The purpose of this chapter is to analyze how the WTO functions in practice. Particular regard is paid to the role of the WTO as a corporate and/or collective actor, the relevance of informal structures and procedures and the role of external actors such as intergovernmental organizations and NGOs. The analysis also includes the areas of technical assistance and research which have a supporting function for negotiations and implementation.

Clearly, the WTO is a conglomerate of formal and informal structures and procedures. Chapter 5 focuses on informal structures and procedures given that formal structures and procedures have already been extensively discussed in Chapter 4. In the literature on international organizations, aspects of informality are frequently mentioned but hardly analyzed in a systematic way. In particular, references to organization theory and other theoretical concepts of informal decision making are missing (see as examples Karns and Mingst 2004: 56ff.; Rittberger and Zangl 2003: 139). Only recently, scholars have started to describe informal procedures in the European Union (Christiansen et al. 2003; Heisenberg 2005) and in the WTO (Steinberg 2002; Footer 2006: 110ff.) in a more systematic way. However, the analyses suffer from the lack of a clear definition of the concept of informality. Furthermore, the different importance of informal procedures in different areas (such as negotiations, implementation, trade policy review, and dispute settlement) is not accounted for. In this respect, Chapter 5 aims at making a contribution by systematically distinguishing between different types of informal structures and procedures within the WTO, and by accounting for the different importance of informal decision making in different areas of activities, based on concepts derived from organization theory.
I. Trade negotiations and related areas of activities

1. Trade negotiations
   
   (a) Informal structure of the WTO

Various informal structures in the WTO can be distinguished. First, there are various groups of member states within the WTO, and, second, so-called friends of the chair who help to establish consensus during negotiations.

Groups in the WTO which have a very limited membership may consist of the major trading powers. Traditionally, this position has been occupied by the “Quad” which consisted of the United States, the European Union, Canada, and Japan (Footer 2006: 168). Now the old Quad has been replaced. Efforts to restart the Doha Round after the breakdown in Cancún required negotiations between the Five Interested Parties (the European Union, United States, Brazil, India, and Australia) (Wolfe 2005: 639), thereby reflecting the growing powers of Brazil and India. The group is now known under the name G-4 comprising the European Union, United States, Brazil, and India. An NGO has pointed to the fact that the group may also meet with Australia and Japan as G-6, but that G-4 is now considered really as the “inner circle.”

There has been a trend in the last two or three years that informal groups have emerged within the WTO, through which developing countries with similar interests work together. Examples for developing country groupings are the G-20,1 the G-33,2 and the African Group.3 It is particularly the G-20 group which is found to be influential in negotiations on agriculture (Gallagher 2005: 124): it thwarted European efforts to introduce a series of new issues (investment, procurement, competition policy) into the negotiating agenda of the Doha Round (Higgott 2005: 32).

For negotiations in councils and committees delegates are appointed by chairpersons as “friends of the chair.” They were used extensively throughout the Uruguay Round “in various consultative procedures in order to bring closure on certain issues in draft text that were taken up in negotiating groups,” and they have been a regular feature of the WTO ever since (Footer 2006: 172). Their task continues to help building consensus by consulting with delegations individually or collectively or “possibly in so-called closed door confessionals.” For Ministerial Conferences, ministers are appointed as friends of the chair and seek to build consensus on specific issues (Blackhurst and Hartridge 2004: 712).

The question is whether the various types of informal structures in the WTO described under the preceding section fulfill the criteria for