

ACCESSION OF LEAST-DEVELOPED COUNTRIES

Decision of 10 December 2002

The General Council,

Having regard to paragraph 2 of Article IV and paragraph 1 of Article XII of the Marrakesh Agreement Establishing the World Trade Organization (the "WTO Agreement"), the commitment made by Ministers, in paragraph 42 of the Doha Ministerial Declaration of 14 November 2001, to facilitate and accelerate the accession negotiations with acceding least-developed countries (LDCs), and the Decision-Making Procedures under Article IX and XII of the WTO Agreement agreed by the General Council (WT/L/93);

Considering the relevant provisions of the WTO Multilateral Trade Agreements, as well as Ministerial Decisions, and WTO legal instruments, on special and differential treatment for developing and least-developed countries;

Conducting the function of the Ministerial Conference in the interval between meetings pursuant to paragraph 2 of Article IV of the WTO Agreement;

Recalling that the Director General shall submit a status report to the Fifth Ministerial Conference on the "Implementation of the commitment by Ministers to facilitate and accelerate the accession of LDCs";

Noting with concern that no LDC has acceded to the Organization in accordance with Article XII of the WTO Agreement since 1995;

Recognizing the need to build on recent progress and for further positive efforts designed to assist LDCs to participate in the rules-based multilateral trading system, as embodied by the WTO and its Agreements;

Taking into account the commitments undertaken by LDC WTO Members at similar levels of development;

Also taking into account the statements made on the accession of LDCs to the WTO:

- By Ministers in the Integrated WTO Plan of Action for the LDCs adopted at the Singapore Ministerial Conference on 13 December 1996;
- by WTO Members at the High Level Meeting on Integrated Initiatives for LDCs' Trade Development on 27-28 October 1997; and
- by the Third United Nations Conference on Least-Developed Countries (LDC-III) in the Brussels Declaration and Programme of Action;
- by LDC Ministers in their Zanzibar Declaration of 24 July 2001; and

Pursuant to the follow-up work undertaken by Members with the adoption of the WTO Work Programme for LDCs on 12 February 2002 (WT/COMTD/LDC/11);

Decides that:

1. Negotiations for the accession of LDCs to the WTO, be facilitated and accelerated through simplified and streamlined accession procedures, with a view to concluding these negotiations as quickly as possible, in accordance with the guidelines set out hereunder:

I. MARKET ACCESS

- WTO Members shall exercise restraint in seeking concessions and commitments on trade in goods and services from acceding LDCs, taking into account the levels of concessions and commitments undertaken by existing WTO LDCs' Members;
- acceding LDCs shall offer access through reasonable concessions and commitments on trade in goods and services commensurate with their individual development, financial and trade needs, in line with Article XXXVI.8 of GATT 1994, Article 15 of the Agreement on Agriculture, and Articles IV and XIX of the General Agreement on Trade in Services.

II. WTO RULES

- Special and Differential Treatment, as set out in the Multilateral Trade Agreements, Ministerial Decisions, and other relevant WTO legal instruments, shall be applicable to all acceding LDCs, from the date of entry into force of their respective Protocols of Accession;
- transitional periods/transitional arrangements foreseen under specific WTO Agreements, to enable acceding LDCs to effectively implement commitments and obligations, shall be granted in accession negotiations taking into account individual development, financial and trade needs;
- transitional periods/arrangements shall be accompanied by Action Plans for compliance with WTO rules. The implementation of the Action Plans shall be supported by Technical Assistance and Capacity Building measures for the acceding LDCs'. Upon the request of an acceding LDC, WTO Members may coordinate efforts to guide that LDC through the implementation process;
- commitments to accede to any of the Plurilateral Trade Agreements or to participate in other optional sectoral market access initiatives shall not be a precondition for accession to the Multilateral Trade Agreements of the WTO. As provided in paragraph 5 of Article IX and paragraph 3 of Article XII of the WTO Agreement, decisions on the Plurilateral Trade Agreements shall be adopted by the Members of, and governed by the provisions in, those Agreements. WTO Members may seek to ascertain acceding LDCs interests in the Plurilateral Trade Agreements.

III. PROCESS

- The good offices of the Director-General shall be available to assist acceding LDCs and Chairpersons of the LDCs' Accession Working Parties in implementing this decision;

- efforts shall continue to be made, in line with information technology means and developments, including in LDCs themselves, to expedite documentation exchange and streamline accession procedures for LDCs to make them more effective and efficient, and less onerous. The Secretariat will assist in this regard. Such efforts will, *inter-alia*, be based upon the WTO Reference Centres that are already operational in acceding LDCs;
- WTO Members may adopt additional measures in their bilateral negotiations to streamline and facilitate the process, e.g., by holding bilateral negotiations in the acceding LDC if so requested;
- upon request, WTO Members may through coordinated, concentrated and targeted technical assistance from an early stage facilitate the accession of an acceding LDC.

IV. TRADE-RELATED TECHNICAL ASSISTANCE AND CAPACITY BUILDING

- Targeted and coordinated technical assistance and capacity building, by WTO and other relevant multilateral, regional and bilateral development partners, including *inter alia* under the Integrated Framework (IF), shall be provided, on a priority basis, to assist acceding LDCs. Assistance shall be accorded with the objective of effectively integrating the acceding LDC into the multilateral trading system;
- effective and broad-based technical cooperation and capacity building measures shall be provided, on a priority basis, to cover all stages of the accession process, i.e. from the preparation of documentation to the setting up of the legislative infrastructure and enforcement mechanisms, considering the high costs involved and in order to enable the acceding LDC to benefit from and comply with WTO rights and obligations.

2. The implementation of these guidelines shall be reviewed regularly in the agenda of the Sub-Committee on LDCs. The results of this review shall be included in the Annual Report of the Committee on Trade and Development to the General Council. In pursuance of their commitments on LDCs' accessions in the Doha Ministerial Declaration, Ministers will take stock of the situation at the Fifth Ministerial Conference and, as appropriate, at subsequent Ministerial Conferences.
