

making also allows one country, no matter what its size or relative power, to prevent a decision from being taken. Thus, individual Members can, and do, "hijack" the system from time to time, not always for rational reasons.

This has led the major powers to use informal techniques of "consensus-building", involving groupings of countries (e.g., such as "Green Room" meetings) which inevitably means that some countries are not included in the key planning and drafting stages of a particular proposed decision. This solution can, however, lead to further problems: for example, at the Seattle Ministerial Meeting in 1999, a large group of developing countries threatened to walk out of the meeting because they claimed they were not included in the "Green Room" meetings in which approximately 60 heads of delegation were involved. Moreover, even when a proposal that has gone through a thorough informal "consensus-building" exercise, it can meet with blocking tactics when a Member attempts to put it on the agenda of a formal meeting for approval.⁶²

Is there a "constitutional defect" in the decision-making rules of the WTO? Can they be amended to make them more functional? How can developing countries be made to feel more included in the system?

To be fair, the new rules for making definitive interpretations or amendments of the agreements have not yet been used. However, many important decisions have been taken, including decisions approving the accession of several new Members to the WTO as well as decisions granting waivers from WTO ob-

⁶² For example, in 1999, before the Seattle Ministerial Meeting, an informal group of approximately 14 countries met outside of the WTO to draft a proposed amendment to the DSU attempting to resolve some of the ambiguities in Articles 21.5 and 22 of that agreement relating to implementation of rulings. The meetings of this informal group were open to any country that wished to participate. Although this group, chaired by Japan, attempted on several occasions to bring its draft amendment into a formal meeting of the DSB, this was blocked repeatedly by two developing country delegations (not because they were not included in the negotiation—they did participate—they blocked for strategic reasons unrelated to the text of the proposed amendment itself).