Research and Analysis

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FIRST STEP...

THE MOST IMPORTANT THING TO DO ......

IS.....

“TO KNOW WHERE WE ARE AND WHO ARE WE NEGOTIATING WITH”
PREPARE DOSSIER/PROFILING

What kind of information that are needed?

- General information (population, area coverage, federal & states, neighbouring countries)
- Trade statistics (export & import volume, GDP etc.)
- Trade regime (services and investment) – comprehensive inventory
- Sensitivities
- FTAs/RTAs signes with Investment and Services Chapters

Own country dossier

FTA partner dossier

INVENTORY MUST INCLUDE:

- Coverage of all investment and services which will include liberalised and closed sectors
- All existing laws, regulations and rules or any other measures regulating investment and services sectors
- List of investment and services sectors that are of interest to Malaysia as well as sectors that are sensitive or strategic (what needs to be carved out)
- All State measures governing investment and services sectors that are under their purview
- Identifying all modes of supply for services

COMPREHENSIVE INVENTORY

INVENTORY MUST INCLUDE:
Reference to commitments made through past practice and FTAs, IGAs, BITs
Prepare matrix of comparison
Useful to look at disputes/cases – to keep abreast
Look into past requests or publicly available documents such as TPR, OECD Report
Match up with sensitivities
Consultations with relevant stakeholders
Elimination process

INFORMATION IS KEY

The same template is normally used by ALL services & investment negotiators – this is how information is saved & shared, the template has been improved over practice due to the number of negotiations that Malaysia has been engaged

Analysis is normally carried out in-house. There are times, depending on the trading partner, mid-way through negotiations, due to either complexity of the issue, limited time & resources, an analysis maybe outsourced

Approach for a particular negotiation may be influenced by the Lead Negotiator role – depends on experience and background
Similar practice is used in multi-party negotiations

IN GENERAL
ELIMINATION PROCESS

Once a comprehensive inventory has been drawn up: need to determine whether there is any sensitivity in investment and services sectors.

Identify exclusions for certain types of investment and services, based on past practice and FTAs etc.

THANK YOU