

SESSION 6

PREPARING FOR GOVERNMENT PROCUREMENT IN PTA NEGOTIATIONS

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CONSULTING THE STAKEHOLDERS

FIRST: THE ELEMENTS OF THE NEGOTIATION PROCESS

- Implementing the Agreement
- Negotiating the Agreement
- Preparing the Negotiations
- Establishing a Negotiating Strategy
- Framing the negotiations and issues
- Analysis of the issues involved
- Exploration of Stakeholders Interests

STAKEHOLDERS

- In any negotiation identification of and consultations with stakeholders is very important
- For negotiations in Services EIAs: identification is equally important
- Who are the 'Stakeholders'?

Identification of the stakeholders

Within government:

- Parliament
- Executive agencies
 - Cabinet
 - Ministries/Departments
 - Agencies – regulators
- Provincial or local government
- Municipality and other agencies
- The other government
- The other governments

Identification of the stakeholders

Outside Governments:

- Private sector
 - Companies
 - Persons
 - Associations
 - Chambers
- Civil Society Organisations
- Think tanks / research organisations

What do stakeholders bring to the table

- Commercial interests
- Economic impacts
- Policy issues
- Politics
- Legal dimensions
- Institutional considerations, legacy and hierarchy
- Public opinion, morals and cultural values
- Environmental considerations
- Social considerations

What are the consequences stakeholders are affected by

- The commercial impact
- The Policy outcome
- Bureaucratic changes
- Political consequences
- Legal precedents
- Macroeconomic consequences
- Environmental changes
- Social reforms

The consultation steps

- **Before starting the negotiations**
 - Study the benefit of engagement
 - Inter-governmental consultation – discussion on study
- **Decide to start negotiations – internal process**
 - Mandate
 - Approach
 - Time frame
- **Start negotiations**
 - Consult private sector

The consultation steps (2)

- During negotiations:
 - Legal Text
 - Inter-government
 - Regulators
 - Law ministry or lawyers
 - Think tanks
 - Request and offers
 - Inter-government
 - Regulators
 - Private sector
 - Civil society

A CONSIDERATION: INDUSTRY'S PREPAREDNESS

- Who sets the agenda for negotiations?
- To help successfully in policy making process
- Feedback during negotiations
- After implementation:
 - Trade defense measures
 - Circumvention
 - Any other issues

RECAP:

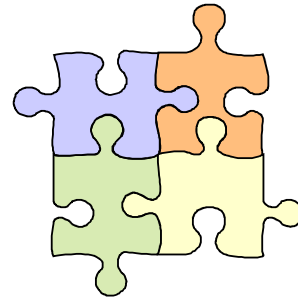
STAKEHOLDER BUY-IN ENSURES A SUCCESSFUL NEGOTIATION STRATEGY

- Frame the issue for negotiations
- Identify of win/win solutions
- Identify potential supporters among domestic and foreign stakeholders
- Outline message to potential supporters
- Identify opposing stakeholders & the means for reducing or deflecting opposition
- Establish the utility, legitimacy and fairness of proposed outcome

RESEARCH



CONSULTATIONS



NEGOTIATIONS



CONCLUSIONS

- The importance of proper research and stakeholders consultations in the design of trade agreements – very important and essential
- There can be several problems associated with:
 - Conflicting interests
 - Domestic policies
 - Inefficiencies
 - Large industry vrs. SME

NOW LETS ROLEPLAY

THANK YOU