rakesh Agreement provides for a fallback to majority voting. However, for important decisions, such as adoption of a definitive interpretation of an agreement or approval of a waiver from obligations, the Ministerial Conference or the General Council shall first attempt to take the decision by consensus, and if this fails, the decision may be taken by a three-fourths majority of all the Members of the WTO.[58] Decisions to propose amendments to the agreements must be initially attempted to be made by consensus. If, after 90 days, consensus has not been reached, the Ministerial Conference may take the decision by a two-thirds majority of the Members.[59] For most amendments, a decision by the Ministerial Conference to propose an amendment to the Members is only the first step. Following this decision, Members of the WTO must individually ratify and accept the amendment or the proposal for a new rule or agreement. Amendments will only take effect when they have been accepted by two-thirds of the Members of the WTO (for most agreements).[60] Amendments of the DSU are effective upon a consensus decision of the Ministerial Conference approving the proposal to amend the agreement. It is not necessary for individual WTO Members to ratify and accept amendments to the DSU, such amendments become effective upon the consensus decision of the Ministerial Conference approving the amendment.[61]

On the face of it, the commentators are right—the WTO decision-making procedures *are* cumbersome and difficult. Here lies the paradox: the procedures are cumbersome because they are designed to be inclusive, to ensure that decisions are supported by all Members. However, consensus decision-

be proposed for approval by consensus at a meeting with 97 Members represented in the room, and that decision would be taken unless one or more Members formally objected to it.

[58] *Marrakesh Agreement*, Article IX, paras. 2 and 3.

[59] *Marrakesh Agreement*, Article X:1.

[60] *Marrakesh Agreement*, Article X, paras. 3, 4 and 5.

[61] *Marrakesh Agreement*, Article X:8.