

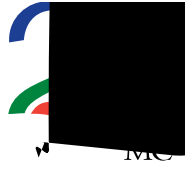
SECOND GLOBAL SEMINAR ON WTO ACCESSIONS



5. My work on accessions began many years ago at a WTO conference held to mark the 10th anniversary of the Organization. I wrote an essay titled "Mapping the Law of WTO Accession." This study has been reprinted in my new book, "The Path of World Trade Law in the 21st Century."

6. My research analyzed the concept of a specialized law of WTO accession that would add to the single undertaking of the Multilateral Trade Agreements. My essay was perhaps the first to systematically analyze all of the categories of new WTO law including applicant WTO-plus obligations, applicant WTO-minus obligations, and incumbent WTO-minus obligations. Like the new islands that rise out of the Pacific Ocean, new founts of law are being generated by WTO accession commitments. And these new WTO rules are being enforced in the Dispute Settlement System. So far there are six decided cases based in part of causes of action that are legally applicable only to one Article XII member.

7. Article XII of the WTO Agreement states that applicants may accede to the WTO Agreement on WTO



11. How can that be? How can a process so unfair lead to good outcomes? The answer is that often, the WTO-plus actions being demanded are exactly the structural reforms that the applicant country needs to take to enable its economy to shake off a bad reputation, to attract investment, to expand imports, and to achieve sustainable job creation.

12. Of course, not every accession commitment that the WTO requests an applicant



17. Third, even though the WTO fails to take into account the systemic costs of accession delays, there is one way in which these indefensible delays can provide benefit to applicant countries. That is, you can use your waiting time to prepare for future WTO membership by learning the WTO processes and building negotiating and administrative capacity in Geneva and in your capitals. As we discussed yesterday, serving as an active WTO member is just as hard as being a successful candidate.

18. Fourth, as several speakers have noted, the success of your governmental accession efforts will depend on buy-in and readiness by your parliaments, private sector and civic society. Unfortunately, in my view, the poor transparency in the WTO accession process is in tension with democratic accountability. Perhaps in some cases, applicant countries may have a good reason to ask for confidentiality. But often the opposite may be true. That is, the lack of transparency makes it easier for certain Article XI members to make unreasonable demands on applicants that might be opposed by public opinion within the Article XI countries if the public was aware of it. So I would like to see applicant countries press for more transparency in accession negotiations.

19. In closing, let me call attention to the sign in front of this building that reads "Trade Works." With appropriate economic conditions, trade will work to raise standards of living. And accessions work to bring countries into the WTO and help them achieve those preconditions of good governance and best pro-growth practices.