

GENERAL COUNCIL

Informal Meeting held on 2 December 1998

Report by Ambassadors Lafer and Rossier on their Consultations on the Appointment of the next Director-General

You will recall that on 23 October 1998, you proposed that the General Council should invite Ambassador Lafer and myself to conduct consultations with Members concerning the appointment of the next Director General. The General Council accepted your proposal.

On the basis of these terms of reference from the General Council, Ambassador Lafer and I have so far conducted two rounds of consultations, the first of which took place before the informal meetings of the Heads of Delegation with the four candidates to the post of Director-General (held from 10 to 12 November), and the second a few days after.

Ambassador Lafer and I would now like to report to the General Council on the consultations held thus far.

Our intention is to address three specific aspects:

- The consultations themselves;
- the principles by which they were guided;
- and finally, the progress made.

The consultations

As specified in the telegrams convening the consultations, the Heads of Delegation were asked to appear individually. Certain Heads of Delegation stated that they represented a group of Members. They did so on their own initiative, and not at our request.

(a) The first round of consultations was held on 29 October and on 2 and 4 November. 46 Heads of Delegation attended, representing more than 65 Members. During this first round, Ambassador Lafer and I wished to seek the views of Members on the nature and modalities of the selection process for the next Director-General as well as any other item of information that Members wished to communicate concerning the four candidates. Few delegations informed us at that stage of the decision of their country. The meetings with the four candidates had not yet taken place, and almost all of the Heads of Delegation said that they did not wish to, or were unable to come to a decision until their authorities had been able to consider the information and impressions gathered during the forthcoming informal contacts.

The second round of consultations took place from 24 to 26 November. 70 Heads of Delegation, representing 90 Members, attended or contacted us. Some of them were unable to do so during those three days, and we heard them during the days that followed.

We invited the Heads of Delegation to convey to us the appreciation of their respective Governmental authorities of each one of the candidates for the post of Director-General of the WTO. With few exceptions, all of the Heads of Mission (or, in a few rare cases, their representatives) responded. Practically all of them informed us of their authorities' appreciation of each one of the four candidates and the reasons for their preferences. They generally expressed satisfaction with the modalities of the consultation process and agreed on the utility of the informal contacts organized with the four candidates under the auspices of the General Council, considering that this ensured transparency and the effective participation of all Members.

For this second round of consultations a contact system was set up so that Members who did not have a permanent Mission in Geneva could participate. A certain number of Members made use of this possibility.

Principles guiding the consultations

In organizing and conducting the consultations, Ambassador Lafer and I were guided by the following principles:

- (a) The consultations should aim to make it possible for WTO Members to elect the WTO Director-General by consensus. This was the reason why we wanted to go beyond a simple arithmetical calculation (a necessary condition, but not a sufficient condition in this kind of process) and measure the actual degree of support that each one of the four candidates was able to muster among Members of the Organization.
- (b) The choice had to be made from among the four candidates.
- (c) Our efforts should seek to form a concensus on one of the four candidates within a time-period that would permit the General Council to elect the future Director-General by mid-December at the latest.
- (d) It was not our task to select the future Director-General, but to organize and facilitate selection by the Members of the Organization themselves.
- (e) Finally, the content of the consultations was to be secret, in particular the positions and views expressed by the representatives of the Members. The decision whether or not to make these positions and views public belonged to the Members alone.

Any action on our part which went beyond these five criteria would require new terms of reference from the General Council.

Status of the consultations

The consultations have enabled us to make the following observations:

- (a) Concerning the selection process:
 - A very large majority of delegations stressed their attachment to the procedure of decision-making by consensus as provided for in Article IX of the Marrakesh Agreement. These delegations consider that the choice of the future Director-General should be made on the basis of consensus among Members of the Organization. For this large majority, recourse to a vote - whether a straw ballot or a final election vote - must be ruled out.

- Likewise, a very large majority considers that the deadline set by the General Council should be adhered to.

(b) Concerning the four candidates

- A first - noteworthy - point noted by Ambassador Lafer and myself was that all the Heads of Delegation who took part in the consultations stressed the high quality and competence of each of the candidates. Naturally, all - or virtually all - of them expressed one or more clear preferences; but they all said that they could join in a consensus on whichever candidate was finally selected. This is a sign of flexibility, which is essential in a consensus-building process, but it is also a tribute to the quality of the four candidates.
 - Having made this important point, the facts brought to the attention of Ambassador Lafer and myself so far have made it quite clear to us that the depth of support by Members for each of the four candidates is not the same: there are differences.
 - However, this cannot be considered a definitive finding: for the time being, some important information is still missing: a certain number of delegations have not yet been able to inform us of their authorities' position on the four candidates.
 - The consultations held so far will thus enable us to progress towards a consensus once we are in possession of the information we are still lacking today.
 - We shall therefore pursue intensive consultations in the coming days. We shall hold a new general consultation once we consider that there have been developments to justify doing so.
 - Finally, we stress that for the time being we do not have any indication that would lead us to think that our consultations will not lead to conclusions enabling the General Council to elect the Director-General by mid-December at the latest.
 - Needless to say, we shall keep the General Council closely informed of developments in the situation.
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