

Committee on Trade and Development

A STRATEGY FOR TECHNICAL ASSISTANCE

IN WTO

Note by the Secretariat

Revision

This paper consolidates many of the elements of technical assistance published over the past five years in different documents prepared for the Committee on Trade and Development, and incorporates the issues raised in the two days of reflection on technical assistance held on 18 and 19 July 2000, and the points mentioned in two recent internal Task Forces on Technical Cooperation.

Taking into account that technical assistance provided by the WTO is not limited to the activities conducted by the Technical Cooperation Division but covers also the work of other WTO Divisions, it has been considered necessary to ensure that the proposed Strategy incorporates, as much as possible, the various dimensions and modes of delivery of technical assistance-related work conducted by all the Divisions of the WTO. Consequently, the present paper contains elements pertaining to activities conducted by the Technical Cooperation Division, the Training Division, the Secretariat Working Group on LDCs/IF, the Development Division, and all other Divisions involved in technical assistance activities.

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EXECUTIVE SUMMARY

WTO technical assistance aims at building the human resource capacity of beneficiary countries by expanding the knowledge of the Multilateral Trading System, its rules and its functioning, and at strengthening the institutional capacity of beneficiary countries in terms of their rights and obligations under WTO Agreements. In this context, WTO technical assistance is an integral part of the broader development efforts of capacity building undertaken by other international organizations in helping developing countries and economies in transition to participate more fully in the global economy.

While technical assistance is demand-driven with each beneficiary country taking full ownership for identifying its needs, priorities are necessary because of resource constraints, to increase the efficiency and effectiveness of technical assistance, to ensure a geographical balance in the distribution of technical assistance, and to respond to those most in need. To optimize its technical assistance, WTO should work closely with other multilateral, regional and bilateral institutions providing trade-related assistance.

The needs identified by beneficiary countries should be assessed through an iterative process involving the national focal point or committee, the secretariats of regional and sub-regional organizations where these exist, and the WTO Secretariat. Regional/sub-regional secretariats have an important rôle to play not only in the identification of similar needs among its members but also in the delivery of technical assistance on behalf of the WTO Secretariat.

The development of a multi-year plan at the country/regional level should also incorporate the identification of needs emanating from WTO's trade policy reviews and follow a multi-stage approach, with each stage building upon the results of the previous one. While a logical sequence of events is foreseen, some flexibility should exist to deal as a second priority with ad hoc requests.

The setting of priorities should be a joint task by the WTO Secretariat and the beneficiary countries, with priority given to LDCs, other African countries, non-resident Members and small economies, new WTO Members, countries/territories in the process of accession, implementation issues, and to on-going negotiations in agriculture and services. Concerning the Residential Trade Policy Courses in Geneva, the priority is to ensure that all beneficiaries have access to training at least once during a two-year period.

The programming of technical assistance should cover a three-year period and include in the first instance national activities targeted at specific needs and difficulties. Concentrating on national activities also offers the advantage of involving a large number of participants from different institutions and of associating the private sector and civil society. The programme should also include a sub-regional perspective where needs and difficulties identified by beneficiary countries have a similarity or homogeneity in matters of comprehension or in the application of Agreements and mechanisms of WTO. The programme at the regional level would deal with questions relating to coherence at that level, such as questions on trade and environment, trade and competition, trade and investment. Complementing the above would be a programme targeted by subjects of importance to beneficiary countries. Also, to ensure the future of technical assistance, any Agreement being concluded in WTO should be accompanied by a framework to be put in place to support its implementation in light of country-specific requirements.

Regarding participation in WTO technical assistance activities, there is the need to be more targeted both in the selection and follow-up of participants. This would ensure the development of networks among ex-trainees and foster a "training approach" in the transmission of WTO-related knowledge. In addition, a degree of continuity in task assignment would also assist beneficiary countries. Regarding the delivery of technical assistance, a shift from a "lecture" to a "training"

approach is required, with greater use of case studies and simulation exercises, insistence on interactivity, and use of modern information technology. The training of trainers is also necessary to have a multiplier effect.

While various modes and instruments of delivery exist for undertaking technical assistance, these should be adapted to beneficiary needs. Since the establishment of the WTO, there has been a natural shift towards the more specialized modes of delivery as the needs of countries become more precise and as deadlines for implementing specific Agreements approach. Notwithstanding the above, the demand for general training courses remains constant, which is explained, in part, by the need of many beneficiary countries to clearly establish a link between appropriate trade policies and development needs. The WTO should nevertheless aim to become more focused on specialized activities for which it has a comparative advantage over other organizations. In this regard, the WTO Secretariat should maintain close cooperation with other institutions to ensure a coherent approach, to identify areas of competence and complementarity, to define and execute joint projects and programmes, and to avoid duplication.

Cooperation with other institutions and bilateral donors will ensure a more efficient delivery of technical assistance to beneficiary countries by identifying areas of competence and complementarity, by identifying and executing joint projects, by avoiding gaps, and by minimizing duplication.

Monitoring and evaluation of technical assistance activities are crucial functions to ensure an efficient use of WTO resources and to improve the quality of programmes. Monitoring and evaluation components should be incorporated at the planning and programming stages, and the recommendations and lessons learned should become part of the formulation and implementation stages.

There is a need to have an adequate regular budget for financing WTO technical assistance activities which would ensure predicability, consistency and continuity in the provision of technical assistance. Other sources of financing include voluntary contributions to fund specific projects, and resources from multilateral and regional organizations to cover technical assistance activities on subjects of interest to them or in their region. To the extent that outsourcing takes place to alleviate resource constraints in WTO and to make use of other agencies' comparative advantage in trade-related matters, WTO should maintain control over the technical assistance delivered.

I. DEFINITION AND OBJECTIVES

1. The mandate of WTO technical assistance is to build and strengthen human and institutional capacity of beneficiary countries in order to enable them to participate fully in the Multilateral Trading System and to cope with their obligations and rights arising from the different WTO Agreements.

2. More specifically, the objectives of technical assistance are: a) to improve the knowledge of multilateral trade rules and WTO working procedures, b) to help in setting up and strengthening administrative infrastructure of countries so that they can cope with the rights and obligations of WTO Agreements, c) to assist in the implementation of commitments in the Multilateral Trading System and in the full use of its provisions, d) to provide legal advice regarding the Dispute Settlement Understanding and to help in the effective use of that mechanism, and e) to develop trade negotiating skills (i.e. use of different approaches and databases).

3. In this context, WTO technical assistance is an integral part of the broader development efforts of capacity building undertaken by other international organizations in helping developing countries and economies in transition to participate more fully in the global economy.

4. Technical assistance is demand-driven and should be complementary to and supportive of beneficiaries' efforts to identify their own requirements in the context of their overall trade development policy. It is targeted at those countries most in need, in particular LDCs, while keeping a balance in responding to the needs of other developing countries, economies in transition, and to countries and territories in the process of accession. It should be conducted within the framework of WTO comparative advantage¹ and resource constraints. It should also be complemented by outside experts and coordinated with other trade-related assistance agencies. Integral parts of managing technical assistance are the monitoring, evaluation and follow-up functions.

II. BENEFICIARIES

5. The WTO technical assistance programme is meant to respond to the needs identified by beneficiary countries and by different trade constituents within each country.

6. At the economic country/territory level, these include LDCs and developing countries, Member economies in transition, countries/territories in the process of accession to WTO, and countries/territories expressing interest in joining WTO.

7. At the constituent level, these include essentially government officials. Parliamentarians, private sector representatives, academia, NGOs and civil society could also be involved through consultations with national governments.

III. IMPLEMENTATION MODALITIES

A. ASSESSMENT OF NEEDS

8. In assessing the needs of beneficiary countries for technical assistance, the WTO should apply a proactive approach by helping countries to identify their technical assistance needs as well as informing them of opportunities available for such assistance.

9. An iterative process is likely to give a better end-product than simply accepting lists of demands from beneficiary countries. In addition, the demand-driven principle is set within the

¹ WTO's comparative advantage is illustrated in Annex 3.

framework of the three-year plan as requested by Members. For this to happen, the WTO should assist beneficiaries in articulating their needs. (Refer to Annex 1 for the needs assessment questionnaire covering the 2001-2003 Three-Year Plan).

10. For the above reasons, the following approach is recommended:

(a) Establishment of a National Focal Point/Committee

11. Each beneficiary country would be requested through the Geneva-based (or non-resident) mission to establish a focal point or a WTO National Committee composed of all national institutions involved in trade policy, with the mandate to review, coordinate and prioritise the requests for WTO technical assistance. As such, the focal point or the WTO National Committee would serve as a contact for the WTO Secretariat. The focal point or the WTO National Committee would be responsible for completing the annual needs assessment questionnaire developed in conjunction with the three-year plan as well as identifying how ad hoc requests (regarded as exceptions) made during the year fit in the framework of priorities stated in response to the above questionnaire.

12. In order to maintain an on-going dialogue, the Secretariat would hold consultations with the focal point or representatives of the WTO National Committee when in the country on a technical assistance activity. Furthermore, all correspondence with the national government would be copied to the Permanent Mission.

(b) Listing of Needs in the Three-Year Plan

13. The compilation of the three-year plan would in the first instance consist of a listing of needs identified at the beneficiary country level, to be tabled at the last meeting each year of the Committee on Trade and Development (CTD). This would ensure transparency as to the needs identified by each beneficiary country, and is the only possible outcome at this point if an iterative process is to take place. Notwithstanding the need for more rigorous planning, some flexibility should be maintained to deal with urgent and ad hoc requests. To assist the Secretariat in the implementation of its technical assistance activities, any ad hoc request should be transmitted to the Secretariat at least six weeks before the date on which the event is to take place, human and financial resources permitting. These ad hoc requests would be considered on an exceptional basis.

14. The structure of the needs assessment questionnaire in Annex 1 incorporates some core questions to be asked yearly, such as the most pressing needs by sector and their objectives (e.g. implementation issues, participation in the Multilateral Trading System, understanding of WTO Agreements and access to information on WTO issues).

(c) Involvement of Regional and Sub-Regional Secretariats

15. As part of the needs assessment phase, it is also important that regional and sub-regional focal points be established where possible to provide further input as to the needs for technical assistance on a regional and sub-regional basis. Also, a number of Memoranda of Understanding already exist with regional and sub-regional secretariats as part of efforts to outsource some of WTO activities associated with regional seminars (e.g. logistics and administration, selection of participants, assisting in the definition of the programme, etc., in the first instance). Thereafter, they could provide to participants the general introduction to the functioning of the WTO. These regional and sub-regional organizations or development institutions which interact on a regular basis with their member states, are in a position to offer advice not only to the WTO Secretariat on the nature of activities most in need, but also to assist in determining the best mode of delivery.

(d) Involvement of WTO Divisions

16. Using as primary input the listing of technical assistance activities in the three-year plan, discussions would be initiated with WTO Divisions to review these country demands. Such a review would take into account the work programme of each Division, missions conducted in the past, knowledge obtained from WTO representatives and from various WTO committees on issues such as implementation, the built-in agenda, etc. The purpose of the review would be to determine how best to respond to the needs expressed, to suggest modifications if necessary, and to propose a plan of action to ensure a logical sequencing of activities based on the availability of human and financial resources. The WTO trade policy reviews would provide much-needed input on needs identification and other domestic trade-related information.

(e) Discussion with National Focal Point/Committee

17. Following the review with WTO Divisions and with the regional and sub-regional secretariats, final discussions would take place with the focal point or representative(s) of the WTO National Committee and/or the Permanent Mission Representative to finalize a programme of activities that would cover several years. Implementation would, of course, be subject to the availability of resources, and would be done in cooperation with other trade-related organizations. The objective would be to identify a series of technical assistance activities that would be logically structured in sequence. The national programme envisaged may require modifications at the margin on a yearly basis, but not a thorough re-thinking.

(f) Developing Further the Three-Year Plan

18. Another phase of the planning exercise would consist in developing further the Three-Year Plan which would encompass: (a) an assessment of needs identified by countries and their priorities, the specific objectives, the modes of delivery, the dates of implementation and the success indicators of each activity; (b) information collected from WTO Divisions; (c) suggestions made by regional and/or sub-regional secretariats; and (d) ad hoc requests to feed into the Three-Year Plan as annual adjustments.

19. Regarding the Residential Trade Policy Courses, the planning covers a two-year period with six training courses aimed at offering at least one fellowship to each beneficiary during that period.

B. SETTING PRIORITIES

20. Since the demand for technical assistance activities will more than likely always outstrip the supply of human and financial resources, and in order to increase the effectiveness and efficiency of these activities, there is a need to set priorities.

21. Priorities would be determined along the following lines:

- (i) activities relating to LDCs, other African countries, non-resident Members and small economies;
- (ii) activities of WTO Members having recently acceded and countries and territories in the accession process; and
- (iii) issues relating to immediate implementation and to on-going negotiations.

22. In connection with the above, priorities identified by countries at the national level would be fully taken into account.

23. Beneficiary countries not responding to the three-year plan needs assessment questionnaire would be considered to have only ad hoc requests, and their requests would be given a second priority in the delivery of technical assistance by the Secretariat.

24. Concerning the Residential Trade Policy Courses, the priority is to ensure that all beneficiaries have access to training at least once during a two-year period.

C. ORGANIZING TECHNICAL ASSISTANCE ACTIVITIES

(a) An Integrated Approach to Programming

25. The programming of technical assistance activities should cover a three-year period. Each programme should first include national activities targeted at specific needs and difficulties such as those related to the implementation of WTO Agreements, to the adaptation of a national regulatory framework, and to issues concerning countries and territories in the process of accession. Concentrating on national activities offers the advantage of involving a large number of participants from different institutions and of associating the private sector and civil society.

26. The programme would also include a sub-regional perspective where needs and difficulties identified by beneficiary countries have a certain similarity or homogeneity in matters of comprehension or in the application of Agreements and mechanisms of WTO, such as the operation of enquiry points and the system of notifications, the dispute settlement mechanism, and trade facilitation. Sub-regional activities would also be useful in addressing questions of sub-regional integration.

27. The programme at the regional level would deal with questions regarding a coherence at that level such as questions on trade and environment, trade and competition, trade and investment, etc. Activities organized at the regional level could take into account the regional dimension of trade policies as an important element of the multilateral trading system.

28. The programming of technical assistance should have the region as the general framework within the Secretariat in order to facilitate the coordination of activities and to minimize the proliferation of projects at a lower level, and thereby multiply the risks of duplication.

29. Another approach to programming complementing the one above would be a programme targeted by subject of importance to beneficiary countries. Questions of major importance or representing major difficulties for beneficiary countries should be responded to by a programme aimed at the national level and consisting of actions to minimize or eliminate these difficulties.

30. In addition, any new agreement being concluded in the WTO should be accompanied by a framework to be put in place to support its implementation in light of country-specific requirements. This also applies to existing WTO Agreements such as Customs Valuation, which could also be supported by such technical assistance programmes. This would require (i) for each Agreement the definition of steps to take for implementation, e.g. introduction of legislation, creation of an administrative body, computerisation, provision of administrative services, etc.; and (ii) each beneficiary Member's identification of its specific requirements in relation thereto, in cooperation with relevant international donors. As the actual technical assistance needs are country-specific, depending on the level of development of each country and existing regulation and trade regime of the country, technical assistance requirements would not be laid down in the Agreement itself, but rather identified in relation to the Agreement. This would also facilitate the monitoring of implementation of the technical assistance programme.

(b) Selecting Participants

31. Regarding participation at WTO technical assistance activities, there is a need to be more targeted in the selection of participants. In so doing, one has to differentiate between the two basic modes of delivery, that is, general seminars and the more specialized technical missions, workshops, etc.

32. In general seminars, participants would tend to have different academic backgrounds and represent different government departments, NGOs, and the private sector. The WTO Secretariat would normally have little advance information about the participants, thus the main focus here would be to deliver a lecture. However, whenever possible, the Secretariat should seek to obtain information beforehand regarding the key people who would be the target of the activities to be held, as is already done in the context of the three-month Residential Trade Policy Course in Geneva.

33. In specialized activities, a more structured approach may be necessary for some subjects, as is already done by several WTO Divisions. During the organization phase, a detailed questionnaire to be completed by each person nominated (refer to Annex 5 for an example of the questionnaire prepared by the Rules Division) would be sent to the national lead agency responsible for hosting the event. This type of approach focuses on professional expertise and competence as well as getting names from expert organizations, both of which ensure that participants selected will benefit most from the course and are most likely to follow-up on developments taking place in WTO. Another approach is to request in the invitation letter to national governments that a list of candidates be submitted, taking into account difficulties that may arise at the country level, in order to have the WTO Division most concerned with the topic select the participant(s) with the most appropriate level of knowledge and experience.

34. In addition, a degree of continuity in task assignment would also benefit beneficiary countries. Beneficiary countries would be encouraged to choose participants employed in WTO-related jobs. In addition to reducing the turnover of officials attending the same or similar courses, this approach would help develop networks of professionals which are paramount to a proper diffusion of WTO knowledge.

35. Finally, in organizing technical assistance activities, the WTO should intensify its efforts in cooperation with national governments to reach out to representatives from the private sector, since it is they who convert multilateral rules into market access opportunities. While it may be desirable to hold separate seminars for them, one could request national authorities to invite them to participate in seminars/workshops organised for government officials. This approach would not only save money, but would encourage policymakers to discuss with representatives from the private sector and to learn about the difficulties they face both internally and externally. The extent of involvement of the private sector should be determined in recognition of the fact that WTO is an inter-governmental body and that normally the private sector interacts with the WTO through governments. Since bringing in the private sector could run the risk of getting the WTO involved in supply-side and trade promotion issues, for which the WTO has no mandate, it is necessary for WTO to coordinate its activities with other trade-related assistance institutions, with each one taking into account its mandate and comparative advantage.

(c) Delivering Technical Assistance

36. Improvements can also be brought to seminars, especially regional ones, by facilitating the interaction between representatives of different countries in the same region; that is, by making sure, for instance, that each participant has an updated list of participants at the outset of the seminar, by allocating sufficient time between lectures for get-together activities and interaction, and by asking participants to prepare a short paper prior to the seminar. Along the same lines, a set of guidelines

should be established by the WTO to assist local administrators hosting technical assistance activities so as to maximize the benefits accruing from such events.

37. Improvements should also be sought in the way technical assistance is delivered, notably for the most specialized modes. The general idea of a multi-stage approach should be pursued, with each stage building upon the results of the previous one. (Refer to Annex 6 for the framework for a multi-year technical assistance programme with beneficiary countries). This requires a shift from a "lecture" to a "training" approach with greater use of more modern pedagogical methods such as case studies and simulation exercises, insistence on interactivity, and using modern information technology. More emphasis should be given to short-term regional training courses where demand is strong. This presupposes close cooperation with regional organizations or regional development institutions to set-up a curriculum. Lastly, the training of trainers is necessary to have a multiplier effect. The WTO could develop this formula more actively in pursuance of its goal to set up, at national and regional levels, networks of trainers on the multilateral trading system. Former trainees of the three-month trade policy course in Geneva would be a good source of expertise.

38. The follow-up phase should be an integral part of the programming of technical assistance. The programming developed should anticipate for each category of activity, that is, national, sub-regional and regional, the appropriate follow-up activities that would permit a logical sequencing, multiplier effect and sustainability of the results achieved. The follow-up phase should also take into consideration the recommendations emanating from the different technical assistance activities held. In this context, follow-up activities could be undertaken by national, sub-regional or regional institutions, by the WTO, and/or by other relevant international organizations.

39. In making known and improving the multiplier effect of technical assistance activities conducted by WTO, the host country should be encouraged to organize press coverage of the activity taking place during the first day of the meeting. An interview with the local press should be organized to explain the purpose of the mission, what the WTO is about, the advantages for developing countries, special and differential treatment, and also to respond to questions.

(d) Internal Coordination

40. Internally, coordination should take place among all concerned WTO Divisions: Technical Cooperation Division, Technical Cooperation Audit, Training Division, Development Division, the Secretariat Working Group on LDCs/IF and all other Divisions involved in technical assistance activities. Coordination and exchange of information should be ensured through regular meetings of the focal point for technical assistance in each Division. The objective of coordination is to achieve a better coherence and complementarity in delivering technical assistance.

D. MODES AND INSTRUMENTS OF DELIVERY

41. Technical assistance activities are very diverse in scope and nature and are tailored to meet the needs of beneficiary countries. The mode of delivery is decided in consultation with the beneficiary countries and consists in organizing general seminars, technical missions, workshops, conferences and national symposia, the three-month Residential Trade Policy Course in Geneva, dispute settlement courses and Short Trade Policy Courses. It also consists in the setting-up of WTO Reference Centres and in providing technical assistance through information technologies and other modes of delivery (See Annex 2).

42. These modes of delivery which vary from the more general seminars to the more specialized technical missions or workshops take place either at the WTO headquarters or at the regional and/or national level. Since the establishment of the WTO, there has been a natural shift towards the more specialized modes of delivery as the needs of countries become more precise and as deadlines for implementing specific agreements approach. However, the demand for general courses remains

constant. This is explained, in part, by the need of many beneficiary countries to establish a clear link between appropriate trade policies and development needs. The WTO should nevertheless have, as an objective becoming more focused on specialized activities for which it has a comparative advantage over other organizations.

43. Experience has shown that it is better to treat on a country basis the classical subjects (e.g. implementation, legal framework) and on a regional basis new subjects like investment, competition, environment. For example, in the rules area, workshops are felt to be most effective. In the services area, on the other hand, issue-specific seminars have considerable appeal. In the area of market access, technical missions concerned with specific implementation questions are most effective in addressing beneficiaries' needs. On training in dispute settlement, workshops that incorporate case studies are the norm. It is clear from an internal review in the Secretariat that each format has a particular applicability and relative value in the delivery of technical assistance.

E. COOPERATION WITH OTHER INSTITUTIONS (INCLUDING BILATERAL DONORS)

44. With the ever increasing demand for technical assistance activities and the limited human and financial resources available to the WTO Secretariat, it is essential to foster close collaboration with other organizations involved in trade-related technical assistance. The Secretariat should also maintain close cooperation with bilateral donors and use existing donor co-ordination mechanisms to ensure a coherent approach, to identify areas of competence and complementarity, to define and execute joint projects, and to avoid duplication.

45. In this regard, the WTO cooperates and coordinates with other international and regional organizations in pursuance of common and complementary objectives, and in order to enhance synergy and coherence in delivering technical assistance. The WTO takes part in activities organised by other institutions and cooperates with them on joint projects and programmes, for instance the Joint WTO/UNCTAD/ITC Integrated Technical Assistance Programme in Selected Least-Developed and other African Countries (JITAP) and the Integrated Framework for Trade-Related Assistance to Least-Developed Countries (IF). Both JITAP, which involves three organizations, and the IF, which involves six core international organizations, are aimed at developing the human and institutional capacities of beneficiary countries in order to foster their integration into the global economy through their participation in the multilateral trading system. In this connection, the strategy incorporates a better use of existing donor coordination mechanisms such as the World Bank Consultative Group Meetings and UNDP Round Table Meetings.

46. An important step to minimize duplication, avoid gaps, and foster synergy among international organizations and other institutions dealing with trade-related technical assistance is the establishment of a reference guide on sources of technical assistance to developing countries and economies in transition. This guide, which is of an interactive nature such as a bulletin board, is updated regularly, and is also available in paper form. It is the result of responses to a questionnaire to Members and to multilateral, regional agencies and bilateral donors which are potential sources of trade-related technical assistance. (Refer to Annex 4 for a copy of the questionnaire on trade and WTO-related technical assistance).

47. In the context of enhanced cooperation with other international organizations, a distinction is drawn between areas where expertise available in WTO could be supplemented and complemented by expertise in other international organizations (e.g. WIPO, WCO, ITC, UNCTAD, WB) and areas in which expertise is available principally in the WTO. Areas in the former group provide greater opportunities for cooperation as they represent demands that go beyond what flows directly from the texts of the Agreements and into the areas of domestic capacity- building and associated training.

48. In this regard, the WTO must carry out its technical assistance activities in the areas where it has a solid knowledge base. Effectiveness in its interventions will be directly linked to its

comparative advantage, which are numerous. The WTO should focus on what it does well, without ignoring other areas that impact its jurisdiction, where it could pursue a policy of active identification of opportunities for cooperation and collaboration with other relevant institutions.

49. Areas where expertise is mainly available within the WTO require not only a high level of knowledge of complex WTO legal provisions, but also an understanding of the development of these Agreements, and the concerns and interests underlying them. On such subjects as GATS, the Agreement on Agriculture, the Agreement on Subsidies, and tariff schedules, the necessary expertise exists only within the WTO Secretariat. The GATS, being an evolving Agreement, is an example of an area where not enough time has elapsed since its entry into force to generate a body of legal interpretations and a critical mass of experts in the field. In certain other areas, including anti-dumping, countervailing measures; and, to a somewhat lesser extent, safeguards, in addition to expertise in the WTO Agreements and their development as described above, there is a need for knowledge of the operation of these Agreements at the national level. This is because the implementation of these Agreements entails the adoption of detailed domestic legislation and the establishment and development of competent institutions at the national level whose day-to-day operations are governed by both national and multilateral rules. The necessary blend of practical knowledge and experience of national systems of the relevant WTO Agreements will only be largely available in the Secretariat. Thus, in these areas, it is necessary principally for WTO professionals to carry out technical assistance activities.

50. Regional partner institutions (e.g. UN Regional Commissions, Inter-American Development Bank, Joint Vienna Institute, a number of sub-regional African secretariats, the Pacific Island Forum Secretariat, etc.) are invited to organize courses on the multilateral trading system beginning with logistics, administration, selection of participants, assisting in the definition of programmes, etc., as a first step, and leading progressively to training on the functioning of the WTO. In this connection, a number of Memoranda of Understanding have been signed by the Secretariat of the WTO with each of these institutions. As part of the working arrangements, training material is provided by the WTO Secretariat. Other arrangements include collaboration with institutions such as the Mekong Institute, the Universidad Metropolitana de Caracas, the International Development Law Institute, the Harvard Institute for International Development, the Commonwealth Secretariat, etc.

IV. MONITORING OF TECHNICAL ASSISTANCE ACTIVITIES

51. The guidelines (document WT/COMTD/8) envisage that monitoring and evaluation will be carried out by the Committee on Trade and Development (CTD) on the basis of an annual evaluation supplied by the Secretariat of the results of technical assistance activities. The implementation modalities (WT/COMTD/W/29/Rev.1) also provide for the possibility of an external evaluation of technical assistance activities.

52. Monitoring is an internal process carried out on an on-going basis to assess and appraise the implementation of an activity, project or programme. Monitoring seeks to ensure that the expected results are being achieved, by verifying that the outputs are being used by the beneficiaries. Monitoring also verifies whether, in relation to the objectives fixed, the resources were available and utilised at the proper time and in the desired quantity and quality.

53. Evaluation is the last stage in the management cycle. It has a fixed duration and its aim is to provide a systematic and objective appraisal of the relevance (as measured by the level of validity and pertinence of the objectives), performance (regarding the inputs, outputs and immediate and long-term results produced by the activities) and success (relating to impact, sustainability and contribution towards capacity building) of technical assistance activities being carried out. Performance and success indicators should be used to measure technical assistance achievements.

54. More specifically, the impact of technical assistance might be seen from three perspectives - short, medium and long term:

- (i) short term impact might be evaluated by such indicators as "understanding of the WTO" or the adoption of new laws and regulations under WTO Agreements;
- (ii) medium term impact might be evaluated by the improved quality of participation of developing countries in WTO committees (e.g. use of their rights under individual Agreements or raising of specific trade concerns) and the ability of developing countries to implement WTO Agreements;
- (iii) long term impact might be registered in the growing integration of developing countries in the Multilateral Trading System.

55. It is important that monitoring and evaluation components be incorporated in the planning and programming stages, and that the recommendations and lessons learned become part of the formulation and implementation stages.

56. In the context of lessons to be drawn, it is necessary that the information provided during the monitoring and evaluation process be formulated appropriately, circulated to potential users and used by them. The main users are those responsible for implementing activities, and the beneficiaries, as well as regional or sub-regional institutions taking part in the WTO's technical assistance activities. The mechanisms that allow the information obtained from monitoring and evaluation to be utilised. (Refer to Annex 7 for the different evaluation forms developed in consultation with the CTD) can be summarized as follow:

Organization of feedback:

- (i) positive elements that need to be strengthened; and
- (ii) problems that require remedial action

Dissemination of feedback:

- (i) a database on technical assistance activities which is systematically updated with information from monitoring and evaluation activities is made available to Secretariat staff;
- (ii) publication of the overall results of monitoring and evaluation;
- (iii) meetings of WTO Divisions' focal points on technical assistance; and
- (iv) annual reports to the CTD

Utilisation of relevant information:

- (i) the relevant information obtained from monitoring and evaluation should be incorporated into future activities. In designing a project, programme or activity, the WTO Secretariat should refer to this information.

57. Beneficiary countries, donors and the Secretariat, as well as regional institutions involved in receiving and delivering WTO technical assistance are all concerned by the monitoring and evaluation processes which assist technical assistance by further improving the design and implementation of the activities and by identifying more clearly the objectives to be attained. This is the reason that monitoring and evaluation are shared responsibilities among all parties concerned.

V. FINANCING TECHNICAL ASSISTANCE

58 Since WTO started its technical assistance activities, it has always been heavily dependent upon voluntary contributions, some of which contained conditions as to their use, with the exception of the Residential Trade Policy Courses in Geneva which have always been financed through the regular budget. Even if there was a large margin of manoeuvrability with regard to the financial aspects, the human constraint would be considerable, in the sense that with the current level of staff, it is impossible to spend much more than is being spent now on technical assistance.

(a) Technical Assistance and WTO regular budget

59. There is a need to have an adequate regular budget allocated to WTO technical assistance activities. Because trust fund money from voluntary contributions cannot reasonably be used to add "fixed-term contract" staff resources to the organization, there are finite limits to its usefulness in WTO technical assistance work. As well, excessive reliance on extra-budgetary resources makes it difficult to plan for efficient technical assistance programmes and carries an element of uncertainty and unpredictability. Therefore, it is necessary that a balance be sought between the regular budget and extrabudgetary resources.

60. Managing technical assistance through more balanced and stable sources of financing would contribute to the realization of a number of important objectives. Among these are:

- (i) ensuring predictability, consistency and continuity in the provision of technical assistance;
- (ii) enabling WTO to respond positively to a greater number of requests for technical assistance activities than is possible under the existing trust-fund based approach;
- (iii) spreading the burden of financing technical assistance activities more equitably among WTO Members; and
- (iv) providing resources to the Secretariat adequate to permit both the provision of technical assistance and training, and the execution of normal Geneva work in support of WTO Members.

61. In this context, technical assistance activities would remain demand-driven, but this would need to be tempered by an overall view of how to prioritise the use of what will always be limited resources.

62. Within the broader context, partner institutions would be strongly encouraged to utilise their own and/or regionally available financial resources. For instance, some regions of the developing world may have better access to their own regional financial resources, making it less necessary to use WTO resources, while other regions may be weaker in this sense. In addition, the Asian Development Bank and the Islamic Development Bank have been forthcoming with financial resources for activities in Asia/Pacific, Western Asia and Africa. Collaboration with the Inter-American Development Bank and with regional financial institutions in Latin America and the Caribbean through INTAL has been very positive insofar as financing is concerned and in assisting WTO in setting up regional seminars.

63. As a result, three broad sources of financing for technical assistance activities can be envisaged: first, the WTO regular budget; second, voluntary extra-budgetary contributions by some Members to the WTO Global Trust Fund to fund specific projects (in this context, multi-year pledging of voluntary contributions might also be considered); and third, resources from multilateral institutions and regional organizations to cover some technical assistance activities taking place on subjects of interest to them or in their region.

64. In other words, the allocation of resources would have two dimensions: first, a set of guiding principles should be introduced, such as the availability of regional resources, the work already done

in the region, national requirements in terms of implementation, etc.; and second, a programme/project approach on a case-by-case basis should be adopted, applying the guiding principles to decide on the allocation of resources.

(b) Outsourcing

65. Against this background of resource constraints is the possibility for WTO to cooperate with other field organizations to gain wider outreach in its work in technical assistance. As already indicated, WTO has certain core functions in the area of technical assistance and other agencies have a comparative advantage in other trade-related matters. Therefore, there is a need for WTO to coordinate with organizations so that they play their role in providing technical assistance when needed in those functions of WTO.

66. When outsourcing, several issues need to be taken into consideration. These are:

- (i) in certain areas, such as agriculture and services where there are on-going negotiations, outsourcing may be more difficult to organize on any significant scale because of the lack of outside expertise. Oftentimes country officials want to be advised on their commitments and obligations by WTO professionals who are directly involved in the on-going negotiations and who know how national policy objectives and constraints can be accommodated in country schedules; and
- (ii) sometimes outside consultants may be very knowledgeable regarding their own national legislation, but not fully conversant with the corresponding WTO Agreements; and, even when they may have a high degree of expertise on the WTO Agreements themselves, they may tend to introduce their own national interpretations, which may lead to a misunderstanding on the part of the recipient countries.

67. Notwithstanding the above, outside experts (i.e.. former country representatives, former trainees of the three-month trade policy courses in Geneva and other experts) should be relied upon for basic level explanation of the WTO Agreements and activities, its rules and other theoretical underpinnings. This normally takes place in seminars covering WTO subjects in a general way. Furthermore, country experts can provide invaluable assistance to WTO because of their practical knowledge of the multilateral trading system and their field experience. Also, through information technology, a strategy of networking with missions in Geneva can be established to permit a wider dissemination of information on WTO and to exchange information via the Internet.

68. If WTO delegates the basic level of explanation of its Agreements to other organizations, it does not mean that it should or would lose control over what it is doing. First, this "division of labour" should be effected on the basis of informal or formal arrangements with the relevant organizations which would clearly oblige these organizations to provide a technical not tactical and neutral explanation of basic functions of the WTO and of its Agreements. Second, these arrangements should provide for working out a programme content for such seminars, approved by the WTO. Third, the WTO could participate in such events, depending on WTO staff availability. As indicated earlier, a number of Memoranda of Understanding already exist with regional and sub-regional secretariats as part of outsourcing some of the WTO activities associated with regional seminars. These have proven to be extremely enriching for both parties, in addition to facilitating access to regional financial resources.

69. Although this "division of labour" would release some resources, the WTO will still face shortages of experts for conducting more "hands-on" technical assistance activities. For that purpose, outside experts acting under WTO supervision and reporting to WTO would be considered. The roster of WTO experts already established includes experts with proven experience who keep up-to-date on new developments and current activities.

70. To conclude, it is perhaps important to recall that since the WTO was established, demand for technical assistance has been continually increasing and the Secretariat is doing its best to respond to this increasing demand, on its own and in cooperation with other organizations. In this context and bearing in mind WTO's core responsibilities, the Secretariat needs to be able to plan for a steady increase in resources for technical assistance in order to meet the new demands that will undoubtedly result from the evolving multilateral trading system.

ANNEX 1

NEEDS ASSESSMENT QUESTIONNAIRE

H.E. Mr.
Ambassador
Permanent Representative
Permanent Mission of.....

Dear Mr. Ambassador,

As you may recall concerns have been expressed by Members in relation to the effectiveness and efficiency of the planning and programming process for technical cooperation activities. Moreover, the need to improve substantially this process is increasingly pressing, in the light of the serious human and financial resource constraints faced by the Secretariat. A successful process of planning, programming and execution of technical cooperation activities can only be achieved through the joint efforts of both Members and the Secretariat.

It is in this spirit that I would kindly request you to assist us in the identification of your technical cooperation needs. Furthermore, a clear indication of your priorities for technical assistance across all areas to be covered would also be most useful.

..... In this context, please find attached a questionnaire that could help the relevant national institutions in your country to articulate their needs for technical cooperation activities. The questionnaire, in the form of an indicative framework for requests for technical assistance, is structured as follows:

- I. IMPLEMENTATION ISSUES;
- II. PARTICIPATION IN THE MULTILATERAL TRADING SYSTEM;
- III. UNDERSTANDING OF WTO AGREEMENTS AND ACCESS TO INFORMATION ON WTO ISSUES;
- IV. OTHER.

It would also be most helpful if you could indicate your Government's intentions and/or possibilities in relation to the financing or cost-sharing of the technical cooperation activities requested. In turn, the Secretariat will spare no effort in including in its 2001 programme of activities all requests for technical assistance that will have been submitted. Their implementation will normally take place within the limitations of available resources.

..... In order to specify the type of technical assistance activities requested, please refer to the Implementation Modalities in document WT/COMTD/W/29/Rev.1 (attached).

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Notwithstanding the above, we recognize fully that further needs may arise throughout the year. Ideally, ad hoc requests should be the exception, and as they arise, we would hope that you put these new requests forward in the framework of the priorities stated in your response to the questionnaire. Furthermore, it would greatly facilitate both our tasks if any new request could be transmitted to the Secretariat at least six weeks before the date on which an event is intended to take place. Whilst no commitment can be made in advance, let me assure you that all efforts will be made to respond as fully as possible within resource constraints.

It would be most helpful for the Secretariat to receive all demands for technical assistance by the 15 September 2000. This would enable the Secretariat to include these requests in the annual programme for 2001, to be submitted to the Committee on Trade and Development at its last session scheduled for 27 October 2000.

For ease of reference, please find attached information relating to activities held in your country with WTO's participation, and in which officials from your Government took part during the years 1998 and 1999, as well as those proposed, or already undertaken, in the year 2000.

I remain, dear Mr. Ambassador,

Yours sincerely,

Jean-Maurice Léger
Director
Technical Cooperation Division

NEEDS ASSESSMENT QUESTIONNAIRE

The objective of this questionnaire is to obtain a focused appreciation of your Government's technical cooperation requirements in WTO-related matters. It will serve as an indicative framework to assist in preparing the 2001-2003 Three-year Plan. Please use the following headings to specify the content of your technical cooperation requests.

CALENDAR YEAR 2001

I. IMPLEMENTATION ISSUES

(a) SUBJECT

*Please identify the specific type of technical assistance required
e.g. adapting trade laws and regulations, submitting data to WTO
(notifications and Integrated Database, etc.)*

1. Specific WTO Agreements (e.g. Customs valuation, TRIPS)
2. Notifications
3. Integrated Database
4. Other

(b) SPECIFIC OBJECTIVES

What are the specific objectives to be achieved for each subject specified above?

**Your
priorities¹**

¹ Please indicate your priorities for the year 2001 by ranking them as follows: Priority 1, Priority 2, Priority 3, etc. across all four sections. There should be only one Priority 1 for 2001.

II. PARTICIPATION IN THE MULTILATERAL TRADING SYSTEM

Your Priorities¹

(a) SUBJECT

Please identify the specific area for which technical assistance is required.

1. Negotiations
2. Dispute Settlement Courses
3. Other (e.g. using special and differential provisions etc.)
Please specify

(b) SPECIFIC OBJECTIVES

What are the specific objectives to be achieved for each subject specified above?

¹ Please indicate your priorities for the year 2001 by ranking them as follows: Priority 1, Priority 2, Priority 3, etc. across all four sections. There should be only one Priority 1 for 2001.

**III. UNDERSTANDING OF WTO AGREEMENTS AND ACCESS
TO INFORMATION ON WTO ISSUES**

(a) SUBJECT

Please identify the specific area concerned.

1. Specific WTO Agreements (e.g. Anti-dumping,
Customs Valuation etc.)
2. WTO Reference Centres
3. Documentation
4. Other (*please specify*)

(b) SPECIFIC OBJECTIVES

What are the specific objectives to be achieved for each subject
specified above?

**Your
priorities¹**

¹ Please indicate your priorities for the year 2001 by ranking them as follows: Priority 1, Priority 2, Priority 3, etc. across all four sections. There should be only one Priority 1 for 2001.

IV. OTHER

*Please add any request that could not be classified under
the above headings and specify the objectives to be achieved*

**Your
priorities¹**

CALENDAR YEAR 2002

If possible, identify in a general manner your requirements for technical assistance for 2002.

CALENDAR YEAR 2003

A general statement of an indicative nature would suffice.

¹ Please indicate your priorities for the year 2001 by ranking them as follows: Priority 1, Priority 2, Priority 3, etc. across all four sections. There should be only one Priority 1 for 2001.

ANNEX 2

MODES AND INSTRUMENTS OF DELIVERING TECHNICAL ASSISTANCE

General Seminars

1. General seminars provide an overview on the Multilateral Trading System and disseminate information on the work of the WTO. They cover a broad range of issues including basic rules and principle as well as the functioning of the WTO and its Agreements, Understandings and Decisions and information on recent developments. General seminars also offer in addition an opportunity to explain, when required, the main features and objectives of WTO technical assistance.

Technical Missions

2. Technical missions address specific questions/concerns of countries; or detailed, in-depth explanations of Agreements. The audience is normally composed of those directly involved in overseeing the implementation of an Agreement. Technical missions are a good instrument to address trade policy options, and to make trade officials aware of the business opportunities in, and obligations of, other countries. Examples include assisting countries in reviewing their draft legislation and establishing an institutional framework for contingent trade remedies (such as anti-dumping) or in the area of intellectual property meeting the requirements of the TRIPS Agreement; adapting lists of concessions or schedules of concessions of customs tariffs to the Harmonized Commodity Description and Coding System; etc.

Workshops

3. Workshops provide issue-specific training, for example on notifications, risk assessment, trade negotiations techniques, dispute settlement cases, TRIPS, Agriculture, TBT, SPS, GATS, Subsidies, trade remedies, etc. They are addressed to experts in the areas covered. Workshops generally focus on one particular area of trade policy and, in addition to theoretical explanations, have a practical orientation, i.e. through case studies and simulations.

Conferences and National Symposia

4. Conferences are useful to reach those who develop or influence trade policy-making, including with respect to new issues. For countries in the early implementation of Agreements and for acceding countries and territories, conferences are a good instrument for a general introduction of Agreements and issues, or to discuss trade policy and implementation issues. The value of conferences very much depends on the participants and the organization.

Legal Advice

5. Article 27.2 of the Understanding on Rules and Procedures Governing the Settlement of Disputes stipulates that the WTO Secretariat shall provide legal advice and assistance to developing country Members which so request. To this end, legal experts are available in the Technical Cooperation Division. Since the establishment of the WTO in 1995, legal advice has been provided to developing WTO Members in over 75 cases. Assistance includes advice to countries on their legal rights and obligations under the WTO Agreement; assessment of a Member's position of successfully initiating or defending an action under any of the covered Agreements; undertaking legal research; and providing comments on submissions prepared by Members' lawyers.

Dispute Settlement Courses

6. In accordance with Article 27.3 of the Understanding on Rules and Procedures Governing the Settlement of Disputes, the Technical Cooperation Division, jointly with the Legal Affairs Division, organize on a regular basis special training courses on Dispute Settlement Procedures and Practices. The objective is to enhance the understanding of officials of the WTO Dispute Settlement Understanding and to equip them to effectively advise their Governments on all matters relating to the implementation and application of the WTO Agreement.

University Project

7. Given the need to disseminate accurate information on the WTO and the Multilateral Trading System as widely as possible, the WTO is deepening its existing links and establishing new ones with a number of universities having international trade courses. In addition to offering comments on the curriculum of trade policy courses, the WTO provides documentation and arranges for an occasional visit when on a technical/official mission. It is felt that the knowledge acquired on WTO will assist in the long-term the country whether the graduates work in the public or private sector. It also contributes to creating a solid and sustainable basis of transfer of knowledge.

WTO Reference Centres

8. The WTO Reference Centres' programme covered 78 countries at the end of December 2000 and 95 locations. Under the programme, the WTO provides documentation, computer equipment for least-developed countries and small island economies, ensures Internet access, and provides training on accessing the wealth of information on the WTO web-site and other digital carriers developed by the WTO. For other developing countries and economies in transition, only documentation and training are provided when establishing a WTO Reference Centre.

Information Technologies

9. Progress in information technologies, with its effects on reducing time and distance and the constant lowering of costs, has produced new and exciting tools which are increasingly being used in WTO technical assistance activities. These tools, such as e-mails, on-line fora, video-conferencing, web-sites, CD-ROMs and computer-based training, have a substantive multiplier effect in terms of the number of individuals, both in their official and personal capacities, as well as institutions reached, enabling the WTO to enhance the scope, coverage and impact of its technical assistance.

10. *E-mails* are used on a daily basis not only to organize missions and to ensure their follow-up, but also to deliver documentation and exchange information. On-line fora are useful to focus the debate on specific issues and are normally open to all interested persons having access to a computer. In special cases, it is also possible to restrict access to selected target groups, e.g. government officials.

11. *Video-conferences* are used for lecturing, question and answer (Q&A) sessions as well as for technical missions. Until now, the most typical use of video-conferencing has been for short interventions by highly specialized experts of the Secretariat during Short Trade Policy Courses. In addition, video-conferences have been used to deliver presentations in seminars and workshops when senior WTO officials cannot be physically away from Geneva. It should also be added that the use of video-conferencing in the delivery of distance learning programmes presents considerable potential.

12. *The WTO official web-site (www.wto.org)* contains a wealth of information about the rules and mechanisms of the Multilateral Trading System, the latest news and current work programmes of the various WTO bodies, including schedules of meetings, negotiations, and dispute settlement, etc.

Documents on-line is a facility of the web-site that allows users to retrieve WTO official documents using different criteria such as, among others, document symbol, title and date. In addition, the WTO has established a number of specialized web-sites such as: (i) the Information Technologies for Development (ITD) Project web-site (www.itd.org), a joint initiative with the World Bank Institute; and (ii) the LDCs web-site (www.ldc.org) which provides, among other things, general information on the Integrated Framework for Trade-related Technical Assistance, etc.

13. The Secretariat has already produced several CD-ROMs, some of which are updated on a regular basis. The Results of the Uruguay Round, the Gatt Analytical Index, the Gatt BISD, the International Trade Statistics (Volume II of the Annual Report) series, the Integrated Data Base series, the Trade Policy Reviews series are all examples of available products, copies of which have been provided to delegations, WTO Reference Centres as well as to participants during technical assistance activities. Most of these CD-ROMs are also available as publications for sale. In addition, CD-ROMs containing WTO documents and training materials are produced on a regular basis in-house and distributed during technical assistance activities.

14. A computer-based package on the World Trade Organization was prepared by the Secretariat and is accessible on the WTO web-site since 1998. It mirrors the structure and covers all concepts developed in a normal 4 to 5 day seminar. More detailed explanations on an Agreement by Agreement basis form the basis of the Computer-Based Training (CBT) series. Each CD-ROM of this series, in fact, is meant to capture the subject-matter of a given WTO Agreement as it is presented in WTO Trade Policy Courses. The material is encapsulated using a multimedia approach that combines text, audio and video segments in an interactive, pedagogical manner.

Other Modes of Delivery

15. Among these are:

- (i) Internship training which is a good example of long-term capacity building.
- (ii) Short Trade Policy Courses cover in a limited period of time (2-3 weeks) issues related to trade policy and the Multilateral Trading System. These are in addition to those for LDCs organized as a follow-up to the High-Level Meeting in 1997.
- (iii) Day-to-day technical assistance given by WTO Divisions to Members in Geneva, including WTO geographical groups, and to officials in capitals when on visit.
- (iv) Documents, handbooks and technical notes.

ANNEX 3

ILLUSTRATIVE LIST OF WTO'S COMPARATIVE ADVANTAGE

- Expert knowledge of the DSU and TPR mechanisms and of WTO Agreements.
- Obligations under Article 27.2 and 27.3 of the Dispute Settlement Understanding.
- On-going negotiations on Agriculture and in Services and re-negotiations under Article XXVIII.
- WTO Reference Centres.
- Conformity of domestic legislation, regulations and institutional framework with the WTO Agreements.
- Technical information on the implementation of selected WTO Agreements such as Rules, GATS, Market Access, Agriculture, Textiles, DSU, TRIPs, ITA, and the accession process.
- Experience acquired in trade negotiations techniques (i.e. use of different approaches and data bases).
- Tariffs, trade and Harmonized System Databases (IDB, Consolidated Tariff Schedules).
- Notification procedures.

ANNEX 4

QUESTIONNAIRE ON TRADE AND WTO-RELATED TECHNICAL ASSISTANCE

Dear <<Title>>,

I am writing to request your assistance in carrying out an initiative which I hope will be of mutual benefit to us and to all those who have an active interest in strengthening the capacity of developing countries to meet the challenges and opportunities presented by their participation in the Multilateral Trading System.

As you are aware, considerable efforts are being made by a growing number of agencies and governments to provide technical assistance to developing countries in relation to the WTO Agreements and the multilateral trade negotiations. The existence of a rich and diversified range of complementary sources of assistance is of course to be welcomed. In order to promote an optimal use of all available opportunities, I think it would be helpful to have available a guide to the sources of WTO-related technical assistance.

In addition to serving the immediate purpose of providing a single basic reference document for all interested parties, in particular beneficiaries of technical assistance, this guide could also be helpful to us in our efforts to ensure coordination and cooperation between the various sources of assistance available. Members frequently raise issues of coherence, accountability and effective use of resources. I agree. This information would enable us to do a more effective job with our limited resources.

As a potential provider of trade-related technical assistance, I would therefore like to request your organization to contribute to the preparation of this handbook by filling the enclosed questionnaire, which, as you will see, is built around a few simple questions relating to trade and WTO-related technical assistance. The objective is not to provide an exhaustive listing of all activities carried out by each provider of technical assistance, but rather to provide sufficient information to allow the reader to understand the type of assistance that can be sought from a particular source.

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This information could also provide invaluable input to discussions in the context of the overall review of technical cooperation underway in the Committee on Trade and Development. The Committee is to meet on 28 June, and discussions will continue during two days of reflection on technical cooperation on 18-19 July 2000. In this light, and so that we may bring this project to life as rapidly as possible, I would be grateful if this questionnaire could be returned to us by 23 June 2000. Please forward your responses to Jean-Maurice Léger, Director, Technical Cooperation Division, WTO, 154 Rue de Lausanne, 1211 Geneva. (Fax No. 0041 22 739 57 64; e-mail: jean-maurice.leger@wto.org).

This is, I believe, a modest but useful project, and I look forward to your contribution. I will of course keep you informed of the further development of this project and I hope to be able to write very soon to report that a first version of the guide is completed.

Yours sincerely,

Mike Moore

<<Name and Address>>

QUESTIONNAIRE
ON TRADE AND WTO-RELATED TECHNICAL ASSISTANCE

Guidelines for Completion of the Questionnaire

Answers to this questionnaire are intended to form the basis of a guide to WTO-related sources of technical assistance. As you will see, it is built around a few simple questions relating to trade and WTO-related technical assistance.

*The **objective** is not to provide an exhaustive listing of all activities carried out by each provider of technical assistance, but rather to provide sufficient information to allow the reader to understand the type of assistance that can be sought from a particular source and enable him or her to contact the relevant institution for further information if necessary. While we ask that you keep your responses to a total of two to three pages, please do not hesitate to include examples of specific projects where these could be helpful in understanding the nature of activities carried out.*

*If you have any **enquiries** regarding the completion of the questionnaire, please contact Mr. Lahcel Aboutahir, in the Technical Cooperation Division, WTO at 00 41 22 739 57 38 (tel.); 00 41 22 739 57 64 (fax) or lahcel.aboutahir@wto.org.*

*Please **return** the completed questionnaire by **23 June 2000** to Mr. Jean-Maurice Léger, Director, Technical Cooperation Division; WTO 154 rue de Lausanne; 1211 Geneva 21; Fax: 00 41 22 739 57 64; e-mail: jean-maurice.leger@wto.org.*

Thank you for your cooperation

COUNTRY

**contact
address**

**e-mail address
website**

1. WTO-related subjects covered:

[Please indicate here the WTO-related areas in which technical assistance is provided.

Indicative list: Agriculture, trade in services, trade and environment, technical regulations and standards, sanitary and phytosanitary measures, trade-related aspects of intellectual property; anti-dumping; safeguards; subsidies; customs tariffs; customs valuation; import licensing; preshipment inspection; rules of origin; trade facilitation; trade and competition policy, trade-related investment measures; trade and investment; government procurement; dispute settlement; trade negotiations; WTO Accession]

2. Brief description of the institutional framework for technical assistance

[Please provide here a brief general description (one paragraph) of your country's institutional structure for technical assistance. This should include a description of the role of the departments or agencies involved and their mandate.]

3. Trade-related technical assistance

[Please provide here a general description of trade-related technical assistance activities. This should include an indication of the responsible department/agency, main objectives, modes of delivery, funding, intended beneficiaries and conditions of eligibility]

4. WTO-Specific programmes

[Please describe any specific programmes particularly relating to the WTO or WTO Agreements. This should include an indication of the responsible department/agency, main objectives, modes of delivery, funding, intended beneficiaries and conditions of eligibility.]

5. Activities for least developed countries

[Please briefly describe any specific programmes particularly relating to least developed countries. This should include an indication of the responsible department/agency, main objectives, modes of delivery, funding and conditions of eligibility]

6. Partnerships/participation in joint activities and programmes

[Please indicate here any formal or informal arrangements or programmes with other institutions, covering trade-related technical assistance]

7. For further information

[Please indicate here the person and/or Department which can be contacted for further information on trade-related technical assistance. If different departments should be contacted for different areas or programmes, please indicate the specific contact point for each. Please also indicate here relevant e-mail and website addresses, as well as relevant brochures or other sources of information available.]

ANNEX 5

EXAMPLE OF PREPARATORY QUESTIONNAIRE FOR PARTICIPANTS

ADVANCED WORKSHOP ON ANTI-DUMPING AND COUNTERVAILING DUTY INVESTIGATIONS

I. General Section

1.1 How many AD cases have you handled as an investigator?

- ☐
- 1 - 3
- ☐
- 4 - 5
- ☐
- 6 - 10
- ☐
- More than 10

1.2 How many CVD cases have you handled as an investigator?

- ☐
- 1 - 3
- ☐
- 4 - 5
- ☐
- 6 - 10
- ☐
- More than 10

2. How many of those cases are now closed with a final determination? How many have only gone through a preliminary determination?

3. What are the products involved? Countries? Attach a sheet, if necessary

4. How many years / months have you worked on AD / CVD cases? Do you do AD/CVD cases full-time, or do you work on them in addition to other responsibilities?

5. Do you specialize on procedures, on dumping calculations, or on the determination of injury? Or do you tend to get involved in all aspects of a case, on relatively equal proportions?

- ☐ Procedures ☐ Dumping ☐ Injury ☐ All aspects

Please answer the remaining sections of the questionnaire according to your area of expertise. If you do all aspects of a case, please answer all three sections.

II. For Staff Specializing on Procedural Issues

6. Which of the following issues or procedures do you find difficult to conceptualize and implement? You may check as many boxes as you want.

- ☐ Verifying the "standing" of producers for the purpose of filing a complaint (Article 5.4)
- ☐ Defining the period of investigation
- ☐ Handling confidential information
- ☐ Deciding to use the "facts available" (Article 6.8)
- ☐ Informing the "essential facts" to interested parties, prior to issuing a final determination (as outlined in Article 6.9)
- ☐ Establishing dumping margins on the basis of a "limited examination" (as provided for in Article 6.10)
- ☐ Duration of provisional measures
- ☐ Mechanics of price undertakings
- ☐ Use of the "lesser-duty" rule
- ☐ "Prospective" assessment of anti-dumping duties (as in Article 9.3.1)
- ☐ "Retrospective" assessment of anti-dumping duties (as in Article 9.3.2)
- ☐ Establishing rates for exporters not subject to an "individual examination" (as provided for in Article 9.4)
- ☐ Assessment of rates for "new shippers" (as foreseen in Article 9.5)
- ☐ Conditions under which it is possible to apply retroactively definitive duties from the final determination to the preliminary determination (Articles 10.2 and 10.4)
- ☐ Conditions under which it is possible to apply retroactively definitive duties from the final determination up to 90 days prior to the preliminary determination (Article 10.6)
- ☐ Article 11.2 reviews ("changed circumstances" reviews)
- ☐ Article 11.3 reviews ("5-year" or "expiry" reviews)
- ☐ Contents of determinations
- ☐ Judicial review
- ☐ Anti-dumping action on behalf of a third country

- ☐ Notification of preliminary and final anti-dumping actions to the ADP Committee (Article 16.4)
- ☐ Notification of semi-annual reports (Article 16.4)
- ☐ Notification of "competent authorities" and domestic legislation (Article 16.5)
- ☐ Consultations and dispute settlement (Article 17)
- ☐ Applicability of the AD Agreement (Article 18.3)
- ☐ Date of imposition of pre-existing measures for the purpose of Article 11.3 reviews (Article 18.3.2)
- ☐ Conformity of domestic legislation with the AD Agreement (Article 18.4)
- ☐ Notification of any changes in domestic legislation to the ADP Committee (Article 18.5)

III. For Staff Specializing on Dumping Calculations

Determination of normal value / export price

7. Have you ever dealt with a case where the goods being investigated originated in a country different from the country of export?
- ☐ Yes ☐ No ☐ Issue is unclear to me
- 7.1 If the answer is yes, on what basis did you determine normal value in that case?
- ☐ Country of export ☐ Country of origin
- 7.2 What were the circumstances involved? (a short, one sentence, explanation would do)
8. Have you ever determined normal value on a basis other than prices in the country of export (country of origin)? If your answer is yes, what alternative did you use?
- ☐ Export price to a third country ☐ Constructed value
9. When establishing normal value on the basis of prices, do you check, even when not asked by the petitioner, whether they are below cost?
- ☐ Yes ☐ No ☐ Issue is unclear to me
10. If you have checked whether prices are below cost, and/or have calculated constructed values, how comfortable are you with the provisions of WTO Anti-Dumping Agreement regarding the calculation of costs and profits?
- ☐ Reasonably comfortable ☐ Moderately comfortable
- ☐ Not comfortable at all

11. Do you check whether the prices used for establishing normal value come from transactions made between related parties?
- ☐ Yes ☐ No ☐ Issue is unclear to me
- 11.1 If your answer is yes, what do you do with the prices of domestic transactions made between related parties?
- ☐ Exclude them from the calculations
- ☐ Adjust them on the basis of the resale price to the first unrelated purchaser
- ☐ Other (please explain in one line)
12. Do you check whether export prices come from transactions made between related parties?
- ☐ Yes ☐ No ☐ Issue is unclear to me
- 12.1 If your answer is yes, what do you do with the prices of export transactions made between related parties?
- ☐ Exclude them from the calculations
- ☐ Adjust them on the basis of the resale price to the first unrelated purchaser
- ☐ Other (please explain in one line)
- 12.2 Have you ever calculated the export price through the constructed export price?
- ☐ Yes ☐ No ☐ Issue is unclear to me
13. Sampling.
- 13.1 Have you ever determined normal value on the basis of a sample of transactions?
- ☐ Yes ☐ No ☐ Issue is unclear to me
- 13.2 Have you ever determined the export price on the basis of a sample of transactions?
- ☐ Yes ☐ No ☐ Issue is unclear to me
14. Please identify the adjustments that you have performed
- 14.1 Differences in terms and conditions of sale (that is, for things such as freight, insurance, credit, commissions, rebates, etc.).
- ☐ Yes ☐ No

14.2 Differences in levels of trade

☐ Yes ☐ No

14.3 Differences in taxation

☐ Yes ☐ No

14.4 Physical differences

☐ Yes ☐ No

14.5 Differences in quantities

☐ Yes ☐ No

Calculation of the dumping margin

15. When the product under investigation is not physically homogenous, do you rearrange data according to product characteristics when calculating the dumping margin?

☐ Yes ☐ No ☐ Issue is unclear to me

15.1 What product characteristics do you use for classification purposes? Do you classify by tariff headings, for example? Please explain in one sentence.

16. According to your experience, is the number of transactions involved in the determination of the export price much smaller than the number of transactions involved in the determination of normal value?

☐ Yes ☐ No ☐ Cannot generalize

16.1 If export sales are much fewer than domestic sales, do export sales tend to be spread out through the whole period of investigation (for example, there is one export sale in January, one in April, one in July and one in October, assuming that the period of investigation runs for the whole calendar year), or are they concentrated at a given point in time?

☐ They are spread out ☐ They are concentrated
☐ Cannot generalize

17. When calculating the dumping margin, do you usually compare

- ☐ A weighted average normal value against a weighted average export price?
☐ Individual normal values against individual export prices?

- 18.1 If you calculate the dumping margin transaction-by-transaction, do you compute a weighted average dumping margin by including all individual dumping margins, be them negative or positive?

☐ Yes ☐ No ☐ Issue is unclear to me

Verification

19. Does your agency verify the information submitted by exporters and importers?

☐ Yes ☐ No

- 19.1 If your answer is yes, have you ever participated in a verification?

☐ Yes ☐ No

IV. For Staff Specializing on the Determination of Injury

20. When engaging in injury analysis, which of the following issues are you least comfortable with?

- ☐ "like product"
- ☐ volume growth of dumped imports
- ☐ price effects of dumped imports ("price undercutting", "price suppression" and "price compression")
- ☐ consequent impact of dumped imports (the 16 variables listed in Article 3.4 of the AD Agreement)
- ☐ cumulation
- ☐ causality
- ☐ factors other than the dumped imports (as described in Article 3.5)
- ☐ threat of material injury
- ☐ material retardation

Verification

21. Does your agency verify the information submitted by domestic producers?

☐ Yes ☐ No

- 21.1 Have you ever participated in a verification?

☐ Yes ☐ No

Thank you for your cooperation.

ANNEX 6

FRAMEWORK FOR A MULTI-YEAR TECHNICAL ASSISTANCE PROGRAMME WITH BENEFICIARY COUNTRIES

1. Under the assumption of availability of adequate financial resources, the framework should be action-oriented and targeted at specific areas of expertise to be developed. It should take into account and build upon the work that has already been done up-to-date at the country level.
2. Such a programme, to be carried out over a period of three years, should be designed in a coherent manner, so that the capacities of beneficiary countries are built by stages, with each stage building upon the results of the previous one. This approach does not exclude pursuing several objectives in parallel and simultaneously.
3. For such an approach to meet with success, however, countries have to show the same level of strong commitment for coherence and continuance, both in institutional terms as well as in terms of human resources allocated to the programme.
4. The variety and diversity of countries make it necessary to adopt a flexible approach that would modulate the various objectives in the light of the various regional and sub-regional specificities, and also to address national priorities. At the same time, an overall coherence of the programme is desirable in keeping with the mandate and objectives of WTO technical assistance.
5. It is intended that, in the development of the programme, regional and sub-regional institutions that lend support to various groupings of beneficiary countries would be used and relied upon to the maximum extent possible, in close coordination with the WTO Secretariat.
6. In view of the above, a Main Outline for the programme is presented below. The outlined objectives proceed from the more general to the more specific and specialized areas. As stated above, whereas it is intended that each stage builds upon the results of the previous one, this does not preclude the pursuit of two or more objectives in parallel and simultaneously, in keeping with the national and sub-regional stated priorities.
7. The Main Outline is designed as a menu of activities that could be carried out by the WTO Secretariat. The collaboration of other international, regional and sub-regional organizations would be sought, on an *ad-hoc* basis and in accordance with the activities to be developed. The objectives described address exclusively those issues covered by the WTO mandate.

Objective 1: General Information on the Multilateral Trading System

In general terms, these activities relate to a general dissemination of information undertaken at the specific request of the countries concerned, preferably at the national level, and addressed to a targeted population, such as government officials, business community, media, academics, whose activities are related to trade policy.

Activity 1:

- Organization of general seminars for the public and private sectors, and academia;

Activity 2:

- WTO participation in conferences, symposia and other events organized by ministries, public agencies, local associations and chambers of commerce, etc.

Activity 3:

- Media awareness (audiovisual instruments, regular meetings in countries); training of the press so that reporting on WTO and general trade and economic policy issues is done in a more professional and objective manner.

Activity 4:

- Setting up WTO Reference Centres and improving the use of existing WTO Reference Centres, specifically with the objective of keeping the country up-to-date on developments in the WTO and the Multilateral Trading System.

Objective 2: Improving Countries Participation in the Multilateral Trading System

Participation in the Multilateral Trading System, on an institutional basis; involves participating in negotiations (bilateral, plurilateral and multilateral) both in market access in goods and services as well as in rule –making; developing the ability to obtain, process and manipulate statistical data; participation in the decision-making process of the WTO, including debates and discussions in the different bodies of the organization; and the effective use of the WTO dispute settlement mechanism, both in the enforcement of their rights as in the defense of their positions when claims are made against them.

Activity 1:

- Specific training on negotiating techniques.

Activity 2:

- Practical exercises of negotiation simulations.

Activity 3:

- Training on the use of the Integrated Data Base.

Activity 4:

- Dispute settlement courses (case studies, simulations of Panel procedures).

Objective 3: In-depth Training on the Multilateral Trading System (Up-dating Human Resources Capabilities)

This objective is designed with the purpose of deepening and expanding local knowledge in beneficiary countries on the Multilateral Trading System and the work of the WTO, at the national and sub-regional levels.

Activity 1:

- Specialized workshops/seminars (regional/national level)

Activity 2:

- Training of Trainers activities. These could take the form of periodic courses based in the subregional institutions (SADC, COMESA, Forum Secretariat, CARICOM, OECS Secretariats) and/or in Geneva, along the lines of the JITAP Training of Trainers Programme. The courses would be addressed, for example, to individuals from each country in a grouping (two government officials, two university professors, and two private sector executives) and to Sub-regional Secretariats.

Activity 3:

- University training (providing training inputs for Universities curricula)

Objective 4: Domestic Implementation of Multilateral Trade Agreements

This would be one of the most critical objective within the programme. Implementation of multilateral commitments has proven to be one of the weakest areas in many developing countries, particularly the least-developed among them. Technical assistance in this area involves the legislative process, notifications, institutional development (including strengthening present institutions and creating inter-ministerial mechanisms and avenues for consultation with the private sector), and specific training on the domestic operation of certain *Agreements*, such as customs valuation and trade remedies (anti-dumping, countervailing duties and safeguards) administration, as well as complying with the eventual prohibition of export subsidies.

Activity 1:

- Assistance in the process of adapting national trade laws and regulations to WTO Agreements.

Activity 2:

- Specific training for the effective implementation of Agreements (i.e. Customs Valuation).

Activity 3:

- Assistance on notifications.

ANNEX 7

EVALUATION FORMS ON TECHNICAL ASSISTANCE

Country Request and Evaluation Form

Formulaire de demande et d'évaluation à l'intention des pays

Formulario de petición y evaluación del país

Part I: WTO (to be filled out by staff member undertaking the mission)

MISSION CODE	<input type="text"/>	COMTD Reference	<input type="text"/>	WTO Focal Point	<input type="text"/>
Country	<input type="text"/>	Focal Point: lead ministry/agency	<input type="text"/>		
Activity dates	<input type="text"/>	<input type="text"/>	Duration (days)	<input type="text"/>	
Estimated cost of the activity	<input type="text"/>			Combined with	<input type="text"/>
Funding	<input type="text"/> <input type="text"/>				
Division(s)	<input type="text"/>			Nb of staff	<input type="text"/>
Mode of delivery ⁽²⁾	<input type="text"/>	Initial request/reference	<input type="text"/>		
Activities to be undertaken/ Subject(s) covered	<input type="text"/>				
Participating Countries	<input type="text"/>				
WTO/other lead agency	<input type="text"/>				

⁽²⁾ This can be national seminar, regional seminar, workshop, technical mission, conference/symposium

<i>Specific objective(s) of the mission /</i> <i>Objectif(s) spécifique(s) /</i> <i>Objetivo(s) específico(s)</i>	
<i>Success indicators/ performance targets/ Indicateurs de succès /</i> <i>Indicadores de éxito</i>	

Part II: WTO/Country (to be filled out in English/French or Spanish)

<i>Activities undertaken: assessment by WTO /</i> <i>Activités entreprises: évaluation faite par l'OMC /</i> <i>Actividades emprendidas: evaluación por parte de la OMC</i>	
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<i>Immediate assessment by beneficiary (lead agency) /</i> <i>Evaluation immédiate faite par le bénéficiaire (organisme chef de file) /</i> <i>Evaluación inmediata por parte del beneficiario (organismo responsable)</i>	
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<i>Assessment of mission after 3-6 months by beneficiary (lead agency) /</i> <i>Evaluation de la mission faite par le bénéficiaire (organisme chef de file) au bout de 3 à 6 mois /</i> <i>Evaluación de la misión a los 3-6 mese por parte del beneficiario (organismo responsable)</i>	
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*Nature of follow-up
expected/requested
Nature du suivi attendu
/demandé /
Naturaleza del seguimiento
previsto/solicitado*

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Note: Boxes in shading will be filled out by the Technical Cooperation Division. Please complete Part I at the time of your travel request and send to TC Division. Keep a copy and complete Part II while on mission. Upon your return all information should be sent electronically to the TC Division (isabelle.celestin@wto.org). Thank you.

Participant Evaluation Form

(Seminar, workshop, conference and training)

Filling out this questionnaire will help us improve and adapt future technical cooperation activities. Thank you in advance for your collaboration.

Title of event:

Date(s) and location:

Please indicate your area of activity:

☐

Government

☐

Business

☐

Other

1(a) What are your main objectives in participating in this event?

☐

Obtain general information about the WTO and the Multilateral Trading System

☐

Obtain in depth information about specific *Agreements* -- Which ones?

☐

Address implementation issues relating to the WTO Agreements

☐

Obtain information on built-in-agenda (e.g. Agriculture, Services and Intellectual Property.)

☐

Obtain information on other issues in the Multilateral Trading System
(e.g. investment, competition policy, etc.)

1(b) Were your main objectives met?

Yes, largely	Moderately	Not entirely	No comment

Please give a short explanation

2. How would you rate the event you have just attended?

	Excellent	Good	Satisfactory	Not satisfactory
Content (substance)				
Structure (topics)				
Presentations (quality)				
	Sufficient	Not sufficient	No comment	
Duration of the event				
	Very useful	Useful	Not useful	No comment
Documentation and material provided				

3. Were the documents for the event made available at the appropriate time?

Most appropriate	Appropriate	Not appropriate	No comment

4. Which documentation or handouts were the most useful?

a.	b.
c.	d.

5. How do you rate the logistical arrangements for the event? *

	Excellent	Good	Satisfactory	Poor
Travel arrangements				
Accommodation				
Conference room				
Other				

* May not always be applicable

6. Which part(s) of the event did you find most useful for your work? Please explain, if necessary

a.	b.
c.	d.

7. Which areas or aspects, in your view, were not adequately covered? Please explain, if necessary

a.	b.
c.	d.

8. Was too much time allocated to a subject? If so, to which one(s)?

--

9. Which areas or aspects, in your view, were not covered by the event but would have been useful in meeting your objectives? Please explain, if necessary

a.	b.
c.	d.

10. How will you use the information provided during this event?

- ☐ Disseminate information to:
- ☐ Public sector
- ☐ Private sector
- ☐ Other
- ☐ Use the information to train others
- ☐ Provide input into formulation of policy questions on WTO issues
- ☐ Improve own work performance
- ☐ Organise similar events at national level
- ☐ Other. Please specify

11. Does this event require a follow up? ☐ No.

If yes, please check any of the following boxes:

- ☐ At national level ☐ For business community and/or Universities/ Research Centres
 ☐ For government officials
 ☐ With the participation of regional and/ or sub-regional institutions
- ☐ At regional level ☐ with the participation of regional and/ or sub-regional institutions

Please give a short explanation to your answer to question 11

Date of completion: _____

Participant Evaluation Form

WTO Reference Centre

Filling out this questionnaire will help us improve and adapt future technical cooperation activities. Thank you in advance for your collaboration.

Country:

1. Did the training on the use of information provided by the WTO team meet your expectations ?

Yes, largely	Moderately	Not entirely	No comment

2. Which areas or aspects, in your view, were not covered by the training but would have been useful to your work? Please identify them?

--

3. Is the computer equipment provided by the WTO operational today?

Yes	No	No comment

If not, please explain

--

4. Does the Internet connection operate adequately?

Yes	No	No comment

If not, please explain

--

5. Were the documents and the material provided by the WTO useful to the operation of the Reference Centre?

Very useful	Useful	Not useful	No comment

If not, please explain

--

6. What will be the main use of the WTO Reference Centre?

- ☐ Access to electronic training tools
- ☐ Access to information
- ☐ Maintain ongoing contact with the WTO
- ☐ Other

Please specify

--

7. What follow-up, in your view, might be required. Please explain

a) Training	d) Software
b) Computer maintenance	e) Documentation/ setting up Reference Centre library
c) Hardware	f) Other. Please explain

Date of completion: _____

Participant Evaluation Form

Technical Mission

Filling out this questionnaire will help us improve and adapt future technical cooperation activities. Thank you in advance for your collaboration.

Subject of the mission :

Date(s) and location :

Please indicate your area of activity :

☐

Government

☐

Business

1. (a) What are your main objectives in participating in this event?

☐

Understand specific issues

☐

Prepare notifications

☐

Prepare regulations

☐

Prepare legislations

☐

Other. Please specify _____

1. (b) Were your main objectives met?

Yes, largely	Moderately	Not entirely	No comment

Please give a short explanation

--

2. How would you rate the event you have just attended?

	Excellent	Good	Satisfactory	Not satisfactory
Structure of the event				
	Very useful	Useful	Not useful	No comment
Documentation and material provided				
	Most relevant	Relevant	Least relevant	No comment
Relevance of the contribution made by resource person(s)				

3. Which part(s) of the event did you find most useful for your work? Please explain, if necessary

a.	b.
c.	d.

4. Which areas or aspects, in your view, were not adequately covered? Please explain, if necessary

a.	b.
c.	d.

5. Was too much time allocated to a subject? If so, to which one (s)?

--

6. Which areas or aspects, in your view, were not covered by the event but would have been useful in meeting your objectives? Please explain, if necessary

a.	b.
c.	d.

7. Does this mission require a follow-up? No ☐

If yes, please check any of the following boxes:

- ☐ For business community ☐ For government officials
☐ Other (please specify)

Please give a short explanation to your answer to question 7

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Date of completion: _____
