CHAPTER THREE

PARTICIPATION IN REGULAR WORK – CHAIRMANSHIPS

1. INTRODUCTION

Based on the institutional structure of the WTO, there are 78 WTO bodies – regular, interim and ad hoc (see Figure 6).

Figure 6. WTO institutional structure.¹

¹ Source, WTO website www.wto.org.
Core WTO substantive technical work is generated mainly in limited group informal consultations. However, the share of chairmanships held by Members in the formal process, from different regions, is reflective of the level of participation and engagement and their ability to steer the system. It is also a rough indicator, approximating effectiveness levels in formal participation in the rules-based system.

In the period 1995–2010, the data collected and analysed showed that the share of chairmanships held by African Members was minimal, in many cases nominal and ceremonial, although there were specific instances of individual effectiveness and technical competence. For the first six WTO Ministerial Conferences (1996–2005), when individual Members volunteered to host ministerial conferences, there was no African volunteer. As a consequence, no African Trade Minister hosted and chaired any of the first six conferences. For the rotating chairmanships of principal bodies, 16 per cent of these were chaired by African representatives. This low level of chairmanships of WTO bodies was reflected virtually across the board:

- Goods Council (11 per cent);
- Services Council (11 per cent);
- TRIPS Council (12 per cent);
- Subsidiary bodies of the Goods Council (15.5 per cent);
- Subsidiary bodies of the Services Council (5 per cent);
- Other subsidiary bodies reporting directly to the General Council (26.8 per cent); and,
- Plurilateral committees (3.3 per cent)

In using the chairmanships of formal bodies as a measure of level of participation/engagement in the WTO, including in regular bodies, care must be exercised. Preponderant technical work that lays the foundation for building consensus on the rules is situated in informal consultations in various formats and configurations. This is a systemic _acquis_. In these situations, in many instances the chairman of a formal regular body may be minimally or, in some cases, uninvolved in reconciling Members’ positions and text-based consensus building. The most obvious example is the fact that the Director-General _ex-officio_ by custom “chairs” green room meetings that _inter alia_ prepare some items on the General Council’s agenda over which a Member presides as chairman. Examples are legion. This situation is similarly replicated in the negotiating arena (chapter 4). Furthermore, in some instances where the issues are broad and complex or where the technical ability of the chairman is questionable, or where “regional perspectives” are implicitly required, groups of Members designate a friend or friends of the Chair to manage the core technical negotiations to maturity, in an informal setting, before wider formal consideration and decision making in the formal regular body setting. African Members have repeatedly made a case for a correction to their low level of participation in the “involved” informal processes. This position acknowledges their low level of engagement/participation in informal consultations where substantive work is initiated and advanced.

What factors account for this low level of participation/engagement in regular bodies as reflected in chairmanships by African Members in the period reviewed? These

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