



A HANDBOOK ON NEGOTIATING PREFERENTIAL TRADE AGREEMENTS

SERVICES LIBERALIZATION

PIERRE SAUVÉ // SIMON LACEY

The secretariat of the ESCAP is the regional development arm of the United Nations and serves as the main economic and social development centre of the United Nations in Asia and the Pacific. Its mandate is to foster cooperation between its 53 members and 9 associate members. It provides the strategic link between global and country-level programmes and issues. It supports governments of countries in the region in consolidating regional positions and advocates regional approaches to meeting the region's unique socio-economic challenges in a globalizing world. The ESCAP secretariat is located in Bangkok, Thailand. Please visit the ESCAP website at www.unescap.org for further information.



The shaded areas of the map are ESCAP Members and Associate members.



ARTNeT

Asia-Pacific Research and Training Network on Trade (ARTNeT) is an open regional network of research and academic institutions specializing in international trade policy and facilitation issues. IDRC, UNCTAD, UNDP, and WTO, as core network partners, provide substantive and/or financial support to the network. The Trade and Investment Division of ESCAP, the regional branch of the United Nations for Asia and the Pacific, provides the Secretariat of the network and a direct regional link to trade policymakers and other international organizations. For more information, please contact ARTNeT Secretariat at artnetontrade@un.org or visit www.artntontrade.org

A Handbook on Negotiating
Preferential Trade Agreements

Services Liberalization

Pierre Sauvé // Simon Lacey

A Handbook on Negotiating Preferential Trade Agreements: Services Liberalization

United Nations publication

Copyright © United Nations 2013

All rights reserved

Manufactured in Thailand

ISBN: 978-974-680-355-7

ST/ESCAP/2657

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area, or of its authorities, or concerning the delimitation of the frontiers or boundaries.

The opinions, figures and estimates set forth in this publication are the responsibility of the authors, and should not necessarily be considered as reflecting the views or carrying the endorsement of the United Nations, ARTNeT members, partners or authors' employers.

Mention of firm names and commercial products and services does not imply the endorsement of the United Nations.

All material in this publication may be freely quoted or reprinted, but acknowledgement is required, together with a copy of the publication containing the quotation or reprint.

The use of the publication for any commercial purposes, including resale, is prohibited, unless permission is first obtained from the Secretary of the Publication Board, United Nations, New York. Request for permission should state the purpose and the extent of reproduction.

This publication has been issued without formal editing.

Foreword

Services play an important role in the development of many economies of the Asia-Pacific region. It is not only service sectors that are large employers in many countries; many services are critical inputs in local production and trade. Therefore the efficiency of service sectors contributes significantly to the productivity of other economic activities across all major sectors of agriculture, industry and the service sector itself. Policies that have an impact on the efficiency of the service sector in developing countries are among of the most important policies determining the competitiveness of traded products and services, and the economy in general.

Although the share of Asia-Pacific as a whole in global exports and imports of commercial services rose to almost 30 per cent in 2012, trade in services is still relatively less important than exports of merchandise. Compared to global figure where the services account for slightly more than 25 per cent of total exports, this share for Asia-Pacific only amounted to 20 per cent in 2012. As demonstrated by the effects of the persistent global economic downturn since 2008, merchandise trade is much more susceptible to contraction of growth and demand than services trade. Thus, creating larger services trade potential is an important developmental goal of developing economies in the Asian and Pacific region.

Services entered multilateral trade rules through the negotiation of the Uruguay Round of GATT, and were supposed to be deepened and enhanced with the establishment of the World Trade Organization and the continued evolution of the General Agreement on Trade in Services. However the stalled Doha Development Agenda negotiations affected services in the same way as other areas under the multilateral regime (in fact, no progress has been made since 1995). However, given the importance of services for production and trade, the policymakers then changed tracks and started to place the services trade liberalization into the preferential trade agreements. As a result, building capacity to conduct the preferential services trade negotiations became an urgent priority for many developing economies in the region. Building this capacity is even more complex than in case of general trade policy formulation and negotiations due to the high heterogeneity of services activities and the many actors involved in provision and consumption of services.

ESCAP has developed a reputed evidence-based trade policymaking capacity development programme, and since 2000 more than 3,000 government officials have undergone the training in different trade-related areas. Thus, the ESCAP secretariat in partnership with the secretariat and members of Asia-Pacific Research and Training Network on Trade (ARTNeT) was able to put in place a series of workshops covering different components of the preferential negotiations for services trade. What resulted from those training sessions and work with government officials, the private sector, analysts and other stakeholders, was that the success of negotiations, the implementation of the modalities and development impacts depended crucially on the preparation of negotiations as well as the process of continuous consultation and coordination prior, during and after conducting negotiations. The importance of this fact impressed governments so much that they demanded a guidebook to lead them through that complex process; this handbook has been prepared in response to that request.

This handbook was prepared by Pierre Sauv  (ARTNeT advisor on trade in services and investment) and Simon Lacey, both of whom have designed and delivered workshops and worked closely with selected governments to provide tailored advice on services negotiations.

The handbook is a practical introduction to preparing to negotiate preferential trade agreements. It is aimed particularly at those who may not have extensive negotiating experience, and it seeks to explain the main steps needed to arrive at an agreement, make it enter into force and monitor its implementation. One special value of this handbook is in its coverage of the preparatory

stages for negotiations. Moreover, given the lack of resources and capacity in most developing (and especially least developed) countries to address these concerns, this handbook offers ideas and presents the experiences of other countries (often those that are well versed and successful in this area) as well as opportunities arising from utilization of Aid for Trade in this context.

The handbook is one of a series of publications that have been issued by ESCAP to be used as guides and manuals in policymaking. It is hoped that this latest handbook, as the other similar publications, will become a lasting reference and inspiration-builder for policymakers in the region.

Ravi Ratnayake

Director

Trade and Investment Division

CONTENTS

| | |
|--|------|
| Foreword | iii |
| About the authors | ix |
| Abbreviations and Acronyms | x |
| Introduction | xiii |
| Chapter I. Preparing for negotiations | 1 |
| A. Establishing the mandate – political endorsement from the highest levels..... | 1 |
| B. Identifying and mobilizing actors within government | 2 |
| 1. Executive agencies..... | 2 |
| 2. Parliament..... | 5 |
| C. Consulting with stakeholders outside of government..... | 7 |
| 1. Private sector..... | 8 |
| 2. Civil society..... | 12 |
| 3. Some process-related comments on stakeholder consultations..... | 14 |
| D. Conducting research on the trade policy regime of future PTA partners..... | 15 |
| 1. Market access reports..... | 15 |
| 2. Reports prepared by international organizations..... | 16 |
| 3. Other sources..... | 19 |
| 4. Requests made by PTA partners and stakeholder consultations..... | 20 |
| E. Determining desired development outcomes..... | 20 |
| 1. National development plans..... | 21 |
| 2. Formulating negotiating outcomes for development..... | 23 |
| F. Performing a trade-related regulatory audit..... | 24 |
| 1. Promoting understanding between trade negotiators and regulators..... | 25 |
| 2. Benchmarking the domestic regulatory regime..... | 25 |
| 3. Anticipating and preparing for requests..... | 26 |
| G. Some final considerations on preparing for service negotiations..... | 26 |

| | |
|--|----|
| Chapter II. Conducting services negotiations | 29 |
| A. Organizational and procedural issues..... | 29 |
| 1. Placing responsibility for the negotiations to the right hands..... | 29 |
| 2. Delegating responsibilities and process issues..... | 30 |
| 3. Setting the right tone at the start..... | 31 |
| B. Negotiating rules and market access..... | 32 |
| 1. Rules..... | 32 |
| 2. Market access in general..... | 34 |
| 3. Market access: Positive or negative list..... | 34 |
| C. Red lines and negotiating impasses..... | 36 |
| 1. Boundaries of consensus..... | 36 |
| 2. Overcoming negotiating impasses..... | 38 |
| Chapter III. Aid for Trade in services and increasing the capacity for exporting services | 43 |
| A. Aid for Trade to improve negotiating capacity..... | 43 |
| 1. Aid for Trade and institutional negotiating capacity..... | 44 |
| 2. Aid for Trade and process-related aspects of improving negotiating capacity..... | 47 |
| 3. Other considerations on improving negotiating capacity and Aid for Trade..... | 48 |
| B. Aid for Trade to improve the management of market opening..... | 49 |
| 1. Sequencing of market opening and Aid for Trade..... | 49 |
| 2. Aid for Trade, market opening and adjustment assistance..... | 51 |
| 3. Aid for Trade and sound regulatory practices..... | 53 |
| C. Aid for Trade to boost export capacity..... | 55 |
| 1. Aid for Trade and market access..... | 55 |
| 2. Policy frameworks for foreign direct investment and promoting services exports..... | 57 |
| 3. Commitments on the movement of natural persons..... | 60 |
| Chapter IV. Implementation, monitoring and enforcement | 61 |
| A. Implementing preferential trade agreements..... | 61 |
| 1. Domestic consensus and implementation of preferential trade agreements..... | 61 |

预览已结束，完整报告链接和二维

<https://www.yunbaogao.cn/report/index/report?reportI>