

similar manner, with only the Chairs of the General Council, the DSB, and the Councils for Trade in Goods, Trade in Services and Trade-related Property representing the WTO Membership; however, a large reception was held after the ceremony to which the general WTO Membership was invited. In 2001, the ceremony swearing in three new members and bidding farewell to three retiring members was held in a formal meeting of the General Council, with all of the WTO Membership in attendance. The progressive development of this ritual indicates recognition of the growing respect and esteem held by WTO Members for the institution of the Appellate Body.

Another very important “ritual”-like feature of the Appellate Body is the way that it conducts its hearings in individual appeals. Unlike panel meetings with the parties, Appellate Body hearings are conducted in a very judicial manner. After the parties and third parties have made their opening arguments (they are given time limits for their presentations), the members of the Appellate Body hearing the appeal engage in intensive, detailed questioning of the parties and third parties until all the legal issues in the case have been thoroughly examined. While this is often grueling for the parties’ counsel, this “face-to-face” interrogation on the issues of law in the case is critical to the Appellate Body’s understanding and appreciation of the appeal. From a Franckian perspective, this procedure, which has been developed by the Appellate Body in practice, has a ritualistic quality that has worked to establish the credibility and reputation of the Appellate Body as an impartial and independent judicial institution.<sup>48</sup>

With respect to the factor of “coherence”, in its early jurisprudence, the Appellate Body has established a rigorous approach to treaty interpretation, based on the general principles of interpretation set forth in the Vienna Convention as required by Article 3.2 of the DSU. It also has drawn guidance from

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<sup>48</sup> One Ambassador for a third party in the *EC-Bananas* case, took the opportunity to comment to the Appellate Body Division hearing that case that he wished the rest of the WTO worked as effectively and efficiently as the Appellate Body in that hearing.