

increase recourse to them by WTO Members and result in more cases being settled by diplomatic means.

At the same time, the independence, impartiality and integrity of the “judicial” system should be maintained and defended against political interference—a hybrid version of the judicial track is not in the interest of WTO Members nor is it consistent with a “rules-based” international trading system. The “judicial” system should be strengthened and improved by “professionalizing” the panel system, and giving it the attributes of a standing, independent tribunal based on the model of the Appellate Body. Transparency in panel and Appellate Body proceedings should also be guaranteed by making submissions of parties available to the public and by opening up panel meetings and Appellate Body hearings to the public. At the same time, new rules for the protection of “business confidential” information and workable procedures for admission of *amicus curiae* briefs should also be developed by WTO Members.

The “external” legitimacy problem of the WTO is a far greater threat to its continued viability than its “internal” legitimacy difficulties. For that reason, the WTO must move, and be seen to move, decisively and purposefully in the direction of greater transparency and openness. There is simply no excuse, given the gravity and importance of the decisions being made by the WTO, for a dispute settlement system or a legislative system that operates in secret, behind closed doors. Governments will not lose control over the WTO if non-state actors are permitted access to information, to attend hearings and meetings as observers, and to submit *amicus curiae* briefs to panels and the Appellate Body. By making the WTO more transparent and accessible, it will be better understood and appreciated. This will help to enhance the legitimacy and credibility of the WTO as an international organization.