

JAPAN INTERNATIONAL COOPERATION AGENCY (JICA)

DEPARTMENT OF TRADE NEGOTIATIONS (DTN)

MINISTRY OF COMMERCE

THE KINGDOM OF THAILAND

No.

**The Capacity Building Program
on
the Implementation of the WTO Agreements
in
the Kingdom of Thailand**

**FINAL REPORT
(SUMMARY)**

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Abbreviation

1. WTO relate issues

WTO	World Trade Organization
AD	Anti-Dumping
CVD	Countervailing Duties
DSU	Dispute Settlement Understanding
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
GRP	Good Regulatory Practice
MFN	Most-favored Nation
SCM	Subsidies and Countervailing Measures
SG	Safeguard Measures
SPS	Sanitary and Phytosanitary Measures
TBT	Technical Barriers to Trade
TPRM	Trade Policy Review Mechanism
TRIM	Trade-related Investment Measures
TRIPS	Trade-related Aspects of Intellectual Property Rights
AFTA	ASEAN Free Trade Area
AFAS	ASEAN Framework Agreement in Services
ASEAN	Association of South East Asian Nations
APEC	Asia-Pacific Economic Cooperation
ASEM	Asia-Europe Meeting
ISO	International Standardization Organization
WIPO	World Intellectual Property Organization

2. Government of Thailand related issues

DBE	Department of Business and Economic
DFT	Department of Foreign Trade
DIP	Department of Intellectual Property
DTN	Department of Trade Negotiations (former DBE)
IPIT	Intellectual Property and International Trade

TISI Thai Industrial Standards Institute

TDRI Thailand Development Research Institute

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I. Introduction

1. Backgrounds, Objective, Scope and Target of the Program

1.1 Objective of the Program

The objective of this program is to conduct capacity building activities on the implementation of duties under WTO Agreements¹ to developing countries, which face many kinds of challenges, such as introduction of domestic laws/regulations consistent to the Agreements and human resource development. The activities include training for the government officials and strengthening of administrative functions, which facilitate the implementation of WTO Agreements.

1.2 Background of the Program

1.2.1 WTO and Developing Countries

In 1995, World Trade Organization (WTO) was established as a successor organization of General Agreements on Tariffs and Trade (GATT). The Uruguay Round Agreements, which was the last comprehensive negotiation rounds under GATT, put member countries under several duties and commitments on international trades. In addition to the agreements on boarder measures (tariff and non-tariff barriers), the newly agreed “General Agreements on Trade in Services (GATS)” and “Agreements on Trade-Related Aspects of Intellectual Property Rights (TRIPS)” require Member Countries to harmonize their domestic regulations. Also the Agreement on Technical Barriers to Trade (TBT) starts to cover all member countries comprehensively (under the GATT framework, TBT was only applied to ratified countries separately) and developing countries, which have not yet finished to establish domestic legal regimes in this fields, have found the difficulties to implement their duties under TBT.

The positive participation of developing countries are essential for keeping and developing the WTO-centered multilateral free trade regime. However, a lot of developing countries have faced various problems based on their deficits of human, legal and financial capacities.

It is not rare to hear recently the negative impacts of economic globalization based

¹ “Implementation of duties under WTO Agreements” will be described, hereinafter, as “implementation of WTO Agreements.”

on the facts that many developing countries have not received the benefit of multilateral free trade regimes. However, a lot of economic analyses show that trade liberalization expand the trades among countries, which lead the increases of employment, the active private sectors, and the developments and dynamic inflows of new technologies, and have positive impacts on the alleviation of poverty and the promotion of economic development in developing countries. For their economic developments, it is fundamental for developing countries to liberalize their domestic markets according to their development stages, to join international free trade regimes and to receive the full benefits.

1.2.2 Launch of “Doha Development Agenda”, the WTO new round of negotiations

On November 2001, the WTO fourth Ministerial Meeting at Doha adopted the Ministerial Declarations to launch “Doha Development Agenda” and stressed the importance of the due consideration for developing countries. In particular the WTO Ministers focused on the importance of the capacity buildings for developing countries and showed their understandings for the needs of capital funds, bilateral cooperation, coordination with other international organizations, and technical assistance in information technology fields. Based on this agenda, the developed countries have begun to plan the contents of the capacity building programs, which may expand their target countries.

In order to participate free trade regimes consistent with the national interests and to receive their merits continuously, it is necessary for developing countries to plan and enforce their trade policies effectively from the aspects of long-term interests. This requires developing countries to take information on the present status and future estimates of their export competitiveness and trade situations, to make and enforce their industrial policies including imports and exports strategies, and also to implement the WTO Agreements on the pace that their domestic capacities permit. However, many developing countries have unstable political and social factors and fragile economic and industrial infrastructures, which make developing countries difficult to design clear and fair policies based on both the mid- and the long-term aspects. It is needless to say that the WTO Ministers have already recognized these situations and the serious concerns from developing countries, and declared the above-mentioned Doha Development Agenda.

1.2.3 Japan's Initiative in APEC

The Japanese Government proposed, at the Meeting of APEC Ministers Responsible for Trade in June 2000, to maintain and develop multilateral trade regimes through encouraging developing economies to build and strengthen their domestic legal and administrative infrastructure for implementation of the WTO Agreements. On November 2000, APEC Ministerial Meeting and informal Leaders' Meeting, based on the survey of the need for developing economies in APEC, approved "the APEC Strategic Plan," which intended to build developing economies' capacity for implementation of the WTO Agreements. This plan was then transferred to bilateral assistance regimes for the implementation of specific assistance in Thailand, Indonesia, Malaysia and the Philippines.

Based on "the APEC Strategic Plan," Japan International Cooperation Agency (JICA) established the "Committee on the Capacity Building to Implement the WTO Agreements in APEC" and conducted the needs surveys for Thailand, Indonesia, Malaysia and the Philippines from December 2000 to March 2001.

1.3 Scope of the Program

1.3.1 Countries/ Agreements

This Program covers the capacity building for the implementations of WTO Agreements in Thailand as well as Indonesia, Malaysia and the Philippines, which are regarded as mid-developed countries in their market/economic development stages. The issues to be covered within this Program are within the scope of existing Agreements of WTO so that the legal framework is already in force for some extent. Therefore, the "new issues" such as trade and investment, trade and competition policy or trade and environment are out of the scope of this Program.

1.3.2 Scope of the Program under the agreement between the Government of Thailand (S/W)

The Scope of Work agreed between the Government of Thailand and the Preliminary Study Team of JICA on July 2, 2001 and identified by JICA after the first fiscal year (April 2002) were as follows:

1. Institutional building of the Department of Trade Negotiations, Ministry of Commerce (former DBE) related to WTO Agreements implementation (Development of information-sharing system)
 - (a) Designing overall information-sharing system
 - (b) Designing and development of a Pilot System (P/S)
 - (c) Management of the P/S and technical transfer
 - (d) Development of recommendation
2. Capacity building for the implementation of GATS (General Agreement on Trade in Services)
 - (a) Study on present situation
 - (b) Organizing workshops
 - (c) Development of recommendation
3. Capacity building for the implementation of the Agreements on AD/CVD (Anti-Dumping/Countervailing Duties)²
 - (a) Study on present situation
 - (b) Organizing workshops
 - (c) Development of recommendation
4. Capacity building for the implementation of the Agreement on TRIPS (Trade-Related Aspects of Intellectual Property Rights)
 - (a) Study on present situation
 - (b) Consultations for development of training curriculums
 - (c) The trainer's trainings
 - (5) Development of recommendation
5. Capacity building for the implementation of the Agreement on TBT
 - (a) Study on present situation
 - (b) Organizing workshops
 - (c) Development of recommendation
6. WTO capacity building in general
 - (a) Submitting the Inception Report, the Interim Report and Work Plans
 - (b) Assist counterpart session in Tokyo
 - (c) Summing up, review and evaluate the overall program, Organizing Wrap-up Seminar, Submitting the Draft Final Report and the Final Report

1.4 Major Issues and Target of the Program

This program focused on knowledge transfer activities as a pilot project in addition to field-studying and making recommendations on targeted countries' domestic structures for implementation of the WTO Agreements. Knowledge transfer activities, such as organizing workshops, seminars and training of trainers, making materials and

² While the "Agreement on Subsidies and Countervailing Measures(SCM)" is the correct name of the Agreement, in this program, the term "CVD" (Countervailing Duties) is commonly used as "Agreement on CVD" or "CVD Agreement", as well as "Capacity Building for CVD" and "CVD measures".

curriculums for continuous domestic education, and strengthening institutional infrastructure for inter-governmental information exchanges, were undertaken.

This program used Japanese experiences in multilateral trade regimes and its human resources in governments, academics and industrial societies. The contents of each program were decided by tailor-made approaches based on the surveys of the targeted countries' current situations and problems, and follow-up activities were also enacted following each knowledge transfer activities.

The concept of the aims of this program, challenges of Developing countries and the background behind them can be shown as the figure 1-1-1.

In order to implement these kinds of knowledge transfers effectively, the following points were considered.

1) Due consideration to the domestic situations of targeted countries

It is important for effective knowledge transfers to analyze the needs and problems of targeted countries and to design tailor-made programs. Also, especially in Thailand, local experts who understood local languages and had a full of knowledge on domestic situations were also assigned in part for effective analysis.

2) Identification of the targeted beneficiaries and appropriate response to their needs

The targeted beneficiaries had different level of knowledge, abilities and skills. This program made clear the directly targeted beneficiaries, analyzed their needs and designed each knowledge transfer program.

3) Recommendations of activities continued after the program and of sustainable institutional capacity

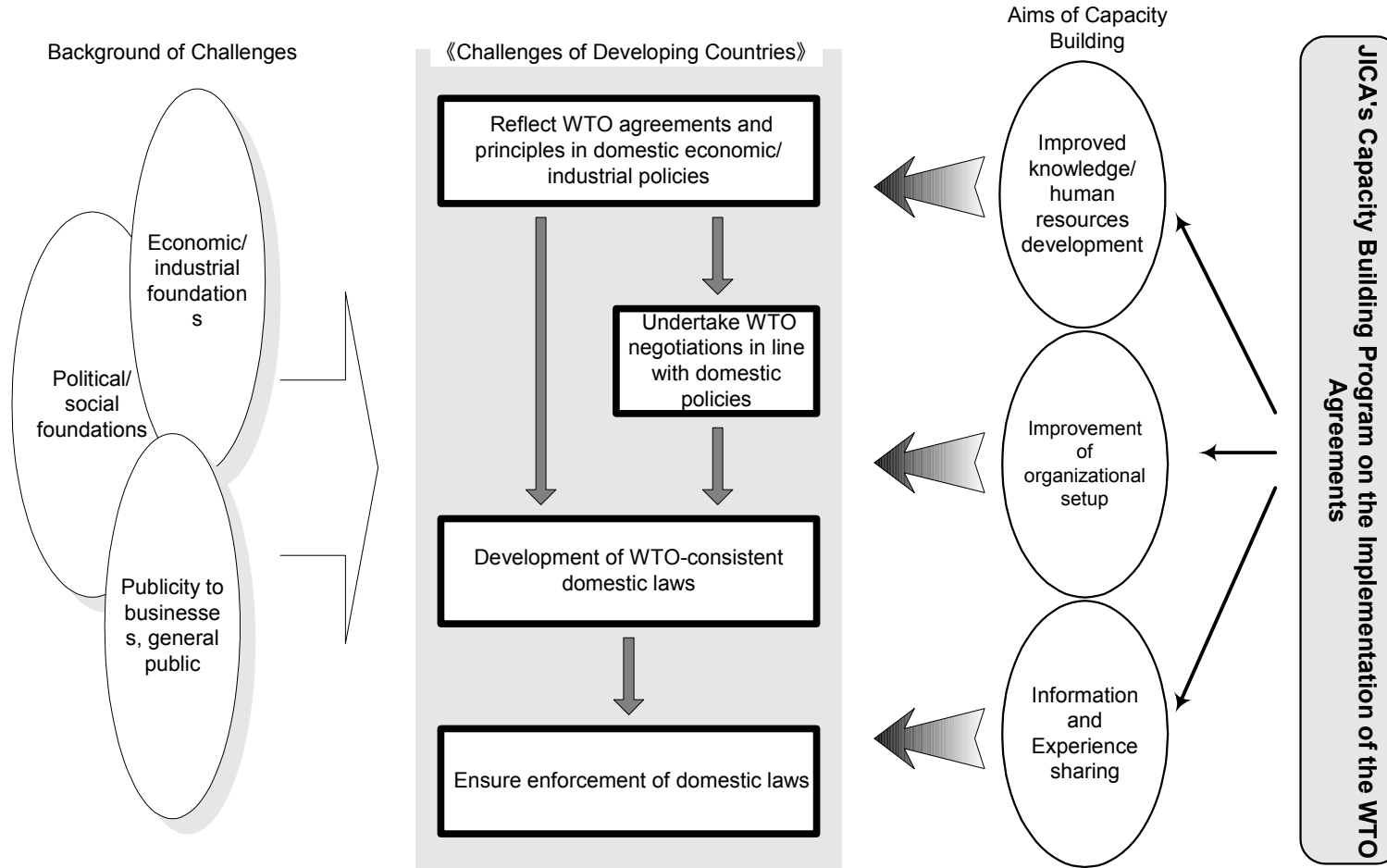
Each component encourages targeted countries to examine the activities continued for sustainable capacity buildings and also made a recommendation from these aspects. In particular, it is note to worth that information sharing systems and materials/curriculums for TRIPS have been utilized continuously.

4) Targeting the capacities to deal with the duties under the WTO Agreements

This project targeted practical knowledge transfers to strengthen the capacities of related persons in Thailand. From this aspect, various activities were undertaken, such as analyzing the effect to apply the WTO Agreements to domestic legal systems, sharing Japanese experiences to implement the WTO Agreements, transferring knowledge

related to institutional systems and know-how in Japan, and advocating WTO related information.

Figure I-1-1 Capacity Building on the Implementation of the WTO Agreements



2. Thailand's Policy and Institution of WTO-related Areas/ Present Situation and Challenges in Implementation of the WTO Agreements

2.1 Current Economic and Trade Situation and WTO related policies

After the hardship arose from the crisis in mid-1997, Thailand has been promoting structural reforms on financial sector to accelerate consolidation of banks, to encourage private investment, to re-capitalize financial institutions through public fund, and to promote private asset management enterprises. In the Ninth National Economic and Social Development Plan over 2002-2006, which came into force on October 2001, major focus is put on "balanced development" of human, social, economic, and environmental resources. The pursuance of good governance is also stressed at "all levels of Thai society in order to achieve real sustainable people-centered development". On the economic perspectives, promotion of economic stability and sustainability as the prior objective, it is stated that the Government shall take initiative to restructure its economy by strengthening the financial sector and fiscal position creating "a strong and self-reliant economy at the grassroots level". As for the economic growth, it is targeted 4 to 5% of annual average growth rate. In the trade area, it is pursued for annual average rate of export growth at 6%.

2.1.1 Economic Situation

The Thai economy, after the crisis, has been recovering from the transient slowdown. Although it marked at 4.6% growth (approx. 3,000 bil. Baht in total of GDP amount) in the year 2000, the growth rate in 2001 has come to rest at 1.8% as factors causing sharp slowdown of private consumption observed in the latter half of 2000.

Figure I-2-1 Gross Domestic Product at 1988 price

Bil Baht									
	1993	1994	1995	1996	1997	1998	1999	2000	2001
GDP	2,471	2,693	2,942	3,115	3,073	2,750	2,872	3,005	3,059
Agriculture	255	266	277	289	287	283	289	303	307
Non-Agriculture	2,216	2,427	2,665	2,826	2,786	2,467	2,583	2,702	2,751
GDP	-	9.0%	9.2%	5.9%	-1.4%	-10.5%	4.4%	4.6%	1.8%
Agriculture	-	4.2%	4.0%	4.4%	-0.7%	-1.5%	2.2%	4.8%	1.6%
Non-Agriculture	-	9.5%	9.8%	6.1%	-1.4%	-11.4%	4.7%	4.6%	1.8%

* figures in 2000 & 2001 are preliminary indication

Source: National Economic and Social Development Board (NESDB), 2002

As for the agricultural sector, it stopped at 1.6% growth rate in 2001 contrasting from 4.9% growth in previous year due to downturn in rubber and forestry sectors³. As for the non-agriculture sector, slowing down trend is also observed due to dragging down by export-oriented industries affected by the slump in the world trade and economy. However, domestic-oriented industries, namely automobiles and construction materials, have remained steady covering some loss in other areas in response to domestic demand triggered by governmental economic stimulus policies.

2.1.2 Trade Situation

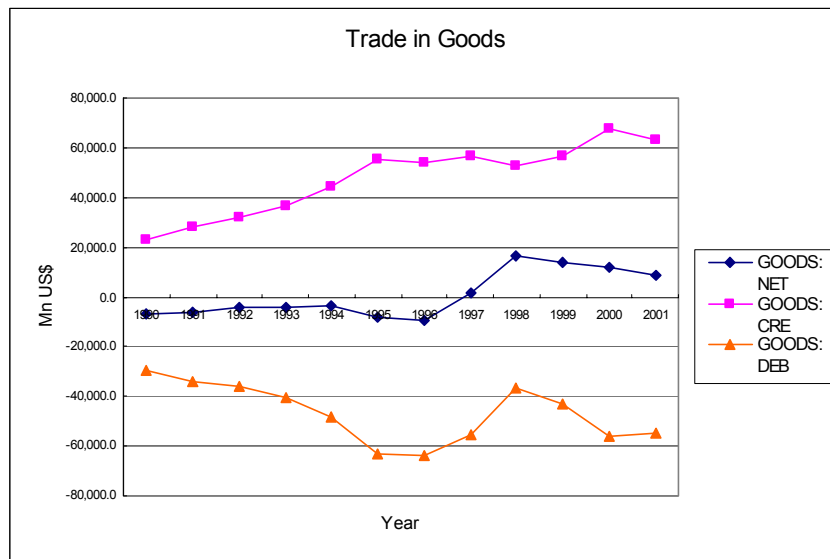
(1) Trade in Goods

Trade growth has been steadily recovering after the hardship of the crisis. However, the global economic downturn, notable decline in economy in the United States and Japan where approx. 35.0% share of Thai total export counts, affected Thai export performance. The total amount of US dollar base export in 2001 leveled approx. 63 bil. US\$ which is the fall by 6.9% from previous year level. The trade balance has remained surplus but decline by 54.0% and amounted approx. 2.5 bil. US\$. Notable decrease has been observed in the IC export by 21.0% drop. On the contrary to the overall slump trend in export, the automobile parts and frozen poultry export growth has

³ According to the annual economic analysis by the Bank of Thailand, keen downturn is also pointed out in crops sector due to decline of rice production in addition to rubber and forestry sector. However, Figure 1-3-2 indicates upward figures both in crops and rice sector. It may be resulted from inclusion of vegetable and fruit figures in this indication.

been continuously steady. As for the import side, total amount leveled at approx. 55 bil. US\$ and 2.8% drop from the previous year. The contraction in consumer goods import is drastic, notably durable goods such as electrical appliances, which fell by 24.4%.

Figure I-2-2 Trends on Trade in Goods

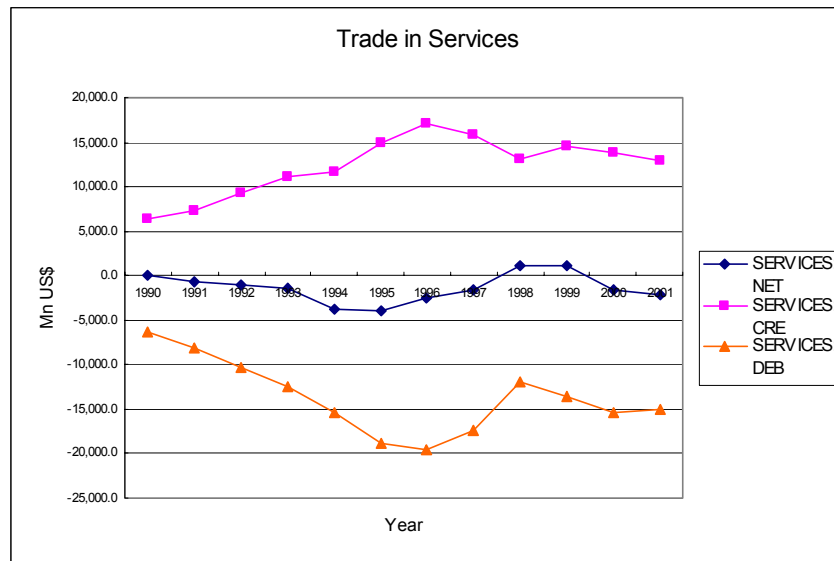


Source: IMF, "Balance of Payments Statistics Yearbook", 2002

(2) Trade in Services

Trade in services peaked in 1996 at approx. 17 bil. US\$ export amount has shown decreasing trends. In 2001, services export amounted approx. 12 bil. US\$ contraction by 7.1% from the previous year. In the overall decreasing trends of services export, the decline of "other business services" which share is approx. 20.0% of total services export decline is notable at contraction by 11.3% in addition to the drop by 6.5% in "tourism" which share is approx. 11.3% of total.

Figure I-2-3 Trends on Trade in Services



Source: IMF, "Balance of Payments Statistics Yearbook", 2002

2.1.3 WTO related policies

It is the Department of Trade Negotiation (DTN)⁴ at the Ministry of Commerce (MOC) that has the primary responsibility on coordination with other Ministries and governmental agencies in terms of trade negotiations and related activities, such as those in the WTO, as well as formulation and recommendation of trade policies. DTN consists of 8 respective Bureaus according to issues and/or regional scope. WTO related issues are dealt in the Bureau of Multilateral Trade Negotiations and the Bureau of Trade in Services Negotiations. The Government of Thailand, primarily DTN, is promoting its WTO related trade policies as follows.

⁴ DTN has been formed at the organizational change in October 2002. It was previously the Department of Business Economics (DBE). This organizational change established an additional WTO activities related Bureau, Bureau of Trade in Services Negotiations, to deal with specifically trade in services issues.

(1) WTO related Trade Policies

(a) Tariff Reform

The tariff reform initiated in 1990 has converged in 1997 with reduction in number of tariff-rate categories from previous number of 39 to 6 with the average tariff rates being reduced from 30.0% to 17.0%. As a result of the financial reform package in 1999, import duty surcharge and import duties on 639 items were removed. The further restructuring is to simplify the tariff categories into 3.

(b) Improvement on Customs Services

With regard to the simplification on customs services, it has been conducted over documentation on express shipment and introduction of Electronic Data Interchange (EDI). The GATT/WTO customs valuation system has also been implemented. And, basically, all the import licenses have been eliminated since 1995 to promote freer importation.

(c) Improving Domestic Measures reflecting on Provisions of TRIPS, TRIMs, GATS

With regard to Intellectual Property (IP) related laws and regulations, a series of amendment procedure has been completed on domestic laws and regulations to comply with TRIPS. In the area of investment, Board of Investment has phased out local-content requirements since 1993. The scheme has been eliminated at current situation. Liberalization on foreign capital participation has also conducted. The Foreign Business Act (FBA) has been introduced in 2000 and has realized greater market access in this respect.

(2) Regional Trade Policies

The Government of Thailand has been actively promoted regional trade cooperation scheme under adherence to the WTO principles. Notably, activities in ASEAN, APEC, and ASEM are the major focus in its trade policies for more liberalized international trade. In ASEAN/AFTA scheme, it has realized reduction of average tariff rate to at 9.7% in 1999, which is lower than MFN average tariff rate at over 18%.

In year 2000, its average AFTA tariff rate has been reduced to 7% level.

Among other undertakings, Thailand has been also active to assist regional trade development into Mekong region countries. In the GCS-EC (Greater Mekong Subregional Economic Cooperation) scheme with cooperation of ADB (Asian Development Bank), it is promoting regional development among Cambodia, China (Yunnan Province), Myanmar, Laos, and Viet Nam in terms of exchange in trade related information, elimination of non-tariff trade barriers, facilitation of investment, and establishment of bilateral trade agreements. With regard to bilateral trade agreements, Thailand has already conduct 34 agreements.

(3) Further Promotion of Trade Policies

Thailand supports and is continuously pursuing for development of free trade and trade liberalization under WTO multilateral trade system. Thus, its trade policies are to conform its principle.

2.2 Strengthening institutional aspects related to implementation of WTO agreements 《Component 1》

The ultimate goal of the technical assistance for “Component 1” is to build Thailand’s institutional capacity to fulfill WTO agreements through sharing WTO-related information (WTO information, as well as information related to domestic laws and regulations, etc.) and with other related efforts to strengthen functions within the administrative orientation. The support will be provided for sharing information, in particular, as a core strategy to strengthen institutional capacity. For this purpose, a pilot system for information sharing is to be developed and operated as a means of strengthening the institutional capacity of DTN (Department of Trade Negotiation), which is initially and solely responsible for implementing WTO agreements and coordinating governmental ministries and agencies, in order to gather and organize WTO-related information and information related to domestic legislations, as well as to coordinate other related governmental agencies more efficiently. Recommendations for tackling future challenges will be based on the results of this technical assistance.

2.2.1 Current conditions and issues of WTO-related information management in DTN, Ministry of Commerce

All WTO-related information, which DTN personnel collected and prepared, is presently organized and stored in paper form. The method of managing information is left to the discretion of the respective person in charge. Thus, all information is personally controlled. In addition, management of lists and procedures where information is stored and how it is classified are not centralized. It is difficult to determine the location and find information controlled by other personnel in charge when he or she is not available. This is very inefficient. It also delays and hinders business operations. At the same time, information that should be shared is not actually shared.

Many requests for providing information are received in the bureau for WTO from other bureaus in DTN, other departments in the Ministry of Commerce, and other governmental agencies, which often require much more time than expected. In addition, information exchange itself currently consumes an enormous amount of time because the approval process requires checks by many personnel in the process. As long as the approval process is conducted on paper media, this situation would not be improved. Furthermore, it is hard to monitor the progress of the approval process.

There are two current problems with the flow and management of WTO-related information: Information is sometimes not shared; although information sharing should be indispensable, and another is that the process of information sharing is inefficient.

Consequently, it is necessary to define access rights for each type of document to allow information sharing according to the access rights.

2.2.2 Outline of Existing System in DTN, Ministry of Commerce

(1) Network system

The Ministry of Commerce has built and operated an intranet (MOC Network). DTN can exchange and share information via the MOC network like other departments. The network allows access to other governmental agencies by e-mail and browsing of a variety of web sites via the Internet. This network infrastructure, however, has not been utilized for sharing WTO-related information within the agencies of the Thai government.

(2) Information sharing system

The ministry is planning to develop and operate an information sharing system (The paperless system). Aside from specifically for WTO-related information, the DTN realistically is planning a comprehensive information-sharing scheme. After our efforts of interview and information collection, it became clear that those two systems had almost the same functions.

The paperless system (INFOMA), however, was not designed and developed for sharing WTO-related information. It limits users in DTN only, does not allow information sharing with organizations outside DTN, and saves documents not in the document unit but in the business operation unit. Thus, functions required for WTO-related information sharing are not included in this system.

Therefore, the WTO-related information sharing system still must be designed and developed as part of the technical assistance program, but it cannot be independent of INFOMA. It needs to be designed and built with linkage to the paperless system.

2.2.3 Need for Technical Assistance

Grounded on the current issues regarding information flow and management methods as pointed out in Section 3.3.2, technical assistance is required for strengthening the institutional aspects related to implementation of WTO agreements as shown below:

(1) Designing WTO-related Information Sharing System

It is necessary to solve the current operational issues in DTN and to design a WTO-related information sharing system in order to strengthen DTN's institutional capacity related to implementation of WTO agreements by realizing WTO-related information sharing and efficient operational flow. The following elements are essential for developing the system:

- - The system must be capable of adapting to future changes in business operations and information flow.
- - Versatility and scalability are required to share information from fields other than WTO with personnel in other governmental agencies.
- - It is necessary to collect, organize, and centralize WTO-related information, which is currently controlled by individual personnel and to classify and clarify the necessary information.
- - The system should be compliant with the existing document control procedures.

(2) Building a pilot system

The ideal system would achieve information sharing in all Thai governmental agencies that deal with WTO-related information. In actuality, however, it would be difficult to achieve this stage immediately, considering the user conditions in agencies, the current security level of the Internet, and the network environment in Thai governmental agencies.

For this reason, the current needs are to secure a versatile and scalable WTO-related information sharing system, to achieve some of the most required functions under the current circumstances, and to build a pilot system that can actually operate. Above all, there are significant needs for a pilot system to share WTO-related

information currently controlled by DTN with other agencies, as well as sharing the same information within DTN.

(3) Offering technical assistance for system operation and future expansion

To efficiently share WTO-related information and to strengthen the institutional capacity for implementation of WTO agreements, users must fully utilize the system. Technical assistance should be provided in offering sufficient training to MTN personnel and system administrators, who are the main users of the system, so that they can use, operate, maintain, and manage the system.

In addition, technical assistance is needed to improve DTN personnel's abilities to develop and operate the system, so that they can expand the system by themselves in future.

2.3 General Agreements on Trade in Services (GATS) «Component 2»

2.3.1 Present Situation of the Implementation of GATS and Achievement of the Government of Thailand

(1) Present Effort by Department of Trade Negotiations (DTN)* and other Service-related Governmental Agencies

Until the end of September 2002, a few officers in of Multilateral Negotiation Bureau in DBE have been primarily responsible for GATS issues. They have been providing necessary information from Geneva to various related agencies and coordinating positions related to GATS negotiations within the Government. In October 2002, Trade in Services Bureau was newly established within Department of Trade Negotiations (DTN, former DBE), to cover not only GATS issues but also service-related issues in ASEAN and APEC, other regional frameworks.

DTN has been organizing service-related governmental agencies for the sake of sharing information with regard to GATS. In addition to daily information provision, before and/or after Council for Trade in Services in WTO, results and current discussion will be updated to the service-related governmental agencies from DTN.

Other service-related governmental agencies that handle specific service sectors or issues have various experience, knowledge and interest on GATS. However, it has been generally observed that most of them face difficulty to deal with GATS issues

DTN and other service-related governmental agencies provide seminars and meetings with their industry on ad-hoc basis. Except “Financial Services Liberalization Team” organized by Fiscal Policy Office, there is no framework to exchange information in periodical basis.

(*) Note: Department of Trade Negotiations has succeeded main tasks of Department of Business Economics (DBE) since October 2002. Within the same Department, Bureau of Trade in Services Negotiations is responsible for service-related issues including GATS, while Bureau of Multilateral Negotiations is in charge of all the other WTO issues.

(2) Thailand's Commitments under GATS and other framework for service liberalization

Through the Uruguay Round and following sectoral negotiations on basic telecommunication and financial services, the Government of Thailand has made a certain level of commitments with broad coverage, which in turn provide a principle for revision and introduction of the domestic laws/regulations. Under current negotiation, like other members, Thailand is at the stage to consider its possible offers. One of the issues to be considered is how to incorporate the autonomous liberalization in other international fora, such as the ASEAN Framework Agreement on Services (AFAS).

(3) Service Industry Policies and Economic Situation

Service sectors such as distribution, telecommunication and financial service have an important role to provide infrastructure for all industry including manufacturing. Therefore, provision of effective services with low cost and high quality will contribute to competitiveness to the country. Among board service sectors, the Government of Thailand seems to put priorities on financial and telecommunication sectors in connection with GATS, among other services sectors. Introduction of foreign capitals and competition is reported to the latest Trade Policy Review Meeting.

Based on the latest date available for five ASEAN countries, service economy of Thailand is expressed as middle position with regard to service ratio in GDP, service export per GDP, service sector productivity, but fifth in employment and real growth in service. The total of service GDP is 58.0% in 2001, and GDP of financial services is 17.2%, showing stable figures since 1998. As for the tourism services, often expected effect to other service sectors by developing countries, both GDP ratio and export ratio are high among ASEAN 5. Mid/long-term development of the service sector should be sought.

2.3.2 Needs of Capacity Building

GATS negotiation has been proceeding during the period of this Capacity Building Program. The coverage of discussion on GATS issues has been broadening, and each issue has been developed in depth. Furthermore, after "initial requests" from member countries have been submitted in mid-2002, service-related governmental

agencies have been facing new challenge to deal with them.

Generally, GATS caused challenges to the members because of following characteristics:

- 1) the framework of GATS is rather complicated, leaving some flexibility for each member country to decide the commitments of liberalization, and provisions not easy to understand,
- 2) the sectoral coverage of GATS is broad and service sectors differ from one to another,
- 3) the economic and industry policies of each member country are directly related to the GATS liberalization.

Therefore, certain needs exist in members to:

- 1) deepen understanding on GATS disciplines and rules,
- 2) broaden involvement of service-related governmental agencies and industries and facilitate inter-governmental and industry-government coordination and discussion,
- 3) draw a ground picture of economic/industry policies and place the SERVICE-work in it, and
- 4) not only follow the state of play but also make use of GATS negotiation for own economy.

(1) Needs of the Government of Thailand for the Capacity Building on GATS

DTN identified its needs that it is necessary to broaden the understanding on GATS within all service-related governmental agencies, first of all, in order to facilitate the internal coordination when the Government of Thailand deals with negotiations. Also based upon the enhancement of knowledge on GATS in general, it was identified that certain needs existed to develop the practical knowledge in sectoral basis. For example, in telecommunication and financial sectors, implementation of current commitment was one of the interested issues. Sectors with partial commitment or no commitment, needs were observed on issues such as strengthen understanding on 1) flexibility of GATS, 2) relation between sectoral policy and liberalization, 3) current domestic laws/regulations and autonomous liberalization.

2.4 Agreement on Anti-Dumping / Countervailing Duties (AD/CVD) «Component 3»

In 1995, the Minister of Commerce enacted the Notification of the Ministry of Commerce on the Imposition of Anti-Dumping and Countervailing Duties. Subsequently, a new Notification of the Ministry of Commerce on the Imposition of Anti-Dumping and Countervailing Duties B.E. 2539 ("the new Notification") came into force on 14 September 1996. Several WTO Members have pointed out that the new Notification was silent on many of the specific requirements contained in the Agreements. In response to these, a new Anti-Dumping and Countervailing Act (B.E. 2542) became effective in July 1999, providing the legal basis for anti-dumping and countervailing measures. The new Act is in full compliance with the WTO Agreement on the Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (the Anti-Dumping Agreement).

2.4.1 Experiences of AD/CVD in Thai Industries

Thai industries have been frequently subject to anti-dumping measures from various countries. Among these, the experiences of the steel industry, which have the largest number of dumping allegations by foreign countries, are described as follows.

Steel and steel products, in particular pipe-fitting and steel pipes and tubes, have been subject to anti-dumping measures from various countries including the EU, Canada, the United States and Australia as can be seen in the table below. According to local steel producers, a large part of exported steel products from Thailand is in fact reprocessed foreign products – i.e., hot-rolled steel plates– that faced anti-dumping measures from the United States. Since Thailand provide import duties exemptions to exporters steel products, as a result, steel and steel products from Thailand have been subject to countervailing duties from the US.

**Figure I-2-4 Antidumping duty and countervailing duty
(steel & steel products cases)**

COUNTRY	PRODUCT	%AD	%CVD
EU	Pipe fitting (investigation beginning 3 Feb 1994)	58.90 (4 April 1996) expire review April 2001	-
	Pipe fitting (investigation beginning 3 Feb 1994)	6.3-22.1 (11 August 2000)	-
	Welded Tubes (investigation 29 June 2001)	Initial findings pending	-
Canada	Carbon steel welded pipe (investigation 26 July 1991)	14.20-46.50	-
	Hot-rolled steel plate (Investigation 15 Oct 1999)	32- 57.6	1,860 baht/metric ton
Australia	Galvanize steel pipe (Investigation 27 April 1999)	3-33 (as qualification) (9 November 2000)	-
	Steel shelving kits (Investigation 19 April 2001)	DM 47.8% (Final determination) (26 September 2001)	-
US	Fitting pipe - Butt Weld Preliminary review 1999 SUNSET May 1999	10.68-50.84 10.68-50.84	-
	Steel pipe - investigation 17 March 1985 -First annual review (1988-89) -Second annual review (1992-93) -Third annual review (1994-95) -Fourth annual review (1995-96) -Fifth annual review (1996-97) -Sixth annual review (1997-98) -Seventh annual review (1998-99) (preliminary determination) -Eighth annual review (1999-2000) (preliminary determination) -SUNSET (22 August 2000) Annual review	15.67-15.69 de minimis 38.51 15.67-18.04 7.27-29.89 9.52-15.67 1.92-15.67 9.84-15.67 0.24-15.67 1.92-15.67 15.60-15.69 In the process of investigation	-
	Hot-rolled steel plate (investigation 3 December 2000)	3.86-19.72	2.38

Source: Bureau of Trade Interests and Remedies

2.4.2 Present Situation of AD/CVD Implementing Agencies and the Needs for Capacity Building

Bureau of Trade Interests and Remedies of the Department of Foreign Trade (DFT) within the Ministry of Commerce, is the department mainly responsible for implementing AD and CVD Agreements. The Bureau has about 25 officers, who are in charged of dumping investigation, injury investigation, safeguard, issuing rules and regulations on AD/CVD, and so on. Although some officers have a wealth of knowledge and experience on the subject, they recognize the necessity to acquire more knowledge and share them with other officers.

The Bureau provides advice with respect to the procedural requirements, coordinates activities and set up workshops and training courses for businesses concerning the relevant laws and procedures. However, according to private businesses' experience, the frequent transfer of officers within the Office has rendered the services discontinuous and ineffective.

Besides the DFT, the Department of Trade Negotiations (DTN), the Department of Internal Trade (DIT), and some institutes under the Ministry of Industry, like Institute of Steel and Iron and Electrical and Electronics Institute assist local producers to cope with AD investigations by foreign countries.

The TA Consultant Team conducted 1st field survey in Thailand from August 20 to 31 in 2001, to consult with related organizations on the assistant method and agenda to be covered, based on the Inception Report. At the meeting with the Bureau of Trade Interests and Remedies DFT, it requested that a workshop be held to enhance capacity at working level for the officials involved in these issues, as well as a workshop to increase the understanding of the private sector (industries of iron and steel, chemicals, textiles, electrical and electronic machinery). DFT hoped that priority would be placed on the former in particular, and given the considerable existing capacity of DFT, the workshop would need to focus primarily on practical problem-solving.

On the other hand, through the interviews with some industry, wish to build effective mechanism to initiate (or respond to) trade remedies and government's initiative to strengthen the discipline for AD/CVD measures in the new WTO round was expressed.

2.5 Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) 《Component 4》

2.5.1 Present Situation of the TRIPS Implementation in Thailand

In accordance with the transitional schedule that TRIPS requires for entering signatories, the Government of Thailand has worked to bring domestic laws into conformity with the TRIPS Agreement. The necessary legal measures have been developed for TRIPS compliance, and relative domestic organizational structures are also being set in place for their legitimate enforcement. However, in terms of implementation, reality is still left to allow certain disturbance such as many piracies, counterfeits and other illicit goods distributed on the Thai market in infringement of intellectual property rights (IPR), for which protection requires further improvement. In order to enjoy conformity with the TRIPS Agreement, Thailand's need is not only to develop its legal infrastructure, but extended to pay greater attention to its enforcement on IPR preservation. In this program, the current situation of IP legislation and its implementation in Thailand, in relation to the provision of the TRIPS Agreement, were reviewed at the initial stage of the program.

(1) Compliance of Domestic Laws with TRIPS Obligations

Thailand is currently a party to two international agreements in the field of intellectual property: the Berne Convention and the TRIPS Agreement. The current copyright law is consistent with the Berne Convention. The Government of Thailand is at its final stage of revising or drafting all the intellectual property-related laws to comply with the TRIPS Agreement. The following part describes the current status.

The Patent Act was amended in 1999, and it brought the Thai law to fully comply with the TRIPS Agreement. In normal cases, it takes about 3-5 years for an invention patent, 1-2 years for a design patent, and 3-6 months for a petty patent to be registered. This reflects the limited resources the DIP Patent Office is facing. Another problem is that applications of invention patents in Thailand are dominated by foreigners. As a result, about 90% of registered patents belong to foreigners.

The Trademark Act was revised in 1992 to provide stronger protection for trademark and extend the protection to service, certification, and collective marks. Additional amendments in the year 2000 further extends the legal definition of a mark and brings the Thai law to full compliance with the TRIPS Agreement. Currently,

Thailand has not become a party to any international treaty on trademark protection other than the TRIPS Agreement. Enforcement remains a big problem for trademark protection in Thailand, and goods of which trademarks are often infringed include clothes, accessories, watches and toys. Another problem of the Thai trademark system is that cancellations of unused trademarks are generally difficult. These difficulties have frustrated some companies that want to register a trademark that is in conflict with an unused trademark.

The Thai Copyright Act was revised in 1994 and became effective in March 1995. The revised Act is fully consistent with the TRIPS Agreement and the Berne Convention. Problems of copyright in Thailand protection remain in law interpretation and enforcement. Major controversial issues are interpretation of fair use and criminal procedure in suing copyright violators. In addition to the Copyright Act, a Compact Disk Plant Control Bill, designed to enhance the capabilities of the police to suppress production of illicit compact disks, is currently under consideration in the parliament.

The Plant Varieties Protection Act was legislated in late 1999, and it is supervised by the Ministry of Agriculture and Cooperatives. Four types of plant varieties are protected by the Act: new plant varieties, local domestic plant varieties, general domestic plant varieties and wild plant varieties. Plant Varieties Protection Fund will be set up and managed by the Ministry of Agriculture and Cooperatives to assist activities related to plant variety conservation, research and development.

The Protection of Integrated Circuit Layout Design Act came into force in August 2000, and the Trade Secret Act in July 2002. At present, geographic indications are not protected as intellectual property under the Thai laws, even though they are widely used as in the case of Thai rice or Thai silk. Once enacted, these laws bring about the Thai intellectual property regime to be fully consistent with the TRIPS Agreement.

(2) TRIPS-related Agencies in Thailand

Within the government, the Department of Intellectual Property (DIP) within the Ministry of Commerce is primarily in charge of issues related to intellectual property rights as a whole, however many other agencies and organizations are also involved. Currently, the DIP has about 160 officials and 45 permanent workers, and is involved in drafting and revising IP-related legislation, coordinating the suppression of IP violations, disseminating information related to intellectual property, providing a focal point for international cooperation and organizing workshops and training courses. As for education and capacity building, the DIP has a program to educate school children and

the general public. During October 2000-September 2001, for example, the DIP organized twelve basic training sessions in the provincial areas throughout the country, with approximately 150 persons participating in each session. Target audiences were teachers, students and local business people.

The Intellectual Property and International Trade Court (IPIT Court) is a court specializing in adjudicating intellectual property and international trade cases. It has power to adjudicate both civil and criminal cases regarding intellectual property and civil cases regarding international trade. The Court currently has 41 judges and 118 associate judges, who are in charge of IP and IT cases. In the year 2000 alone, more than two thousand criminal actions have been brought before the IPIT Court. Most of the cases are related to violations under the Trademark and the Copyright Acts. The number of civil cases brought before the court during the same time period is considerably smaller. As civil actions tend to be more lengthy and time consuming than criminal actions, right holders usually choose to file criminal complaints.

The Royal Thai Police set up under the Economic Crime Investigation Division a section that specializes in intellectual property protection. The section works closely with the DIP to suppress violations of intellectual property rights. The number of suppression activities against intellectual property violation has increased considerably, however with limited human resources, the Police sometimes unable to handle cases properly and immediately. After the IPIT Court was set up, the Office of the Attorney General also set up a counterpart department, called the Department of Intellectual Property and International Trade Litigation, to handle criminal and civil cases related to intellectual property and international trade. Public prosecutors who are specially trained in the area of IP are assigned to the Department to ensure the efficient and fair prosecution. Since its inception, the Department has successfully handled many cases, however it still faces a lot of problems and finds it increasingly difficult to keep up with high volume of cases. This is particularly problematic since most cases are related to violations of trademark and copyright that involve a large number of small vendors.

In order to implement border measures given in the TRIPS Agreement appropriately, the expected roles and responsibilities of the Customs Department are increasing. However, since smuggling-related work is a big burden for the Thai Customs, Customs officers can spend less time for trademark infringement and copyright piracy cases at this moment. As other intellectual property related agencies, Ministry of Science, Technology and Environment (MOSTE), universities, private enterprises, and private associations exist in Thailand.

2.6 Agreement on Technical Barriers to Trade (TBT Agreement)

《Component 5》

2.6.1. Activities of the Thai Government under the TBT Agreement

In Thailand, Thai Industrial Standards Institute (TISI) is a national standardizing body established under Ministry of Industry (MOI) and member of ISO and IEC. TISI is a secretariat of national committee for ISO, IEC and TBT. To implement the TBT Agreement, TISI has been improving transparency in developing national standards and development procedures of technical regulations, legislated by other ministries and agencies in Thailand. TISI has also been making efforts to align Thai national standards with international standards, and pursuing mutual recognition agreement (MRA) in various areas.

(1) Increasing Transparency

The Thai Government (TISI) has regularly notified the WTO Secretariat of its technical regulations and conformity assessment procedures that do not conform to the technical content of relevant international standards since 1995. A large number of notifications in recent years are related to food and medicine safety regulation.

(2) Harmonization of International Standards

The Government of Thailand has been making efforts on aligning its national standards with international standards. From the individual action plan (IAP) in the APEC forum (www.apec.iap.org), about 14% (298) of the total national standards have been aligned with relevant international standards in the year 2001. The country also aims at aligning its national standards with international standards in priority areas agreed by the APEC Sub-committee on standards and conformance (SCSC). In particular, as of 2000, two national standards have been aligned with international standards in the area of electrical and electronic, fourteen standards in IEC 60335s and one in Standards and Guides (Quality Management).

The TBT Agreement also encourages member countries to participate in the works of international bodies for the preparation of standards. The Government of Thailand has been actively participating in a number of international standard bodies. In particular, TISI, the main governmental agency in the area of standard, is a member of

ISO and IEC. The institute currently holds 65 participating membership (P-membership), 142 observer memberships (O-membership) in ISO/TCs/SCs and 30 P-memberships and 53 O-membership of IEC/TCs/SCs.

(3) Mutual Recognition of Conformity Assessment Procedures

Article 6.3 of the TBT strongly encourages member countries to enter into negotiation with other members for the mutual acceptance of conformity assessment results. In this regard, Thailand is currently involved in a number of mutual recognition arrangements (MRAs), mainly with other APEC members. In July 2002, TISI revised the criteria for product certification, which promotes mutual acceptance of conformity assessment results.

2-6-2 Activities of TISI

The Thai Industrial Standards Institute (TISI) is responsible for the administration of the country's standardization with the objectives of ensuring fair trade practice and elimination of trade barriers. The institute was established under the Ministry of Industry by the Industrial Product Standards Act 1968. According to the Act, the governing body for TISI is the Industrial Product Standards Council. The Council is responsible for policy making, setting the priority of standards to be prepared, recommending qualified persons for the Minister to appoint to technical committees, arbitrating and awarding licenses under its certification scheme.

TISI's main tasks include the formulation of Thai industrial standards, product certification and product registration, laboratory accreditation, and standards information services. It also supervises the implementation of WTO TBT/SPS agreements, participates in international standards activities, and acts as the national enquiry point to answer all the enquiries from other member countries and interested parties. A TBT subcommittee has been set up under TISI in 2001.

2-6-3 Priority Issues for Thailand

(1) Technical Measures Faced by Thai Exported Products

The TBT Agreement has become a topic in the industrial circles when various kinds of Thai products face difficulties to be importing in many countries due to

technical measures, ranging from product labeling, translation of user manual into local languages and electromagnetic interference. Although the number of product items facing such regulations are still smaller than those of sanitary and phytosanitary standards, certain sectors e.g., electrical and electronic industries, are heavily affected by such technical regulations.

(2) The Proposed EU Directives

Recently, the European Union proposed the Directive on Waste Electrical and Electronic Equipment (WEEE) and the Directive on the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (ROHs). It is believed that the two Directives will significantly put Thai electrical and electronic equipment producers at a disadvantageous position in the EU market. The Working Groups have recently been formed in the Thai Government and private sectors with active participation from the Electrical and Electronic Institute and the Federation of Thai Industries (FTI).

II. Capacity Building Activity

1. Overview of the Assisting Programs

This project, deferring from transient training program or equipment & material offering in general, has achieved substantial technology transfer at every stage of its tasks, both at the stage of program formulation process and at the post-program in addition to the actual conduct stage of visible programs.

In this chapter, major reporting was elaborated onto visible program conducted areas. However, it shall be noted that the sections reported as consensus building on objectives and/or agendas of programs are the actual achievement from the program formulation process. The consensus building with counterparts has been achieved through numerous discussions and resulted from various institutional coordination. Along this effort taking process, extensive technical transfer and tasks to contribute institutional strengthening have already been deployed substantially – which shall meet the overall assisting objective of this project as a whole.

The initial directions and framework of programs were outlined at the time of S/W mission; however, the actual programs at the conduct stage has been extensively substantiated and customized through program formulation stage with identification of counterparts' actual needs for capacity building. With regard to recruitment of lecturers, also, it has been effective to enhance the level of customization that the most appropriate personnel have been recruited to match their needs from the wide range of human resources from JICA WTO Advisory Committee, Japanese experts from academics, industries and government, WTO Secretariat related experts, and experts from the third countries.

As for the further capacity building activities at the post-program stage, they are elaborated in the following chapter in the form as recommendations. Those recommendations have been projected through the same tasks as at the program formulation process from the viewpoint of effective utilization of experiences and achievement from this project for the further continuous and sustainable capacity building activities on their self-reliant effort.

Thus, in addition to the achievement of actual assisting programs, as mentioned in the previous introduction chapter, this project has put its major effort to provide the opportunities for further continuous and sustainable capacity building activities after the

project in the form of transferring the operational “system”, which has been constructed under the consistency of tasks at all the stage of programs. The following FigureII-1-1, and FigureII-1-2 are overview of programs and a list of resource personnel engaged with them.

Japanese Government Expert	11
Japanese Academics	3
Japanese Private Sector Expert	13
Third Country Expert	2
Thai Expert	19
Total	48

Figure II-1-1 Overview of the Capacity Building Program

Component	Counterpart	Program Conducted	Evaluation and Recommendations
General Coordination	Department of Trade Negotiation (DTN), Ministry of Commerce	2001.8: Inception Mission 2002.3: Interim Report 02.11.11: Concluding the Program by holding the Wrap-up Seminar 02.12: Final Report	Recommendations are to be drafted from the result of operation after the start-up.
Institution Building	Department of Trade Negotiation (DTN)	2002.6: Installation of "Alpha" Version System 02.9: Installation of "Beta" Version System 02.10: Training for WTO and System Management divisions of DTN 02.10: Final Version System 02.11: Final Training and operation start-up 02.12: Revision of management flow	From the results of the workshops, the evaluation is to be derived and sharing view with the Thai counterpart, the recommendations are to be prepared referring the outcome from the discussion held at the Wrap-up Seminar.
General Agreements of Trade in Services (GATS)	DTN Fiscal Policy Office, Ministry of Finance (financial sector) Ministry of Communication (telecommunication sector) Other relevant Government Offices	2002.2: Two-day Workshop on GATS in general Lecturers: Japanese METI, MOFA, and ex-WTO Director. Organized by DTN(DBE) 02.8: Sector-wise Workshops for finance, telecommunication, tourism and accounting Lecturer: ex-WTO Director Participants: MOF, MOC, TOT, DTN and private sector associations	From the results of the workshops, the evaluation is to be derived and sharing view with the Thai counterpart, the recommendations are to be prepared referring the outcome from the discussion held at the Wrap-up Seminar.
Anti-Dumping (AD) and Counter-veiling Duties (CVD)	Department of Foreign Trade (DFT), Ministry of Commerce	2002.2: Three-day workshop for basics and procedures on AD/CVD Lecturers: Japanese METI, Japanese academics and European lawyers; Participants: staff of DFT 02. 8: Two-day workshop regarding Government-private cooperation Lecturers: Japanese METI and private sector experts Participants: DTN, DFT and Industrial Associations	From the results of the workshops, the evaluation is to be derived and sharing view with the Thai counterpart, the recommendations are to be prepared referring the outcome from the discussion held at the Wrap-up Seminar.
Trade-related Intellectual Property (TRIPS)	Department of Intellectual Property (DIP)	2002.3: Joint meeting of the experts' drafting teams at both Thai and Japan for compilation of textbooks for TRIPS. The six areas with seven items are to be covered by the text book developed 02.9: First draft in English 02.10: Trainers training for Patent, Trade Mark, Enforcement, IP Management and Trade Secret 02.11: Printing the textbooks	From the results of the trainers' trainings, the evaluation is to be derived and sharing view with the Thai counterpart, the recommendations are to be prepared referring the outcome from the discussion held at the Wrap-up Seminar.

Component	Counterpart	Program Conducted	Evaluation and Recommendations
Technical Barriers to Trade (TBT)	Thai Industrial Standard Institute (TISI)	<p>2002.2: Two-day workshop for TBT and International Standards Lecturers: Japanese METI and private sector experts Participants: TISI</p> <p>02.8: Two-day workshop for skills in international standardization and negotiation Lecturer: Japanese METI Participants: TISI and Industrial Associations</p> <p>To be covered by each component workshops, especially for GATS and TBT</p>	<p>From the results of the workshops, the evaluation is to be derived and sharing view with the Thai counterpart, the recommendations are to be prepared referring the outcome from the discussion held at the Wrap-up Seminar.</p>
Negotiation Skills	DTN		Reflected for component-wise recommendations

Figure II-1-2 Component and Programs

Individual Components	Programs	Targeted Objectives
Institutional Capacity Building <Component 1>	System Development for WTO related Information Sharing	Distinguished from simple technical system development, the program shall take major focus on a comprehensive, from up to down, steam process through collaborative work with the counterpart as the task which shall contribute to strengthening institutional capacity centered on information sharing. At the system introducing stage, the institutional strengthening shall be emphasized by enhancement of utilization.
Capacity Building for TRIPS <Component 4>	Development on Training Materials and Curriculums, and Conduct of Trainers' Trainings	By sharing the know-how of development process, the program aims to provide the trigger and fundamental operational structure for further continuous and self-reliant activities even after the Project. Through the trainers' training to cultivate prospective trainers, it shall also put major focus on formulation of common perspectives on subjects of training so that training method could be standardized, contributing to further opportunities for human resource development through utilization of achievement from the program.
Capacity Building for GATS <Component 2>	Conduct of Workshops	Deferring from the plain transient training program in general, from the preparatory stage, the program shall aims to transfer technical know-how to design and operate capacity building activities as well as to enhance knowledge on the significance of Agreements to contribute to the continuous and self-reliant human resource development and institutional strengthening even at the post-program stage.
Capacity Building for AD/CVD <Component 3>		
Capacity Building for TBT <Component 5>		

2. Activities in Thailand

2.1 Strengthening institutional aspects related to implementation of WTO agreements «Component 1»

2.1.1 Establishment of details concerning technical assistant activities

Bearing in mind the technical assistance needs specified in I.2.2, priorities have been clarified through mutual consultation with the Government of Thailand, and the details of technical assistance activities have been determined, including development of the pilot system for the sharing of WTO-related information. There are three stages of technical assistance activities:

- Design of the WTO-related information sharing system
- Pilot system development
- System operation and technical assistance for future system expansion at the Department of Trade Negotiations (DTN)

Furthermore, during the above respective stages, a system shall be prepared where discussions can be held with DTN counterparts at any time, and technical assistance activities shall be carried out taking into consideration not only the activity itself, but also methods for system design and system development techniques from the viewpoint of technology transfer leading to technical assistance.

2.1.2 Design of the WTO-related information sharing system

The WTO-related information sharing system was designed bearing in mind the present situation and issues concerning DTN management of WTO-related information that have become clear in I.2.2, and also bearing in mind the outline of the existing DTN system.

(1) System concept

The system concept was the first part of the WTO-related information system design to be developed.

The WTO-related information system shall enable sharing of WTO-related information by positioning it as a shared system to strengthen the Thai government

institutional structure concerning implementation of WTO agreements by registering with the system WTO-related documents and document attribute information that is usually handled in paper form with appended signatures, and by incorporating the functions that enable the search and viewing of this documents and information:

For a pilot system to be actually developed, users shall be restricted by each function, and the system shall have the sharing of WTO-related information within the DTN as a primary objective. (However, the system shall be designed to allow future system expansion.)

The system shall be designed and developed so that INFOMA and the WTO-related information sharing system are linked as closely as possible.

(2) System design

The WTO-related information system was designed, taking the above system concept (1) into account, after due consideration with the DTN counterpart. The design and development of the WTO-related information sharing system were carried out under the name “WTO-ISS” and will hereafter be called WTO-ISS. A main item of the WTO-ISS design follows.

- (a) Data linkage between INFOMA and WTO-ISS
- (b) User account linkage between INFOMA and WTO-ISS
- (c) Customization of subjects for INFOMA administration
- (d) File formats for documents to be registered and automatic file conversion
- (e) Automatic OCR function
- (f) Registration function by language
- (g) Document retention period registration function
- (h) WTO-ISS search items
- (i) WTO-ISS display items
- (j) WTO-ISS menu languages
- (k) Viewing authority setting
- (l) Public release function
- (m) Registration, update and deletion authority
- (n) Version management function
- (o) Stand-alone function
- (p) System administrator functions
- (q) Expected volume of documents

- (r) The presumed number of users
- (s) Server environment
- (t) Network environment
- (u) Client PCs
- (v) Scanner
- (w) Digitization of the existing WTO-related documents

2.1.3 Development of a pilot system

A WTO pilot system has been developed and built according to the system design explained in “2.1.2 Design of WTO-related information sharing system ” To make WTO-ISS a system that reinforces DTN functions and to technically assist the development of the system, two versions have been developed; an alpha version, a prototype which covers all user screens but does not operate as a system, and a beta version, a system which covers all standard features and works under the actual DTN network environment, prior to the final version. Opinions and requests from both the staff members and their DTN counterparts were discussed and taken into account at each stage of the development and building of the pilot system alpha version, beta version, and final version.

The actual system design and building were commissioned to FUJITSU SYSTEMS BUSINESS THAILAND Ltd., who have ample experience in document administration systems and Excel Link Co., Ltd., a paperless system developing company.

- WTO-ISS alpha version introduction: the 28th of June 2002
- WTO-ISS beta version introduction: the 6th of September 2002
- WTO-ISS final version introduction: the 4th of November 2002

The existing WTO-related paper documents presently stored within DTN have been digitized, and the document attributes necessary for system registration have been extracted to make WTO-related information available for sharing from the start of WTO-ISS operation. Accordingly, the existing WTO-related documents have been digitized and registered in Web Serve and WTO-ISS since the introduction of the WTO-ISS final version. There are approximately 100 thousand pages of registered documents. (Approximately 8,000 documents)

Throughout the development and construction of the pilot system, technical

assistance was provided so that it could be utilized for system development and administration. This was done by holding many meetings with DTN counterparts where the operational features and methods of the WTO-ISS system were discussed.

2.1.4 Technical assistant for the management and future expansion of the WTO-ISS system in the Department of Trade Negotiation, MOC

(1) Official operation start

Training was given to the users and system administrators within DTN after the WTO-ISS final version was introduced on the 4th of November 2002. Both WTO-ISS and Web Serve started their official operations on the 8th of November.

(2) Management flow

The management flow chart for registration and search with the paperless system and WTO-ISS was designed.

(3) The preparation, distribution of the manual

Manuals for administrators and manuals for users were made and provided for MTN and SNB. Furthermore, the on-line manuals of the same contents were made and installed to be read through DTN's LAN. These were to ensure that the WTO-related information system, developed and constructed by this technical assistance, would be used, managed, maintained and administrated in a manner that will strengthen the organization and ensure WTO agreement implementation. And, these manuals were used in training courses (the following (4) reference) as well.

(4) Training courses

Training courses were provided in system administration, management, maintenance, and administration. This was to ensure that the WTO-related information system, developed and constructed by this technical assistance, would be used, managed, maintained and administrated in a manner that will strengthen the organization and ensure WTO agreement implementation.

One of the objectives of the training course in system administration was to

enable DTN to hold its own training in the future.

(5) Full-time system support

To promote the use of WTO-ISS and ensure appropriate management, maintenance, and administration within DTN, technical assistance is available to answer questions from users and system administrators, and to support overall system management. This will be available between 9:00-16:30 for the following period.

- The 6th of September 2002 – 18th of October 2002
- The 4th of November 2002 – 30th of December 2002

After these periods, system support will be available until the end of 2003 and the support staff will visit DTN once a week. It will cover support for the moving of DTN scheduled in 2003.

(6) Direction of the system expansion

The direction of future system expansion will be discussed with DTN staff, taking the management status of the official operation into account.

2.2 Capacity Building for GATS 《Component 2》

2.2.1 Structuring Activities of the Program

The activities of the GATS Component of this program were identified through discussion with DBE(*) based upon Thai Government's needs. First workshop was designed to enhance the general knowledge on GATS based upon the survey on interests, roles, level of understanding of the officials of service-related governmental agencies, as well as major existing laws/regulations. Second workshop was designed based upon specific needs identified through first workshop and survey followed, which was to deal with sector specific questions and interests.

(*) Though DBE has been succeeded by DTN since October 2002, it is expressed as DBE, following the name as of the dates of the workshops.

2.2.2 Workshop I

(1) Designing of Workshop I

As for the Workshop I, based upon the primarily needs of DBE, the main purpose was set as follows:

Main Purpose of the Workshop I

To enhance the awareness, understanding and practical knowledge of the officials of all GATS-related governmental agencies in order to facilitate further inter-governmental coordination led by DBE

To achieve the purpose above, experienced government officials and academics both in Thailand and Japan, as well as ex-Director of Trade in Services Division of WTO were invited to make lectures, to complement own efforts of information sharing activities through meetings, daily works and seminars initiated by DBE.

In order to make full use of the Workshop, following issues were taken into account to set the agenda:

- To take up issues which DBE cannot cover by themselves (e.g. advice by ex-WTO official, sharing experience by Japanese government official,

- explanation on the importance of GATS by Japanese scholar)
- To promote sharing experience and institutional memories within The Government of Thailand
 - To enhance the practical knowledge of the service related officials in order to facilitate DBE's further coordination tasks (e.g. state of play of the negotiations, how to understand Schedule of Specific Commitments, what is "request and offer" negotiations, etc.)
 - To stress the importance of participants mandate of designing strategy of liberalization and industry policy, using economic statistics
 - To provide important WTO documents in hardcopy and explain the use of them

(2) Practice and main discussions during Workshop 1

Date: February 20th – 22nd, 2002

Venue: Concorde Ball Room 5,-6, Le Royal Meridien

Participants: 106 government officials from DBE, PTD, FPO, DCR and other service-related agencies

Lecturers: Prof. Akira Kotera (Tokyo University), Mr. David Hartridge (former officer of WTO), Mr. Naoki Hikota (Service Trade Division, Ministry of Foreign Affairs), Mr. Shintaro Watanabe (Multilateral Trade System Department, Ministry of Economy, Trade and Industry), Mr. Takanori Ando (International Economic Affairs Division, Ministry of Public Management, Home Affairs, Post and Telecommunications), Dr. Deunden Nikomborirak (TDRI), Ms. Chirapa Chitraswang (Post of Telegraph Department), Mr. Pongpanu Svetarundra (Fiscal Policy Office), Ms. Pimchanok Vonkhorporn (Permanent Mission of Thailand to the WTO), Mr. Masaki Oda and Ms. Maki Kunimatsu (TA Consultants)

Major points of discussions

During session 1, thorough three speeches, importance of GATS, impact of service liberalization and achievements under GATS were explained. Many questions were posed from the floor, such as how to make a commitment under lack of consistency in laws and regulations. Explanation on GATS provisions were given in Session 2.

A panel discussion on basic telecommunication negotiation was held in Session 3 to make suggestions for future sectoral negotiations.

In Session 4 and 5, Specified Commitments of Thailand and other countries were taken up to review the reflection of negotiations, commitments and domestic laws/regulations. During the questions and answers session, important issues were discussed, such as how to set the purpose of liberalization among the countries with different competitiveness.

Session 6 explained current status of negotiations. Active discussions followed with regard to the direction of sectoral negotiations and ways to prepare for the negotiations, etc., between lecturers and participants.

2.2.3 Workshops 2

(1) Designing of Workshop 2

In order to meet the specific needs within a few sectors, and make the workshop II more practical and interactive, it was decided that sectoral-based workshops should be held. DNT has consultations both internally and with other GATS-related governmental agencies and chose following four sectors, identifying co-organizer agencies:

Financial services – Fiscal Policy Office (FPO)

Telecommunication services – Posts and Telegraph Department (PTO)

Tourism services – Tourism Authority of Thailand (TAT)

Accounting Services – Department of Commercial Registration (DCR), Ministry of Commerce

Though a series of consultations between DBE, co-organizers and TA Team, it was found that officials in charge in these four sectors had been feeling strong needs for the capacity building workshops by external human resources, facing different issues and challenges, respectively.

(a) Financial services

FPO had been organizing “Financial Services Liberalization Team” consists of governmental agencies such as Bank of Thailand, Department of Security, Security Exchange Commission and major financial associations such as The Thai Banker's association, Association of Finance Companies. The Team has initiated to coordinate

Thailand's position toward GATS Financial Services Negotiations. Since then, FPO has making efforts to provide information and basic knowledge to the member agencies/associations through the meetings of the team. Current concern of FPO is how to deal with the on-going negotiations, especially to the initial requests submitted to them. They have identified their major questions such as; classification of financial services; e-commerce and cross-border transaction; limitation on the numbers of shareholdings and foreign persons, which is relevant to Thailand's laws and regulations; how to make the new round of negotiation benefit for the developing countries including Thailand. Based upon these questions, it was decided to stress the "rights" of WTO members to plan their own liberalization.

(b) Tourism services

TAT had an intention to utilize the occasion to promote interests and understanding of officials and tourism industry representative so that discussion was focused on not legal/technical issues but practical issues and impact of the GATS negotiations/liberalization to the tourism industry.

A few days before the Workshop on Tourism Services, TAT organized their own meeting within their Authority, having participation of the high-officials and asking cooperation of DBE to prepare for the Workshop. TA Team provided documents for the Workshop in time for their own meeting.

(c) Telecommunication services

PTD set the purpose for the Workshop on Telecommunication to broadly share the current situation of GATS negotiation to the officials and business representatives. PTD and TA Team also asked Ms. Chirapa, DDG of PTD, one of the most experienced senior officials who also participated in the Workshop 1 as a speaker to be present for the Workshop 2 in order to promote information/experience sharing by the internal resource.

(d) Accounting services

DCR has some experience of the information provision, namely, translating into Thai language and distributing to the interested parties "the Decision on the Disciplines of the Domestic Regulation on the Accountancy Services" by Council for Trade in

Services (1997). However, they observed that for the on-going negotiation, awareness and interest should be heightened within related governmental agencies and business representatives. So that the purpose of the Workshop was decided to; enhance understanding on previous achievement of WTO in accountancy sector; discuss about the role of regulatory bodies for the liberalization in accountancy sector; share the information of on-going negotiations in accountancy sector.

(2) Practice of the Workshops

(a) Financial services

Lecture was given on history and achievements on financial services negotiations, its political and economical background, characteristics of the sector especially domestic prudential regulations, and current negotiations. Many questions on several issues, such as points to be discussed within Thailand's government and industry, how to deal with the initial requests and future perspectives of the negotiations, were posed from participants and additional explanations were given from FPO and DBE. DBE encouraged inputs from financial sector for the sake of dealing with the current negotiations in Geneva.

(b) Tourism services

Following a presentation on current challenges from TAT, lecture was given on characteristics of tourism sector, relations between tourism sector and other service sectors such as air transportation and financial service, and proposals from other countries. Especially, it was stressed that promotion of the competition in air transportation is essential to the development of tourism services, and adequate attention should be paid to the proposal of "Tourism Annex." Other members' limitation of the foreign participation was explained based on their specific commitments, answering questions from DBE and TAT. Many other questions such as relation between liberalization and environment preservation, relation between the activities of WTO and World Tourism Organization were asked from participants.

(c) Telecommunication services

PTD made a presentation on previous negotiations on basic telecommunications, liberalization and revision of laws in Thailand, and current challenges. Lecturer explained about the importance of telecommunication sector as “an infrastructure of whole industry”, “reference paper” which was one of the important outcome previous negotiations to promote competition, proposals of current negotiations and possible requests to Thailand. DBE, DPT and representatives from providers asked questions and expressed their views about; schedule of specific commitments; reference paper; proposals from other countries; relation between negotiations and corruption of US provider; international rates and so on.

(d) Accounting services

Following the opening remarks by DG of DCR, lecturer explained about “disciplines on domestic regulations in accountancy services” and “guideline for mutual recognition of accountancy services” under GATS, the reason of such achievement, current negotiations and issues to be discussed within Thailand. Many questions were posed such as commitments of other countries, language requirement of the disciplines, relation between GATS and commercial law in Thailand.

FigureII-2-3 Summary of the Practice of Workshops 2

Workshops	Financial Services	Tourism Services	Telecommunication Services	Accounting Services
Date: August 2002	13:30 – 16:30, Wednesday, 21	9:00 – 12:00 Thursday, 22	13:30 – 16:30 Thursday, 22	9:00 – 12:00 Friday, 23
venue	at Stateroom III, 8th floor, Grand Pacific Hotel			
Co-organizer	FPO	TAT	PTD	DCR
lecturer	Mr. David Hartridge, Senior Director of White Case International / former Advisor to Director-General and Director of Trade in Services Division of WTO			
Participants	officials from FPO, Bank of Thailand (BOT), Department of Insurance and The Office of Securities Control (SEC) Representative of private sector including The Thai Banker's association, Association of Finance Companies, Association of Securities Companies	TAT officials and representatives from 20 Associations including Thailand Tourism Society (TTS), Thai Hotel Association (THA), Association of Thai Travel Agent (ATTA), The Association of Thai Tour Operators (ATTO)	PTD and related agencies such as TOT, NECTEC, Ministry of Transport, Telecommunication	DCR, DBE, Revenue Department, Institute of Certified Accountants and Auditors of Thailand (ICAT), Bank of Thailand, Securities Exchange Commission, education institution and auditing companies
Presentation from co-organizer		Mr. Auggaphol Brickshawana, Director of Planning Department	Ms. Chirapa Chitraswang, Depute Director	Ms. Orajit Singkalavanich, Director General,

2.3 Capacity Building for AD/CVD 《Component 3》

In the component 3, two kinds of workshops were held. One was to improve the capacity of government officers, and the other one was to improve the capacity of Thai public-private cooperation system to cope with AD/CVD measures.

2.3.1 Program and contents of the Workshop 1

(1) Objective of the Workshop 1

The workshop 1 had aimed at improving government officials' capacity to implement AD/CVD agreements, mainly focusing on the technical aspects of AD/CVD practices: namely, determination of like products, calculation of dumping margin, injury evaluation, demonstration of causality, and calculation of subsidy. To this aim, exercises and case studies were planned to be introduced. Adding to these technical aspects, 'sharing experiences' between Thai and Japan was also aimed through discussion about the problems in AD rule, Japan's experiences, dispute settlement cases dealt with AD issues, and Thai experiences of AD investigation.

(2) Contents of the Workshop 1

Date: February 18 to 20, 2002

Venue: The Royal Meridien Hotel, Bangkok

Participants: Totally 42 persons from the Ministry of Commerce (DFT, DBE, Department of Customs, Department of Internal Trade), Office of Industrial Economics (OIE) of the Ministry of Industry, National Institute of Development Administration (NIDA), and TDRI

Speakers: Professor Mitsuo Matsushita, former member of the Appellate Body of WTO; Mr. Syuji Miyazaki, Director of Multilateral Trade System Department, Trade Policy Bureau, METI; Mr. Marco Bronckers and Ms. Natalie McNelis, lawyers at Brussels based law firm "Sttibe"; Mr. Sutirak Issadisai, director of Bureau of Trade Interests and Remedies, DFT (and Mr. Takuo Miyazaki, Assistant Director of Anti-Dumping and Safeguard Investigation Team, Trade and Economic Cooperation Bureau, METI)

Main agenda:

The 1st day (Feb. 18)

➤ Session 1: Notable issues on AD/ CVD

In the beginning of this session, Professor Matsushita has lectured on principle problems with implementing AD agreement. Director Miyazaki has taken over the lecture, presenting recent trends of AD initiation and Japan's attitude toward strengthening the discipline for AD. After their presentation, obtaining the participation of Mr. Bronckers and Ms. McNelis, issues like interpretation of the article 28 of the Doha Declaration and relation between AD agreement and competition policies were actively discussed.

➤ Session 2: Practices of AD action (1)

Mr. Bronckers and Ms. McNelis lectured on the practices of AD action – concept of anti-dumping, procedure, determination of the like products, calculation of dumping margin, determination of injury, and causality – introducing dialogues with the participants, who had asked about the method and procedure of injury determination.

The 2nd day (Feb. 19)

➤ Session 3: Defensive action against AD measures and practices of DS (1)

After the explanation of the outline of “Japan's challenge against the US's AD measures on hot-rolled steel products” by Director Miyazaki, Professor Matsushita explained mainly about the ‘zeroing’ issue in calculation of dumping margins, touching upon the EU bed linen case.

➤ Session 4: Defensive action against AD measures and practices of DS (2)

Director Issadisai has presented several cases, which the Thai government has experienced, under the title “Thai experience of AD investigations”. Taking each case, possibilities to appeal to dispute settlement body were considered and discussed by lecturers. After this, Director Miyazaki and Professor Matsushita explained “Rules and procedures of dispute settlement under DSU”. Mr. Bronckers, Ms. McNelis and other participants pointed out the difficulties for developing countries to follow the dispute settlement procedure, problems in implementation of the recommendation, and so on.

The 3rd day (Feb. 20)

➤ Session 5-6: Practices of CVD action (1)/ Practices of AD/ CVD action (2)

Taking over the ‘Session 2’ on the 1st day, Mr. Bronckers and Ms. McNelis lectured on practices of AD measure – “what is dumping?” calculation of normal value, calculation of dumping margin –, CVD action – categories of countervailable subsidy, CVD calculation – and duties/undertakings were made utilizing various exercises and

with some exercises. In the end of the session, opinions and information were exchanged between lecturers and participants.

2.3.2 Program and contents of the Workshop 2

(1) Objective of the Workshop 2

While the DFT and other related the government agencies are providing information on the agreements and the government attitude towards the Doha Round to the private sector, they do not seem to fully satisfy the needs and interests of the private sector. Based on this perception, the workshop 2 had aimed at improving the government officials' leadership and capacity to respond to the private sector's requests, at the same time, promoting the 'dialogue' between public and private sectors to build better cooperation system to deal with AD/CVD measures. To these aims, the workshop had tried to improve understanding by both of the Thai public and private sectors on their positions and roles in the cooperation system, through introducing experiences and efforts by the Japanese industries and government, as well as the discussion among the participants.

(2) Contents of the Workshop 2

Date: August 20 to 21, 2002

Venue: The United Nations Conference Center, Bangkok

Participants: Totally 40 persons from DFT, DTN, DIT, OIE, Customs Department, NIDA, FTI(Federation of Thai Industries), and private law firms

Speakers: Mr. Ken Matsumoto, Executive Advisor for the Fair Trade Center in Japan; Mr. Soichiro Sakuma, Head of Legal Department, Nippon Steel Corporation; Mr. Takeatsu Kikuchi, Manager, External Relations, Global Strategic Marketing & Operations Department, Mitsubishi Electric Corporation; Mr. Keiichi Iwase, Deputy Director (AD/CVD), Multilateral Trade System Department, METI; Mr. Apisith John Sutham, Counsel, Price WaterhouseCoopers Legal & Tax Consultants Ltd. (Thailand); Representatives of Thai industries (panelists)

Main agenda:

The 1st day (Aug. 20)

➤ Session 1: Efforts by the Private Sector to Tackle Trade Remedies

Mr. Matsumoto and Mr. Sutham respectively presented outline of efforts by each

country's industries to tackle trade remedies. Mr. Matsumoto stressed the role of the Fair Trade Center as the tangible outcome of public-private cooperation, and Mr. Sutham concluded his presentation with importance of public-private cooperation and promotion of local bar with legal counsel. Questions and comments were made by the participants on the background of the establishment of the Fair Trade Center of Japan, language problems on questionnaire for AD investigation, difference on the AD initiations between EU and US, and so on.

➤ Session 2: Japan's Experiences of Dealing with AD allegation

Mr. Sakuma and Mr. Kikuchi, who are prominent experts of steel and electric industry, introduced Japanese major industries' experiences of dealing with AD allegation. Many questions were made to both speakers, such as: how to cooperate with the government, problems on political solutions, problems peculiar to steel industry (to Mr. Sakuma), merits and demerits of price undertakings and suspension agreements, rules of origin (to Mr. Kikuchi).

The 2nd day (Aug. 21)

➤ Session 3: Agenda for the AD in the Doha Round

Mr. Iwase from METI explained Japan's attitude toward the AD negotiations in Doha Developing Agenda. Questions and comments were made by the participants and other speakers on the member countries consisting of 'AD friends', relation between proposal by the 'AD friends' for improvement of rules concerning the provisions of the AD Agreement and the decisions by DSB, possibilities of introducing numerical standards, perspectives for the future AD negotiations, and so on.

➤ Session 4: Panel Discussion: Towards the Strengthening of AD Discipline and Better Implementation

In this session, representatives of Thai industries - electric & electrical appliances, textile & garment, petrochemical, processed food, and iron & steel -, Thai legal experts, and Japanese speakers made panel discussion. After the presentation by each Thai panelist on their problems in dealing with AD measures, all the panelists and government officers actively discussed mainly about the possibilities and problems of public-private cooperation in Thailand. While Thai panelists mainly pointed out the lack of DFT's active support to alleged companies, lack of private sector's awareness and knowledge on AD investigation, and lack of collaboration and exchange of information among Thai companies, Japanese panelists suggested that public-private cooperation in Japan to deal with AD measures has been established for at most these two decades, so that it would be possible in Thailand.

2.4 Capacity Building for TRIPS 《Component 4》

2.4.1 Overview of the Program

(1) Outline of the Program

The DIP is aware of the needs for human resource development toward stronger intellectual property rights (IPR) enforcement, and it recognizes the knowledge on IPR laws and regulations as well as TRIPS should be thoroughly shared among various related entities. A deeper understanding of IPR on the part of industry and the general public is also vital in ensuring the proper observance of IP-related laws in Thailand. The DIP has been already conducting training courses, however compared to the needs for further capacity building, the number of trainings conducted is not sufficient enough and standardized textbooks and a training mechanism have not established yet.

To meet their requirements, the TA program was designed to develop a core part of IP training courses. The effort was made to set in place necessary foundations to enable Thailand to engage in sustainable human resource development activities in this area. The Program was composed of the following 5 stages:

- (a) Surveys to understand the current status of TRIPS implementation in Thailand and identification of difficulties and prioritized issues for assistance.
- (b) Development of training materials for enhancing awareness, knowledge and practical skills regarding IPR and the TRIPS Agreement by a collaborative working team, consisting of the Thai and the Japanese experts.
- (c) Translation of the materials into Thai language.
- (d) Transfer of knowledge and know-how to conduct training courses to the IPR experts in Thailand in the DIP, other governmental agencies, universities, etc.
- (e) Recommendation for further capacity building.

(2) Specific Characteristics of the Program

Similar types of assistance programs have been already introduced for various occasions from bilateral and multilateral agencies by the means of training material development, symposiums and seminars. However, in most cases, it is not always extended to further sustainable effort to provide continuous training activities and to utilize the information. It is often remained one spot impact. In terms of training courses and materials, it is considered that this tendency is caused by several factors.

For example, 1) the materials are not exactly fitted to Thai situation due to certain training materials are developed on the base of the situation in foreign countries and just translated into Thai language, 2) know-how of development process is not efficiently shared with Thai authorities so that relevant customization or updating effort is not taken smoothly, 3) systematic compilation and utilization process is not adequately provided in the authority concerned as well as limitation of human resources and infrastructures, and so on.

In order to resolve some of those factors, this Program took special importance on collaborative work process between Thai and Japanese experts in developing training materials. Involvement of Thai authority, DIP, was also encouraged to this end. Each training material and theme subject was developed and examined from both Thai and Japanese prospect to best fitted to the Thai circumstance. The related know-how was shared with Thai authority in this process. Further plans for training courses and material development were also considered accordingly. The coverage of materials in this Program, thus, was not designed to be comprehensive. It was aimed to formulate a core compilation of training materials to work with for further development.

2.4.2 Development of Training Materials

At the initial stage, in August 2001, a series of interviews was conducted with the all related divisions in DIP to identify subject issues of priority to be taken up onto training materials. After examination of the results and further discussion with related authorities, the following 7 themes were selected: (a) Patent Application procedures, (b) Patent Practices for Individual Inventors and Small & Medium-sized Enterprises, (c) Trademark Practices, (d) IPR Management in Private Sector, (e) IPR Regulatory Enforcement at Border Control, (f) IPR Management and Utilization of Information in Educational Organizations, and (g) Basics on Trade Secret Act.

A collaborative working team, composed of Thai and Japanese experts for each subject, for training material development was formed. Selection of experts was done in accordance with specific requirements such as English language capability and experience and expertise in teaching. It was a challenging task to select and appoint appropriate experts; however, TA Consultant Team saw it most important to prepare substantial training materials. Furthermore, this task provided a reliable foundation for network of resource personnel as for sustainable training activities.

For collaborative efforts, Thai and Japanese experts held a joint meeting in Bangkok in March 2002 to share the common objectives and approaches and

understand how to carry out this effort from now on. After the joint meeting, drafting efforts were made until September and all texts were translated into Thai language. To transfer a sustainable human resource development framework to the DIP, a whole process regarding these activities was shared between the DIP and TA Team

2.4.3 Practice of Trainers' Training

(1) Program and contents of trainers' training

In order to transfer both knowledge about the subject concerned and know-how to conduct training, one full day was spent for each subject matter. Therefore, seven whole-day training sessions were held on Oct. 3, 4, 8, 9, 21, 22, and 24, 2002 at the DIP conference room. About 20 to 40 people from the DIP, other related agencies, universities, and private sector participated in the sessions, and participants were selected by the initiative of the DIP depending on the subject matters by considering if they could be prospective trainers for future training courses in Thailand to the public, private sector, etc. Main purposes of the trainers' training were set as follows:

- 1) To transfer knowledge on the subject concerned.
- 2) To transfer know-how to conduct training courses.
- 3) To provide opportunities for learners to conduct model training courses.

(a) Contents of the trainers' training

During the period, 215 people had attended the trainers' training in total. 56 persons had participated from the DIP, 8 people from MOSTE, 35 people from universities, 4 people from Customs Department, 60 people from private sector, and so on. Thai and Japanese lecturers provided model lectures by utilizing the training materials developed in this Program in the morning, and practical exercises with participation of audience through group and class discussion, group works, simulated lectures, and so on were conducted in the afternoon session. The individual workshops were practiced as follows:

On October 3, training on "Patent Practices for Individual Inventors and Small & Medium-sized Enterprises" was conducted. Lecturers made a presentation by focusing on importance of invention for Thai industry, and explained how individual inventors made great success by showing examples of some Japanese inventors. The lecturers also put emphasis on the transfer of training skills, and used various training tools to make

participants understand the pro and cons of each tool.

On October 4, training on “Patent Application Procedures” was conducted. The same lecturers as October 3rd made this lecture, and more participatory and practical approaches were applied on the day. In the afternoon session, each participant gave model lectures about various steps of patent application procedure in front of the class by using various training tools shown by lecturers previous day.

On October 8, training on “IPR Regulatory Enforcement at the Border Control” was conducted. A Japanese lecturer explained border measures prescribed in the TRIPS Agreement and its practice in Japan, and Thai lecturers made a comprehensive presentation about border control measures in Thailand and difficulties they are facing by showing various case studies. They also stressed the importance of inter-agency coordination among IP-related agencies such as DIP, Customs Department, Court, and Police through measures such as information sharing and collaborative investigations.

On October 9, training on “IPR Management in Private Sector” was conducted. A Japanese lecturer explained importance of patent search and analysis, drafting and utilization of patent map, and planning of patent strategy, while a Thai lecturer made a presentation about the importance of IP from the perspective of industrial design. Recognition about IP management and patent strategy is not widely shared in Thai society yet, however lecturers stressed that this would be a crucial issue in the near future in Thailand when developing its technology rapidly.

On October 21, training on “Trademarks Practices” was conducted. Lecturers made a presentation about existing difficulties in trademark practice in Thailand through comparison between Thai and other countries’ practices by showing various examples and case studies. They also introduced importance of trademarks from the perspective of business operation and emphasized the necessity for enterprises to make continuous efforts to protect their trademarks.

On October 22, training on “IPR Management and Utilization of Information in Educational Organizations” was conducted. This theme was explained by two aspects; (1) utilization of patent information, and (2) technology licensing and negotiation at research and educational institutions. In the afternoon session, lecturers introduced group work, and participants experienced model technology licensing negotiations.

On October 24, training on “Basics on Trade Secret Act” was conducted. Trade Secret Act was introduced in Thailand in July 2002, and this concept was still new to most of the Thai people. Therefore, lecturers aimed at clear understanding about basic concept of trade secret and explained several cases to facilitate participants’ understanding about this issue.

2.5 Capacity Building for TBT 《Component 5》

2.5.1 Overview of the Program

The TA Consultant Team conducted 1st field survey in Thailand from August 20 to 31 in 2001, to consult with related organizations on the assistant method and agenda to be covered, based on the Inception Report. At the meeting with TISI, it was agreed that a workshop be held to enhance capacity at working level for the governmental agencies and private sectors involved in these issues. The meeting also agreed that priority would be placed on the sharing experiences in international standardizing activities especially in ISO and IEC, as well as current topics in the TBT Committee.

2.5.2 Result of the Workshop 1

(1) Contents of the Workshop 1

41 participants, representing 20 governmental agencies and private organizations in Thailand attended the Workshop. Speakers were from METI/JISC, Japan, and TISI, Thailand. This 2-day Workshop consisted of 6 lectures on the WTO/TBT Agreement, International Standardization and Mutual Recognition Agreements (MRA), as well as a lively panel discussion focusing on possible cooperation between Japan and Thailand in the area of international standardization.

The 1st day (Feb. 12)

- Japanese Standardization Policy (Mr. Toru Yamauchi, METI)
- Current Topics in ISO (Mr. Akira Aoki, Past Immediate Vice President of ISO, JISC)
- Current Topics in IEC (Mr. Nobuo Yumoto, Board Member of IEC, Advisor of Sumitomo Electronics)

The 2nd day (Feb. 13)

- The Obligations under the WTO/TBT Agreement and Japanese Experience in the Implementation (Mr. Osamu Nishiwaki, METI)
- Standardization and Implementation of the TBT Agreement in Thailand (Mr. Supachai Tepatanapong, TISI)
- MRA – Japanese Experience of Negotiation and Implementation (Mr. Mitsuo

Matsumoto, METI)

- Panel Discussions (Cooperation between Thailand and Japan in the International Standardization)

(2) Outcome of the Workshop 1

The TA Consultant Team conducted questionnaire survey to the participants of the workshop to evaluate its outcome. According to the results of the analysis, participants have been generally satisfied with the contents of the workshop, and have had incentive to transfer the information acquired through workshop to their colleagues.

2.5.3 Result of the Workshop 2

(1) Contents of the Workshop 2

31 participants, representing 15 governmental agencies and private organizations in Thailand attended the Workshop. Speakers were from METI/JISC, Japan, and TISI, Thailand. This 2-day Workshop consisted of 7 presentations on the international standardizing activities and Japanese experiences, such as rubber in ISO and home electronic appliances in IEC, Japanese standardization policy in consumer protection area, how to deal with European standards, negotiation strategy in ISO, in the area of motorcycle and plastic pipes. Also Thai representative made a presentation about current problems with which The Government/Industries of Thailand have faced.

The 1st day (August 27)

- International Standardization in ISO
(Mr. Michio Okuyama, Bridgestone Corporation)
- International Standardization in IEC
(Mr. Kazuo Shibata, Japan Electrical Manufacturers' Association)
- Understanding of Japanese International Standardizing Activities
(Mr. Tomosaburo Yano, METI)
- Understanding of EU's International Standardizing Activities
(Mr. Tomosaburo Yano, METI)

The 2nd day (August 28)

- Negotiation Strategies in ISO (1) : Motorcycle Sector

(Mr. Mikio Kato, Honda R&D Co.)

- Negotiation Strategies in ISO (2): Plastics Sector
(Mr. Hiroshi Maki, Japan Plastics Industry Federation)
- Problems with which Thai Government/Industries have faced
(Ms. Rachada, TISI, and Mr. Adisak, Thai Automobile Federation)
- Panel Discussions (Cooperation between Thailand and Japan in the International Standardization)

(2) Outcome of the Workshop 2

The TA Consultant Team also conducted questionnaire survey to the participants of the second workshop to evaluate its outcome. According to the results of the survey, participants were satisfied with the contents of the workshop, but many of them requested more detailed discussion with Japanese experts in various sectors.

2.6 Wrap Up Seminar

In conclusion of the Program, a wrap up seminar was held as follows. The aim of this seminar was to gain inputs from Thai counterpart regarding their evaluation of the Program and how they perceived the future challenges in the capacity building in the area of WTO, and also to promote horizontal dialogue and information exchange among counterparts of five Components.

2.6.1 Overview

Wrap Up Seminar “WTO Capacity Building and Prospect for Trade Initiative”

Date: 09:00-16:00, Monday, 11th November, 2002

Venue: Conference Room II, United Nations Conference Center, Bangkok, Thailand

Participants: Total of 88 participants from various departments and agencies listed below (including staff members and others)

- DTN (Bureaus of Multilateral Trade Negotiations, Service Negotiations, APEC)
- DFT, DIP and TISI, counterparts in Components 3 (AD/SG), 4 (TRIPS) and 5 (TBT) respectively
- Governmental departments and agencies, which took part in workshops and trainers’ training sessions, held during the Program (Ministry of Foreign Affairs, Customs Department, Post and Telegraph Department, Fiscal Policy Office, The Central Intellectual Property, etc.)
- Other governmental departments and agencies (Department of Business Development, etc.)
- Private sector industrial groups and companies, which took part in workshops and trainers’ training sessions held during the Program (Thai Industrial Association, Association of Securities Companies, Sahaviriya Steel Industries PLC., etc.)
- Universities (Chulalongkorn University, etc.)

2.6.2 Summary

(1) Morning Session: “Significance and Prospects on WTO Capacity Building”

“Doha Development Round – the Importance of Capacity Building” (Ms. Apiradi Tantraporn, Director-General of DTN)

Following the opening address by Minister Oe from the Embassy of Japan, the first keynote speech was given by Ms. Apiradi Tantraporn, Director-General of DTN.

Ms. Apiradi pointed to the significance of capacity building and technical support for developing countries in dealing with negotiating agendas of “Doha Development Agenda”. She underscored the need for coordination among capacity building programs provided by WTO and other international organizations, the necessity of improving their quality, and furthermore, the important role that this Program plays among those various programs. Ms. Tantraporn also referred to the technical cooperation provided by Thailand for Laos, Cambodia and Vietnam in assisting their accession to the WTO, stressing the leading role of Thailand in the region.

“Capacity Building for Further Opportunities” (Mr. Yorizumi Watanabe, Deputy Director-General, Economic Affairs Bureau, Ministry of Foreign Affairs of Japan)

Mr. Watanabe presented the second keynote speech. He started with giving the general outlook of recent trend in world trade, importance of free trading and the significance of the WTO as an engine for economic development, and the summary of negotiations of Doha Development Round. On those bases, he discussed the concept and framework of trade-related capacity building (TRCB) and the role of bilateral cooperation implemented by JICA, and stated that Japan is ready to provide continuous assistance to ASEAN region in accordance with the framework of APEC strategic plan. To his speech, a series of questions were raised from participants, such as the relationship between the trend of anti-globalization after the 9.11 and the capacity building, desirable TRCB conducive to the new negotiation round, the problem of elucidating “S&D provisions” for developing countries, Japanese attitude toward AD negotiation, and so on.

(2) Afternoon Session

Panel Discussion “Outcome and Future Challenges of Capacity Building for WTO”

In the afternoon session, under the co-chairs of Ms. Wiboonlasana Ruamraksa, Acting Assistant Director-General of DTN and Mr. Hidekazu Tanaka, leader of TA Assistance Consultant Team, and with Thai counterpart representatives of this Program as panelists, a panel discussion was held. Following Mr. Tanaka’s presentation on the outcome of this Program and recommendations from the TA team side, Thai counterpart representatives talked about the outcome and future activities.

As regards Component 1 (Institutional Building), Ms. Wiboonlasana Ruamraksa

of DTI mentioned the importance of WTO Information-Sharing System (WTO-ISS) developed by TA Team, in meeting various notification obligations of the WTO member states. Ms. Wiboonlasana appreciated the short training course of this system, and stressed that cooperation from other governmental departments and agencies is indispensable to update information that would be contained in the system.

As to Component 2 (GATS), Mr. Surat Srisuwanpatai, Senior Trade Officer of Bureau for Trade in Services, DTN valued the successful conclusion of a series of workshops on GATS, and commented that it was useful for the Government of Thailand to get ready for future negotiation. At the same time, he also pointed out that in case of developing countries, by applying the “S&D Treatment,” the scope of obligation is narrower than that of developed countries. He added that it is important to provide opportunities for wide audience to improve their negotiating ability in Thai language.

As to Component 3 (AD/CVD), Mr. Akrom Sitabtim, Senior Trade Officer of DFT, appraised that the workshops were useful and showed his appreciation regarding Japan’s provision of legal experts lacked in Thailand. Referring to the recent tendency of emphasizing AD/CVD issue, he characterized this as an age-old problem and pointed out that it is important to acquire precise methodology of dumping investigation. He appraised that, through workshops, participants understood how to address AD/CVD issues by the government and private sector through transfer of knowledge, and stressed the need to establish an organization like the Fair Trade Center of Japan for the government and the private sector to tackle with these issues in the future.

For Component 4 (TRIPS), Dr. Kajit Sukhum, Director of IP Development and Promotion Division of DIP, appraised that both the development of training materials including translation into Thai language and the trainers’ training were highly significant. He expounded what would be needed in future to enhance the function of DIP and stressed the importance of developing a sustainable training program, as well as enhancing the understanding of private sector. He commented that it is necessary to consider, for example, the feasibility of applying the collecting system of copyright fee of JASRAC in Thailand to administer the copyright.

Mr. Supachai Tepatanapong, Director for TISI, in charge of Component 5, reviewed the outcome of two workshops. As a further steps to be taken, he proposed to establish a network both on political and technical levels among officers of both

countries in charge of standardization, to hold a conference between two countries at least once a year to share information, to undertake joint secretariat in international standardization organizations, to conduct an MRA in telecommunication industry, and to enhance the capacity of Thai officers in quality assurance system for foodstuff (e.g., labeling of food products).

Based on above-mentioned reports of each component, Mr. Watanabe of the Ministry of Foreign Affairs of Japan commented that for implementation of sustainable capacity building, “human resources of supply side”, “organizational foundation” and “international cooperation” are key issues. In particular, he stressed the importance of interagency organizations such as the Fair Trade Center and Nippon Keidanren (Japan Business Federation), that bridge between the government and private corporations, the usefulness of publications by trade officers for the trade community on both government and private sector levels, and the importance of learning process both of developed and developing countries. He characterized this wrap up seminar as a starting point for new steps.

With concluding remarks by Mr. Yoshiki Maruyama, Managing Director, Mining & Industrial Development Study Department of JICA and Ms. Wiboonlasana Ruamraksa of DTN, the wrap up seminar was closed.

2.6.3 Result of the Survey Questionnaire

In this seminar, a survey questionnaire was distributed among participants asking participation in this Program, comments and evaluation on this wrap up seminar, and comments and suggestions for future WTO-related capacity building activities. At the closing of the seminar, there were 35 sheets back from the participants.

With regard to the content of the seminar, it was highly evaluated by participants in the program. Many commented that, on the whole, they deepened their understanding of the significance of capacity building activities and also of this Program. On the other hand, from those for whom this wrap up seminar was the first opportunity to take part in the Program, a sense of confusion was expressed.

As regards the prospective activities for capacity building, following comments were presented.

- Further development of the program will be needed by holding, for example,

follow-up seminars targeting broader audience (including private sectors).

- The pilot program built within DTN commands interest.
- Strengthening of capacity building focusing on negotiation is necessary.
- There exists a continuing interest in sharing Japanese experiences.

III. Evaluation and Recommendation

1. Over-all Evaluation and Recommendations

This Program consists of five components of different WTO related subjects. The evaluation and recommendations for each components are to be discussed separately, however, there are common issues, which can be discussed as over-all evaluation and recommendations.

The followings are considered to be positively-evaluated points common across all components, based on comments by workshop participants, counterpart organizations and lecturers.

- Needs-oriented delivery of knowledge and information system to each counterpart organizations.

During the planning stage of implementation of the Program, the TA Consultant team carefully looked at the needs and current capacity of the counterpart organizations, and selected suitable subjects to be covered and lecturers to be invited. On the other hand, briefings to lecturers regarding the Thai conditions are made in order to have the contents fit to the needs. In case of information sharing system, individual interviews were conducted for all staff of the counterpart division, in order to grasp the current situation of information flow, contents and method of information sharing, before the system designing. For TRIPS component, the textbook drafting experts teams were set up at both Thai and Japan side in order to reflect the level and interest of textbook users.

- Satisfaction level of seminar and workshop participants

The average scores given by participants to the workshops and seminars regarding the level of satisfaction were 80%, 4.0 out of 5.0 as full score. The satisfaction level is one of several criteria in the questionnaires distributed.

- Sharing Japanese experience

Quite high interest was indicated toward how Japan has dealt with each component specific issues in AD, TBT, GATS and TRIPS. The total of 48 Japanese experts, from the government, academics and private sector, were invited as guest speakers. The Japan's experience can be useful as reference to Thai situation, in dealing with western style procedures common in WTO.

- Consultation for highly interested issues for WTO negotiation.

The negotiation for GATS is currently under-going at WTO, with so-called “requests and offer” procedure, in which the Government of Thailand has to indicate its requests and offers within the schedule. This Program provided opportunity to consult with ex-WTO Director, as a lecturer, who is familiar with all aspects of the negotiation process.

- Enlightenment for government organizations unfamiliar with WTO

Those non-trade related government offices have little chance to expose to WTO matters, however, those agreements such as GATS, TBT and TRIPS requires consistency with domestic regulations, which might involve those organizations not directly related with international trade. The Program brought opportunity to invite and enlighten those government organizations in basic understanding for WTO agreements, so that they might be able to prepare for future involvement.

- Strengthening inter-ministerial and government-private coordination

The Program had several workshops with participation from various combinations of ministries, departments, academics and private sector, particularly for AD/CVD and GATS. These occasions provided opportunities for information sharing regarding obligation and rights under WTO agreements and the issues require coordination among different organizations.

Based on the above evaluation and impact, the followings are recommendations common across all components toward further capacity building.

- Information sharing and utilization

Although the information sharing system developed under this Program (Component-1) is to assist the system within DTN, it is intended to be accessed by other relevant government offices in the future. It is recommended to have the WTO information to be shared by all WTO-related departments and ministries for components covered under this Program. The information system is an infrastructure to support activities of the respective offices. The expansion of the information system for wider range of users is expected to contribute to further capacity building.

In order to materialize the full utilization of ISS, it is further recommended to set up an opportunity for discussion among DTN and other WTO related offices regarding the best use of the system by reflecting needs being felt by the users. As for a

communication tool, “e-mail news” sent by DTN regarding the ISS can be used to enhance the communication among the users.

➤ Strengthening inter-ministry and government-private coordination

The capacity is to be built with cooperation and coordination with collaborative organizations. Enhancing closer intra-government and government-private coordination is recommended for further capacity building. Especially, in case of issues in GATS, since the relevant offices are of wide range, it is important to have a good understanding with each other, since the negotiations cover those horizontal issues across all service sectors.

In case of AD/CVD issues, it is recommended to have more close communication among government, DFT, and private sectors, particularly FTI. In Japan, Nippon Keidanren (Japan Business Federation), one of the major business organization in Japan, has “Committee on Trade and Investment” to discuss variety of issues including unfair trade practices, which can be used as an example.

(referential information)

“Committee on Trade and Investment”, consists of approximately 120 companies and association, is one of the committees of Nippon Keidanren. The Committee promotes information exchange and discussion among the various industry sectors, and often submits recommendations or requests to governments of Japan and foreign countries on behalf of Japan’s industry sector.

➤ Institution building

An inter-organizational activity can be developed to a permanent institution for the designated specific purpose. In case of AD/CVD, “Fair Trade Center” with similar function as Fair Trade Center in Japan is being recommended to be established, to function as an information center regarding trade remedies by private initiative with the government support. The initial stage of the institution is to be started as a network with minimum cost.

In Japan, Nippon Keidanren has set up a “Japan Service Network” in order to stimulate discussion among private service industry sector. It is also recommended to organize service industry in Thailand, for their mutual communication and form a focal point with DTN which is a negotiator for all service sectors.

➤ Human Resource Development

In order to strengthen and continue with training activities, development of

lecturers and training tools are also required. Under TRIPS component, training material and trainers' training were covered by this Program. While for other components, the human resource development program is recommended to be established, so that the organization can be less affected by unexpected out-flow of human resources.

It is further recommended that those text and materials distributed for the seminars and workshops are to be recompiled for the training activities at each counterpart organizations. The opportunity for future training organized by WTO and other donors should be utilized fully, and reporting sessions by inviting officials of Thai Government Mission to WTO would be effective for sharing understanding among government and private circles.

➤ Capacity Building for Neighboring ASEAN Members

Thai government is already extending its assistance to Cambodia and Laos, future WTO members, to provide relevant Thai experience in WTO related issues. As has been discussed at APEC meetings, various efforts in enhancing capacity of developing economies are important, and Japanese bilateral assistance also has a program to assist "South to South" cooperation. From this viewpoint, it is further encouraged to conduct technical assistance for neighboring ASEAN members, which is also expected to contribute to the capacity building of Thai government.

➤ Enlightenment

It has become important to have the general public understand properly the benefit of global free trade. The activities for enlightenment is recommended to be strengthened, since various aspects of WTO related matter is getting close to consumers and markets. The seminar conducted in region is one of effective way to reach to off-Bangkok economy and public.

It is recommended to conduct seminars for cities outside Bangkok targeting local governments as well as private sectors, by making use of Thai language text and materials. Appealing a positive aspect of free trade regime, through various news media, is also effective to gain national support, particularly on the aspect of promoting Thai industry to international market.

Project purposes, outputs and evaluation indicators are shown in Figure , based on Project Cycle Management (PCM) method.

Figure III-1-1 Project Design Matrix (Thailand)

Project Name: Capacity Building Program for the Implementation of the WTO Agreements in Thailand

Implementation Period: August 2001 - December 2002

Narrative Summary	Objectively Verifiable Indicators	Means of Verification	Important Assumptions		
<p>Overall Goal</p> <p>Thailand obtains further benefits through multilateral trading system including the WTO due to its enhanced capacity to understand the WTO Agreement, implement its obligations, and to participate in international negotiations actively.</p>	<ul style="list-style-type: none"> - The merits from multilateral trade regime will be recognized to be increased. - The resource staff of Thai government for WTO negotiations will be increased. 	<ul style="list-style-type: none"> - Data related to WTO dispute settlement - Record of Thai government staff's activities related to WTO issues 			
<p>Project Purpose</p> <p>(1) Recommendations provided and the information system built under this cooperation program improve DTN's capacity as a coordinator when implementing the WTO Agreement.</p> <p>(2) Transfer of knowledge (in the field of GATS, AD/SCM, TBT, TRIPS, negotiation skills) under this capacity building program improves government officials and private sector staff's capacity to understand and implement the WTO obligations and actively participate in the multilateral negotiation.</p>	<ul style="list-style-type: none"> - The information sharing system will be developed for continued use, and the staff in charge fully comprehend the system. - The flow of WTO-related information from DTN to relevant government organizations will be increased. - The staff acquired with knowledge in WTO Agreements will be increased. 	<ul style="list-style-type: none"> - Questionnaire - Interviews 	<ul style="list-style-type: none"> - Thai government does not make major changes about its multilateral trading policy including the WTO policy. 		
<p>Outputs</p> <p>(1) Pilot information system is established and put into practice at DTN.</p> <p>(2) Government officials have better understanding about GATS agreement.</p> <p>(3) Government officials and private sector people have better understanding about AD/SCM agreement and its obligations.</p> <p>(4) Government officials and staff in organizations concerned have improved capacity for enforcement of TRIPS agreement and IPR-related administration.</p> <p>(5) Government officials have better understanding about TBT agreement.</p>	<p>(1) Increase in WTO information flow.</p> <p>(2) Enhanced activities of GATS related staff.</p> <p>(3) Enhanced capacity in handling AD/SCM related issues.</p> <p>(4) Enhanced enforcement activities in TRIPS related issues</p> <p>(5) Increased participation for international standards by TBT related offices.</p>	<ul style="list-style-type: none"> - Questionnaire - Interviews 	<ul style="list-style-type: none"> - DTN maintains, manages and make good use of the information system continuously. - Sustainable knowledge transfer is provided to public and private sector people concerned. - The number of staff in charge of the WTO issues does not decrease. 		
<p>Activities</p> <p>(1) Development of a pilot Information Sharing System and transfer of technology in operation and utilization for WTO related information sharing.</p> <p>(2) Organizing workshops for transfer of knowledge in GATS.</p> <p>(3) Organizing workshops for transfer of knowledge in AD/SCM.</p> <p>(4) Development of training materials regarding TRIPS agreements and intellectual property and transfer of knowledge to government and private sector.</p> <p>(5) Organizing workshops for transfer of knowledge in TBT.</p>	<p>Inputs</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 33%;"> <p>Japan: <u>Human Resources</u></p> <p>Consultants (Core members) Consultants (Support) Experts Coordinators</p> <p><u>Cost</u></p> <p>Required costs for TA activities</p> </td> <td style="width: 33%;"> <p>Third Countries: <u>Human Resources</u></p> <p>(Ex-)WTO staff Experts</p> </td> <td style="width: 33%;"> <p>Thailand: <u>Human Resources</u></p> <p>Counterpart personnel Experts Interpreters support staff</p> <p><u>Facilities</u></p> <p>Project Office at DTN PC and PC Software</p> </td> </tr> </table>	<p>Japan: <u>Human Resources</u></p> <p>Consultants (Core members) Consultants (Support) Experts Coordinators</p> <p><u>Cost</u></p> <p>Required costs for TA activities</p>	<p>Third Countries: <u>Human Resources</u></p> <p>(Ex-)WTO staff Experts</p>	<p>Thailand: <u>Human Resources</u></p> <p>Counterpart personnel Experts Interpreters support staff</p> <p><u>Facilities</u></p> <p>Project Office at DTN PC and PC Software</p>	<ul style="list-style-type: none"> - Government officials who received training continuously take charge of WTO related assignments. <p>Pre-conditions</p> <ul style="list-style-type: none"> - Thai government officials who are responsible for WTO-related work are not negative about this capacity building program conducted by JICA.
<p>Japan: <u>Human Resources</u></p> <p>Consultants (Core members) Consultants (Support) Experts Coordinators</p> <p><u>Cost</u></p> <p>Required costs for TA activities</p>	<p>Third Countries: <u>Human Resources</u></p> <p>(Ex-)WTO staff Experts</p>	<p>Thailand: <u>Human Resources</u></p> <p>Counterpart personnel Experts Interpreters support staff</p> <p><u>Facilities</u></p> <p>Project Office at DTN PC and PC Software</p>			

2. Evaluation and Recommendation for each Component

2.1 Strengthening Institutional Aspects Related to Implementation of WTO Agreements 《Component 1》

This section evaluates the technical assistance for “Strengthening institutional aspects related to implementation of WTO Agreements 《Component 1》 ” and provides recommendations for the future.

2.1.1 Evaluation

Before providing the technical assistance, the bureau for the WTO in DTN (former Department of Business Economics), which is in charge of operations related to implementation of WTO Agreements, had problems sharing information with the WTO, which made the entire operation inefficient as outlined below.

- As each person in charge separately manages information related to the WTO, it is organized by field and in chronological order in paper form according to a personal file system.
- To get the information from another field, it requires asking the person in charge of the field even within DTN.
- When the person in charge is absent, it is difficult to get the necessary information.
- It takes a lot of time to search for the necessary information.
- Many requests for information are received in the bureau for WTO from other bureaus in DTN and other government agencies, which occupy a lot of time.

To resolve these problems from the point of view of strengthening institutional aspects related to implementation of WTO Agreements, the WTO-related information sharing system “WTO-ISS” was designed, developed, and adopted by DTN on November 4, 2002, as a means of efficiently sharing WTO-related information within the DTN. This technical assistance provides a way of strengthening the institutional administration of implementation of WTO Agreements for DTN in charge of WTO. Through a set of technical assistance activities before the official operation of WTO-ISS, the following results were achieved.

- Positive cooperation from the DTN counterpart could be obtained for technical assistance with this component, which reasonably resolves the problems before

providing technical assistance in the bureau for WTO and reflects the needs of DTN for design, establishment, and adoption of the information sharing system.

- On initiating the system, the existing documents could be arranged, digitized, and registered in the system with cooperation from the DTN counterpart. Through these operations, information belonging to each person in the bureau for WTO within DTN could be gathered and classified in a cross-referenced way, which has motivated the individual in the bureau for WTO to share the information. In this matter, at the start of system operation, an environment where each person was able to understand the advantages of the information sharing system both in a practical way and in concept was established.
- Since the information sharing system was designed to be closely related to the existing system in the DTN (that is “a paperless system”), it would also be easily used in many fields other than the WTO. In addition, the paperless system could be modified in accordance with DTN’s needs.
- Users and system administrators were trained in the method of use, operation, and management of WTO-ISS, which established a base of future utilization of WTO-ISS by DTN.
- In the design and development of the system, discussion and operation with the DTN counterpart was possible, which enabled technical assistance for system design, practical methods for development, and management for development.

However, mere adoption of WTO-ISS is insufficient to drive the sharing of WTO-related information and strengthen the institutional aspects related to implementation of WTO Agreements. The actual sharing of WTO-related information relies on how the individual persons in the bureau for WTO will utilize WTO-ISS in the future. The entire operation in the bureau will not become truly efficient until every person registers his/her own information. It is quite important for the individual persons in the bureau for WTO to be conscious of sharing their own information, and the director of the bureau for WTO will need to make them aware of the importance of their tasks.

The results of system usage to the end of December, after the official start of operations on November 8th, were that 16 individuals (user accounts) at the division in charge of WTO have used WTO-ISS, and the total access number equaled 491. (Since document registration was through Web Serve, the access number for registration is not included.) Therefore, it remained to be tested at the end of December 2002. The reason the system was not used very much was that INFOMA Web Flow was not used, except in the document section of each division under a policy of gradual use. Though we are planning to make it possible for each section leader to use the system from now on, it is

expected after the middle of 2003 when the full conversion to the system will be implemented. Another reason Web Serve was not used as of the end of December was that a problem was discovered after the official start of operations on November 26. For these reasons, at the present stage, the availability of WTO-ISS, which is linked closely to INFOMA, is affected. The problem found in Web Serve was adjusted in January 2003. But in view of the present situation, in which DTN is promoting the gradual adoption of INFOMA, the expansion of WTO-ISS will have to be adjourned until after January 2003. It is important to make sure that measures for the expansion of WTO-ISS after the end of the support are taken by DTN. In this respect, as for the counterpart, users are being encouraged directly, and measures, such as a system demonstration for the DDG of DTN and instruction regarding the top-down style of usage, are being examined and implemented independently. So its approaches are being made even at this present stage. The counterpart reported that through the department in charge of WTO in DTN, it understands the usefulness of WTO-ISS thanks to its training course, and also reported that WTO-ISS will be used as the INFOMA operations will be implemented.

2.1.2 Recommendation

This section provides recommendations for the future, which are based on the evaluation of the technical assistance examined in section “2.1.1 Evaluation.”

- (a) To utilize the adopted WTO-related information system efficiently and strengthen the institutional aspects related to implementation of WTO Agreements, it is necessary to make every person in the bureau for WTO aware of the need to share his/her own information in addition to making use of manuals for users and administrators continuously. For this purpose, we make the three recommendations below:
- For the time being, organizational measures should be taken to ensure information sharing in the bureau for WTO by top-down directives.
 - It is also necessary to appoint a person responsible for WTO-ISS both in the bureau for WTO and the bureau of system administration in order to promote utilization, as well as train staff in several stages such as new members, give individual instruction, and respond to each question. It might be useful for them to individually instruct the persons who have not registered sufficient information.
 - In addition to the guidance on the operation of the system itself, it is important to consider promoting voluntary application by examining a mechanism

where users can share an understanding of the benefits that the system provides. For example, the mechanism etc. that feeds and backs the registration information of the renewal, new documents etc. of information into users regularly and raises the application incentive among them will be evaluated.

- (b) Currently, registration of information is limited within DTN in consideration of security, although the information is openly available for search. To accept the registration of information by other government agencies after the Government of Thailand arranges the intranet environment among governmental agencies is also important to make the operation of the bureau for WTO more efficient. This system has also been developed from the standpoint of such scalability.
- (c) WTO-ISS is designed and developed with specifications adapted to WTO-related information sharing, but the system should be adapted to other fields. It should be determined whether to utilize and share the information in other fields handled within DTN. The operation will be more efficient not only in the other bureaus but also in the bureau for WTO, as information in other fields is also related to operations regarding Implementation of WTO Agreements. In addition this system was developed as a pilot system for sharing of the WTO-related information, and its development also includes the standpoint of such scalability.

Furthermore, consultation for the usability improvement on the operation that is linked to 3 items of the above (a), including the follow-up of the actual condition of the system application, is thought to be important. In the middle of 2003, the relocation of the DTN office is scheduled. So, with the suitable timing of the application progress, it is hoped that the opening of the follow-up meeting by a TA consultant team, as appropriate, should be examined.

2.2 Capacity-Building for GATS 《Component2》

2.2.1 Overview of the Evaluation of GATS Component Activities

The evaluation of the activities of GATS Component has undertaken by 1) questionnaire survey, 2) consultation meetings with DTN and other counterparts, 3) comments from lectures and 4) TA Team observations. It is generally observed that the Government of Thailand, especially DTN, utilized Workshops as the occasion to review and to compile all the knowledge and updated information necessary for their work on GATS issues, to solve the questions and concerns arising from the on-going GATS negotiations. DTN has played the key roles as the organizers of the Workshop I. Also, DTN worked with other service-related agencies and TA Team to coordinate Workshops II, and stimulated the discussion by giving latest information and views during workshops II through participation of Deputy Director-General level official.

In addition, Workshops II provided the occasion for governmental agencies and business representatives to shared the information and views in the sectors of financial, telecommunication, tourism and accountancy services sectors. The knowledge and information strengthen during the Workshops are expected to provide a basis for future sector coordination.

TA Team observed, through the activities of this program, that the officials in charge of GATS in DTN have been very active, not only working for the Geneva meetings, but also providing information to other service-related governmental agencies, arranging the meetings/workshops/seminars, traveling local areas for seminars of “public awareness heightening”. It seemed that sometimes the volume of the tasks is beyond their capacity, though there exist a few experienced and knowledgeable officials.

2.2.2 Evaluation of the Workshop (1) in February

Speakers have submitted comments and recommendations after the Workshop. They pointed out the following issues:

- Balanced speakers with officials and academics from both sides
- Thai officials performed important role to activate discussions
- Some of the participants seemed be well informed about GATS provisions is

- Further discussion beyond basic issues should be tackled in the future activities

DTN and TA Team had several discussions to review and evaluate the Workshop I. They agreed that for planning Workshops II, comments and suggestions from speakers and participants should be fully taken into account. Thus, Workshops II turned out to be sector-focused ones with less number of speakers to promote interactions from participants and speakers. Also invite experienced officials to make presentations to share their current challenges at the beginning of each Workshop.

2.2.3 Evaluation of the Workshops (2) in August

(1) DTN's Evaluation in general

DTN found that Workshops II was utilized as the opportunity to enhance the knowledge on GATS and negotiation situation for future coordination and works in sector issues of GATS negotiations. Involvement of the business representative at this stage would be expected to enhance the government-industry dialogue.

(2) Workshop on Financial Services

Fiscal Policy Office (FPO), co-organizer of the Workshop on Financial Services evaluated that the Workshop provided supplementary knowledge and suggestions to their own effort by the financial liberalization coordination team. As the length of the workshop (half-day) was not adequate, there remained a few points to be clarified; especially issues directly deal with the negotiation. FPO mentioned that they had to work on FTAs and other international frameworks in addition to GATS so that there needs to be the study by experts and specialists.

From the questionnaire survey, which 12 out of 22 participants answered, all (100%) found the workshop was useful to the current situation of the field. 88% were sure that they would utilize the acquired knowledge to their jobs. The participants from business expressed interests to other issues, such as investment or telecommunications in WTO.

(3) Workshop on Telecommunication Services

Posts and Telegraph Department (PTD), co-organizer of the Workshop on Telecommunication Services and TA Team shared that Ms. Chirapa's presentation on how she tackled with the previous negotiation on telecommunication, in addition to Mr. Hartrige's lecture provides a lot of information and impact to the participants, both young officials of inside PTD and business representatives. It is pointed out that because of her heavy daily duties, such occasion was rather rare for both sides.

From the questionnaire survey, which 11 out of 26 participants answered, 91% found the workshop was useful to the current situation of the field. 91% would utilize the acquired knowledge to their jobs. A few participants suggested that more detailed information should be given to the future occasions, if any.

(4) Workshop on Tourism Services

Thai Authority of Tourism (TAT), co-organizer of the Workshop on Tourism and TA Team shared that the Workshop assisted TAT's own efforts. TA Team especially evaluated their organizing own meeting stimulated by this Workshop. TAT found that GATS as well as APEC and ASEAN tourism services issues should be continuously updated to the business side so that business could feel their own benefit and commit to the strategic discussions. Despite of the current uncertainty of the tourism industry, TA Team sincerely hopes the recovery of the situation and sustainable development of the sector in mid- and long-term.

From the questionnaire survey, 18 out of 26 participants answered, 78% found the workshop was useful to the current situation of the field. 78% would utilize the acquired knowledge to their jobs. Quite a few comments of various directions were submitted, e.g. "general knowledge of GATS should be enhanced further" vs. "tourism services should be more focused", "legal issues should be understood more" vs. "interested in benefit of the liberalization".

(5) Workshop on Accounting Services

Department of Commercial Registration (DCR), Ministry of Commerce, co-organizer of the Workshop on Accounting Services, said that previous meeting was held by DCR own in two years ago to cover the issues of the accountancy services under the GATS. They evaluated that the Workshop on Accountancy would provide

the basis for the discussion necessary to work for the on-going negotiations among the related officials and business representatives. They said that they had gained much knowledge new to them from the lecturer (e.g. language requirement within GATS, etc.) DCR had intention to work even closer with DTN. Besides WTO/GATS issues, they have a certain needs for the international accounting standards, revision of registration system.

From the questionnaire survey, 10 out of 32 participants answered, 89% found the workshop was useful to the current situation of the field. All (100%) would utilize the acquired knowledge to their jobs.

2.2.4 Recommendation

Through the activities and based on the above evaluation, our recommendations for further sustainable capacity building on GATS area are as follows:

Recommendation 1: Utilization of the Organization/Network and Broadening of Human Resources

It is recommended that Trade in Services Bureau of DTN would keep utilizing their network with other service-related governmental agencies. Not only those who have much knowledge and experiences on GATS (e.g. FPO, PTD) but also those who are responsible for “new” service sectors, such as education, environment, health and even energy, which this program didn’t covered should be invited to full discussion.

DTN has been making a lot of effort to provide information and enhance updated knowledge among service-related governmental agencies. For telecommunication, financial services, tourism and accounting services, TA Team observed there exist strong “communication ties” based upon reliability between DTN and responsible officials. Such relations should be extended further with other service-related agencies. The officials of DTN in charge of services have often been invited to the meetings organized by other agencies. For new services sectors, such as education, environment, health, energy services, both DTN and other agencies should seek similar type of occasions for information sharing/ knowledge strengthening.

During further activities by DTN’s initiative, WTO documents distributed during this program, that are essential to enhancing GATS understanding, should be utilized.

DTN’s role is becoming more important as a coordinator of whole GATS negotiations as the negotiations progress. In addition to the periodical meetings

organized by DTN before and/or after the negotiation meetings in Geneva, it is recommended to hold meetings with officials from Thai Mission in Geneva taking opportunity of their temporary return.

Recommendation 2: Continuous Training for Further Human Resource Development and Succession of Experience within Thai Government

It has been aware within Thai officials that under the on-going negotiations in services, continuous effort should be paid for human resource development through training. It is recommended that the knowledge and experience of the officials in DTN would be further enhanced. At the same time, the officials in charge of GATS in other governmental agencies would continuously get opportunity to training so that they can be the “core” to diffuse their knowledge on GATS in their agencies, respectively. Effective provision of the opportunities would be one of the key issues, and it should be led by the officials in charge of GATS within DTN and in other governmental agencies. (See Recommendation 8).

During this program, experienced senior officials made great contribution to the workshops. It is recommended that active participation of such officials would be sought in order to provide younger officials and business representatives their experiences of previous negotiations under GATS.

Recommendation 3: Information Sharing among Service-related Governmental Agencies

DTN has been playing the key role for distribution of the information from WTO to other related governmental agencies. Because of the constrain of the works and other reasons (e.g. volume and/or form of the information), sometimes they found difficulty in smooth distribution. Within the activities of the Component 1 of this Program, a pilot system for information sharing was introduced to DTN, to which other related agencies express interest. After the full implementation of the system in DTN, it is recommended to extend the system to other service-related agencies for the sake of effective information sharing in the area of GATS.

Furthermore, it is recommended that periodical information dispatch, using e-mail, website, etc., in charge of GATS by DTN and/or Thai Mission in Geneva may be considered.

Recommendation 4: Relation between GATS Strategy and Policies in Service Industry

GATS negotiation/liberalization is not a “stand-alone” issue. Rather, it is one way

to enable the industry policy so that GATS strategy should be established and implemented within the context of industry policies. For future capacity building, it is recommended that the relation between industry policy and GATS liberalization would be highlighted. As mentioned by the workshops in this program, GATS has not only the aspect of the obligation but also the aspect of the rights for member countries to decide speed and sequence of the liberalization in services. In this context, statistics of services can be referred in order to prioritize certain service sectors (There are two levels of the priorities of service liberalization: 1) prioritized sector(s) in whole service industry, 2) prioritized policy in certain service sector(s)).

Studies/analysis can be undertaken in necessary areas to facilitate policy making. (e.g. FPO suggested, in some areas, utilization of comprehensive studies on industry policy, GATS and other frameworks (FTA, APEC, ASEAN, etc.) may be considered.) With regard to the formation of study team, government officials, local and foreign academics, representatives from industry or staffs of the Parliament could be the candidates.

Recommendation 5: Further Strengthening of Relationship with Service Industry

It is recommended that the relationship between government and industry would be further strengthened in order to get adequate inputs inevitable for negotiations.

There have been fair relations between government and industry in the past, e.g. DTN inviting business representative to the seminars and officials making presentation, in ad-hoc basis. However, in order to get the effective information from business side, frequent information provision from government side may be helpful. At this moment, other than financial sector, there seems no periodical coordination meeting to discuss about GATS. Though most of service-related governmental agencies seem to have the strong communication channels with industry groups (associations and organizations), the channels have rarely been used for information sharing/ awareness heightening of the GATS issues. The inputs from industry side may be encouraged by systemic way.

(referential information)

In Japan, there is an industry-group to promote discussion on GATS service liberalization, as there are in U.S., Europe and a few other countries. “Japan Services Network (JSN)”, consists of approximately 100 companies and association, was established by Nippon Keidanren (Japan Business Federation) in 1997. JSN periodically invites government officials to gain latest information about GATS negotiations, and gives inputs to the government mainly with regard to the obstacles they face during

their business activities in foreign service markets. Besides JSN, Nippon Keidanren has “Committee on Trade and Investment” to deal with trade and investment issues in general.

Recommendation 6: Familiarization of the GATS

It is recommended that, as DTN has been taking initiatives, familiarization (or publicity) of GATS and liberalization of trade in services, to general public as well as business including those in regional areas would be continued. In this regard, continuous capacity building of the officials (Recommendation 2) would be important.

One of the ways of familiarization of GATS to general public is periodical information dispatch using e-mails and website. Ministry of Foreign Affairs Japan publishes “mail magazines for WTO round negotiations” for anyone who registered, and paying efforts to give readers updated information on negotiation and publicize government’s policy.

Recommendation 7: Full utilization of the function of newly established Bureau of Trade in Services Negotiations within DTN

It is expected that the key function in services of DTN, as well as information, knowledge/expertise would be appropriately succeeded to the new Trade in Services Bureau of DTN, which can take advantage of their mission, to overview not only GATS in WTO but also works within ASEAN and APEC, without losing the grand-picture of whole WTO. Since GATS is heavy related to the services liberalization of other international/regional frameworks such as ASEAN, APEC and even FTAs and other bilateral economic relations, Bureau of Trade in Services Negotiations has greater opportunities to overview all works in services. On the other hand, as other WTO issues are mandated to the Bureau of Multilateral Trade Negotiation (BMTN), officials in charge of services are recommended to pay even greater attention to BMTN’s work, especially other negotiation agendas such as agriculture, rules and market access.

Recommendation 8: Planning and Management of Capacity Building Activities

It is recommended that the activities on capacity building on WTO/GATS, including own activities of the Government of Thailand and projects hosted by other donors would be structured in effective and digestive way, complementing each other.

TA Team observed that DTN has been accepting WTO or other donors’ assistance, besides organizing many seminars by themselves. After Doha Development Agenda launched, capacity building activities are expected to boost more, DTN is expected to

coordinate and make full use of the assistance, complementary with their own activities. Furthermore, capacity building activities in the context of APEC and FTAs should be structured under control of DTN.

It could be suggested that following examples of the capacity building activities be initiated by DTN:

- Enhancement of the technical capacity of the officials in DTN and service related governmental agencies, including newly appointed officials, through workshops by WTO secretariats (e.g. development of “offers”)
- Enhancement of public awareness through seminars, taking opportunity of Dr. Supachai’s temporary return to strengthen publicity.
- Development of studies on relations between service industry policies and service liberalization under GATS, e.g. for positioning negotiations in policymaking process.

Also, it is recommended that capacity building activities may be broaden geographically, not only in Thailand but also under cooperation with other ASEAN countries. Furthermore, capacity building towards accession to WTO by LDCs in ASEAN such as CLMV countries (Cambodia, Laos, Myanmar and Vietnam) is expected to DTN, which also contribute to further development of the capacity of the Government of Thailand.

2.3 Capacity Building for AD/CVD 《Component 3》

2.3.1 Evaluation of the Program

The TA Consultant Team conducted questionnaire surveys to the participants of the workshops to evaluate its outcome. From the results of the analysis of these questionnaire surveys, the following points can be highlighted.

- While the workshop mainly focused on technical aspect of AD/CVD practices (workshop 1) was highly appreciated by the government practitioners, further trainings covering more detail techniques on AD/CVD practices have also been requested
- Presentation of Japan's experiences and panel discussion (workshop 2) were also appreciated, and it seems to have contributed to arise the attention to importance of public-private cooperation.
- While positive response to diffuse the knowledge acquired from the workshop has been expressed after both workshops, effort to maintain and improve that knowledge seems to be limited within individual activities, but needed to be taken as institutional actions. Utilization of the knowledge by the counterpart organization (Bureau of Trade Interests and Remedies: DFT) is still considered.

From the above points, adding the evaluation by the counterpart organization, the effectiveness of the program on AD/CVD can be evaluated as follows:

- The aim to improve the capacity of the government officers through presenting practical knowledge on AD/CVD procedures has been achieved in the sense that the officers have obtained comprehensive framework of the AD/CVD procedures and critical points to be addressed, and they have been well motivated to enhance the knowledge through continuous efforts. Considering that techniques and knowledge to deal with the AD/CVD measures need to be renewed through perpetual inputs, effectiveness of this Program should be evaluated in the above-mentioned sense, that is, whether it has given inertia for sustainable development of the capacity. The TA Program can be also evaluated on the point that it has added new experiences and different viewpoints to the existing training methods on AD/CVD, which the counterpart regularly organizes with internal and external resources.

- The program also should be evaluated from the viewpoint whether it has given any impact for institutional capacity building. From this point of view, the program has given such impact, for example, through introduction of the public-private cooperation in Japan, which could be symbolized by the Fair Trade Center, as being expressed interest by many participants.
- With regard to the improvement of the public-private cooperation in daily works, it should be evaluated from the viewpoint that, for example, how quickly the government can give the private sector the information on unfair trade activities by foreign companies and the governments, or how successfully the government can support Thai companies being targets of AD investigations. As a matter of fact, the counterpart has improved its cooperation system with the private sector in introducing the early warning system on AD allegation, and strengthening consultative system with the private sector to deal with unfair trade activities by foreign countries, reflecting the ideas discussed in the workshops of this program. Therefore, the program can be evaluated to given obvious impact on this point.

2.3.2 Recommendation

Based on the above evaluation, the recommendations for further improvement of the capacity can be summarized into the following three points.

1. Further promotion of training and dissemination of knowledge on AD/CVD

To maintain and enhance the knowledge and techniques on AD/CVD practices, it needs continuous renewal of information. As the counterpart has already have its own internal and external training methods, this effort should be maintained to promote dissemination of knowledge on AD/CVD practices to the government officers and private sector, utilizing the materials presented throughout the workshops. It would be necessary to promote information sharing among the government agencies, utilizing the information sharing system developed in the program, and, in the future, to provide information to the private sector through Internet, opening the part of the system.

2. Further improvement of the public-private cooperation in AD/CVD practices

As noted above, the counterpart has already improved and strengthened the cooperation with the private sector in daily business. To correspondent to the private sector needs appropriately, the government officers would be required to continuously enhance their practical knowledge and techniques, therefore promotion of this public-private cooperation should be maintained. Based on this improvement, further promotion of the public-private cooperation need to be pursued, especially in the strengthening of the discipline of AD rules, which is one of the focuses in the present WTO Agenda, and the serious concern by the private sector. It is important to promote information exchange and dialogue between public and private sectors in various opportunities like workshops and public hearings, utilizing information center mentioned below.

3. Establishment of the focal point for information on trade remedies

To improve the public-private cooperation, effort by the private sector is also required. However hard the government tries to support the private companies, there is a limit on the government's capacity, the capacity building and the cooperation by/among the private sector is indispensable. From this point of view, it is desirable to establish an independent institution, where the whole information on AD/CVD and other trade remedies are accumulated and provided for analysis, training and policy making by the persons who need it. This institution, like the Fair Trade Center in Japan, may function as the consultative center for private companies, who need basic information to deal with dumping allegation from foreign countries. At the same time, the government can utilize this institution as a think tank or the communication point with the private sector. To achieve these functions as the focal point for the public-private cooperation, the institute is required to have an extensive network of various human resources, not only from the government and industry, but also from the academics and legal circles. It also should be noticed that the Fair Trade Center in Japan has contributed to develop human resources in academic circles, providing them with the information on real negotiations and investigation process of AD and dispute settlements. The institution may be practically developed by strengthening the function of the existing private organization like the FTI-WTO Committee. It is also possible to build this institution as a virtual network to make it with less initial cost. In

any cases, however, the government's initiative and commitment are indispensably needed. With the positive initiative by the government, such strengthening of the existing organization's function would be expected to be achieved in a relatively short period.

Functions and activities of the Fair Trade Center in Japan

The Fair Trade Center in Japan professes its six functions as described below, and based on these, conducting research/study programs, educational/information services, and consultations/suggestions.

- 1) An antenna for trade issues (gathering up-to-date and accurate information on important trade issues by utilizing unique overseas information sources)
- 2) An information network and data bank (with regard to antidumping cases against Japanese products, country-of-origin regulations and other issues. The results are compiled and published annually in report form.)
- 3) A communication channel between government and industry (providing opportunities for communication among the interested parties so that the standpoint of Japanese industries can be reflected in the positions of the government, in establishing international rules such as the WTO AD Code)
- 4) An advisor to companies charged with dumping (offering advice on how to respond to investigations properly and introducing lawyers)
- 5) A consultant in preparation for petition filing (providing advice and support on filing antidumping petitions in Japan)
- 6) A supporter in WTO-related actions (investigations on the necessity and manner of initiating actions in international dispute settlement proceedings)

2.4 Capacity Building for TRIPS «Component 4»

2.4.1 Evaluation of the Program

(1) Outcome of the trainers' training

The evaluation of the trainers' training was implemented through questionnaire survey to the participants of each trainers' training and discussion with lecturers. In order to evaluate the outcome of the training which aimed transfer of both knowledge and teaching technique, the following points were included in the questionnaire.

- Were your expectations of the training met?
- To what extent did you acquire new knowledge through the training?
- To what extent did you acquire teaching skills through the training?
- In your future opportunity as a lecturer, to what extent do you think you can utilize the knowledge acquired from the training?
- In your future opportunity as a lecturer, to what extent do you think you can utilize the teaching skills acquired from the training?
- In your future opportunity as a lecturer, do you think you have more confidence in providing lecturers and trainings than before?
- In your future opportunity as a lecturer, to what extent do you think you can utilize the network with today's lecturers and participants?

Overall level of satisfaction for each session is as follows:

Figure III-2-1 Level of Satisfaction for Each Session

Date	Subject	No. of Participants	Breakdown of Participants	Level of satisfaction
Oct. 3	Patent Practices for Individual Inventors and Small & Medium-sized Enterprises	20	DIP 8, MOSTE 2, University 4, Private Sector 5, etc.	4.0
Oct. 4	Patent Application procedures	20	DIP 7, MOSTE 2, University 5, Private Sector 4, etc.	4.1
Oct. 8	IPR Regulatory Enforcement at the Border Control	30	DIP 13, Customs Dept. 2, ECID 2, University 4, Private Sector 5, etc	3.8
Oct. 9	IPR Management in Private Sector	30	DIP 4, MOSTE 2, University 3, ECID 1, Private Sector 15, etc.	4.1
Oct. 21	Trademarks Practices	42	DIP 16, Customs Dept. 2, Attorney General Office 1, University 2, Private Sector 10, etc.	3.6
Oct. 22	IPR Management and Utilization of Information in Educational Organizations	33	DIP 4, MOSTE 2, Attorney General Office 1, Court 1, University 11, Private Sector 6, etc.	3.7
Oct. 24	Basics on Trade Secret Act	39	DIP 4, Court 4, MOSTE 2, University 6, Private Sector 15, etc.	4.4

Based on the analysis of the results, major objectives of attending trainers' training were (a) to gain expertise to be a good lecturer and improve training skills, (b) to gain knowledge about specific field, and (c) to gain knowledge about Japanese experience. Though responses and comments from participants differed subject by subject, satisfaction towards the training sessions was generally high. Many participants indicated their expectation of the training was fully met, and they acquired training skills through the training. Though this questionnaire survey was conducted in 5 scales (very satisfactory: 5 points, satisfactory: 4 points, average: 3 points, unsatisfactory: 2 points, and very unsatisfactory: 1 point), level of satisfaction to teaching skill acquirement was 3.4 to 4.1, and new knowledge acquirement was 3.8 to 4.5. About 85% of the participants responded that the training was useful for Thailand considering the present situation of this field.

With regard to the utilization of the training, many participants responded that they believed they could utilize the training skills and knowledge acquired from the training in their future opportunities as lecturers. Level of satisfaction towards future utilization of teaching skills was 3.6 to 4.2, and new knowledge was 3.6 to 4.2. Also,

it was clear that many participants felt they could utilize the network with the lectures and other participants when they work as lecturers in the future, and its score was 3.4 to 4.1. There was significant number of answers pointed out that they had more confidence in providing lecturers and training than before, and its score was 3.4 to 4.2. Some respondents mentioned they would need more training about specified topics such as patent database search, evaluation of new technology and so on.

(2) Outcome of the overall activities

The evaluation on trainers' training has been highlighted in the previous section; however, it is rather difficult to state quantitative evaluation on over-all program in this component. It is because that the whole process of training material and curriculum development introduced throughout this program should be the subject of evaluation, and it has to wait till this process be institutionalized and utilized in the following years. Thus, indicated bellow is some of the elements of evaluation at this stage and facts of improvement in training scheme for future tasks.

(a) Improvement on Sense of Ownership

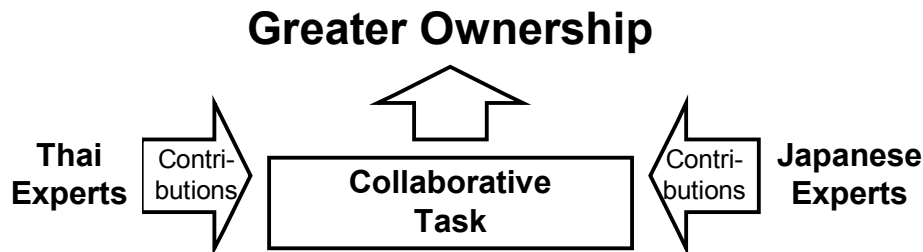
As stated in the latter part of section 2.5.1, this program provided the framework of collaborative work between Thai and Japanese experts. This enabled Thai authority to get involved in the process of material development and to increase their sense of ownership on the developed materials.

In the past, training materials and curriculums that have been provided through the assistance of foreign governments and/or international organizations were often in the one-way task and a little involvement from the Thai side in the process. They were sometimes simple translated version of original materials developed in the third countries or completed within the foreign experts' groups. Materials provided were, thus, likely to serve as good references and/or handouts not as textbooks for training programs in Thailand with a loss in the sense of ownership over true value of them.

The significance of training material development relies on whether or not the concept and/or design of the particular training material is well-shared throughout the process and implemented in the actual training courses. The actual sense of ownership on training materials is cultivated this way and makes materials utilize in the most

efficient manner. The collaborative task in this program has provided a good starting platform for the further material development framework.

<Introduced scheme in this program>



(b) Improvement in Common Perspective Formulation

Besides the welcomed fruits from the trainers' training, such as extensive lecturers' network formulation and substantive training skills transfer, this program has provided a foundation and channels for the common perspective formulation in terms of IP training.

The participants to the trainers' training consisted of combination of various sectorized clusters, such as officials from custom office, supreme court, prosecutor office, MOSTE, and personnel/lecturers from universities, IP related organizations, IP related attorney offices, private companies, and so on. The significant part of this undertaking is that they all shared same information and training skills as well as same training materials themselves. Especially, as the participants to this program are the prospective trainers, the common perspectives shared in the trainers' training shall be delivered in the respective way in each consecutive sector.

In addition to this improvement, this program has been well accepted by the participants for the efficient opportunity to exchange views and information from the different prospects in various sectors. It has been pointed out that cross-sectorized exchange of views on IP is quite important to understand objective situation and magnitude of IP related law enforcement.

2.4.2 Recommendation for the Further Capacity Building

As it is stated that the coverage of materials developed in this program was not designed to be comprehensive but to formulate a core compilation of training materials to work with for further development, continuous effort within DIP to substantiate training scheme is expected.

Setting forth of firm training scheme itself may not directly lead the Thai authority to strengthen its capacity in terms of implementing TRIPS Agreement. However, after all the amendment and introduction of domestic IP related laws and regulations compliant to TRIPS Agreement, it is not a detouring approach any more to focus on the enhancement of the general awareness over IP regime. Among other approaches, a sustainable and concrete training scheme shall become one of very powerful vehicles to strengthen Thai capacity to take advantage of international IP related disciplines. It is because that, once this vehicle is on the road, the authority could drive it to train government officials, to provide guidance to industries, and to educate general public. All shall eventuate stronger capacity for law and rights enforcement.

As for the further institutional strengthening in this area, inter alia, based on the process and foundation provided through this program, further arrangements by the initiative of DIP shall be recommended as follows.

(1) Strengthening Institutional Functions

Major focus shall be put on strengthening following functions:

(a) Organizing function on trainers/lecturers

- preparing a comprehensive inventory on existing available materials and resources
- preparing a comprehensive inventory on prospective trainers/lecturers including personnel in DIP (prospective organizations for further cooperation shall also be identified such as universities and Inventors Society, etc.)

This task is considered the very basics. With the existing data and information, a

list of participants' profiles related to this program shall be combined to create extensive database. The database shall be utilized both planning and coordinating of further training programs.

(b) Planning function on training curriculums and schedules

- Designing formats for training courses in coordination with existing scheme
Objectives: basic knowledge dissemination, procedural information provision, human resource development (examiners, patent lawyers, etc.)
Levels: introductory, inter-mediate, advance, etc
Duration: half-day, full-day, 2 to 3-days, 5-days, and so on
Target and scale: general public, students, practitioners, and so on
- Preparing an annual schedule for training

The program provided this time has been the one model curriculum for trainers' training for one-day. Based on this model, variation of courses according to the objectives, durations, and participation target shall be developed. Extracting some of the issues, reorganizing the index, substantiating with additional cases/information, etc. can be the first consideration to start with to take best advantage over the result of this program. Consultation with the lecturers, and even participants to the trainers' training, of this program shall be useful channel to design appropriate courses.

It is also important to plan annual schedule for training – which would realize not only the efficient use of resources but continuous attraction for the education from the participants' side. Certain communication instruments shall well be developed and introduced to this end, such as “review bulletin” and/or “newsletter”. It is important to keep track of alumni for the better and broader foundation of IP understanding as well as the potential source of prospective trainers.

Occasional planning of trainers training is also recommended. The like program provided in this project would serve as a seed bed for prospective trainers and provide a good opportunity to share common perspectives among them. Preferably, the program could be provided once in every 2 to 3 years.

(c) Coordination function on arranging trainers/lecturers fitted to

curriculums

- further development of training materials
- matching training materials/theme and trainers/lecturers

In-house development of training materials within DIP is a very useful approach. However, as far as efficiency is concerned, coordinating with external experts and/or organizations may be more realistic for the faster outcome. DIP shall strengthen its function to coordinate with universities, IP related organizations, and other IP related governmental agencies in development of training materials.

It is also very important to take an appropriate maintenance on further training materials including ones developed under the program this time. (This point is also related to the following section, "*Maintenance Function on Training Scheme*".) It shall be recommended to keep them in digital form and put them in the well-designed archive structure by the theme subject. It shall help to identify inadequacy in volume of materials for certain subject at a glance over the list of files. As for published training materials, dissemination of them is very important especially to those DIP would strengthen its tie with as mentioned above. A continuous manner of providing materials shall also be kept so that each organization could substantiate its training material stock. Other than published materials, it is also important to consider delivering training materials directly through digital network and/or by CD-ROM in the near future.

Matching trainers to training materials is another important task. Previously mentioned database shall be utilized in coordinating this matter. Preferably, several trainers shall be assigned for one material/subject so that more flexible programs can be planned.

Additional dimension to this function is to coordinate and/or arrange a self-training program from compiled training materials. A simple preparation of CD-ROM for each topic with capability to answer a series of specific questions may be one of the starting programs for this end.

(d) Maintenance function on training scheme

- system for compilation of training records as well as materials used in the curriculums
- review schedule for updating materials

Systemic rules for compilation of records is vital to design further training programs as well as to substantiate database itself. This shall be utilized in review and updating training materials and programs. Thus, periodical review schedule has to be introduced.

(e) Promotion function on training courses as well as general activities (ie. seminars and symposiums)

- general promotion through DIP home page
- campaigns
- review bulletin and/or news letter etc.

Existing scheme for the IP promotion shall be continuously substantiated in the synergistic manner with training scheme. Appropriate consideration shall be taken on the balance and relations between general promotions and specific training programs.

(2) Consideration to Support Key Functions

In order to realize above-mentioned tasks, appropriate consideration shall well be taken on the scope of competence and number of officials in the division concerned. Although step-by-step approach is one realistic way for improvement, increase in number of officials and/or formulation of specific task-team-like orientation shall be considered in the prior stage. It is vital to have (an) expert(s) to carry on the sustainable training scheme. And programs on human resource development for them shall be designed and introduced accordingly. To this end, a strong driving force built in the institutional organization, such as a team in a division, a division or even a department, is essential.

Considering certain constrain in human and/or budgetary allocation, it may

require rather realistic options to begin with. Among others, recruitment of external staff is the one option and out-sourcing/collaboration is another. In both options, it is needless to mention, preservation of neutrality and fairness as well as confidentiality for the public interest is essential.

As for the recruitment of external staff, it could skip the immediate introduction of human resource development program in house. DIP could directly invite trained expert(s), for example, in the form of being on loan to DIP from educational organizations, private sectors, IP related organizations or international organizations. Another option for out-sourcing/collaboration is to pursue the way of extensive utilization on existing collaboration network. For example, existing collaboration ties with universities may be one of the closest feasible options.

From the rather mid-term perspectives, establishment of Thai version of APIC (Asia-Pacific Industrial Property Center, attached to Japan Institution of Innovation and Invention: JIII), or JIII type organization shall be considered. This type of organization would contribute to enhance level of IP training, IP promotion and communication & research in the IP area. It may well serve as a strategic advisory function both to public and private sectors. As for the developing country, it may be even beneficial to have a strategic advisory section from the developing countries' point of view to elaborate how to take advantage of international disciplines like TRIPS, Paris Conventions and so on.

In any cases, DIP's initiative on this matter is fundamental as the authority of IP. The sustainable and concrete plan shall be adopted to formulate an institutional orientation to carry out the continuous and efficient training scheme by DIP.

2.5 Capacity Building for TBT 《Component5》

2-5-1 Evaluation of the Program

Focusing on sharing experiences/common understanding over the TBT Agreement and international standardization through the two workshops, the commitment of Thai side for the program was fulfilled. Especially, TISI's initiative sharing experiences in handling the TBT Agreement and international standardizing activities are much enough to make a suitable coordination among technical institutions concerned and domestic private sectors.

According to the questionnaire surveys conducted right after the workshops, the following points have been pointed out as the evaluation of the program;

- Many of participants have not participated in the seminars/workshops related to the TBT Agreement or international standardizing activities. So, participants of this program have been satisfied with the contents of the workshops, especially with the 'experience sharing'.
- Panel discussions in the workshops, with Thai and Japanese speakers to exchange views regarding problems faced or future expectations have become good steps for the future cooperation between Thailand and Japan in international standardization.
- Participants of the workshops (especially participants who attended the both workshops) have voluntarily continued to defuse the knowledge acquired in the workshops to their colleagues.

Moreover, Judging from comments from speakers of the workshops or TISI's presentation at the wrap-up seminar, TA Consultant Team has evaluate this component as following;

- Because this program aimed to cover Thailand herself, contents of the program could reflect the Thai own problems or interests.
- Since TISI has played a big role to participate in the regional/international seminars or workshops regarding the TBT Agreement or international standardizing activities, this program were helpful for the Government of Thailand to defuse the appropriate knowledge inviting participants from various technical institutions except TISI.

- Additionally, it was valuable to invite participants from private sectors. There were a lot of effective factors to help top-management of the private sectors understand the importance of international standardization, such as the economic impact of international standardization, which several speakers pointed out in their presentations or comments at the workshops.
- It is more important to have this kind of opportunity to exchange views, at least once a year.

2-5-2 Recommendations

It is important for Thailand to understand the discussions regarding the TBT Agreement to appropriately implement its obligations. In addition, for the sound development of domestic industries, it is inevitable to reflect her own interests in the on-going discussion of the international standard development, or to make actions not to develop any international standards, which are far way from the current technological/social situation in Thailand.

TA Consultant Team recommends the following two issues, based on the activities in this program.

(1) Continuous exchange of views/sharing of experiences

To cope with expansion of global economy, it is getting more important for both Thailand and Japan to have opportunities to exchange views or to share experiences in standardization issues (namely, “networking”). If both the government and private sectors in two countries can have chances to consult a wide range of standardization issues, not only at policy level but also at technical levels, at least once a year, the mutual understanding between Thailand and Japan should be deepened and both countries can easily cooperate/make strategies in development of international standards. Moreover, these exchanges of views will lead to the joint undertaking of the secretariat work of the international standardizing bodies such as ISO or IEC.

Additionally, TISI should take initiative to become a hub of knowledge network not only in Thailand, but also with the neighboring ASEAN countries, especially with CLMV countries (Cambodia, Laos, Myanmar and Vietnam) to defuse information or experiences implementing the TBT Agreement of participating into international standardizing activities. Specifically, it is considered that TBR-related officials (especially TISI staff) can conduct regional seminars in Bangkok to enhance the

understanding of the TBT Agreement, or visit CLMV countries respectively to have seminars/workshops. Especially for the Cambodia, Laos and Vietnam, it is valuable to conduct the capacity-building program for their future accession to the WTO as followed;

(Assistance of the TBT-related capacity building for the accession to the WTO)

Targeted countries	: Cambodia, Laos and Vietnam (non-WTO members in ASEAN)
Duration of assistance	: 2-3 years (before accession)
Type of assistance	: Regional seminars (in Bangkok) or seminars/workshops in the targeted countries (1-2 times /year)
Targeted participants	: Staffs to be in the TBT enquiry point, or staffs responsible for developing technical regulations
Lecturers	: TISI staffs, staffs in other ASEAN countries in charge of the TBT Agreement, or staffs in METI/Japan
Topics covered	: Explanation of the TBT Agreement and its notification procedures, transfer of Thai/Japanese experience in handling the Agreement, etc.

(2) Enhancement of the capacity in international standardization

It is important for TISI to encourage private sectors in order to make more commitments in international standardization. Especially for negotiation skills regarding international standardization, the essential is to be actively involved in international meetings/conferences and to receive knowledge continuously from foreign experts who have great experiences in this area. This will be helpful not only for the technical divisions but also for the management strategy divisions. In this Program, TA Consultant Team tried to transfer various Japanese experiences, such as those in home electronic appliances, motorcycle, plastics and rubber. In the future, it will be more important to conduct these kinds of knowledge transfer, through expanding areas in which Thai industries have their own interest. Presentation materials prepared for this Program are valuable for the future capacity building activities and should be utilized continuously.

In addition to organizing training program in Thailand, it is advantageous to hold

workshops and seminars that invite foreign experts. For the sake of improving experiences for participating in international meetings/conferences, it is essential for accepting TC/SC secretariat work; however, if it involves technical and financial difficulties, it would be beneficial to undertake joint secretariat with Japan and other countries, which have great experiences.

(3) Utilization of standard in technical regulations and establishment of master plan in standardization policy

In order to enhance recognition over importance of international standardization for private sectors, it is the best way to utilize standards into development of technical regulations more positively. The practical use of standards is for the purpose of increasing interest against standardization with expanding flexibility of private sectors. In Japan, regulatory reform in standards and conformance has been implemented, according to the discussion, namely, “Good regulatory practices” in the TBT Committee. Transferring these experiences to Thailand will be an important issue in the future.

It is recommended for TISI to hold training programs over how practical use in major countries develop technical regulations, to practice private sectors and to make a master plan to establish a concrete national standardization system, which has a clear direction to enhance the participation into international standardizing activities. When practicing these things, it is recommended that a training program be conducted with inviting foreign experts.