

ess or institution. The original seven members of the Appellate Body were all highly respected jurists with impeccable credentials—senior judges, lawyers and law professors, with extensive backgrounds in public international law or international economic law generally—the very type of persons who would be appointed to the International Court of Justice or other international tribunals. Notably, they were not, for the most part, government trade policy officials. In the more recent appointments made in 2000 and 2001, the DSB has followed the same pattern, selecting senior jurists, law professors and judges with backgrounds in public international law, rather than trade policy practitioners. There is no doubt that the selection of this type of person has made a major difference in the style and content of judicial decisions.

Scanning for “rituals”, one might examine the procedures adopted by the WTO’s judicial bodies. Before the first appeal was filed, the members of the Appellate Body developed and adopted their own detailed rules of procedure, dealing with internal matters relating to the functioning of the Appellate Body as well as the appellate review process. Among its working procedures, the Appellate Body required “collegiality” in its decision-making. This meant that, although the three persons selected to hear a particular appeal would be responsible for deciding that case, all seven members of the Appellate Body would convene in Geneva to discuss and provide guidance on each case. This principle of “collegiality”, which has been applied religiously by the Appellate Body in practice, has done much to ensure coherence and consistency of its decisions and rulings on issues of legal interpretation as well as on matters relating to practice and procedure.

Another “ritual” that has helped to establish the Appellate Body as a respected, judicial institution is the swearing in ceremony for new members. The first such ceremony, held in 1995, was a small, closed affair, attended by the Director-General, his Deputies, the Chairs of the General Council, the DSB, and the Councils for Trade in Goods, Trade in Services and Trade-related Intellectual Property, members of the Appellate Body and their staff. The second such ceremony was conducted in a