

Session 4: Best Practices – The Negotiating Process

Lead Speaker (2nd): Nella Tavita-Levy, MFAT, Samoa (20 minutes)

Samoa is the most recent LDC to have concluded the accession process and became the 155th Member on 10th May 2012.

It is only appropriate then to provide an initial reflection of our experience of the negotiating process. I will refer only to some of the key suggested guidelines for the session.

(i) Working Party Chairperson

The chairmanship of the Working Party on the Accession of Samoa has remained with the delegation of Japan since the establishment of the Working Party in 1998.

Mr. Yoichi Suzuki (Jan 1999 — May 2009)

Ms. Kuni Sato (May 2009 — July 2010)

H.E. Mr. Shinichi Kitajima (July 2010 — Feb 2011)

Mr. Atsuyuki OIKE (Feb 2011 - Oct 2011)

It was important that the chairmanship remained with Japan to ensure continuity of the work that had been undertaken. The Working Party completed its mandate on 28 October 2011, under the chairmanship of Mr. Atsuyuki Oike. His active engagement and management of the work of the members of the Working Party, the Secretariat and the officials from Apia was a key contributing factor to the conclusion of our work.

(ii) Bilateral Negotiating Track:

a. initial/revised market access offers & Secretariat consolidation of concluded Bilateral Market Access Agreements

- Initial offers in goods and services were submitted on 30 August 2001
- All goods negotiations were completed and signed in May 2011
- All services negotiations were completed and signed in October 2011
- Note: negotiations of goods and services were not done in isolation of each other. Members (US) used one to leverage the other. Important therefore to find compromise which can be achieved if one has a clear understanding of national priorities and interests versus WTO rules.
- The consolidated schedules were circulated to Members in November 2011

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- It was not possible for Samoa to have undertaken negotiations on goods and services without assistance. The consolidation of the schedules requires the expertise of the Secretariat
- b. strategy and management
 - early conclusion with close trading partners (ANZ); and the use of their High Commission Offices in Apia to facilitate negotiations;
 - electronic communication used to an extent; exchange of letters and occasional meetings in Geneva;
 - informal meetings
- c. "good offices"/ facilitation of Working Party Chairpersons and the Director-General;
 - absolutely necessary

(iii) Multilateral Negotiating Track:

- a. managing multilateral discussions/dialogues on trade regime
 - early conclusion with key partners and have them as allies at the multilateral level
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- b. meetings of Working Party

Samoa has only had two formal WP meetings. The first meeting in 2001 under the chairmanship of the first chairperson; and the second and final meeting under Mr Oike's leadership. All other meetings were held on an informal basis. This informal arrangement proved useful to progress work and we would encourage this for remaining LDCs in accession where relevant.

- c. documentation: Q&R, commitment paragraphs, legislative action plans

For the most part of the 13 years of our accession, Samoa had gone through a cycle of “Questions and Answers” which provided the basis of updating the Working Party Report, each time the Q&A were formally circulated to Members. The answers provided in these documents are not only crucial in shaping the text of the report but also determines the next cycle of questions from the Members.

(iv) regular contact with the WTO Secretariat

- Accessions division
- Experts for Goods, Services & Intellectual Property

(v) observership of other Accession Working Parties

Samoa did not participate as an observer in other accession parties except on two occasions on the accession of Vanuatu, one of which was the final meeting of the reconvened working party in October last year.

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