

which I certainly plan to use to supplement lectures, are downloadable in excel format at http://www.Wto.org/english/res_e/reser_e/wtr2007_e.zip.

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Steve Charnovitz, *A Handbook on Accession to the WTO, 7 WORLD TRADE REV. 712 (2008). Book Review.*

A Handbook on Accession to the WTO

by Peter John Williams

A WTO Secretariat Publication, Cambridge University Press, 2008

Although its efforts to complete a new round of trade liberalization remain stymied, the WTO has shown great success in getting governments to yearn to join the world trading system. Since the WTO Agreement came into force in 1995, 25 states or customs territories have joined through accession. Equally impressive is the fact that 29 governments are currently at one stage of the lengthy membership process. The country that has been waiting in line the longest is Algeria, whose application for membership goes back to June 1987 when it applied to the GATT.

The accession process is important for many reasons and yet it is among the least studied and understood parts of the trading system. Thus, the WTO Secretariat is to be commended for sponsoring this project and enlisting Mr Williams to write the *Handbook on Accession to the WTO*. The *Handbook* will be especially useful for government officials and the private sector of applicant countries who need to understand the arcane accession process. The *Handbook* will also help to stimulate new scholarship on accession.

The *Handbook* starts with several chapters describing the accession process. Three streams of negotiation – bilateral, multilateral, and plurilateral – are detailed and summarized in a flow chart, and sample documentation is provided in the annexes along with a number of helpful tables and charts summarizing the accession results by applicant governments. The author notes that several intergovernmental organizations are welcomed as observers in the multilateral meetings, whereas nongovernmental organizations are not invited.

For successful applicants, the long negotiations result in a Protocol of Accession and a detailed report of the working party. Together these contain the legal commitments undertaken by the acceding government. ‘Acceders must be prepared to accept all the rules contained in the WTO Agreement’ (p. 3). But as the *Handbook* keenly notes, ‘The rules and procedures do not limit the requests that WTO Members may make of applicants (with certain exceptions for LDCs)’ (p. 7). Thus, because of the requirement for consensus before an application for membership can be advanced, ‘acceders have accepted more stringent commitments than original Members in some cases’ (p. 50). The *Handbook* denotes these as ‘WTO-plus commitments’ (p. 50).

The greatest value-added from the *Handbook* emerges in its recognition that ‘accessions are similar enough for patterns to emerge’ (p. 2) and in its ambition to pick ‘out patterns where they exist’ (p. 49). Thus, for many of the policy areas covered by

accession (e.g., governmental transparency), the *Handbook* filters down for the reader what it terms the ‘basic text’, ‘basic commitment’, ‘usual Protocol commitment’, ‘standard Protocol commitment’, ‘baseline Protocol commitment’, or ‘core commitment.’ In addition, the *Handbook* points out the trends in accession talks, and hypothesizes that there is a ‘ratchet effect’ in which ‘novel commitments’ may be ‘asked of other acceders’ (p. 8).

To enable the reader to understand the significance of a Protocol commitment in a particular policy area, the *Handbook* provides background citations to the relevant rules in WTO law. This aspect of the *Handbook* is not as detailed as it might be. Thus, it is sometimes hard to tell from the study whether an acceder has agreed to do any more than simply comply with existing WTO law. In a future edition of the *Handbook*, it would be helpful to have some side-by-side tables that compare the WTO law for incumbents to the WTO law for acceders. The discussion of tariff levels and bindings and services commitments for acceders could also use some supplementary data that would enable readers to compare the degree of liberalization being demanded of acceders to what the demanders themselves provide.

Even in this valuable volume, there are weaknesses. One is its treatment of the WTO commitments that do not fit the usual pattern. Although the *Handbook* states that ‘WTO Members each have different obligations’ (p. 48) and the author gives many examples of applicant WTO-plus commitments, the *Handbook* does not give significant attention to the related phenomenon of incumbent WTO-minus provisions, where applicants (e.g., China) accept a lower level of international law protection. The *Handbook* does discuss the transition periods sometimes given to acceders, but does not put such applicant WTO-minus commitments into any coherent analytical framework.

Another weakness is the limited discussion of the secrecy of accession. While the *Handbook* notes that bilateral negotiations are held ‘in private’ (p. 7), the study does not address the difficulties facing the private sector and civil society in trying to influence or speed up the accession process. For example, the author notes several times the important accession documentation series (denoted ‘WTO/ACC/SPEC’) without making clear the long delays imposed by the WTO in releasing these documents to the public. For example, as this review is written in July 2008, the most recent public document in this series available on the WTO website is dated November 2007. For the ever-hopeful applicant Algeria, the most recent public documentation is dated May 2002.

In summary, the *Handbook* fills the longtime need for a treatise on WTO accession. As the WTO website notes, ‘The input provided by the WTO Secretariat in the preparation of the guide has resulted in a publication of information that has not been available until now to anyone outside the Secretariat.’¹ Looking ahead, one can predict that as the public gains more information about this little-known sphere of policymaking, there will be greater demands on the WTO to use best practices on transparency in conducting these negotiations on membership.

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1 ‘A Handbook on Accession to the WTO’ available on WTO Website (visited 6 July 2008).