In this connection, one suggestion for a way to introduce greater flexibility into the system was to consider redefining negative consensus in a way that could realistically be achieved—for example, some level of super majority.

Another idea advanced was that perhaps the DSB could refuse to take on particular cases or it could decline to render a verdict. Since the international public law structure is supposed to be complete with the implication that every question can be answered, scope for incompleteness could be written into the law.

The idea of the DSB using its "good offices" to mediate disputes outside the ambit of the WTO was questioned in view of these considerations.

Attention was also drawn to an institutional issue emerging in the WTO, namely Secretariat staff undertaking much of the work in drafting panel reports. This situation is resulting, it was argued, in some eighteen-to-twenty Secretariat staff and the seven-member Appellate Body in effect driving the system!

It was also argued that poorly prepared national submissions can hamstring the Secretariat in driving to a sound decision as Secretariat officials have to deal with the material at hand, the objective being mediation, not generating case law that establishes a body of jurisprudence. Yet, cases are inevitably establishing precedents. This is a real issue.

With the proliferation of regional trade arrangements, the issue of forum shopping[13] for dispute settlement begins to pose issues for the multilateral framework (e.g., the possibility was noted that a case taken to both the NAFTA and WTO systems might be ruled on differently).

[13] In passing, it was noted that a Brazil-Argentina dispute went to the WTO rather than to the Mercosur system; disputes involving Canada, the US and Mexico are finding their way to the WTO as well.