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**INSTITUTIONAL GOVERNANCE AND DECISION-MAKING PROCESSES IN THE WTO:  
SOME ISSUES FOR CONSIDERATION AFTER CANCUN**

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**I. INTRODUCTION**

1. Issues relating to internal WTO institutional governance have long been on the agenda of the WTO, stemming primarily from the fact that the institutional mechanisms and processes used have led to problems of transparency, inclusiveness, and participation, as well as efficiency, in decision-making in the organization. This note highlights some of the major issues in this area, the discussions that have taken place, and the deficits that need to be addressed, particularly related to the process for the on-going consultations in the context of the Doha-mandated negotiations.

**II. ROLE OF “WTO OFFICERS”: THE CHAIRS OF WTO BODIES**

2. The various councils, committees, working groups, and working parties, of the WTO are the bodies through which the daily business of the WTO is done. Theoretically, all of these bodies (except for the accession working parties) are open to all WTO Members. Effective participation in such bodies by Members, however, is a capacity question – i.e. it is a function of the size and expertise of the Member’s delegation in Geneva and the extent to which such delegation is provided with adequate and effective technical and policy support from their capital.<sup>1</sup>

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<sup>1</sup> For example, in 2002, the average size of a developing country delegation to the WTO in Geneva was 3.81 delegates. The range, however, is from zero (in the case of 24 developing country WTO Members that do not have missions in Geneva) to 10 or more for some bigger developing countries such as Nigeria (10), China (11), Brazil (12), and Korea (18), with a total of 385 delegates for all developing countries in the WTO. For developed countries and transition economies (with a total of 262 delegates

3. Virtually no guidance is provided in the constitutional texts of the WTO with respect to the role and functions of the chairs of the different WTO bodies. Article IV of the WTO Agreement states only that the different WTO bodies shall have their respective chairs and shall establish their respective rules of procedure.
4. On 31 January 1995, the WTO General Council adopted its “Guidelines for Appointment of Officers to WTO Bodies.”<sup>2</sup> These guidelines were replaced by new guidelines adopted by the General Council in December 2002.<sup>3</sup> Paragraph 2.1 of the 1995 guidelines states that “a balance which reflects overall membership of the WTO should be achieved in the appointment of officers.”<sup>4</sup> From 1995 to 1999, the chairing of major WTO bodies was allocated on an approximately fifty-fifty basis between developing and developed countries (except in 1996 when more developed countries got chairpersonships than developing countries), and from 2000 to 2003, more developing countries chaired major WTO bodies than developed countries with a little under two-thirds of the major WTO bodies per year being chaired by the former (see Annex 1:A and Annex 1:B). However, despite this improvement in recent years, the ratio still does not fully reflect the balance in the overall membership of the WTO. Of the 146 WTO Members in 2002,<sup>5</sup> 101 (or 69.2 percent) are developing countries while the remaining 45 (30.8 percent) are developed countries (including transition economies). Furthermore, given the extra demands in terms of time and resources that chairing a WTO body will take on a developing country’s ambassador and his delegation, many developing countries have been very selective in accepting such positions. In addition, for some Least-Developed Country (LDC) Members, arrears in the payment of their WTO membership dues automatically disqualified them from

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in Geneva), however, the average delegation size in 2002 was 5.82 delegates per country, ranging from two delegates for many of the transition economies to more than 15 for the major developed countries (US – 16, EU – 17, Japan – 22). The European Union (EU) also enjoys the benefit of having the missions of the various EU Member and Accession States, with a total of 114 Geneva-based delegates, working with the EU’s Geneva delegation (under the European Commission) to the WTO. Furthermore, only a few of the bigger and richer developing countries can count on having adequate technical and policy support and guidance from their capitals, nor have the resources to be able to frequently bring such capital-based experts to Geneva. Most (except for some of the transition economies) developed countries, on the other hand, generally enjoy strong technical and policy support and guidance from their capitals, as well as have the resources to be able to bring such support to Geneva. The figures above are based on the April 2002 WTO Directory. There are no commonly accepted definitions of “developing” or “developed” countries in the WTO. Classification is by self-ascription. For example, Hong Kong, Korea, Mexico, and Turkey are included in the “developing country” classification even though they are not part of the G-77 and China developing country grouping because they describe themselves as developing countries in the WTO. Singapore is also considered a developing country in the WTO and is a member of G-77 and China. The “developed country” classification includes transition economies such as Albania, Bulgaria, Croatia, Georgia, Kyrgyz Republic, Moldova, and Poland; countries that are in the process of accession to the European Union such as Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovak Republic, and Slovenia; countries whose terms of accession to the WTO classified them as “developed” such as Chinese Taipei; and countries that are members of the Organization for Economic Cooperation and Development (OECD) who do not otherwise self-ascribe themselves to be a “developing country”.

<sup>2</sup> See WT/L/31, 7 February 1995.

<sup>3</sup> See WT/L/510, 21 January 2003.

<sup>4</sup> This is reiterated in Paragraph 3.1 of the 2002 guidelines.

<sup>5</sup> The current membership is 148, with the addition of Cambodia and Nepal during the Cancun Ministerial Conference in September 2003.

being eligible to chair WTO bodies.<sup>6</sup> Finally, the 24 WTO Members that do not have any permanent mission in Geneva are likewise almost automatically disqualified from chairing any WTO body.<sup>7</sup>

5. The ambiguity and lack of clarity on the exact procedures to be used for the selection of chairs of WTO bodies has been raised by many developing countries as providing an avenue through which the agenda of the major developed countries can be promoted by the appointment of chairs who are supportive of or sympathetic to such agenda.<sup>8</sup> Indeed, only a few developing countries seem to be able to make it as chairs of WTO bodies.<sup>9</sup> The 2002 guidelines provided for a bit clearer and a bit more explicit and time-bound procedure for the appointment of WTO officers,<sup>10</sup> and re-stressed that chairing of WTO bodies should be rotated, “as a general rule,” among Members with one-year terms of office.<sup>11</sup>
6. The 1995 guidelines did not clearly provide for any parameters or limits to what the chairs could do in running their respective WTO bodies. However, the 2002 guidelines now indicate that “Chairpersons should continue the tradition of being impartial and objective; ensuring transparency and inclusiveness in decision-making and consultative processes; and aiming to facilitate consensus.”<sup>12</sup> These 2002 guidelines apply only to the regular WTO bodies. The selection of and conduct of consultations by the chairs of the different negotiating bodies under the Doha-established Trade Negotiations Committee (TNC) are governed by a different set of rules.
7. Intensive discussions also took place with respect to the issue of having the WTO Director-General serve as the chair of the TNC. The General Council decided to make the sitting WTO Director-General, by virtue of his position as such, be the *ex officio* chair of the TNC.<sup>13</sup> Many developing countries during that meeting, however, said that their agreement to having the Director-General chair the TNC was conditioned on the subsequent establishment of clear guidelines that would guide the negotiating process under the TNC and its subsidiary negotiating bodies. However, to date, aside

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<sup>6</sup> Paragraph 1.1 of the 1995 guidelines state that “Representatives of Members in financial arrears for over one full year cannot be considered for appointment.” This prohibition is reiterated in Paragraph 2.1 of the 2002 guidelines.

<sup>7</sup> Paragraph 4.1 of the 1995 guidelines state that “For bodies under Group 1 and 2, chairpersons should be appointed from among Geneva-based Heads of Delegations. In the case of Groups 4, 5, 6, and 8, chairpersons should be Heads of Delegation or officials of delegations of Members of the WTO in Geneva. Non-residents may be appointed in exceptional circumstances where the necessary expertise can only be found in capitals.” This requirement of having the chair be based in Geneva is reiterated in Paragraph 5.1 of the 2002 guidelines.

<sup>8</sup> Amrita Narlikar, *WTO Decision-Making and Developing Countries*, TRADE Working Paper No. 11 (South Centre, November 2001), p. 10. The 1995 guidelines, in Paragraphs 6.1 to 6.5, stated, inter alia, that the General Council Chair of the previous year would conduct consultations among the membership on the appointment of chairs for the major WTO bodies for the succeeding year, and that there would “no automaticity in succession to posts.”

<sup>9</sup> Among developing countries, the countries most often selected to chair a WTO body from 1995-2003 were: Hong Kong (7); Costa Rica (6); Brazil and Korea (5 each); and Chile, Colombia, Singapore, and Uruguay (4 each). (See Annex 1:B, *infra*, Note 2).

<sup>10</sup> See Paragraphs 7.1 to 7.5, 2002 guidelines.

<sup>11</sup> Paragraph 6.1, 2002 guidelines.

<sup>12</sup> Paragraph 2.2, 2002 guidelines.

<sup>13</sup> See WTO Trade Negotiations Committee, *Minutes of the Meeting of 28 January and 1 February 2002*, TN/C/M/1, 14 February 2002, Para. 9, approving Agenda Item 1 of the General Council Chair’s *Statement to the TNC of 1 February 2002*, TN/C/1, 4 February 2002.

from both Paragraph 49 of the DMD and the TNC-endorsed Section B of the General Council Chair's Statement to the TNC on 1 February 2002, such guidelines have not yet been established.

8. While most of the reports submitted by various chairs of WTO bodies to the General Council and to the TNC in the run-up to the Cancun Ministerial Conference were factual rather than recommendatory, the recent experience of developing countries vis-à-vis the draft Cancun ministerial text, while it was being prepared and drafted in Geneva and in Cancun itself, is clear testimony that the basic requirements of impartiality and objectivity, transparency and inclusiveness in decision-making, the facilitation of consensus and the evolution of consensus texts, and the reflecting of consensus or different positions, remain far from being fully complied with in the WTO. The penchant for using informal, exclusionary, and virtually opaque consultative methods, especially in the run-up to the ministerial conference, continues to be very much evident.
9. In terms of the role and functions of the chairs of WTO bodies, therefore, Members might need to address the following issues:
  - the need to establish and ensure the implementation of clear rules of procedure and guidelines for conduct of their functions and responsibilities by the duly-appointed chairs of WTO bodies. These rules must, inter alia, seek to ensure that the chairs of WTO bodies exercise impartiality and objectivity; identify the consultation mechanisms to be used and the extent of their use; and actively seek to engage all Members, including those without representation in Geneva, in any formal and informal consultation process;
  - the need to establish clear guidelines on the criteria for selection, rules on appointment, roles, responsibilities, and functions of the duly-appointed chairs of WTO bodies;
  - the need to establish clear guidelines on the selection criteria and rules on appointment, their responsibility and functions, and the consultation or discussion facilitation procedures or mechanisms to be used by persons informally tasked with assisting formally appointed chairs of WTO bodies (such as the informal group "facilitators" and "friends of the chair") in conducting informal consultations, negotiations, or meetings in informal settings.

### III. PROCESSES FOR THE DOHA-MANDATED NEGOTIATIONS

10. Paragraph 49 of the Doha Ministerial Declaration provides the legal basis for defining the process to be used in the negotiations – i.e. the negotiations are to be "*conducted in a transparent manner among participants, in order to facilitate the effective participation of all ...*" In December 2001 and January 2002, some developing countries made suggestions regarding the establishment of the TNC and the process for the Doha-mandated negotiations.<sup>14</sup> Section B of the General Council Chair's Statement to the TNC on 1 February 2002 (TN/C/1, 4 February 2002), which was endorsed by the General Council during its 1 February 2002 meeting, lays down some negotiating principles and practices to be followed by the TNC and its subsidiary negotiating bodies. These include:

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<sup>14</sup> See WT/GC/58 and TN/C/W/2.

- a reference to paragraph 49 of the DMD vis-à-vis transparency in the negotiations, “in order to facilitate the effective participation of all”;
  - a reference to the 17 July 2000 statement of Ambassador Bryn vis-à-vis “best practices” with regard to internal transparency and participation of all Members;
  - expeditious circulation and translation into the three official WTO languages of the minutes of meetings of the TNC and other negotiating bodies;
  - an “overall guideline” that “as far as possible only one negotiating body should meet at the same time”. The TNC is required to keep the calendar of meetings “under surveillance” and that the constraints of smaller delegations should be taken into account when meetings are being scheduled;
  - chairpersons of the TNC and negotiating bodies should be impartial and objective; ensure transparency and inclusiveness in decision-making and consultative processes; aim to facilitate consensus and to evolve consensus texts; and reflect consensus or different positions on issues in their regular reports to the overseeing bodies.
11. Given that, in many cases, the processes used often determines the substantive outcomes of negotiations, it might be time for Members to review the negotiating principles and practices outlined in the General Council Chair’s statement above in light of Members’ negotiating experiences in the various negotiating bodies in 2002 and 2003. Such review should be with a view towards clarifying ambiguities, establishing clearer and more explicit procedural negotiating norms, and creating more institutional opportunities to allow Members to effectively participate in the negotiations.

#### **IV. PROCESSES FOR MINISTERIAL CONFERENCES**

12. Despite the efforts of Members from 2000 to 2002 to come to an agreement on the procedures to be used with respect to preparing for and organizing ministerial conferences, consensus on such procedures continued to be elusive. As a result, the preparatory process in the run-up to, as well as the actual conduct of, the Cancun ministerial conference were marked by the same informal, non-transparent, and non-inclusive mechanisms that also characterized past ministerial conferences. During the Cancun ministerial conference itself, the draft ministerial text reflected very little, if at all, of the concerns and proposals that had been previously raised by many developing countries with respect to various aspects of the draft.
13. Members, therefore, need to review and revisit the 1996 Rules of Procedure for Sessions of the Ministerial Conference and Meetings of the General Council, with a view towards revising them and clarify the procedures to be followed in these meetings, for the preparatory phases as well as for the duration of the meeting, with the objective of ensuring that all Members will be able to participate fully and effectively in all of the decision-making processes therein, and that the diversity of their views and perspectives are reflected and made the subject of full, inclusive, transparent, and participatory negotiations by Members.

#### **V. INSTITUTIONAL MECHANISMS FOR DECISION-MAKING**

14. In the WTO, formal decisions are made and adopted by Members in formal meetings by consensus under Art. IX of the WTO Agreement. Formal and on-the-record

meetings of WTO bodies are also used as the venues in which Members can put forward and formally discuss their proposals and views on issues. Formal meetings are recorded and minutes are kept, circulated, and made publicly available. These kinds of meetings and the records of such meetings, therefore, are valuable in ensuring both internal and external transparency, and also allow less well-resourced delegations (especially those that do not have representation in Geneva) to follow, albeit *ex post facto*, the formal discussions that took place leading up to the decision taken.

#### A. Informal Mechanisms

15. However, informal processes are often, if not always, used in arriving at formal consensus decisions in the WTO. These informal processes often take the following forms:

- “informal open-ended working groups” – informal meetings of Members, attended usually by technical-level delegates and open to participation by all Members, for the purpose of dealing with specific issues at the technical substantive level. Notice of meetings of these working groups are circulated to the general membership;
- “Confessionals” – informal meetings of individual or a few Members with chair of a WTO body (or other person, e.g. “facilitator” or “friend of the chair,” appointed by the chair of such WTO body) “facilitating” or chairing the meeting, held so that the chair could get a sense of the bottom-line negotiating positions of the participants with respect to a particular issue. These kinds of meetings began to be held in the run-up to and during the Cancun Ministerial Conference;
- “Green Rooms” – informal meetings of a few Members, usually from 24 to 30 in number and composed of the major developed countries, the big developing countries, and the current coordinators of the major developing country groupings, chaired by the WTO Director-General or the General Council Chair for the purpose of getting the major Members to discuss divergences in positions on one or more issues and try to come to a common basis for agreement to be subsequently presented to the broader membership. In Geneva, Green Rooms would be attended by the heads of delegation of the invited Members, while in Ministerial Conferences, these would be attended by ministers. Invitations to attend Green Rooms are normally coursed through the WTO Secretariat (e.g. the Director General’s office or the Council and TNC Division). These meetings began during the GATT period, especially during the Uruguay Round negotiations;
- “Mini-ministerials” – informal meetings of a few Members, usually composed of roughly the same countries as would be attending Green Rooms, but held outside Geneva in the territory of and at the invitation of a host Member for basically the same purpose as Green Room meetings but attended by the ministers of the invited Members. This kind of meetings started in early 2001 in the run-up to the Doha Ministerial Conference, and were again held several times in 2002 and 2003 in the run-up to the Cancun Ministerial Conference;
- “informal Heads-of-Delegation (HOD)” – informal meetings of Members at the heads-of-delegation level and open to participation by all Members for the purpose of discussing issues that need to be decided upon by the general

membership whether at the General Council or at the Ministerial Conference level. Consensus decisions taken by an informal HOD meeting normally get converted into, or have the same force and effect as, a formal General Council or Ministerial Conference decision.

16. In general, issues would first be discussed in informal working groups before being moved to discussions in confessionals, Green Rooms, mini-ministerials, or informal HOD meetings. The common denominator for all of these informal modes of discussions is that the discussions that take place therein are generally all off-the-record, such that no official records are kept of what was said and who said what. This means that any records of what happened in such meetings will have to rely on the memories of the participants and the direction and tone of discussions therein inferred from the outcomes thereof.
17. The use of informal processes described above may provide Members with a degree of flexibility in discussing issues.<sup>15</sup> However, they more often introduce “ad hoc-ism and uncertainty to the decision-making procedures” and exacerbate the problems of participation, transparency, and inclusiveness that many developing countries face inside the WTO.<sup>16</sup> Informal processes also often tend to provide greater power to the chair and/or the WTO Secretariat/Director-General supporting the chair in terms of directing the frequency, conduct, extent of participation, and other parameters for the discussions.<sup>17</sup> Because of their very informality, there are no formal mechanisms which Members could use to challenge, for example, the conduct of informal meetings, the extent of their participation and inclusiveness, the role of the chairs, etc.<sup>18</sup> In addition, these informal processes have also been used and often dominated by the major developed countries in terms of setting the agenda and pushing forward their proposals to the rest of the membership.<sup>19</sup> Finally, the lack of formal written records of the discussions that take place in these informal meetings means that Members (i.e. most developing countries) who were not directly represented in these informal meetings will be negotiating at a distinct and automatic disadvantage. They will have a built-in negotiating handicap due to their lack of sufficient information regarding the negotiating positions of other Members upon which to base their own negotiating positions and strategies. The concept of mutually beneficial negotiated outcomes that is part of the WTO’s institutional ethos<sup>20</sup> depends upon all negotiating partners having sufficient information about each other’s negotiating positions in order to be able to arrive at mutually satisfactory outcomes.
18. The problems associated with the use of informal processes to develop consensus can be mitigated through the establishment of rules to govern these informal processes. Among these rules should be those that define:
  - a. how the agenda is set and agreed-to by participants;
  - b. the criteria for the selection of invited participants;
  - c. the procedures for the inclusion of non-invited Members expressing an interest to participate in the meeting;

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<sup>15</sup> Narlikar, *supra* note 8, at 9.

<sup>16</sup> *Id.*, at 8-11.

<sup>17</sup> *Id.*, at 10.

<sup>18</sup> See e.g. Sheila Page, *Developing Countries in GATT/WTO Negotiations* (Overseas Development Institute Working Paper, 2002), p. 29.

<sup>19</sup> See e.g. Richard H. Steinberg, *In the Shadow of Law or Power? Consensus-Based Bargaining and Outcomes in the GATT/WTO*, 56:2 INTERNATIONAL ORGANIZATION (Spring 2002), p. 354-55.

<sup>20</sup> See e.g. DMD, para. 2; and WTO Agreement, 1<sup>st</sup>-3<sup>rd</sup> preambular clauses.

- d. the issuance of notification to participants and the general membership on the date, time, and venue of the meeting;
- e. the frequency of meetings;
- f. the keeping of notes or records of the meeting;
- g. the dissemination or availability of information to non-participants regarding the discussions that took place in the meeting;
- h. the role and functions of the chair of the meeting;
- i. the role and functions of the WTO Secretariat staff supporting the meeting;
- j. the provision of translation and other administrative support services for participants in the meeting

## VI. LESSONS FROM CANCUN

19. Instead, lessons could be learned from the Cancun experience and applied concretely right away to existing WTO decision-making processes – both formal and informal – without any need for the creation of new institutional structures or effecting any radical or substantive changes in the WTO's core formal decision-making rules and procedures.
20. Among the key lessons from Cancun that could be useful in terms of ensuring that the WTO's formal and informal decision-making processes are transparent, inclusive, participatory, and flexible, are, for example, the following:
  - a. Members in some instances negotiated directly with each other, rather than through the intermediation of chairs or facilitators. This happened in, for example, the US and EU agreeing to compromise with each other and presented their joint agriculture proposal; the G-20 countries negotiating and agreeing on their own agriculture negotiations framework proposal; the G-90 countries negotiating on their common positions vis-à-vis Singapore issues;
  - b. Members, especially developing countries, established formal and informal coalitions with, in many cases, clear objectives, adequate technical and analytical support, and clear lines of communication both within and among coalitions. This happened, for example, with the G-20 and the SP/SSM Alliance with respect to agriculture; the G-90 group and the AU-ACP-LDC coalition with respect to Singapore issues; the WCA group and other developing countries with respect to cotton subsidies;
  - c. The developing country groupings were able to negotiate as groups represented by one or two group members in the context of the formal and informal processes in Cancun. Group representatives or spokespersons negotiated on behalf of their groups on an *ad referendum* basis, which meant that the various groups were not automatically bound to what their group representatives would agree to in the negotiating groups unless and until, after internal group consultations, the group's endorsement or agreement for any tentative consensus decisions made in the various negotiating groups was given. This ensured greater transparency in the negotiations, and allowed Members not actually present in the negotiating groups but who were represented as part of a developing country group included in the negotiating group the opportunity to exercise their right to object to the terms upon which tentative consensus in the negotiating groups were built.

## VII. CONCLUSION



21. An organization with a membership as broad and diverse as that of the WTO cannot long survive on internal governance mechanisms and procedures that effectively marginalize and leave out the greater majority of the membership from effectively influencing the way that decisions are made and implemented. Positive substantive outcomes for developing countries from the negotiations are likely never to arise without any serious changes in the way that these negotiations as well as the day-to-day business of the WTO are conducted. Seen in this light, the process and mechanisms for negotiations and decision-making are as important as the substance thereof.
  
22. Hence, while retaining the basic nature of the organization as a member-driven organization whose key decision-making principle is consensus, Members also need to, in light of the discussion above, seriously address the following:
  - a. the need to establish and ensure the implementation of clear rules of procedure and guidelines for conduct of their functions and responsibilities by the chairs of WTO bodies;
  - b. the need to establish clear guidelines on the criteria for selection, rules on appointment, roles, responsibilities, and functions of the chairs of WTO bodies;
  - c. the need to establish clear guidelines on the selection criteria and rules on appointment, their responsibility and functions, and the consultation or discussion facilitation procedures or mechanisms to be used by persons informally tasked with assisting formally appointed chairs of WTO bodies (such as the informal group “facilitators” and “friends of the chair”) in conducting informal consultations, negotiations, or meetings in informal settings;
  - d. Members need to review the negotiating principles and practices outlined in the General Council Chair’s statement to the TNC on 1 February 2002 laying down some principles and practices to be observed for the Doha negotiations in light of Members’ negotiating experiences in the various negotiating bodies in 2002 and 2003. Such review should be with a view towards clarifying ambiguities, establishing clearer and more explicit procedural negotiating norms, and creating more institutional opportunities to allow Members to effectively participate in the negotiations;
  - e. the 1996 Rules of Procedure need to be reviewed and reassessed by Members with a view towards clarifying its provisions relating to the roles, functions, powers, and responsibilities of the Ministerial Conference and General Council officers;
  - f. the need to establish rules to govern the informal processes used in the WTO;
  - g. the need to review and revisit the 1996 Rules of Procedure for Sessions of the Ministerial Conference and Meetings of the General Council, with a view towards revising them and clarify the procedures to be followed in these meetings, for the preparatory phases as well as for the duration of the meeting;
  - h. the need to learn from the Cancun experience vis-à-vis alliance and coalition building and concretely apply these lessons right away to existing WTO decision-making processes, both formal and informal.

## ANNEX 1:A -- CHAIRPERSONSHIPS OF MAIN WTO BODIES (1995-2003)

WTO Body	WTO Member of Origin of Chairperson								
	1995	1996	1997	1998	1999	2000	2001	2002	2003
General Council	<i>Singapore</i> (Amb. Kesavapany)	<i>Switzerland</i> (Amb. Rossier)	<i>Brazil</i> (Amb. Lafer)	<i>Canada</i> (Amb. Weekes)	<i>Tanzania</i> (Amb. Mchumo)	<i>Norway</i> (Kare Bryn)	<i>Hong Kong</i> (Mr. Harbinson)	<i>Canada</i> (Amb. Marchi)	<i>Uruguay</i> (Amb. Perez del Castillo)
Dispute Settlement Body	<i>Australia</i> (Amb. Kenyon)	<i>Brazil</i> (Amb. Lafer)	<i>New Zealand</i> (Amb. Armstrong)	<i>Tunisia</i> (Amb. Morjane)	<i>Japan</i> (Amb. Akao)	<i>Hong Kong</i> (Mr. Harbinson)	<i>New Zealand</i> (Amb. Farrell)	<i>Uruguay</i> (Amb. Perez del Castillo)	<i>Japan</i> (Amb. Oshima)
Trade Policy Review Body	<i>Colombia</i> (Amb. Osorio Londono)	<i>Ireland</i> (Amb. Anderson)	<i>Pakistan</i> (Amb. Akram)	<i>Tanzania</i> (Amb. Mchumo)	<i>Belgium</i> (Amb. Noirfalisse)	<i>Bangladesh</i> (Amb. Chowdhury)	<i>Finland</i> (Amb. Huhtaniemi)	<i>Kenya</i> (Amb. Chawahir Mohamed)	<i>Ireland</i> (Amb. Whelan)
Council for Trade in Goods	<i>Japan</i> (Amb. Endo)	<i>India</i> (Amb. Naranayan)	<i>Norway</i> (Amb. Johannessen)	<i>Costa Rica</i> (Amb. Saborio Soto)	<i>New Zealand</i> (Amb. Farrell)	<i>Uruguay</i> (Amb. Perez del Castillo)	<i>Hungary</i> (Amb. Major)	<i>Malaysia</i> (Amb. Supperamaniam)	<i>Czech Republic</i> (Amb. Hovorka)
Council for Trade in Services	<i>Sweden</i> (Amb. Manhusen)	<i>Philippines</i> (Amb. Bautista)	<i>Korea</i> (Amb. Joun Yung Sun)	<i>Japan</i> (Amb. Akao)	<i>Hong Kong</i> (Mr. Harbinson)	<i>Canada</i> (Amb. Marchi)	<i>Brazil</i> (Amb. Amorim)	<i>Ireland</i> (Amb. Whelan)	<i>Senegal</i> (Amb. Camara)
Council for TRIPS	<i>Hong Kong</i> (Mr. Harbinson)	<i>New Zealand</i> (Amb. Armstrong)	<i>Chile</i> (Amb. Luz Guarda)	<i>Hungary</i> (Amb. Major)	<i>Uruguay</i> (Amb. Perez del Castillo)	<i>Singapore</i> (Amb. Chak Mun See)	<i>Zimbabwe</i> (Amb. Chidyausiku)	<i>Mexico</i> (Amb. Perez Motta)	<i>Singapore</i> (Amb. Menon)
Committee on Trade and Development	<i>Malaysia</i> (Amb. Siraj)	<i>Morocco</i> (Amb. Benjelloun-Toumi)	<i>Mauritius</i> (Amb. Baichoo)	<i>Bangladesh</i> (Amb. Chowdhury)	<i>Senegal</i> (Amb. Diallo)	<i>Jamaica</i> (Amb. Smith)	<i>Uganda</i> (Amb. Irumba)	<i>Bangladesh</i> (Amb. Toufiq Ali)	<i>Mauritania</i> (Amb. Lemine)
Committee on Trade and Environment	<i>Argentina</i> (Amb. Sanchez Arnau)	<i>Argentina</i> (Amb. Sanchez Arnau)	<i>Finland</i> (Amb. Eklblom)	<i>Singapore</i> (Amb. Chak Mun See)	<i>Hungary</i> (Amb. Major)	<i>Gabon</i> (Amb. Bike)	<i>Chile</i> (Amb. Jara Puga)	<i>Turkey</i> (Amb. Demiralp)	<i>Slovak Republic</i> (Amb. Brno)
Committee on BOP Restrictions	<i>Germany</i> (Mr. Witt)	<i>Germany</i> (Mr. Witt)	<i>United Kingdom</i> (Mr. Jenkins)	<i>United Kingdom</i> (Mr. Jenkins)	<i>Poland</i> (Mr. Jodko)	<i>Czech Republic</i> (Amb. Hovorka)	<i>Colombia</i> (Amb. Jose Gomez)	<i>Romania</i> (Amb. Filip)	<i>Pakistan</i> (Amb. Ahmad)
Committee on Budget, Finance, and Administration	<i>France</i> (Mr. Metzger)	<i>Japan</i> (Mr. Yokota)	<i>Canada</i> (Amb. Weekes)	<i>Switzerland</i> (Mr. Meier)	<i>France</i> (Ms. Dubois-Destrizais)	<i>Turkey</i> (Mr. Akil)	<i>Malaysia</i> (Amb. Supperamaniam)	<i>United Kingdom</i> (Mr. McMillan)	<i>Hong Kong</i> (Mr. Law)
Committee on Regional Trade		<i>Canada</i> (Amb. )	<i>Canada</i> (Amb. Weekes)	<i>Belgium</i> (Amb. )	<i>Thailand</i> (Amb. )	<i>Philippines</i> (Amb. )	<i>France</i> (Ms. Dubois- )	<i>Zimbabwe</i> (Amb. )	<i>Mauritius</i> (Amb. )

South Centre Analytical Note

October 2003

SC/TADP/AN/IG/6

Agreements		Weekes)		Noirfalisse)	Jirapaet)	Custodio)	Destrizais)	Chidyausiku)	Meetoo)
Working Group on Trade and Investment			Thailand (Amb. Jirapaet)	Thailand (Amb. Jirapaet)	Korea (Amb. Man Soon Chang)	Korea (Amb. Man Soon Chang)	Turkey (Amb. Demiralp)	Brazil (Amb. Seixas Correa)	Brazil (Amb. Seixas Correa)
Working Group on Trade and Competition Policy			France (Mr. Jenny)	France (Mr. Jenny)	France (Mr. Jenny)	France (Mr. Jenny)	France (Mr. Jenny)	France (Mr. Jenny)	France (Mr. Jenny)
Working Group on Transparency in Government Procurement			Venezuela (Amb. Corrales Leal)	Venezuela (Amb. Corrales Leal)	Costa Rica (Amb. Saborio Soto)	Costa Rica (Amb. Saborio Soto)	Costa Rica (Amb. Saborio Soto)	Costa Rica (Amb. Saborio Soto)	Costa Rica (Amb. Saborio Soto)
Working Group on Trade, Debt, and Finance								Colombia (Amb. Gomez)	Colombia (Amb. Gomez)
Working Group on Trade and Transfer of Technology								Iceland (Amb. Johansson)	Iceland (Amb. Johansson)
<b>Doha Work Program Negotiations (including Built-In Agenda from Uruguay Round - January 2000 to September 2003)</b>									
CTS Special Session						Canada (Amb. Marchi)	Canada (Amb. Marchi)	Chile (Amb. Jara)	
Committee on Agriculture Special Session						Peru (Amb. Bernales)	Peru (Amb. Bernales)	Hong Kong (Mr. Harbinson)	
Negotiating Group on Market Access								Switzerland (Amb. Girard)	
Negotiating Group on Rules								New Zealand (Amb. Groser)	
CTE Special Session								Gabon (Amb. Bike)	
TRIPS Council Special Session								Korea (Amb. Eui Yong Chung)	
DSB Special Session								Hungary (Amb. Balas)	
CTD Special Session								Jamaica (Amb. Smith)	

Total No. of Chairs	10	11	14	14	14	16	16	24	24
<i>From Developing Countries</i>	5 (50%)	5 (45.45%)	7 (50%)	7 (50%)	7 (50%)	11 (68.75%)	10 (62.5%)	15 (62.5%)	15 (62.5%)
From Developed Countries	5 (50%)	6 (54.55%)	7 (50%)	7 (50%)	7 (50%)	5 (31.25%)	6 (37.5%)	9 (37.5%)	9 (37.5%)
<b>Year</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>

Notes:

1. Korea, Singapore, Hong Kong, Turkey, and Mexico are considered “developing countries”. Czech Republic, Slovak Republic, Hungary, and Romania are considered “developed countries.”
2. This document is compiled from lists of WTO bodies’ chairpersons issues by the WTO Secretariat and made available online at [www.wto.org](http://www.wto.org).
3. This does not include the chairpersons of subsidiary WTO bodies.

**ANNEX 1:B -- FREQUENCY OF SERVICE AS WTO BODY CHAIRS BY WTO MEMBERS  
(1995-2003)**

Developing Countries		Developed Countries	
WTO Member	No. of WTO Bodies Chaired: 1995-2003	WTO Member	No. of WTO Bodies Chaired: 1995-2003
Argentina	2	Australia	1
Bangladesh	3	Belgium	2
Brazil	5	Canada	8
Chile	4	Czech Republic	2
Colombia	4	Finland	2
Costa Rica	6	France	10
Gabon	3	Germany	2
Hong Kong	7	Hungary	5
India	1	Iceland	2
Jamaica	3	Ireland	3
Kenya	1	Japan	5
Korea	5	New Zealand	6
Mexico	1	Norway	2
Malaysia	3	Poland	1
Mauritius	2	Romania	1
Mauritania	1	Slovak Rep.	1
Morocco	1	Sweden	1
Pakistan	2	Switzerland	4
Peru	2	United Kingdom	3
Philippines	2		
Senegal	2		
Singapore	4		
Tanzania	2		
Thailand	3		
Tunisia	1		
Turkey	3		
Uganda	1		
Uruguay	4		
Venezuela	2		
Zimbabwe	2		
<b>Total Countries:</b>	<b>Total No. of WTO Bodies Chaired: 82</b>	<b>Total Countries:</b>	<b>Total No. of WTO Bodies Chaired: 61</b>
<b>30</b>		<b>19</b>	<b>61</b>

Notes:

1. The Chairpersonships of the TNC negotiating groups for the years 2002 and 2003 are counted two chairpersonships, i.e. one chairpersonship each for 2002 and 2003.
2. Among developing countries, the countries most often selected to chair a WTO body from 1995-2003 were: Hong Kong (7); Costa Rica (6); Brazil and Korea (5 each); and Chile, Colombia, Singapore, and Uruguay (4 each). Among developed countries, these were: France (10), Canada (8), New Zealand (6), Hungary and Japan (5 each), and Switzerland (4).

**ANNEX 2 -- AMBASSADOR BRYN'S POINTS RELATING TO INTERNAL TRANSPARENCY  
AND EFFECTIVE PARTICIPATION OF MEMBERS**

- Members generally did not see the need for any major institutional reform which could alter the basic character of the WTO as a Member-driven organization and its decision-making process;
- There was also a strong commitment of the Members to reaffirm the existing practice of taking decisions by consensus;
- Members seemed to recognize that interactive open-ended informal consultation meetings played an important role in facilitating consensus decision-making;
- As a complement to, but in no way a replacement of this open-ended consultation process, consultations might also take place with individual Members or groups of Members. In such cases, in order to ensure that the consultations contribute to the achievement of a durable consensus, it was important that:
  - Members were advised of the intention to hold such consultations;
  - Those Members with an interest in the specific issue under consideration were given the opportunity to make their views known;
  - No assumption should be made that one Member represented any other Members except where the Members concerned had agreed on such an arrangement; and
  - The outcome of such consultations was reported back to the full membership expeditiously for consideration.

Source: WTO General Council, *Minutes of the Meeting of 17 and 19 July 2000*, WT/GC/M/57, 14 September 2000, Para. 134

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