



## FIFTH CHINA ROUND TABLE ON WTO ACCESSIONS Best Practices on the Accessions of Least Developed Countries (LDCs)



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# ***Maximising the benefits of WTO Membership: Post-accession best practices***



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# Outline

- Post-Accession: Background and Concept
- Survey/Emerging Best Practices on Post-Accession Practices
- Secretariat Support for Post-Accession
  - 2016 Post-accession support to Liberia and Afghanistan

# “Post-Accession” Concept : DG Annual Report 2014

- **Stage 1: Immediate pre-accession phase**
  - From the approval of Accession Protocol by Ministerial Conference/General Council to Day 1 of WTO membership
  - Implementation of commitments and obligations “upon accession”
  - Short but critical period to put the adequate structure to be in place
- **Stage 2: From Day 1 and until 1<sup>st</sup> Trade Policy Review**
  - 6-year cycle for LDCs

# Post-Accession Implementation Support

## Integrated Approach Structured around four pillars

1. Specific Post-Accession Implementation Strategy
2. Specialized training on WTO post-accession
3. “***Best Practices on WTO Post-Accession***”  
(WT/ACC/27)
4. Internal Post-Accession Implementation and Monitoring

# Post-Accession Framework: 3 Major Incremental Steps

1. **Implementation of WTO obligations**
  - ✓ General and accession specific commitments
2. **Participation in the work of WTO**
  - ✓ Attending meetings & reporting back
3. **Becoming Pro-Active Member: Transition from "listening mode" to "active member"**
  - ✓ Submission of proposals/requests
  - ✓ Coalition with Members around common interests
  - ✓ Collection of trade intelligence through diplomatic representations

# Post-Accession Practices

- Reviewed 33 completed accessions (up to Seychelles) on their experiences and practices on:
  - Transition from accession to membership
  - Participation in WTO work
  - Exercising WTO membership
- With a view to identifying good practices

# Collection of Post-Accession Practices

- Post-Accession Questionnaire
- Desk-based study, based on Trade Policy Review reports, presentations, news and other publications
- Interviews with Article XII Members
- Third China Round Table, Dushanbe, 2-4 June 2015

# Post-Accession Framework: 7 Areas

- I. Policy Framework for Domestic Implementation
- II. Institutional Structural Adjustment
- III. Legislative Framework for Domestic Implementation
- IV. Transparency and communication
- V. Technical Assistance and Capacity Building
- VI. Outreach
- VII. Participation in the work of the WTO



# I. Policy Framework for Domestic Implementation

## Question

- Did the government adopt a “**National WTO Implementation Strategy**”?
- How did the government **mobilize and channel resources to targeted areas** of trade policy within the framework of the overall trade and development agenda?
- How did the government **monitor and review the implementation** of access-specific commitments and the post accession roadmap/action plan?

## Emerging practice

- Adopt National Post-Accession Implementation Strategy (**Samoa, Tajikistan, Vanuatu, Vietnam**)
- Incorporate the implementation of accession commitments into the overall national trade policy and development plans (**China, Jordan, Nepal, Tonga, Chinese Taipei**)
- Synchronize WTO accession commitments to regional integration agreements (**Albania, Armenia, Bulgaria, Croatia, FYRM, Georgia, Vietnam**)

# II. Institutional Structural Adjustment

## Question

- How did the government **re-focus the mandate** of the Accession Negotiating Team in capitals to implement obligations and Membership responsibilities?
- **How did the government re-assign and strengthen the WTO team** to ensure active participation in WTO activities? How did the government ensure Capitals/ Geneva **coordination**?
- Did the government establish a domestic **coordination and consultative mechanism** for local, central government authorities and all relevant stakeholders? Did the government appoint WTO contact points in all the Ministries and government authorities?

## Emerging practice

- Identify the lead ministry for dealing with overall WTO trade-related issues (**Armenia, Chinese Taipei**)
- Restructure the existing inter-ministry body for coordination of WTO affairs or establish a new one (**Armenia, Cambodia, China, Georgia, Jordan, Russian Federation, Samoa, Chinese Taipei, Ukraine, Vietnam**)
- Refocus the mandate of the negotiating team to implement obligations and Membership responsibilities (**Russian Federation, Vietnam**)
- Identify focal points in line ministries (**Samoa, Vanuatu, Vietnam**)
- Establish sectoral or issue-specific working groups (**Jordan, Chinese Taipei, Vietnam**) and a coordination mechanism with sub-national levels (**Cambodia, China**)
- Establish a coordination mechanism with industry associations, the private sector and/or civil society (**Armenia, Cambodia, China, FYRM, Samoa, Ukraine**)
- Establish/appoint a representative/ambassador to the WTO (**Armenia, China, Ukraine, RF**); enhance staffing of the Geneva mission (**China, RF, Vietnam**)

# III. Legislative Framework for Domestic Implementation

## Question

- Please describe the legislative framework for implementing accession-specific commitments
- What number of legislation and associated implementing regulations were adopted or amended for the implementation of accession – specific commitments?

## Emerging Practices

- Implement Accession Legislative Action Plans
- Adopt a work programme/action plan of legislative and regulatory actions **(Cambodia)**
- Establish a mechanism to review laws to be WTO compliant **(Cambodia, China)**
- Unified implementation at central and local levels **(China, Vietnam)**
- Establish judicial review process **(Cambodia, China, Russia Federation)**

# IV. Transparency and Communication

## Question

- How did the government **communicate the implementation-related information** to all relevant stakeholders and the local governments/authorities?
- Did the government **set up Enquiry Points**, such as those for SPS and TBT measures? If so, please identify.
- Did the government **develop a central registry notification system**? If so, please elaborate.

## Emerging Practice

- Set up WTO Notification and Inquiry Centre/Mechanism **(China, Kyrgyz Rep., Samoa, Vanuatu)**
- Set up SPS, TBT, Services Enquiry points **(Cambodia)**
- Set up central documentation point for all legislation **(Vanuatu)**
- Identify the implementation mandate of each line ministry regarding the WTO transparency obligation **(China, Georgia, Jordan)**
- Publish laws, regulations and other measures related to or affecting trade, including through a website **(China, FYRM, Georgia, Kyrgyz Rep., Samoa, Tajikistan)**
- Conduct a wide range of translation work on the trade related laws and regulations **(China)**
- Establish legislation public hearing system **(China)**
- Set up a web-based portal for all trade-related information

# V. Technical Assistance and Capacity Building

## Question

- How did the government **identify and respond to the training and capacity building needs** of the line Ministries and the local governments/authorities?
- Did the government **establish training programmes** on WTO matters for government officials? If so, please elaborate
- How did the government **make use of WTO capacity building programmes**, such as E-learning courses, WTO Mission Internship Programme, Netherlands Traineeship Programme, WTO Accessions Internship Programme, WTO Trade Policy Courses, the China and LDC Roundtables?
- How did the government educate its officials and private sectors **on the use of the Dispute Settlement**?

## Emerging Practice

- Establish general training and capacity building programme on WTO matters for government officials, including at sub-central levels **(China, Tajikistan, Ukraine, Viet Nam)**
- Develop specialized knowledge and expertise for each specific WTO agreement, with particular attention to training of the specialists on different WTO agreements **(Cambodia)**
- Engage in consultation with relevant ministries to identify TA and CB needs **(Samoa)**
- Conduct training and CB activities involving government officials, the private sector, parliamentarians, academia and NGOs **(Samoa, Ukraine, Vanuatu)**
- Request technical assistance from WTO Secretariat, other WTO Members and international organizations **(Cambodia, Samoa)**
- Participate in WTO capacity building programmes **(Croatia, FYRM)**
- Conduct capacity building programs through bilateral consultations and exchange of views with WTO Members on economic and trade issues **(China)**
- Participate in DSB meetings for real-time legal capacity building **(China)**

## VI. Outreach

### Question

➤ How did the government **increase and sustain public awareness** of the benefits of WTO Membership and the implementation results for all relevant stakeholders on a regular basis through, inter alia, publications, conferences, workshops, academic courses, and WTO research centres?

### Emerging Practice

- Set up specialized courses on WTO subjects in higher educational institutions **(Cambodia, China, Samoa)**
- Set up outreach and awareness programs through symposiums, public hearings, conferences and seminars **(Cambodia, China, Samoa, Chinese Taipei, Ukraine, Vietnam)**
- Prepare special-reference materials, guides and books on WTO issues **(Cambodia, China, Vietnam)**
- Establish WTO Research Centres and WTO institutes **(China, RF)**
- Establish WTO Reference Centre **(Samoa, Vanuatu)**

## VII. Participation in the Work of the WTO

### Question

➤ Please provide a summary **description of the participation** of your government in the work of regular WTO bodies (Committees, Councils, and Working Groups), in the Doha Negotiations, and in the Dispute Settlement Body (including the third party participation).

### Emerging Practice

- Attend and participate in meetings of WTO regular and negotiating bodies, as learning by doing is the best form of knowledge and capacity building
- Submit notifications from Day 1 of Membership
- Participate constructively in Accession Working Parties
- Participate in Informal Group on Accession

# WTO Secretariat Support for Post-Accession

- Ratification support, after the approval of Accession Protocol (Vanuatu, Samoa, Seychelles)
- Immediate pre-accession / Post-accession TA & CB
  - Notifications
  - General CB (line ministries, outreach, universities)
  - TA on specific areas with accession commitments
- Secretariat support
  - Post-Accession Secretariat Implementation and Monitoring Note: “Hand-over Note” for Secretariat’s internal coordination



Accession Working Party Report: WT/ACC/SYC/64	Specific Commitment	WTO Division responsible for monitoring the implementation	Implementation status	Technical Assistance and Capacity Building <sup>1</sup>
<b>ECONOMIC POLICIES</b>				
<b>Monetary and Fiscal Policy</b>				
Paragraph 14	The representative of Seychelles said that new implementing regulations under the "Customs Management Act 2011" were being enacted. These implementing regulations were, the: "Customs Management (Tariff and Classification of Goods) Regulations 2014"; "Customs Management Regulations 2014" (consolidation); and "Customs Management (Border Measures) Regulations 2014". He confirmed that any new implementing regulations under the "Customs Management Act 2011" would be notified to the WTO. The Working Party took note of this commitment.	Market Access Division		
<b>State Ownership and Privatization; State-trading entities</b>				
Paragraph 75	The representative of Seychelles confirmed that his Government would ensure the transparency of its ongoing privatization programme. He stated that his Government would provide periodic reports to WTO Members on developments in its privatization programme as long as the programme would be in existence, and along the lines of the information already provided to the Working Party during the accession process. The Working Party took note of this commitment.	Rules Division		
Paragraph 76	The representative of Seychelles confirmed that, from the date of accession, State-owned and State-controlled enterprises (including State-trading enterprises, enterprises with special or exclusive privileges, and unitary enterprises) in Seychelles would make any purchases or sales, which were not for the Government's own use or consumption, solely in accordance with commercial considerations, including price, quality, availability, marketability, transportation and other conditions of purchase or sale. He further confirmed that these enterprises would afford the enterprises of other Members adequate opportunity, in accordance with customary business practice, to compete for participation in purchases from or sales to Seychelles' State enterprises. He also confirmed that Seychelles would notify any of its enterprises falling within the scope of the Understanding on the Interpretation of Article XVII of the GATT 1994. The Working Party took note of these commitments.	Rules Division		

<sup>1</sup> ITTC is responsible for updating information related to Technical Assistance and Capacity-Building.

# Post-Accession Support 2016-2017



**National Workshop on Post-Accession for Liberia —  
Monrovia, Liberia, 27-29 June 2016**



**Policy Dialogue on Post-Accession for Afghanistan —  
Bangkok, Thailand, 11-15 July 2016**



**Geneva Workshop on Post-Accession for Afghanistan —  
Geneva, January 2017**



**Post-Accession Forum —UNCTAD 14—  
Nairobi, Kenya, 19 July 2016**

# Post-Accession Support: Results

- ✓ Ratification of Accession Protocols and deposit of the instrument of acceptance within defined timeframes (+ AFG: TFA Ratification)
- ✓ Timely submission of initial notifications
- ✓ Identification of priority areas and specific TA needs for effective participation in the work of the WTO
- ✓ Post-accession support by development partners
- ✓ Dedicated website on preparation for WTO membership

*Thank you*

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