

Letter to the Editor

Dear Sir

‘The political economy of WTO accession: the unfinished business of universal membership’, by Kent Jones, *World Trade Review*, 8(2): 279–314, 2009.

I wish to make some comments on Professor Kent Jones’ generally commendable article on ‘The political economy of WTO accession: the unfinished business of universal membership’, published in the *World Trade Review*, 8(2): 279–314 (2009).¹ This article is among the latest account of the ever-complicating process of the WTO enlargement. The article’s empirical scrutiny and analytical evidence suggest why the elapsed time from application to WTO accession has increased with the number of completed accessions. I do not address the main bulk of Jones’ article, which is, as mentioned above, commendable. Rather, I intend first to make two corrections as to the data presented in the article, and, second, to underline a factor which seems to be missing in Jones’ main analysis, although it is alluded to very briefly in his footnotes.

First, there is an inaccuracy in the article as regards the number of the current acceding countries. Table 2A lists 26 acceding countries as of August 2008. According to the WTO website, Comoros, Equatorial Guinea, and Liberia all applied for membership in 2007, raising the total number to 29. (http://www.wto.org/english/thewto_e/acc_e/acc_e.htm). Table 2B (Remaining countries not yet applying for WTO membership) should be adjusted accordingly. Footnote 3 contains inaccurate information about Syria. This footnote asserts that Syria, a GATT founding member, which later withdrew from the GATT, has not since applied for WTO accession as of August 2008. According to WTO documents, Syria formally applied for WTO membership in 2001 (WT/ACC/SYR/1). It renewed its formal request twice more. Syria’s application is still pending consensus required for consideration by the General Council. It illustrates the second point I wish to make.

Footnote 29 refers to Iran’s bid to join the WTO. This footnote is a quotation from a footnote in a paper written by Simon Evenett and Carlos Braga. Iran’s and Syria’s cases, along, possibly, with some other like cases, such as Libya, Lebanon and Liberia, represent a sort of ‘compulsory deferred admission’, where an applicant country has to wait a long period before being admitted as an ‘acceding country’. This means that if we take Jones’ 20-step chronological account of the

¹ I am grateful to Kent Jones and members of the Editorial Board for comments on an early draft of this letter.

accession process illustrated in Table 3 of the article, it took, for instance, almost nine years for Iran to reach step 3 (establishment of the working party for negotiations), a moment which is yet to come for Syria. Iran's is a long wait even by WTO standards, for, as Table 1B of the article shows, 15 out of 25 countries which have acceded to the WTO since 1995 achieved full membership within nine years.

Jones' article largely fails to address this phenomenon, alluding to it only very briefly in the footnotes. The author rightly attributes the increased elapsed time from application to full membership to the enhanced bargaining powers of the incumbent members against acceding countries. But this is true not only in the accession negotiations, but also prior to accession negotiations, at the application stage. What is missing in his article is analysis of the time elapsed between application and its consideration by the General Council. The customary practice and the precedence of the General Council suggest that applications for accession are normally considered by the next Council meeting, but for Iran and Syria that has not been so.

I argue that such 'compulsory deferred admission' represents a misuse of the 'consensus rule'. One can barely deny the important functions of the consensus rule in the WTO system, but given that the drafters of the article XII of the WTO Agreement stipulated that decisions on accession shall be taken by voting, it might seem perverse that the application and establishment of a working party on accession should be subject to consensus. From my viewpoint, applying the consensus rule to the purely procedural stages of the accession process goes against the rationale of the rule and erodes the vocation of the WTO's universality. I would argue that the use of the consensus rule to block the start of negotiations probably lengthens accession times, although, as Professor Jones has noted in private correspondence, given all the other ways in which the powerful incumbents can delay progress, this can not be proven. Certainly, failure to regulate the multifaceted process of accession could not only add to its complexity, but also undermine the confidence of the outsiders.

S. JALAL ALAVI
Ph.D. researcher
Faculty of Law, University of Neuchatel, Switzerland
Jalal.Alavi@unine.ch