



SUMMARY AND PARTICIPANT EVALUATION

Services Negotiations: Scheduling Commitments
Bangkok, Thailand (April 28, 2006)



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On April 28, 2006, in Bangkok the ASEAN-US Technical Assistance and Training Facility conducted a workshop on the scheduling of services commitments. 89 participants from ASEAN Member Country governments and the ASEAN Secretariat attended, exceeding the 59 that had registered with the ASEAN Secretariat in advance.

High interest in the workshop is attributable to the fact that ASEAN Member Countries are in the process of negotiating their fifth package of services liberalization commitments under the ASEAN Framework Agreement on Services (AFAS), with final offers due by the end of July. In addition to trade officials, many others attending the workshop were from government agencies expected to make commitments in the negotiations. The AFAS essentially follows scheduling techniques and rules of the General Agreement on Trade in Services (GATS) of the World Trade Organization. The goal is to produce a consolidated set of commitments among ASEAN countries that would represent a "GATS-plus" outcome, reflecting existing obligations under GATS and additional liberalizations made within ASEAN.

The workshop was conducted by Richard Self, a principal associate at Nathan Associates. Mr. Self was the Chief US Negotiator for Services during the Uruguay Round, one of the drafters of the GATS, and has extensive experience in dealing with the services industry on trade issues. He organized the workshop with the objective of combining the basic scheduling rules of GATS commitments with a more sector-specific dimension relating scheduling rules to the particularities of specific services sectors.

Over half of the day was spent addressing specific sector issues relating to the scheduling process in six sectors: healthcare, telecommunications (basic and value-added), maritime transport, construction, business services (including the professions), and tourism. Participants were presented with principal issues that arise in negotiating commitments then worked in six sector groups to draw up a draft schedule of commitments and issues that might be unique to their respective sectors. A representative from each of the groups presented the results. Mr. Self commented on the results, highlighting areas of strengths and potential weaknesses.

This interactive session enabled participants to confront the familiar issues associated with regulation and gave them a practical, hands-on experience in writing obligations or limitations, as the case would be, for each of them. As a final exercise, the same groups were given a scheduling "examination" to produce draft schedules that balance the inevitable pressures of a services trade negotiation, where the prerogatives of the regulator and those pressing for a more liberal regime conflict. Mr. Self critiqued the widely different outcomes of this problem, assessing the likely consequences of either scheduling too liberally or imposing an excess of conditions and limitations.

ASEAN Government representatives were attentive and active participants in the workshop. They posed a number of important technical and policy questions. While the session lasted until late on a Friday afternoon, only a small number of them departed before its conclusion.

Participants gave all four sessions much higher than average scores of around 4.5 out of a top score of 6. The vast majority agreed that the course used a good mixture of lecture and interactive discussion. The most popular sessions were those that involved sector specific work and, not surprisingly, the area in which participants would have liked to spend more time was on scheduling commitments in specific sectors.

Suggestions and ideas for follow up activities include:

- Workshops to be held at the national level targeting trade and government agencies involved in services negotiations;
- Longer workshop of 2-3 days so more time can be devoted to background issues for those with less experience, followed by sector specific work that would devote more time to specific examples, role playing, negotiations simulation;
- Advisory service/support group to respond to technical questions.

Following is the agenda for workshop, the Table of Contents of the course binder materials, and a summary of the evaluations submitted by participants.

Agenda

ASEAN-US Technical Assistance & Training Facility

Services Negotiations: Scheduling of Commitments Seminar

April 28, 2006

Bangkok, Thailand, Swissotel Le Concorde

8:30 – 9:00	Arrival/Registration/Coffee
9:00 – 9:30	Welcome, Introduction, Course Overview , <i>James Wallar</i>
Session 1 9:30 – 10:45	Overview and Approaches to Scheduling , <i>Richard Self</i> <ul style="list-style-type: none">— Classification of measures— Market access, national treatment, additional commitments and horizontal commitments— Terminology in services schedules— Positive/negative lists— Nature of commitments (firm, phased, conditional)— Autonomous scheduling
10:45 – 11:00	Coffee Break
Session 2 11:00 – 12:00	Scheduling Modes of Delivery , <i>Richard Self</i> <ul style="list-style-type: none">— Examples for each mode— Potential issues
12:00 – 1:00	Lunch
Session 3 1:00 – 2:00	Scheduling Issues in Specific Sectors , <i>Richard Self</i> <ul style="list-style-type: none">– Overview of sectoral issues– Considerations for specific sectors<ul style="list-style-type: none">- Business services- Telecommunications- Logistics and transport- Healthcare- Tourism- Financial Services
Session 4 2:00 – 3:00	Negotiating—An Interactive Session , <i>Richard Self</i> <ul style="list-style-type: none">— Information gathering discussion (what does a negotiator need to know beforehand)— Conventions in tabling or revising offers— Scheduling commitments exercise
3:00 – 3:15	Coffee Break
3:15 – 4:45	Negotiating—Interactive Session (continued) <ul style="list-style-type: none">— Offers, reporting and debrief
4:45 – 5:00	Wrap-up/Evaluations

Contents

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TAB

- 1 **Agenda**
- 2 **Overview and Approaches to Scheduling**
- 3 **Scheduling Modes of Delivery**
- 4 **Scheduling Issues in Specific Sectors (*Break-out*)**
- 5 **Negotiating—an Interactive Session**
- 6 **Selected Resources on International Trade**
 - Guide to reading the GATS schedules of specific commitments and the list of article II (MFN) exemptions (WTO website, 2006)
 - Modalities for the Treatment of Autonomous Liberalization (Adopted by the WTO Special Session of the Council for Trade in Services on 6 March 2003)
 - Guidelines for the Scheduling of Specific Commitments under the General Agreement on Trade in Services (WTO, S/L/92, 2001)
 - Services Sectoral Classification List, World Trade Organization (MTN.GNS/W/120)
 - Trade Related Resources on the Web, Nathan Associates, 2005
- 7 **Acronyms and Glossary**
- 8 **Evaluations**

Evaluation

ASEAN-US Technical Assistance & Training Facility

Services Negotiations: Scheduling of Commitments Seminar

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Your answers to this questionnaire will help us to improve our training programs. Thank you for taking the time to fill it out.

Personal data

Countries of representation: Brunei Darussalam, Cambodia,
Lao PDR, Malaysia, Philippines,
Thailand, Vietnam

Presentations

On a scale of 1 to 6, please rate how informative each session was for you. A rating of 6 indicates that you found the session highly informative; a rating of 1 that you did not find it informative.

Session	Presentation	Average
1	Overview and Approaches to Scheduling	5
2	Scheduling Modes of Delivery	5
3	Scheduling Issues in Specific Sectors	4
4	Negotiating—An Interactive Session	4

Subject Matter

Would you like to see more, the same, or less time devoted to the following negotiation topics:

Session	Topic	More	Same	Less
1	Overview and Approaches to Scheduling	15	13	1
2	Scheduling Modes of Delivery	17	11	1
3	Scheduling Issues in Specific Sectors	25	4	0
4	Negotiating—An Interactive Session	15	12	2

General Questions

1. What part of this course did you like the most?

- Scheduling Modes of Delivery (7 people)
- Scheduling Issues in Specific Sectors (5 people)
- Overview and Approaches to Scheduling (5 people)
- I found the overview on approaches and scheduling useful because this is the 1st CCS for me
- The general information and the scheduling of commitments
- Interactive Session.(3 people)
- Exercise part (group discussion)
- Exercise when the group fill in the table for sub-sector and apply to 4 modes
- Table top exercise
- Scheduling Commitments exercise
- Since everyone is of different standard, I'm not sure how applicable this is to them.
- Presentation on/Introduction/explanation/suggestion/comments on case study on making offers/commitments
- Whenever examples were given in elaboration
- Handout availability for future reference

2. What part of this course did you like the least?

- More technical than basic introductory
- Very general review on scheduling approach/introduction
- Overview and Approaches to Scheduling (2 people)
- Scheduling Modes of Delivery (Session 2)
- Negotiating - An Interactive Session.(2 people)
- Plain lecture session
- Interactive session
- Importance of scheduling services commitments correctly

3. What other topics would you like to see included?

- Meaning of none, unbound in different sectors
- Different between horizontal and specific commitments
- Horizontal commitments
- Trade related terms, what they mean, how they can be applied etc. (e.g. what is economic needs test, how to use it, when etc.)
- Emergency safeguard measures and economic needs test
- Technically not feasibility, how to use it, when etc.
- This sort of workshop fit for one day
- How to engage with non-government organizations
- More depth on scheduling of commitments
- Some historical background on how the schedule of commitments came about would be useful in helping the participants understand the rationale for having their services increased, and why the document will consist in putting all the info together
- Scheduling exercises
- Negotiation skill and best practice
- Preparing to negotiate services
- How to assess offers, i.e. if a trading partners offer is better or comparable to one's offer
- Negotiation on offers and requests course
- Experience from developed countries in making commitments
- More example, sector specific examples
- Case studies with regards to issues in implementing phases of commitment
- Example of scheduling specific sectors such as transport sector
- Very complicated examples on specific commitments/offers which could fulfill domestic and external requirements
- Actual examples
- Mutual Recognition Arrangements (MRAs)
- Coverage of Modes 1-4, N/A, NT (full explanation)

- Specific commitment
- Trade in services
- Relevant issues on:
 - Program on WTO in relation to ASEAN cooperation
 - ASEAN's future global interaction
- Economic integration issues as in bcc as an example for ABC (as ASEAN Free Trade Area)

4. Did this course use a good mix of lecture and interactive discussion?

- Yes (**15 people**)
- Yes, but more realistic examples required.
- Yes, excellent.
- Yes, in addition to that, more discussion on case studies or case mix would be fruitful.
- Yes but more time could be given to the course.
- Yes, in some ways.
- Certainly
- Yes. It makes more understand.
- Good
- OK
- Not really
- More lecture less interactive.

5. What sorts of follow-up activities for this course would you find useful?

- Training workshop
- Giving trainings
- Workshop
- Maybe more training course concerning CCS matters
- Similar course provided/held in each ASEAN Member Country maybe useful because each country has its own concerns.
- After the first round of negotiation within ASEAN Member Countries, there should be a seminar
- Whether the commitments are correctly made
- National workshop in individual ASEAN Member Countries
- I really appreciate the organization of this seminar and wish to have one like this at a national level together with an advisory service mentioned on 5. Or at least advice given by the resource person
- The course should take longer time. Maybe 2 or 3 days so that more issues can be raised
- Presenting an overview of all aspects of Trade in Services
- Advisory service to assist individual ASEAM Member Country to improve their scheduling of commitments
- Question & answer about the work - negotiation done, so to improve the second round etc.
- Online consultation/contact/support group
- (Mr. Richard Self) via email is allowable
- Communication channel for exchanging experience/information/point of view on practical issues time for preparing presentation of group take much time. It leads to not enough time for lectures
- Role play in negotiation skills
- Negotiating - An Interactive Session
- Negotiation simulation exercise
- For interactive session/practical session, it must be more clear instruction given
- Group discussion
- Scheduling
- Inputs on how to address some critical issues on tabling the measures
- Classify into different target group:
 - Less experiences: details background + more practices, example
 - More experience: advanced information
- Summing up or consolidating all types of limitations countries can come up with
- Go to more depth by taking several sectors as a target

Thank you for filling out this questionnaire. Additional comments on any aspect of this course are welcome.