
Selection of the WTO Director-General: Some Points to Consider

Table of Contents

Executive Summary.....	1
I. Introduction.....	2
II. Identifying and Selecting the Right WTO Director-General.....	4
A. Indicative criteria for assessing the candidates.....	4
B. Possible sources of information about the candidates.....	6
III. Following the Right Process.....	6
A. Transparency, Participation, and Consensus Decision-Making.....	6
B. Vetoes and Voting.....	8
IV. Conclusion.....	10
Annex I:A – Powers and Functions of the WTO Director-General.....	11
Annex I:B – Rules Governing the Exercise of Powers and Functions of the WTO Director-General.....	12
Annex 2 – Procedures for the Appointment of Directors-General.....	13

Executive Summary

WTO Members are currently engaged in the selection process for the next WTO Director-General (WTO DG). There are four (4) candidates for the position. Given the role and stature of the WTO as a global institution, identifying and appointing the best candidate for the post is crucial, especially in light of the difficulties that Members have experienced in the past in selecting previous WTO DGs. The development of developing countries through trade is a major institutional objective of the WTO. Hence, the successful candidate's willingness and commitment to put the development of developing countries at the core of his and the WTO's agenda once appointed should be a primary consideration for his appointment. Candidates should, therefore, have:

- (i) A demonstrated commitment to trade for development
- (ii) Strong principled convictions and personal integrity to withstand political pressure
- (iii) A global vision of peace and prosperity
- (iv) Consensus building capacity (diplomatic skills)
- (v) Intellectual and leadership qualities
- (vi) Energy (fitness)
- (vii) Public image (relationships with media, civil society, etc.)

Furthermore, the process of selecting from among the candidates the best person for the post is as important as selecting the appointee himself. A flawed process may result in a flawed appointment and engender future organizational difficulties. Hence, it is very important that the process is transparent, participatory, and inclusive of the views of all Members. "Active" consensus on the selection should be sought and there should not be any changes in the one Member-one vote rule should any voting take place.

Selection of the WTO Director-General: Some Points to Consider

I. Introduction

1. The position of Director-General (DG) of the WTO Secretariat is the direct theoretical successor of the position of Director-General of the GATT 1947 secretariat. Hence, when the GATT 1947 secretariat was transformed into the WTO Secretariat on 1 January 1995 with the entry into force of the WTO Agreement, the then-GATT 1947 Director-General (Peter Sutherland) became the first WTO Director-General.
2. The WTO DG and, by extension, the WTO Secretariat, do not have any official institutional role in shaping the WTO's agenda or policies under the WTO Agreement. The institutional emphasis placed by WTO Members on the "member-driven" nature of the organization essentially requires the WTO Secretariat and the WTO DG to assume an officially limited role in institutional agenda- and policy-setting, even as WTO Members continue to expect the WTO Secretariat to provide them with technical and support services for the agenda- and policy-setting negotiations that they undertake. On the other hand, the WTO DG's personal views, actions, and informal discussions with Members as well as the technical and support services being provided (especially the research output) by the WTO Secretariat to WTO Members may also informally shape or influence the direction of negotiations and discussions among the latter. In particular, the appointment by the Ministerial Conference of the WTO DG to serve as the *ex officio* Chair of the Trade Negotiations Committee (TNC) overseeing the Doha-mandated negotiations effectively provided the WTO DG with an institutionalized channel that allows him to influence the negotiations process and its directions.
3. These two conflicting tendencies in the institutional role of the WTO DG – i.e. officially circumscribed functions limiting the WTO DG's official policy-setting influence contrasting with extensive informal channels that allow the WTO DG to shape and influence policy with WTO Members at the informal level – have meant that the WTO as an organization has had difficulties in: (i) selecting the WTO DG and defining the terms for his appointment and tenure; and (ii) clarifying the exact nature and role of the WTO DG in the organization.
4. From 1995 up to 2001, the process for the nomination, scrutiny, and appointment of WTO Directors-General have been ad-hoc, and characterized by the injection of geopolitical considerations into the process. This was particularly evident in the selection processes for Ruggiero,¹ Moore and Supachai.²

¹ See e.g. WTO, *General Council – Minutes of the Meeting held on 24 March 1995*, WT/GC/M/2, 20 April 1995, for a discussion of the process undertaken in connection with the selection and appointment of Mr. Renato Ruggiero (the European Union's candidate) to the post of WTO Director-General for a four-year term beginning on 1 May 1995 to succeed Mr. Peter Sutherland (Ireland). Among the outcomes of the Ruggiero selection process was that the next WTO DG after him would be a non-European (among the other candidates to succeed Mr. Sutherland had been former Mexican President Salinas and Korean Ambassador Kim Il Chu).

² Commencing in July 1998 and ending in July 1999, the selection process for Ruggiero's successor was a long and intensively controversial and divisive one. Much time was spent by WTO Members in General Council meetings discussing the selection process itself prior to discussing to choose from among the candidates. When the process moved on to choosing the WTO DG, WTO Members were essentially split mostly along developed and developing country lines, with the former backing former

5. In addition, agreements on the term of office, for example, have been ad-hoc as well, with Ruggiero serving for a little over four years (1 May 1995 to 31 August 1999³), Moore for three years (1 September 1999 to 31 August 2002), and Supachai to serve for three years (1 September 2002 to 31 August 2005).
6. There has not been any clear and explicit listing or consolidation by either the Ministerial Conference or the General Council of the powers and functions of the WTO DG. These powers and functions, nor the rules that govern the exercise of such powers and functions, remain scattered in various WTO legal texts and decisions of either the Ministerial Conference or the General Council (see Annex I:A and I:B). This situation leads to much ambiguity and vagueness with respect to the exercise by the WTO DG of his powers and functions.
7. As a result of the experiences in the selection processes for Ruggiero, Moore and Supachai, WTO Members resolved to establish a set of uniform rules and procedures for the selection of future WTO DGs. After discussions over several months in 2002, the General Council adopted the “Procedures for the Appointment of Directors-General” on 10 December 2002 (see Annex 2 for a copy thereof).⁴
8. The new procedures set out the following timeframe for the process:
 - “7. The appointment process shall start nine months prior to the expiry of the term of an incumbent Director-General with a notification from the Chair to the General Council. The process shall conclude with a meeting of the General Council convened not later than three months prior to the expiry of an incumbent's term, at which a decision to appoint a new Director-General shall be taken.
 - “8. Members shall have one month after the start of the appointment process to nominate candidates. Nominations shall be submitted by Members only, and in respect of their own nationals. The candidates nominated shall then have three months to make themselves known to Members and to engage in discussions on the pertinent issues facing the Organization. The remaining two months prior to the conclusion of this process shall be devoted to selecting and appointing one of the candidates.”

New Zealand Prime Minister Michael Moore and the latter backing former Thai Deputy Prime Minister and Commerce Minister Supachai Panitchpakdi (there were initially four candidates: former Canadian Trade Minister Roy MacLaren, former Moroccan Trade Minister Hassan Abouyoub, Moore, and Supachai). With the hardening of positions among WTO Members backing either Moore or Supachai, a compromise solution was agreed upon in July 1999 by the General Council to appoint both Moore and Supachai to serve as successive WTO DGs with three-year (rather than Ruggiero's four years) terms each. Moore would hence serve as WTO DG from 1 September 1999 to 31 August 2001, while Supachai would serve his term from 1 September 2002 to 31 August 2004. Both would not be eligible for re-appointment nor term extensions. For details of the Moore and Supachai selection process, see e.g. the following minutes of the GC meetings: WT/GC/M/29, 30 September 1998; WT/GC/M/31, 9 November 1998; WT/GC/M/32, 9 February 1999; WT/GC/M/33, 10 February 1999; WT/GC/M/35, 30 March 1999; WT/GC/M/36, 30 March 1999 (with Add.1, 30 March 1999, and Add.2, 3 March 1999); WT/GC/M/40, 5 May 1999 (with Add.1, 28 May 1999; Add. 2, 31 May 1999; and Add.4, 5 July 1999); and WT/GC/M/46, 2 August 1999.

³ Ruggiero's appointment was extended for four (4) months beyond 31 April 1999 – i.e. from 1 May to 31 August 1999 – because of the failure of Members to agree on the selection of his successor to the post.

⁴ See WTO, *Procedures for the Appointment of Directors-General*, WT/L/509, 20 January 2003.

9. In accordance with the timeframe stipulated in the rules, WTO Members submitted nominations for their candidates from 1 to 31 December 2004. The “campaign period” of the candidates would then run from 1 January to 31 March 2005. After the conclusion of the designated “campaign period,” WTO Members are then supposed to select and appoint one of the candidates to the office of WTO DG no later than 31 May 2005. The new WTO DG will then serve for a period of four years commencing on 1 September 2005. The candidates that have been nominated by WTO Members are:⁵

- Mr. Carlos Perez del Castillo (Uruguay);
- Mr. Felipe de Seixas Correa (Brazil);
- Mr. Jaya Krishna Cuttaree (Mauritius); and
- Mr. Pascal Lamy (France).

II. Identifying and Selecting the Right WTO Director-General

A. Indicative criteria for assessing the candidates

10. Paragraph 9 of the Procedures for the Appointment of Directors-General sets out the broad qualifications that need to be met by candidates for the post, to wit:

“9. In broad terms, candidates should have extensive experience in international relations, encompassing economic, trade and/or political experience; a firm commitment to the work and objectives of the WTO; proven leadership and managerial ability; and demonstrated communications skills.”

11. The language of the paragraph allows for wide flexibility and provides great leeway for Members in selecting their nominees.

12. However, it should be stressed that given the immense impact of the WTO on the national economic, trade, and development policies of its Members and the corresponding importance of the organization’s implementing agency (the WTO Secretariat), candidates for the position of WTO DG must subscribe and be fully committed to the development goals of the organization as set out in the Preamble of the WTO Agreement itself.⁶

13. Given the immense political pressures among WTO Members that WTO negotiations generate, and the consequent informal pressures on the WTO DG to use his official and unofficial authority to move the organization in one way or the other, the candidates must be able to show the strength of their convictions and their moral integrity. The candidate must be willing to ensure the independence and neutrality of

⁵ See WTO, *Chairman of the General Council – Consolidated List of Candidatures Received*, WTO/GC/INF/8, 4 January 2005.

⁶ Preamble 1 of the WTO Agreement expressly states that trade and economic relations of Members “should be conducted with a view to raising standards of living, ensuring full employment and a large and steadily growing volume of real income and effective demand, and expanding the production of and trade in goods and services, while allowing for the optimal use of the world’s resources in accordance with the objective of sustainable, seeking both to protect and preserve the environment and to enhance the means of doing so in a manner consistent with their respective needs and concerns at different levels of economic development.” Preamble 2, furthermore, states that “there is a need for positive efforts designed to ensure that developing countries, and especially the least developed among them, secure a share in the growth in international trade commensurate with the needs of their economic development.”

the WTO Secretariat while at the same time showing sufficient flexibility and willingness to substantively and effectively address the development needs and concerns that may be raised by a majority of Members of the organization.

14. The WTO is a key component of the emerging system of global governance. Hence, candidates must be able to show a clear vision of how they see the organization in the context of global governance, what its role should be in promoting the development of the South and the equitable sharing of benefits from increased global economic integration, and what its contributions can be towards the elimination of poverty and the creation of conditions of peace and prosperity around the world.
15. Personal qualities such as educational qualifications, a proven track record in organizational leadership and management, physical fitness to handle the rigours of the position, and willingness and preparedness to substantively and effectively engage with the broader public constituency of the WTO would also be essential for the candidates to possess.
16. In addition, the institutional development mandate of the WTO needs to be taken into account in selecting the best candidate for the post. Just as important is the fact that the current set of trade negotiations mandated under the Doha Ministerial Declaration is focused on the “development” concerns of developing countries. These considerations require a candidate that, based on his own experiences of working in developing countries, would be most attuned and sensitive to the development needs, concerns, issues, and priorities of developing countries.
17. In short, candidates for the WTO DG position should have:
 - (viii) A demonstrated commitment to trade for development
 - (ix) Strong principled convictions and personal integrity to withstand political pressure
 - (x) A global vision of peace and prosperity
 - (xi) Consensus building capacity (diplomatic skills)
 - (xii) Intellectual and leadership qualities
 - (xiii) Energy (fitness)
 - (xiv) Public image (relationships with media, civil society, etc.)
18. The seven-point criteria for candidates suggested above may be made operational as follows:

Criteria	Relevant Points to Consider
Commitment to development	Origin; professional background; specific contributions in the past for or against development, especially of developing countries
Convictions and integrity	Pattern of past assignments; consistency or otherwise in expressed views; links to specific countries/interest groups
Global vision of peace and prosperity	Views on global economic relations, vision for 21 st century for WTO; views on the role of the UN and other international institutions in global governance
Consensus building capacity	Diplomatic background and achievements; views of peers, colleagues and adversaries
Intellectual and leadership qualities	Educational qualifications; performance of organizations previously led; views of former colleagues and subordinates;
Energy	Age; health

Public image	Image in own country; media relationships; reaction of civil society; views of peers in other fields
--------------	--

B. Possible sources of information about the candidates

19. In the course of the selection process, WTO Members may seek to obtain more information about the candidates in order to judge their fitness for the post of WTO DG according to the criteria suggested above.
20. Some sources of such information may include the following:
 - the candidates’ biographical information as submitted in support of their nominations;
 - reports or information in the public domain from the government, media, or civil society of the candidates’ home country;
 - information in the public domain that may be obtained with respect to the candidates’ previous employment, academic qualifications and performance, businesses, intellectual output, personnel relations, etc.
21. WTO Members may also seek to use any opportunities that may be made available to them to seek and obtain information relevant to the criteria above directly from the candidates themselves. Some questions that may be asked could include:
 - What do you think needs to be done in order to promote the development prospects of developing countries in the WTO context? What kind of trade and economic policies need to be put in place for this?
 - Have you, at any time in the past, been engaged in a professional capacity to work with any private or public sector agency, organization, association, or corporation that promote the further liberalization of global trade relations?
 - What is your view of the role of the WTO in global governance? What should its relationship be vis-à-vis the United Nations and other international governance institutions, global and national civil society, the media, and the broader public?

III. Following the Right Process

A. Transparency, Participation, and Consensus Decision-Making

22. The process of selecting from among the candidates the best person for the post is as important as selecting the appointee himself. A flawed process may result in a flawed appointment and engender future organizational difficulties.
23. Hence, it is very important that the process is transparent, participatory, and inclusive of the views of all Members. Paragraphs 1 and 2 of the Procedures for the Appointment of Directors-General provide for some basic guidelines in the conduct of the selection process:
 - “1. The appointment process shall be guided by the best interests of the Organization, respect for the dignity of the candidates and the Members nominating them, and by full transparency and inclusiveness at all stages, building on the best practices established over the past years with regard to internal transparency and participation of all Members.

- “2. The overriding objective of Members in this process shall be to reach decisions by consensus.”
24. WTO Members should commit to adhering fully to the procedures that have been established for the selection process, and ensure that all Members are able to fully and effectively participate therein. All Members should participate in the process fully respecting the rights of other Members to be heard, to participate, and to express their sentiments with respect to each of the candidates.
25. Paragraph 2 of the Procedures states that the overriding objective of the process is to “reach decisions by consensus.” Furthermore, taken together, Paragraphs 16 to 18 states that the ultimate aim of the General Council’s consultation process with respect to DG selection is “to identify the candidate around whom consensus can be built” so that the General Council can narrow the field of candidates and eventually arrive at its choice for appointment through “a decision by consensus.”
26. Consensus decision-making is deeply embedded in the WTO decision-making system, and has its roots in GATT 1947 decision-making practices.⁷ Art. IX.1 of the WTO Agreement expressly indicates a preference for consensus decision-making over that of voting. Consensus is defined in the WTO Agreement as follows: “The body concerned shall be deemed to have decided by consensus on a matter submitted for its consideration, if no Member, present at the meeting when the decision is taken, formally objects to the proposed decision.”⁸
27. Members should note that the definition of consensus in Art. IX.1 of the WTO Agreement places importance on: (1) the actual and informed or knowledgeable presence of a Member’s representative during the meeting in which the decision is made; and (2) the willingness of such Member, during the meeting, to formally and expressly indicate that it opposes consensus on the proposed decision. In this form of “passive” consensus, both absence from the meeting and silence or non-objection during the meeting are equivalent to joining in the proposed consensus.
28. Most developing country Members face severe human resource constraints in their missions in Geneva.⁹ Furthermore, around 30 developing country Members do not have permanent missions in Geneva. Given these constraints, human resource-constrained or unrepresented developing countries might not be able to fully maximize the potential of the consensus decision-making model provided for in Art. IX.1 of the WTO Agreement in ensuring that their views and perspectives are clearly heard and fully reflected in the final outcomes of the process.

⁷ WTO Agreement, Art. IX.1.

⁸ *Id.*, Art. IX.1 footnote 1.

⁹ In 2002 (based on the April 2002 WTO Directory), the average size of a developing country delegation to the WTO in Geneva was 3.81 delegates. The range, however, is from zero (23 developing country WTO Members – most of them least-developed countries (LDCs) – 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 in Geneva), the average delegation size in 2002 was 5.82 delegates per Member, 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 EC Member States, with a total of 114 Geneva-based delegates, working with the European Commission’s Geneva delegation to the WTO.

29. Given the above, Members might consider suggesting a re-definition of the concept of consensus as a means of decision-making in the WTO as a secondary alternative to the “passive” one contemplated in Art. IX.1 of the WTO Agreement. They could suggest that an “active” consensus should be sought that would require an active endorsement by all Members of the proposal under discussion (e.g. the selection of the next WTO DG) rather than simply the lack of objection. This shift must be coupled with adequate and clear provision of information to all Members of the time and agenda of meetings in which such “active” consensus is sought.

B. Vetoes and Voting

30. In the process of achieving consensus on the candidate to be appointed, WTO Members must participate in full good faith in the process. The veto power according to each Member implicit in the consensus principle should not be utilized to the detriment of the process and the rights of other Members to be heard and to contribute to the process.
31. In the event that a decision by consensus cannot be obtained, Paragraph 20 of the Procedures provides for recourse to a vote “as a last resort by a procedure to be determined at that time.” More than three-fourths of WTO Members consider themselves to be “developing countries.”¹⁰ By this count, developing countries should be able to easily muster the majority votes (whether simple majority or three-fourths majority) in the General Council that would be required to appoint a Director-General, assuming that they present a united front and vote for the same candidate. However, as may be expected of such a diverse organization and based on their assessment of their national interest, some developing countries would be likely to cast their vote in favor of what may be perceived to be “developed country” candidates. Even with this eventuality in mind, a single-step process of voting in order to achieve the desired majority would still give the weight of voting numbers in favor of developing countries.
32. However, the caveat that any voting that may be done would be pursuant to “a procedure to be determined at that time” may become the opening through which a voting mechanism different from that provided for in Art. IX:1 of the WTO Agreement may be pushed by developed countries. Art. IX:1 provides for a one Member-one vote system in which decisions by the Ministerial Conference or General Council may be taken by a majority of the votes cast.
33. In the deliberations leading up to the decision to adopt the Procedures for the Appointment of Directors-General, developed countries had proposed the establishment of a trade-weighted voting mechanism. This would require that in order for a candidate to be appointed as Director-General, the majority or three-fourths of the votes cast for him or her must also represent “more than half of trade among WTO Members (based on trade shares used to calculate the WTO budgetary contributions for the year in which the process started).”¹¹ This would simply raise the bar even more against candidates from developing countries. This would also put in place a two-step process of voting, i.e. first, the candidate has to get a majority (either simple or three-fourths, depending on what is agreed upon) of the votes cast by Members; then second, such majority must come from Members whose combined trade shares represent more than half of the total trade among WTO Members.

¹⁰ See http://www.wto.org/english/tratop_e/devel_e/teccop_e/tct_e.htm

¹¹ Paragraph 21(b) of the document Job(02)/152.

34. Trade-weighting of votes would effectively allow the Quad – i.e. US, EU, Canada, Japan – working in concert (which they generally tend to do, in any case), to exercise veto powers with respect to candidates that are not their choice. Based on the 2003 contributions to the WTO’s budget, the Quad countries’ percentage shares of world trade as are follows:¹²

United States	15.899 %
European Union ¹³	41.833 %
Canada	3.945 %
Japan	6.359 %
	=====
TOTAL	68.036 %

35. Other developed countries, such as Australia (1.143%), Iceland (0.045%), Israel (0.568%), Liechtenstein (0.025%), New Zealand (0.243%), Norway (0.820%), and Switzerland (1.464%), might be expected to support candidates supported by the Quad, thereby bringing the developed countries’ share of trade among WTO Members to 72.344%. The biggest beneficiary of a trade-weighted voting arrangement, as a second step to the voting procedure, would be the European Union since it has the biggest trade share.

36. The other danger for developing countries vis-à-vis agreeing to a trade-weighted voting scheme for the selection of the next Director-General is that of setting a precedent for future decision-making processes. The one Member-one vote mechanism stated in Art. IX:1 of the WTO Agreement ensures theoretical equality of decision-making power in the WTO among all the Members, and allows developing countries to use their numerical superiority in Membership numbers for political leverage in negotiations. This is unique among major international economic institutions.

37. Therefore developing countries should keep in mind the following while dealing with the issue of consensus and voting in the WTO DG selection process:

- (i) While the preferred method for decision-making in this regard may remain by consensus, this should be an “active” consensus where the views of all Members, small or big, are actively sought and recorded;
- (ii) The consensus-based decision-making mechanism should not be used by any single, or a few big, Members as the means to exercise a veto over any decision to be made;
- (iii) If consensus remains elusive after a reasonable amount of time, the option of voting may be exercised;
- (iv) Voting should continue to be done on a one Member-one vote basis. There is no precedent, provision or need to change this basic principle of legal equality of all WTO Members as they are equally and individually responsible for discharging their membership obligations; and

¹² See http://www.wto.org/english/thewto_e/secret_e/contrib03_e.htm.

¹³ Composed of the following WTO Members: Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Slovak Republic, Slovenia, Spain, Sweden, and United Kingdom. If, as may be expected, the four WTO Members who are currently candidates for accession to the EU – i.e. Bulgaria, Croatia, Romania, and Turkey – were to also vote in the same way as the EU, and hence add their trade shares to that of the EU, the total trade weight of the EU would amount to 42.975%.

- (v) The caveat of a “procedure to be determined at that time” should relate only to the determination of the required majority, i.e. whether it should be a simple majority, two-thirds majority, or another suitable percentage of the total WTO membership.

IV. Conclusion

- 38. The output of any decision-making system is only as good as the information and inputs that went into the making of the decision. Hence, in implementing the Procedures for the Appointment of Directors-General, and in selecting the next WTO DG, Members need to be fully cognizant of their rights and responsibilities as Members to the organization and with respect to each other in the selection process.
- 39. They need to be pro-active in ensuring that they have the information that they need upon which to base their individual decisions on who among the candidates would make the best possible WTO DG. The promotion of the development needs and priorities of developing countries, as stated in the WTO Agreement and reflected in the negotiating mandates established at Doha, should be among the foremost considerations to be taken into account by Members as they select the next WTO Director-General.

Annex I:A – Powers and Functions of the WTO Director-General

POWERS AND FUNCTIONS OF THE WTO DIRECTOR-GENERAL

Power or Function	Legal Basis
Serve as head of the WTO Secretariat	WTO Agreement , Art. VI.1
Appoint WTO Secretariat staff and determine their duties and conditions of service	WTO Agreement , Art. VI.3 General Council, <i>Decision on Conditions of Service Applicable to the Staff of the WTO Secretariat</i> , WT/L/282, 21 October 1998, Annex 2: Staff Regulations; Pension Plan Regulations; and Staff Rules
Present annual budget and financial estimate to WTO Committee on Budget, Finance, and Administration	WTO Agreement , Art. VII.1
Serve as depository for WTO agreements and their amendments, instruments of acceptance for amendments to WTO agreements, Members' accession instruments, and notices of withdrawal of membership	WTO Agreement , Art. X.7; XIV.3; XIV.4; XV.1 Agreement on Government Procurement , Art. XXIV.2; XXIV.10(a); XXIV.14 Agreement on Trade in Civil Aircraft , Art. 9.1.3; 9.6.1; 9.10.1
Perform other duties as may be required by the Ministerial Conference or the General Council	WTO Agreement , Art. VI.2 in relation to IV.1, IV.2 and VI.4
Offer good offices, conciliation or mediation, in <i>ex officio</i> capacity, to assist Members in settling disputes	Dispute Settlement Understanding , Art. 5.6
At the request of either party to a dispute, determine the composition of dispute settlement panels if there is no agreement on the panelists within 20 days after the date of establishment of the panel	Dispute Settlement Understanding , Art. 8.7
Appoint an arbitrator if a Member fails to comply with dispute panel or Appellate Body recommendations or rulings	Dispute Settlement Understanding , Art. 22.6
Present annual report setting out major activities of the WTO and highlighting significant policy issues affecting the trading system	Trade Policy Review Mechanism , para. G.
Communicate with heads of IMF and World Bank for purposes of cooperation to achieve greater coherence in global economic policy-making	Marrakesh Decision on the Contribution of the WTO to Achieving Greater Coherence in Global Economic Policymaking , Para. 5 (see also WT/L/195 and WT/L/194)
Convene meetings of the General Council by a notice issued not less than 10 days prior to the date of the meeting	General Council, <i>Rules of Procedure for Meetings of the General Council</i> , WT/L/161, 25 July 1996, Rule 2
Serve as <i>ex officio</i> Chair of the Trade Negotiations Committee established by the Doha Ministerial Declaration until 1 January 1995 (does not create precedent for the future)	Trade Negotiations Committee, <i>Minutes of the Meeting of 28 January and 1 February 2002</i> , TN/C/M/1, 14 February 2002, Para. 12, approving Section C, Agenda Item 1, of the General Council Chair's <i>Statement to the TNC of 1 February 2002</i> , TN/C/1, 4 February 2002

NOTE: This list may not be complete.

**Annex I:B – Rules Governing the Exercise of Powers and Functions of the WTO
Director-General***

1. As Head of the WTO Secretariat

Rule	Legal Basis
Not seek or accept any instructions from any government or any authority external to the WTO	WTO Agreement, Art. VI.4
Refrain from any action which might adversely reflect on position as international official	
Responsibilities should be exclusively international in character	

2. As the Ex Officio Chair of the Doha Negotiations Trade Negotiations Committee**

Rule	Legal Basis
Be impartial and objective as TNC Chair	Trade Negotiations Committee, <i>Minutes of the Meeting of 28 January and 1 February 2002</i> , TN/C/M/1, 14 February 2002, Para. 8, endorsing Section B of the General Council Chair's <i>Statement to the TNC of 1 February 2002</i> , TN/C/1, 4 February 2002
Ensure transparency and inclusiveness in decision-making and consultative processes in Doha negotiations as TNC Chair	
Facilitate consensus	
Seek to evolve and reflect consensus texts, or if not possible, reflect different positions on issues	
Closely cooperate with General Council Chair and chairs of subsidiary negotiating bodies	

* These lists may not be complete.

** These rules are applicable only for the duration of the current set of negotiations mandated under the 2001 Doha Ministerial Declaration.

Annex 2 – Procedures for the Appointment of Directors-General

WORLD TRADE ORGANIZATION

WT/L/509
20 January 2003
(03-0279)

PROCEDURES FOR THE APPOINTMENT OF DIRECTORS-GENERAL

Adopted by the General Council on 10 December 2002

The General Council, acting pursuant to Articles IV.2, VI.2 and IX.1 of the WTO Agreement, agrees to the following procedures for the appointment of the Director-General.

Conduct of the appointment process

1. The appointment process shall be guided by the best interests of the Organization, respect for the dignity of the candidates and the Members nominating them, and by full transparency and inclusiveness at all stages, building on the best practices established over the past years with regard to internal transparency and participation of all Members.
2. The overriding objective of Members in this process shall be to reach decisions by consensus.
3. The process leading up to the decision by the General Council to appoint a Director-General shall be conducted by the Chair of the General Council in consultation with Members and in accordance with the procedures set out herein.

Facilitators

4. The Chair of the General Council shall be assisted in this process by the Chairs of the Dispute Settlement Body and the Trade Policy Review Body acting as facilitators.¹
5. The Chair and the facilitators shall act impartially and objectively, and conduct their work in a transparent manner.
6. The Chair and the facilitators shall aim to encourage and facilitate the building of consensus among Members, and assist them in moving from the initial field of candidates to a final decision on appointment.

Time-frames for the process

7. The appointment process shall start nine months prior to the expiry of the term of an incumbent Director-General with a notification from the Chair to the General Council. The process shall conclude with a meeting of the General Council convened not later than three months prior to the expiry of an incumbent's term, at which a decision to appoint a new Director-General shall be taken.

¹ If one or more of these Chairpersons is unable to serve as a facilitator, the General Council Chair shall call upon one or more of the Chairpersons of the three sectoral Councils (Goods Council, Services Council, TRIPS Council).

8. Members shall have one month after the start of the appointment process to nominate candidates. Nominations shall be submitted by Members only, and in respect of their own nationals.² The candidates nominated shall then have three months to make themselves known to Members and to engage in discussions on the pertinent issues facing the Organization. The remaining two months prior to the conclusion of this process shall be devoted to selecting and appointing one of the candidates.

Qualifications of candidates

9. In broad terms, candidates should have extensive experience in international relations, encompassing economic, trade and/or political experience; a firm commitment to the work and objectives of the WTO; proven leadership and managerial ability; and demonstrated communications skills.

Nomination procedure

10. Nominations and supporting information shall be addressed to the Chair of the General Council and received not later than one month after the start of the process. These documents will be distributed to Members as they are received. Immediately after the close of the nomination period, the Chair shall communicate to Members a consolidated list of the candidatures received.
11. Nominations shall be accompanied by the curriculum vitae of the candidate and any additional supporting information.
12. Where a serving Director-General decides to seek reappointment, he or she shall so notify the Chair of the General Council before the start of the process, and shall thereby be considered to be a candidate. The Chair shall inform Members of the candidature of the incumbent Director-General, in order that they may take this into consideration in submitting their nominations.

Representativeness of candidates

13. In order to ensure that the best possible candidate is selected to head the WTO at any given time, candidatures representing the diversity of Members across all regions shall be invited in the nominations process. Where Members are faced in the final selection with equally meritorious candidates, they shall take into consideration as one of the factors the desirability of reflecting the diversity of the WTO's membership in successive appointments to the post of Director-General.

Meeting with the candidates

14. As early as possible after the close of the one-month nomination period, candidates shall be invited to meet with Members at a formal General Council meeting. Candidates will be invited to make a brief presentation, including their vision for the WTO, to be followed by a question-and-answer period.

² The term "nationals" as referred to in these procedures shall be deemed, in the case of a separate customs territory Member of the WTO, to refer to individuals who are entitled to the same or similar legal rights under its laws and regulations, including the right of permanent residency, as those afforded by other Members with regard to their nationals.

Consultation process

15. In the final two months of the process, the General Council shall proceed, through a process of consultations, to narrow the field of candidates and ultimately to arrive at its choice for appointment.
16. In arriving at its choice, the General Council shall aim to reach a decision by consensus.
17. The Chair, with the assistance of the facilitators, shall consult all Members, including non-resident Members, in order to assess their preferences and the breadth of support for each candidate. The ultimate aim of the consultation process shall be to identify the candidate around whom consensus can be built. In order to do this, it may be necessary to conduct successive consultations to identify the candidate or candidates least likely to attract such a consensus.
18. The outcome of the consultations shall be reported to the membership at each stage. It is understood that the candidate or candidates least likely to attract consensus shall withdraw. The number of candidates expected to withdraw at each stage shall be determined according to the initial number of candidates, and made known in advance. This process shall be repeated in successive stages on the basis of a revised slate of candidates each time, with the aim of establishing consensus around one candidate.
19. At the end of the final stage of the consultative process, the Chair, with the support of the facilitators, shall submit the name of the candidate most likely to attract consensus and recommend his or her appointment by the General Council.

Recourse to voting as a last resort

20. If, after having carried out all the procedures set out above, it has not been possible for the General Council to take a decision by consensus by the deadline provided for the appointment, Members should consider the possibility of recourse to a vote as a last resort by a procedure to be determined at that time. Recourse to a vote for the appointment of a Director-General shall be understood to be an exceptional departure from the customary practice of decision-making by consensus, and shall not establish any precedent for such recourse in respect of any future decisions in the WTO.

Term of office

21. The Director-General shall be appointed for a term of office of four years, and shall be eligible for reappointment for a further term not exceeding four years. There shall be no expectation of automaticity in the reappointment.
22. In order to ensure continuity at the senior management level, the terms of office of the Director-General and of the Deputy Directors-General shall be staggered, such that the terms of the Deputies expire subsequent to the expiry of the Director-General's term.
23. In the event of a vacancy in the post of Director-General, the General Council shall designate one of the existing Deputy Directors-General to serve as Acting Director-General until the appointment of a new Director-General. The Chair of the General Council shall initiate, as soon as possible, a process for appointment of a new Director-General, in keeping with the procedures set out herein, and may establish expedited deadlines as necessary in consultation with Members.

Remuneration package

24. The remuneration package for Directors-General shall be established by the Committee on Budget, Finance and Administration and subject to the approval of the General Council. It shall not be negotiable with a Director-General-designate.

Contract of appointment

25. The contract of appointment, including the remuneration package, shall be signed jointly by the Director-General-designate and by the Chair of the General Council acting in the name of the WTO.



Chemin du Champ d'Anier 17
Case postale 228, 1211 Geneva 19
Switzerland

Telephone : (41 22) 791 8050
Fax : (41 22) 798 8531
Email : south@southcentre.org

Website:
<http://www.southcentre.org>