

Experience sharing with Uzbekistan Afghanistan Accession to WTO

Mozammil Shinwari
Former Chief Negotiator for Afghanistan's
Accession to WTO

November 22, 2021

Snapshot of Afghanistan's Accession Path

1. Request for Accession in 2004; negotiations effectively started in 2010
1. Five Working Party meetings: first in January 2011 and last in November 2015
2. Goods and services market access negotiations completed in less than 18 months and concluded in February 2014
3. Plurilateral Agricultural negotiations completed in one round
4. Around 30 pieces of legislation adopted
5. Accession Protocol adopted during Nairobi Ministerial Conference
6. Accession Protocol approved by Afghanistan Parliament in June 2016
7. Afghanistan became member on 29th July 2016



Managing the process of Accession:

1. Pre-Accession

- Political will for accession
 - Strong support to the process from the leadership of the government
 - There should be consensus inside the government on accession (Trade, Finance, Agriculture, Foreign Affairs...)
 - Parliament Involvement
 - Chief Negotiator (preferable nonpolitical position)

- Build a strong team

- High level Inter ministerial Committee (Normally at DM levels from all relevant Ministries)
- Technical Inter-ministerial Committee (Technical officer, they can be focal points for the process)
- Create Secretariat or Unit for WTO to function as Hub and collect, distribute, check.... etc. the document
- Assign one person in Mission in Geneva (with WTO and Trade knowledge)

- Selecting the team

- Select a strong team (expert from each ministry)
 - » Normally in countries like us, there is always a big challenge between selecting the best and the favorite
 - » A team should get full support of the govt. leadership.
 - » The team should have a regular contact with chief negotiators (Dual reporting)

- Build capacity of the team
 - There is need for WTO related training and Capacity building
 - Try to make arrangements with WTO training institute for capacity building
 - All members should at least participate in Introduction to WTO course
 - E-Learning of WTO (make it compulsory for all members)
 - WTO specialized capacity building program
 - WTO trainings offered by bilateral and or Development Organization (this should be demand driven)

- Technical Assistance Program:
 - WTO is new concept for each entrant
 - There is a strong need for the expert to help and guide you
 - Many Donors are there to provide TA programs for WTO accession
 - This support should be need driven & project document should be prepared in consultation with Govt.
 - With each international consultant, there should be at-least two local consultant or two officer from the relevant department of Govt. for the sake of sustainability

2. Negotiations

- stakeholders
- Technical Side
- Political work (both in Capitol as well as in other capitols)

- Involving Stakeholder:

- You are negotiating on behalf of your country
- Set up meetings with all stakeholders and keep them informed and involved
- Gather information and advices
- Know and understand the problems of each stakeholders
- Use Media for disseminating information
- Chief negotiator should participate in media programs, university lectures, civil society programs and of course frequent meetings with the Private sector
- Take representative of parliament and Private sector with you to Geneva (how it helps?)

- Technical Work:

- Working Party related preparation

- Chief Negotiator should read and comprehend the MFTR completely
 - He should be able to cover for others if needed
 - Once questions are received, that should be sent to relevant departments, TA help in framing the answers is valuable
 - Have regular meeting on answers before submitting it to WTO
 - The Answers should not create further question
 - Do not hide things, be transparent
 - Share draft laws and regulations with members
 - Generate trust
 - Enrich the Law

– In Working Party:

- Meet and develop good relationship with Chair of WP before the meeting (Importance)
- Go Prepared for Working party meeting
- be in room earlier and have informal interaction with members
- The opening speech of Chief Negotiator should be comprehensive and put a proper road map for WP
- Show that you are committed to process
- Be straight forward in your answers

– In Working Party:

- If you don't want to give answer, say that you will provide that in writings or later
- Most member of the negotiation team should provide answers
- Follow up on the working party related questions and answers back at home

– Technical Work (Market Access Negotiations)

– For Goods

- Prepare a realistic Market Access Offer
- Do internal consultation on the Market access offer
 - Producers VS Importers
 - Relevant department opinion
 - Ministry of Trade and Chief Negotiator opinion
- Keep negotiation space (for Chief Negotiator)
 - Highlight Green, Yellow and Red
- Identify and protect:
 - Goods you produce, potential to produce, substitute
 - Social impact (job creation etc)
- Build good working relations with the partner having interest in Bilateral and find the area of their interest.

- Technical Work (Market Access Negotiations)
- For Services
 - Prepare a realistic Market Access Offer on services
 - Horizontal commitments
 - Do internal consultation on the Market access offer
 - Service Providers
 - Relevant department opinion
 - Chief Negotiator opinion
 - Identify and Protect:
 - Sensitive sectors

– Political work

- Strong Lobby inside and outside the WTO
 - Inside WTO
 - » Countries you have good relations with
 - Outside WTO:
 - » Embassies in your capitol, especially Economic Counselors
 - » Your embassies in other Capitols
 - » CLDP
- Mainly Brussels and Washington
- Use Working party chair when you feel you can

– My personal recommendations:

- The process needs dedication and commitment
- It's a daily learning process (go and ask, clarify and seek support)
- Do what ever you want to do just convince the members
- There is no standard commitments (there are standard commitments, but it is not necessary that you should make those commitments as well)

– My personal recommendations:

- Most of things happen between the meetings not in the meetings
- Your two sources in WTO Use them to the level you can:
 - WTO accession division which is your good source for getting information, so develop good relations
 - WTO Training institute, build good relations and use it

- To conclude:
 - USE WTO ACCESSION PROCESS FOR DOMESTIC REFORMS (this is the most important)
 - Develop Laws
 - Remove barriers to Trade mainly export
 - Simplify procedures
 - Ease of doing business
 - Remove barriers to investment
 - Protect IP rights
 - Develop sound and legal economic system

- Questions and Answers
 - Contact Details:
 - Shinwari000@yahoo.com
 - WhatsApp: +93744121818