

ligations for specific countries. Almost all of these decisions have been taken by consensus in the General Council after careful preparation in informal meetings of working parties open to participation by all WTO Members. In only one case to date, the accession of Ecuador in 1995, was a decision taken by a vote, rather than by consensus.⁶³ A long struggle occurred in 1999 over the selection of a new Director-General because Membership support was almost evenly divided between two candidates for the post. Eventually, that impasse was resolved when it was decided that the term would be split into two parts, with each candidate taking the post for a period of three years. However, while this issue was being settled, the WTO was nearly paralyzed for several months, which in the view of many contributed to the failure of the Seattle Ministerial Meeting.

Amending the decision-making procedures would be extremely difficult, if not impossible. All WTO Members, from the US and EU to the least-developed countries, are wedded to the practice of decision-making by consensus. It is part of the *ethos* of the WTO. It would not be in the interests of developing countries for the WTO to adopt weighted-voting mechanisms such as those used in the International Monetary Fund and the World Bank. The Members of the WTO are strongly opposed to any such suggestion, and such a mechanism would not help to make the WTO more inclusive of developing countries.

One might ask: if it is so difficult to achieve consensus, why do Members not use the voting procedures more often? Although the thresholds for decisions to adopt interpretations, waivers or amendments are very high (three-fourths or two-thirds of the Membership), for many decisions, such as the election of a new Director-General, the "fallback" would be to a simple majority vote. However, although the rules have always

⁶³ Article XII:2 of the *Marrakesh Agreement* stipulates that decisions on accession of new Members are to be taken by a two-third majority vote of the Ministerial Conference, but, in practice, except for the accession of Ecuador, these decisions have been taken by consensus in meetings of the General Council.