

APPOINTMENT OF THE NEXT DIRECTOR-GENERAL – FURTHER PROCESS

INFORMAL GENERAL COUNCIL MEETING AT THE LEVEL OF HEADS OF DELEGATIONS

TUESDAY 19 MARCH 2013, 4 P.M., COUNCIL ROOM

Statement by the Chairman

Good afternoon. I would like to welcome you to this Informal Meeting of Heads of Delegations.

As you will recall, we had a productive discussion at our Informal HODs meeting last week, on 13 March. We very much appreciated all the constructive statements that were made at that meeting. Following this exchange of views with Members, the Facilitators, Amb. Fried, Chair of the DSB, and Amb. Reiter, Chair of the TPRB, and I reflected on the points made and I am convening this meeting today to announce the organization of work for the weeks ahead.

Before I do that, let me recall that, in accordance with the Procedures for the Appointment of Directors-General adopted by the General Council in December 2002 and contained in WT/L/509, the process started in October 2012 when delegations were provided with information on the nomination phase of the process. Following the close of the nomination period on 31 December, the nine candidates nominated were invited to meet with Members at a formal General Council meeting held on 29-31 January this year. The candidates have until 31 March to make themselves known to Members and to engage in discussions on the pertinent issues facing the Organization.

As I underlined at our meeting last week, we are now about to enter the final two months of the appointment process. Under the 2002 Procedures, the General Council is directed in this phase to proceed, through a process of consultations, to narrow the field of candidates and ultimately to arrive at its choice for appointment. In line with the Procedures, the ultimate aim of the consultation process shall be to identify the candidate around whom consensus can be built. In order to do this, the Procedures specify that it may be necessary to conduct successive consultations to identify the candidate or candidates least likely to attract such a consensus. The process is to conclude with a General Council meeting convened not later than 31 May 2013, at which a decision to appoint a new Director-General must be taken.

Let me note here that the Procedures specifically require us to consult with all Members, including non-residents. We are fully committed to meeting this requirement and we count on all delegations to assist us by coming forward to consult with us. We will establish contact with non-resident Members, and will also urge them to use the opportunity of the Geneva Week, later in April, to meet with us.

As you are all aware, the 2002 Procedures were formally adopted by the General Council, and they were the product of lengthy and detailed consultation. At our HODs meeting last week, I highlighted that, thanks to the support and adherence to the Procedures by all of you, the appointment process is progressing in a transparent and smooth manner, as per the time-frames set out in the Procedures. At that meeting, virtually all delegations who spoke stressed that the process should be guided only by the existing Procedures, while also offering suggestions for clarity on paragraphs 17 and 18. The facilitators and I remain firmly committed to continuing strict adherence to the Procedures and time-frames, and today we would like to inform you on how we intend to conduct the further process.

Also in the interests of transparency, let me inform you that, before today's meeting, we consulted with Members who have nominated candidates. They are fully aware of the organization of work that I am about to set out and I am pleased to inform you that they concurred.

In setting out the elements of the organization of work for the weeks ahead, we were guided by Members' views expressed last week, which included *inter alia*:

- Members stressed the importance of strict adherence to the 2002 Procedures in this exercise, and of moving rapidly towards narrowing the field of candidates.
- A large number of Members preferred having three, or at most four rounds of consultations, recognizing that, as a practical reality, given the time we have, four rounds of consultations is the absolute maximum.
- Another element that emerged clearly was Members' preference for having only two candidates in the final round, in order to facilitate the building of consensus. In this regard, and again considering the limited time available as well as the number of candidates, a number of Members mentioned the need to reduce the slate of candidates efficiently, and provided us with suggestions on how many candidates may be expected to withdraw at the end of each round. This means that by the time we reach the final stage, seven candidates would be expected to withdraw.
- Many Members, with a view to the need to reduce the slate of candidates efficiently, highlighted the importance of showing restraint in the number of preferences to be expressed.

Guided by your views, I will now inform you of the different elements of the organization of work.

First, on the matter of the number of rounds of consultations, we will aim at having three rounds of consultations. It is our hope and intention that a fourth round will not be necessary, but we cannot, of course, at this stage *a priori* preclude that a fourth round may be required by unexpected circumstances, depending on the preferences you, the Members, express.

Second, in light of the clear preference for having only two candidates in the final round and bearing in mind our aim of having three rounds, four candidates would be expected to withdraw in the first round and, on this basis, three would be expected to withdraw in the second round.

Third, with regard to the question to which Members will be expected to respond in the consultations, as was done in 2005, the question will be: **"What are your preferences?"** – this means more than one, that is multiple, preferences without ranking. In view of what we heard from Members at the 13 March HODs, we urge all delegations to come forward with four preferences in the first round of consultations and, on this basis, Members are expected to express two preferences in the second round. On this point, let me also reassure Members here that we will not accept any negative preferences.

Fourth, in line with past practice, we will consult all Heads of Delegation in their capacity as representatives of individual Members. The consultations will be on a "confessional" basis, in accordance with time-honoured practice since the WTO's creation – this process is understood and practiced by all. I and both Facilitators – and only we – will be present during all consultations. The positions and views expressed by Members will be treated in the strictest confidence by us, as has always been the case in the WTO. No information or other forms of indications of individual Members' specific preferences will be made available by us to other Members, to the candidates or to the public at large.

Fifth, in assessing the information we receive and reporting to Members, we shall be guided by the elements set out in paragraph 17 of the 2002 Procedures, which states: "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". In 2005, the then General Council Chair explained that: "As regards the breadth of support, we considered the distribution of preferences across geographic regions and among the categories of Members generally recognized in WTO provisions: that is, LDCs, developing countries and developed countries". The Chair also informed that other criteria were considered and rejected by Members in the formulation of the Procedures in 2002. As reflected in past decisions and in experience, and based on common sense, "breadth of support" means the larger membership.

Sixth as you know, paragraph 18 of the agreed Procedures also requires that: "The outcome of the consultations shall be reported to the membership at each stage." Accordingly, the outcome of this first round of consultations will be reported to all Members at an open-ended meeting of Heads of Delegation to be held as soon as possible following the conclusion of the first round of consultations. In respecting the dignity of the candidates and the Members nominating them, Members who nominated candidates will be informed of the outcome immediately after each round and before the rest of the membership.

This process will be repeated after each round of consultations, so as to ensure transparency, inclusiveness and full participation in every step of the process.

Finally, regarding the organisation of our work, taking into account the Easter break, the first round of consultations will start on Tuesday 2 April, as announced in the fax I sent last week. We will aim at finishing the first round in 6 working days, i.e. on 9 April. My colleagues and I, jointly, will be available to receive individual delegations in room 2011 at the WTO, for 10 minutes each. We will send out a fax shortly specifying the exact times at which we are available and urge all delegations to come forward and make appointments. As I said earlier, we will be contacting non-resident delegations directly, who will have the possibility to express their preferences by a dedicated fax or e-mail.

Once the first round of consultations has been finalised, we will convene an open-ended meeting of Heads of Delegations to present the outcome of the consultations, the new slate of candidates, and the timetable for the second round of consultations which will begin promptly thereafter. Please be aware that, due to time constraints, this meeting may be convened at short notice.

I would also like to stress once again that the Facilitators and I will act at all times strictly within the agreed Procedures. Our aim, as set out in paragraph 6 of the Procedures, is to encourage and facilitate the building of consensus among Members, and assist you in moving from the initial field of candidates to a final decision on appointment.

As I said at our meeting last week, this process is your process: the decision to appoint the new Director-General is yours to make. Our task is to help you, and you can count on us at all times to carry out that task with objectivity and impartiality. You have also re-affirmed your trust and confidence in us, and we take the trust you have placed in us most seriously and are very grateful for that. I am sure we can equally count on the full and constructive engagement of Members so that together we can build upon the good start that has already been made and bring this process to a successful and timely conclusion.
