

# Bilateral Arbitration Treaty

The costs and benefits to small and medium sized New Zealand businesses

Name of presenter	Chris Nixon
Venue or event	Victoria University Roundtable
Date of presentation	August 2015

# Highlights

- If our aim is economic integration...
- ... then small states require a number strategies and tactics
- BAT may be one way of starting this process given the large number of SMEs in New Zealand
- Fits with New Zealand's strategy to double exports by 2025
- Tentative evidence suggests a benefit
- More work needed to further understand the motivations of SMEs

# What is BAT?

- BAT is an international arbitration tribunal used as a default mechanism to solve commercial disputes
- By improving the certainty of the business operating environment:
  - Will help exporting businesses
  - Competitive local businesses will see more certainty as a key competitive weapon
- Standardisation improves certainty and leads to increased participation
- Raise minimum standards

# One tiny step on a long road...

- Our criteria is further integration with Australia and Asia
- This means turning trade policy into policy
- Hugely ambitious and a long way off – one tiny step
- The purpose of this report is to illustrate the possible impact with the information we have
- Thicker markets mean more accurate risk assessments
- Turning uncertainty into risk calculation

# Current situation

- New Zealand has predominately small and medium sized businesses
- Encouraging more into exporting will be important if we are to reach the double export target by 2025
- Currently commercial disputes rely on domestic judicial systems which can be perceived as favouring local parties (perceptions do drive behaviour)
- We know that nearly 6,000 SMEs export (av. \$2.4m income) and another 7,000 are interested

# Current situation II

- BAT could encourage those who are exporting to increase exports
- Data scarce since we only have one survey in 2011 (MBIE business survey)
  - For those already exporting: the exchange rate level and its volatility
  - For those not exporting: the lack of experience

# Assessing the economic benefit?

- Setting up a base line or counterfactual (from which we measure benefits)
- Firms will continue to act the way they are already doing
  - Those involved in trade will not expand faster than they would have otherwise have done
  - Those that are not exporting would remain non-exporters

# Costs

- Costs of setting up BAT
  - Negotiating costs (probably marginal cost since it would be negotiated within other issues such as an FTA)
  - Running costs (relatively trivial)
  - Promoting costs (as part of NZ&TE export information)

# Benefits

- Given the scant information we have developed some illustrative benefits
- Based around assuming:
  - The expansion of the current SME export base into new markets
  - New exporters
- Under a 1% growth rate scenario the benefit would be \$96m p.a.
- The lower the institutional rating the more potential for exporting

## So what?

- Potentially the lower the governance rating for a country the bigger the potential impact if BAT is introduced
- Dynamic benefits matter; so the static benefits may underestimate gains
- However, we would like to do more work to further understand the motivations of SMEs [and quantify]
- Overseas studies suggest we are on the right track but we are cautious about using overseas data because of the scale and distance issues that New Zealand firms face