



SUMMARY AND PARTICIPANT EVALUATION

ASEAN Mutual Recognition Agreements Workshop
Bali, Indonesia (September 14-15, 2006)



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Mutual Recognition Agreements (MRAs) allow for the mutual recognition of qualifications of professional and skilled labor service providers, thus allowing them to provide their services in countries party to the MRA. The ASEAN Mutual Recognition Agreements Workshop followed a meeting of the Coordinating Committee on Services and attracted nearly 100 participants. The attendees included trade policy officials, experts from other government agencies and the private sector including nurses, architects, accountants, engineers, land surveyors, and tourism specialists. High interest in the workshop was attributed to the fact that ASEAN is in the process of negotiating several MRAs. One MRA was concluded last year on engineering services; another is being finalized on nurses, while others are scheduled to be finalized next year.

The workshop covered the treatment of MRAs in the General Agreement on Services (GATS), the essential elements of an MRA and how an ideal MRA would function. Two trade specialists presented the workshop: Mr. Andrew Stoler, the Executive Director of Adelaide University's Institute for International Trade and former Deputy Director-General of the World Trade Organization (WTO), and Mr. Richard Self, a principal associate at Nathan Associates and one of the authors of the GATS. Sessions were devoted to describing existing MRAs both from a trade policy perspective when they are part of a broader trade agreement, such as a Free Trade Agreement, and from a sector point of view when the MRA is designed to promote cooperation among professionals. A key point that emerged from these discussions was that MRAs don't necessarily need government involvement, particularly when the professional sector concerned is not highly regulated, such as tourism. Private organizations can rely on peer pressure to ensure compliance with the agreement.

Following the presentations and discussions, participants divided into five groups representing different professions (architects, doctors, accountants). Each group was tasked with devising an MRA that would take into account differences in education, certification and experience qualifications to recognize professionals as authorized service providers in the MRA signatory countries. After the sector groups presented and critiqued their draft MRAs, the facilitators presented each group with a problem specific to their MRA topic area and asked how it could be resolved. Each group presented their solutions, demonstrating how their MRA might work in practice.

ASEAN has an ambitious agenda of negotiating a number of MRAs to open up the provision of services cross borders under the ASEAN Framework Agreement on Services. Many of the participants are presently engaged in working through the practical aspects of an MRA for their sector. Thus, the sessions were lively. ASEAN MRAs do not permit unqualified acceptance of home market credentials for the service provider, but rather recognize some qualifications so that the service provider need not "start at the beginning" to meet the host country professional requirements. For example, education degrees may be recognized, obviating the need for remedial courses, but passing an examination in the host country language may still be required.

Participants ranked all of the sessions a 5 out of a possible 6. Discussions of the concept of the MRA and how to construct an ideal MRA were to most popular of the sessions. Participants would like to have more discussion of practical issues arising from the administration of an MRA, particularly those being negotiated in ASEAN, and how to settle disputes.

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 Mutual Recognition Agreements Workshop
September 14–15, 2006, Bali, Indonesia

Day 1

	8:30–9:00	Arrival, registration, coffee
	9:00–9:15	Welcome and introduction TBD
Session 1	9:15–10:00	Overview of trade-in-services negotiations <i>Richard Self</i> <ul style="list-style-type: none">— WTO— ASEAN and others
	10:00–10:15	Coffee break
Session 2	10:15–12:00	Concept of mutual recognition arrangements (MRAs) <i>Richard Self</i> <ul style="list-style-type: none">— Definition of MRA— Implications for trade— Other techniques to<ul style="list-style-type: none">– Authorize imported service (e.g., unilateral “equivalence” determination); and– Gain market access (e.g., partner in host country)
	12:00–1:00	Lunch
Session 3	1:00–2:15	MRAs in trade agreements <i>Andrew Stoler</i> <ul style="list-style-type: none">— GATS— ASEAN— APEC— EU and other regional trade agreements
	2:15–2:30	Coffee break
Session 4	2:30–4:30	Elements of MRAs <i>Richard Self</i> <ul style="list-style-type: none">— Educational standards— Testing, certification, licensing— Governance— Harmonization of practices and regulations
	4:30–5:00	Wrap-up and evaluations

Agenda

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Day 2

	8:30–9:00	Arrival, registration, and coffee
Session 5	9:00–10:30	Ideal MRA and practical issues <i>Richard Self</i> <ul style="list-style-type: none">— Important elements of MRA— International and regional standards— Compliance and enforcement— Supervisory cooperation— Information exchange
	10:30–10:45	Coffee break
Session 6	10:45–12:00	Sector examples <i>Andrew Stoler</i> <ul style="list-style-type: none">— Engineering— Architecture— Nursing— Medical practitioners— Accounting— Finance and insurance— Land surveying— Tourism professionals— ICT, telecommunications
	12:00–1:00	Lunch
Session 7	1:00–2:45	Interactive session 1 <i>Richard Self and Andrew Stoler</i> <ul style="list-style-type: none">— Information-gathering discussion— Devise an ideal MRA
	2:45–3:00	Coffee break
Session 8	3:00–4:30	Interactive session 2 <i>Richard Self and Andrew Stoler</i> <ul style="list-style-type: none">— MRA dispute— Reconciliation and settlement
	4:30–5:00	Wrap-up and evaluations <i>Andrew Stoler</i>

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ASEAN-US Technical Assistance & Training Facility

ASEAN Mutual Recognition Agreements Workshop

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- 7 **Sector Examples**
- 8 **Interactive Sessions**
- 9 **Wrap-up**
- 10 **Selected Resources on International Trade**
 - ASEAN Engineers MRA, including appendices
 - GATS Guidelines for MRAs (S/L/38) with GATS Article VII attached
 - Australian MRA GATS Notification Examples
 - o S/C/M/67
 - o S/C/N/101
 - o S/C/N/102
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 - Selected Portions of the EC MRA Directive (Directive 2005/36/EC)
- 11 **Acronyms and Glossary**
- 12 **Evaluations**

Evaluation

ASEAN-US Technical Assistance & Training Facility
ASEAN Mutual Recognition Agreements Workshop
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Bali, Indonesia

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

Country of Representation

Brunei Darussalam, Cambodia, Indonesia, Lao PDR,
Malaysia, Philippines, Thailand, Singapore, 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 of Trade in Services Negotiations <i>Richard Self</i>	4
2	Concept of Mutual Recognition Arrangements <i>Richard Self</i>	5
3	MRAs in Trade Agreements <i>Andrew Stoler</i>	5
4	Elements of MRAs <i>Richard Self</i>	5
5	Ideal MRA and Practical Issues <i>Richard Self</i>	5
6	Sector Examples <i>Andrew Stoler</i>	5
7	Interactive Session I	5
8	Interactive Session II	5

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 of Trade in Services Negotiations	19	26	8
2	Concept of Mutual Recognition Arrangements	20	29	5
3	MRAs in Trade Agreements	21	30	2
4	Basis for MRAs	17	31	4
5	Ideal MRA and Practical Issues	34	19	1
6	Sector Examples	28	20	3
7	Interactive Session I	16	29	0
8	Interactive Session II	14	28	0

General

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

- Concept of MRA (10 participants)
- Interactive Sessions (9 participants)
- Ideal MRA and Practical Issues (8 participants)
- Sector Examples (4 participants)
- MRAs in Trade Agreements (3 participants)
- Elements of Ideal MRA (2 participants)
- Basis for MRAs (2 participants)
- Overview of Trade in Services Negotiations
- Sector Examples and Interactive Sessions
- Discussion after the presentations
- Updates on WTO, GATS & MRAs
- The document, hand-out
- All or multiple sessions
 - Since I am new in the area, I view that all courses are very essential to me.
 - Interactive Sessions, for the mental exercise
 - Most of them are OK
 - Concept of MRAs, MRAs Trade Agreement, Elements of MRAs
 - Ideal MRA and Practical Issues because it gives us the practical experiences, so that we can foresee the problems
 - All about MRA and Trade Agreements
 - 2,5,6,7

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

- None (4 participants)
- Overview of Trade in Services Negotiation (4 participants)
- Sector examples (4 participants)
- MRAs in Trade Agreements (2 participants)
- Concept of MRA (2 participants)
- Introduction-Session 1: find a different way; maybe more of wrap-up in session 1
- The fact that the discussions least interactive

- Ideal MRA and Practical Issues
- No local examples of ASEAN context and no in-depth practical issues.
- Examples of local scenario & Relevancy in local/regional context.
- 1,4
- Interactive Session II
- Interactive Session I

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

- WTO (3 participants)
- Process of MRA
- A model of a step-by step process of MRA, complete with display of the documentation
- Actual implementation of MRA
- Outcomes of the MRA whether there are possibilities of the outcomes
- More on disputes and inconsistencies in MRAs
- Practice of some MCs
- The dynamic of MRA in each sector and between countries
- Government regulation in some developed countries
- Examples of successful MRA, in ASEAN and others
- Take a signed MRA - criticize it/compare it with GATS-MRA guidelines
- MRA: "Agreement" vs. "Arrangements", the difference and their legal implications as to binding (the level of binding)
- Advantages and disadvantages
- Problems in implementations of MRAs
- Specific egs. Of MRAs
- Critical analysis on an ASEAN MRA
- Negotiations
- How to deal with potential disputes and possible sanctions - more examples
- Sanctions on violations of MRA
- Actual case studies of dispute settlements in MRA
- The impediments of MRA among ASEAN now
- Overview of practicing MRAs implementation
- More practical issues of consolidation of experiences on formation, operation and enforcement of MRA
- The link between development of MRAs and improvements in commitments, especially Mode 4
- The solutions for putting MRAs into force in countries which lack of relevant laws and regulatory/administrative units
- Professional exchange related to MRAs
- Overview of Trade in Services Negotiations and Ideal MRA and Practical Issues
- MRA for legal expert

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

- Yes (33 participants)
- Just right
- Good
- I think so
- Not bad
- Yes it did. However it might be better if more time is spent for interactive discussion.
- Yes it did. The exercises need to be more exciting.
- OK except should have included item 3
- Too rigid, should involve more case studies

- Not really, more interaction is encouraged
- Not very
- Not really

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

- Training on how to set up the MRA & Training on how to resolve MRA's dispute
- Training on dispute on MRA; training on WTO commitments
- WTO and GATS issues
- Go into negotiations
- Some kind of negotiation skill learning course
- Organize a subsequent workshop with in-depth practical issues, taking into consideration of ASEAN context
- MRA specifically as it applies to ASEAN's future and present settings
- If possible, ASEAN-US Facility could add hot topics for the region, such as (i) roadmaps for integration of services to no. 15; and (ii) how to develop logistics services
- Ideal MRA and Practical Issues
- Ideal MRA and Practical Issues; Sector Examples; Interactive Session I + II
- Questionnaire follow-up the MRA in ASEAN CCs for the next 6-12 months
- Need more guidelines/instruction and measures to accelerate the MRA implementation
- Approached for MRA on lawyers.
 - Add necessary items in drafts of currently developed MRAs in ASEAN
 - Set up measures/policies to link MRAs with improvement in commitments
 - Have channel/address to get consultation/advise when necessary
 - Prepare or add to master plans/regulations/policies items related to MRAs
- Another workshop in more specific sectors
- A workshop on MRA on more specific sectors
- Interactive sessions are adequate
- Interactive session are already fine enough
- Uncertain
- Session developed from suggestions in answers to question 2
- Session 5 and materials under question 3 (problems in implementation of MRAs)
- Not so much a follow-up activity but an addition to this course, I would find thorough review in detail of current implemented MRAs, on their success and problems
- Updates on MRA, cases and situation that can be discussed on current MRA
- Should check sound systems for next seminar
- Mr. Self, would you mind to speak louder, please
- More participation from all, giving inputs to enhance overall discussion
- Feedback from participants with regards to application/implementation of knowledge gained from the workshop in MRA activities
- Since it is done at the ASEAN level (macro), it may be very useful if it can be done by the same resource persons at the country level. During the 1st day of the 48th ASEAN CCS Meeting, we discussed what need be in the MRAs of four sectors (e.g. ENG'G, Surveying, Architecture and Accountancy). This workshop on MRA could have been more helpful in held during the 1st 2-days of the CCS Meeting
- None on follow-up but rather a suggestion on the conduct of the workshop before the drafting of the coming MRAs for other sectors aside from engineering, architecture and nursing
- Technical assistant & training on Trade, Liberalization in WTO and more about MRAs
- None on follow-up but rather a suggestion on the conduct of the workshop before the drafting of the coming MRAs for other sectors aside from engineering, architecture and nursing

- Information exchange
- The basis for MRAs; experiences from other cases; the common suggestion for implementing MRAs in ASEAN
- Presenters at the workshop are experienced and full of academic background. They have conveyed major information to audience successfully. Moreover, they answered persuading questions revised by participants.
- The speaker is an experienced expert. The method of teaching is good.
- More specific examples as well as running over whether MRA is more/less important in the current prevention of trade agreement
- The funding from USAID for participants from developing countries such as Lao, Cambodia, Vietnam is useful. In the future, we need more funding for more participants
- Assistance of ASEAN-US Facility towards less developed countries (CLV) is highly appreciated. It has created great opportunities for these countries to strengthen capacity and integrate more effectively.

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