

Veronika Urevna Kormilitzina  
Tourism Expert  
"Dostuk-Trekking"

Kanatbek Chalinbeavich Imunaliev  
Economist  
State Committee for Geological Exploitation and the Conservation of Oil

Natalia Gabduljavatovna Kadyrova  
Manager  
American-Kyrgyz Joint Venture "Alibet-Space"

Yelena Borisovna Tsepilova  
Engineer, Division of Foreign Economic Relations  
Frunze Machine-Building Factory

Sergei Urevich Pavlenko  
Engineer, Marketing Division  
Frunze Machine-Building Factory

Erik Ilkhmovich Khafizov  
Head of the Department of Foreign Economic Relations  
State Company "Kyrgyzaltyn"

Ernest Saidliev  
Head Specialist of the Supply Division  
State Company "Kyrgyzaltyn"

Taalaibek Satyevich Soodonbekov  
"Show-Business" Private Businessman

Yulia Borsovna Tolstova  
Head Production Engineer  
Republican Scientific-Industrial Medical Center

Samil Rafikovich Tukhvatulin  
Head Specialist on Marketing and Foreign Economic Relations  
Business Project "Kun"

Tatiana Evgenyevna Satkevich  
Head of the Department of Foreign Economic Relations  
Stock Company Trade House "Ai-Churek"

Talaibek Aidarbekovich Bigeldiev  
Private Businessman

Valentin Vladimirovich Eirikh  
Director for Foreign Economic Relations  
"VOOST"

Elvira Ivanovna Mertz  
Attorney  
"VOOST"

Nadezhda Germanovna Mukhortova  
Head of the Department of Foreign Economic Relations  
Trade House "A and K"

Vladimir Borisovich Petrenko  
Deputy Director of Commerce  
Stock Company "Ak-Tilek"

Viktor Vladimirovich Tavuzhnyanskii  
Director  
"Electromedtehnika"

Igor Anatolyevich Masyagin  
Director  
"Solveig"

Jamalbek Rafikovich Turgunbekov  
Associate  
Agricultural Firm "Belek"

