



**IMPROVING THE OPERATION OF THE GENERAL COUNCIL AND
HEADS OF DELEGATION/TRADE NEGOTIATIONS COMMITTEE**

COMMUNICATION FROM THAILAND AND THE UNITED STATES

*Revision**

The following communication, dated 24 July 2023, is being circulated at the request of the delegations of Thailand and the United States.

1. As a contribution to Member's ongoing efforts to identify improvements to our way of working within WTO Committees and Bodies, the United States offers this proposal to modernize and update the General Council and Heads of Delegation/Trade Negotiations Committee agendas. Our interest is in making preparations for the meetings more predictable and manageable for delegations and organizing our discussions and decision making to improve efficiency.

2. We believe that some minor modifications to the agendas for our General Council and HOD/TNC meetings may facilitate more productive engagement from Members; improve our ability to discuss relevant issues in an orderly and direct manner; ensure that all Members are prepared in advance for any specific decisions or deliberations they may need to take part in; and improve efficiency and time management of our meetings.

3. Our proposal is straightforward and simple. We recommend instituting the practice of including an annotated agenda and organizing agenda items based on newness and the action required by or expected of Members.

Informal Heads of Delegation or Trade Negotiations Committee

4. For meetings held under the **Informal Heads of Delegation or Trade Negotiations Committee**, specific and separate agenda items could help facilitate more direct engagement among Members and between Members and the Director-General. These meetings have recently taken on a secondary purpose, serving as the Director-General's opportunity to engage with Members on issues outside of the negotiating agenda, such as suggestions for Secretariat reform, pension or budget related updates, or the transformation exercise. However, the agenda does not provide predictability or advance warning that would allow for a specific back and forth on these discrete issues. Administrative and organizational issues such as these form an integral part of WTO reform discussions and deserve greater attention and a designated place on the agenda for more productive exchanges.

5. We recommend that the Director-General create a separate agenda item for these updates, with separate and discrete sub-items indicating in advance the specific topics she intends to raise. With advance notice, and a clear portion of the meeting set aside for discrete discussions, we believe we could improve dialogue and exchange with the Director-General on important and relevant issues relating to issues outside of the negotiating agenda.

* This revision is to add Thailand as a co-sponsor to the communication.

General Council Agenda

6. For meetings of the **General Council**, we suggest including as part of each agenda item an indication of what action is required by Members, such as adoption, discussion or information. We also propose a reorganization of the agenda items to group similar themes or action items together, with the objective to use the format of the agenda itself to help clarify expectations and to allow for easier preparation in capitals. Our suggestions would prioritize new items and those requiring decisions or actions so that they occur early in the meeting when Members have the most time available to engage and interact with each other. On the other hand, items that are recurring, where there have been no updates or revisions, or are previously agreed upon by a subsidiary body or other Chair reports would appear later in the agenda. In that way, Members would be rewarded for making revisions to existing proposals based on their outreach and feedback, and would be incentivized to submit items directly rather than relying on standing items with no proponents. Therefore, in the event that time constraints require abbreviated interventions, the priority items would not be sacrificed and written statements could be submitted in lieu of oral interventions if necessary.

7. We propose that the General Council Chair reorder the agenda in the following manner:

Section 1: New proposals, communications or submissions by Members or new revisions of communications previously discussed, prioritizing those requiring action or decision by the Council;

Section 2: Additional items where GC action or decision is needed, including Waivers, CBFA recommendations;

Section 3: Chair reports, communications or submissions that are not specific proposals for action/decision but are submitted for discussion purposes only; Members proposals for action/decision that have been on the agenda previously but have not been updated or revised;

Section 4: Standing items (those with no proponents to lead or direct discussions) – TNC reports, Ministerial follow-up reports.

8. We note that Chapter II, Rule 3 of the Rules of Procedures for the General Council (WT/L/161) provides the basis for creating an agenda but does not specify or limit the discretion of the General Council Chair in determining the order of items proposed for any particular meeting. Therefore, we believe the proposal above is consistent with the current Rules of Procedure.

9. However, if Members desire certainty, the General Council could decide to modify Chapter II, Rule 3 of the Rules of Procedure as follows:

The General Council decides to modify Rule 3 of the Rules and Procedures of the General Council (WT/L/161) as follows:

Rule 3

A list of the items proposed for the agenda of the meeting shall be communicated to Members together with the convening notice for the meeting. It shall be open to any Member to suggest items for inclusion in the proposed agenda up to, and not including, the day on which the notice of the meeting is to be issued. [Items proposed for inclusion shall appear on the agenda consistent with Annex 4.]

[Annex 4

The General Council Chair may reorder the agenda in the following manner:

Section 1: New proposals, communications or submissions by Members or new revisions of communications previously discussed, prioritizing those requiring action or decision by the Council;

Section 2: Additional items where GC action or decision is needed, including Waivers, CBFA recommendations;

Section 3: Chair reports, communications or submissions that are not specific proposals for action/decision but are submitted for discussion purposes only; Members proposals for action/decision that have been on the agenda previously but have not been updated or revised;

Section 4: Standing items (those with no proponents to lead or direct discussions) – TNC reports, Ministerial follow-up reports.]

General Council Time Management

10. We welcome the institution of a clock during General Council meetings. While the clock has helped with the length of interventions, we believe more could be done. We know that at other international organizations, the microphone is simply turned off when the intervention exceeds the allotted time. At a minimum here, the General Council Chair should tell a speaker when their time is expired. The speaker could be provided a brief time to wrap up (for example, an additional 30 seconds). Once that additional time expires, the General Council Chair should announce the next speaker in line. Rather than restricting discussion between Members, we believe this step would encourage Members to utilize other venues such as subsidiary bodies or informal open-ended meetings of the General Council to work toward consensus rather than relying on the formal General Council meetings for preliminary or technical deliberations.

11. Members who associate with a statement delivered on behalf of a group should limit their remarks to specific comments not already covered in the group statement.
