has become a complex enterprise—there are many administrative, procedural and housekeeping decisions that could be made by a smaller body than the General Council. It is clear, particularly after the Seattle fiasco, that a smaller management body is needed to help set priorities and provide direction for the system. Informal groupings exist presently within the WTO—there is an African Group, made up of all the African countries in the WTO, which meets and develops coordinated positions on a regular basis. There is also an ASEAN Group, which meets regularly and takes coordinated positions in key WTO meetings. The Latin American countries have often acted in a coordinated fashion—they walked out *en masse* and blocked the Brussels Ministerial Meeting in 1990 over the contentious negotiations on agriculture. A management board or committee, structured so that it was truly representative of the WTO Membership, could be made to work in a transparent and inclusive manner. It could also help to move proposals forward and to alleviate some of the lengthy delays and paralysis caused by the existing cumbersome procedures.

Conclusions

In my view, the solution to the legitimacy crisis in the WTO lies not in turning back the clock and returning, as some have suggested, to a dispute settlement system grounded in diplomatic custom and practice. Nor does it lie in encouraging greater "flexibility and Member control" over the panel and Appellate Body processes. This sounds ominously like political interference with the judicial system. It is extremely important that the independence and impartiality of the judicial processes in the WTO not be diminished or threatened.

The key lies in recognizing that the WTO dispute settlement system has two tracks: one is "diplomatic" and the other is "judicial". A clear distinction must be made between the two.

WTO Members should be encouraged to make more and better use of the alternative dispute resolution ("ADR") mechanisms available to them under the DSU. Improvements to the "diplomatic" mechanisms to make them more effective would