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### **Coherency: Inclusion of International Organisations in Dispute Settlement Procedure**

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#### **Abstract**

*“I am a multilateralist. I am deeply convinced that there is no other way to deal with global challenges than with global responses, and organised in a multilateral way.”*

*Antonio Gueterras*

The Multilateral world has been a witness to a global understanding and acceptance of nations on certain issues. This acceptance led to the formation of International Institutions especially in the 20th century. Nations played a vital role from formation to sustenance and functioning of these institutions. These institutions work largely in specific areas, for example, the International Monetary Fund (IMF), World Health Organisation (WHO), World Intellectual Property Organisation (WIPO). A problem arises regarding the nature of differing powers vested in these institutions. However, every subject governed by these global institutions aren't completely isolated from the other. There is interconnectivity of the subject matters.

This understanding has led to scholars to claim the fragmentation of international organisations. The author has a slight disagreement that the working of all international organisations isn't completely fragmented. There is an acknowledgement of the impact of the work done. International organisations have reached an understanding that working in coherency is the way ahead. The author is focusing specifically on the understanding exhibited by the World Trade Organisation (WTO). The WTO since the beginning has provided for the interdependence on other international institutions. This article is an

examination of the WTO's collaboration with other international organisations with a specific focus on the Dispute Settlement Procedure which is the one of the most important organs of the WTO. This understanding will be backed through panel and appellate body reports. The author aims to show the existing coherency between WTO and other international organisations while mapping the way ahead.

Keywords: coherency, dispute settlement, international organisations, WHO, WTO

## Introduction

The 21<sup>st</sup> Century World is a seemingly unified world compared to the fragmentation that existed in the start of the 20<sup>th</sup> Century. This unified understanding exhibited by the Nation States are the effect of the international organisations established in the mid-20<sup>th</sup> century. Nations slowly began joining the causes of these organisations after careful consideration of the functioning and the role of these organisations. This powered the cause of globalisation. The decision making has become a relatively smooth sailing process compared to the war ridden world in the past.

Scholars, while hailing the new world order have claimed that this has led to the fragmentation of the world in a different manner due to the existence of multiple organisations working in individual subject matters. They have described the situation as *islands in the system of international law*.<sup>1</sup> This understanding stems from the fact that these organisations work in specific areas with little interaction with other international organisations. The issue is further exacerbated when it comes to the details of the working of these international organisations as each body has its own set of rules for internal functioning and, further, the impact and enforcement of their decisions also differs. However, it has been seen that there has been increasing recognition of the inter relatedness of the matters governed by individual international organisations. There is a connection between the actors within these international organisations.<sup>2</sup>

The author aims to deal specifically within the realm of coherency between WTO dispute resolution and other international organisations. Part I of the paper deals with the idea of coherency within the WTO and its origins. While focusing specifically on the WTO, Part II of the paper focuses on the general inclusion of the role of international organisations within the WTO. Part III of the paper focuses on the specific arm of Dispute Resolution within the WTO and its recognition of other international organisations. Part IV of the paper provides for the author's analysis of the existing coherency between international organisations and the dispute resolution procedure under WTO and further, the possible path ahead to increase coherency.

## Coherency and Its Origins

The dictionary meaning of the term Coherence is *the situation when the parts of something fit together in a natural or reasonable way*.<sup>3</sup> While coherency is understood as the coming together of multiple individual units, it is imperative to understand the meaning of the term in the context of the WTO and a fragmented international world order. Coherence in the WTO context refers to *mutually supportive approaches in related areas of policy that are likely to produce harmony between intent and outcome*.<sup>4</sup> This term was first used in the WTO legal texts in the Decision on Achieving Greater Coherence in Global Economic Policy-making,<sup>5</sup> a product of the Uruguay Round of Trade Negotiations. There are many individual units in the international order.

Focusing on international economic law, there exists the International Monetary Fund, World Bank etc. with varying powers and structures. While looking at international trade and finance, it is constantly argued that this need for coherency existed from the 1940s. As noted in the launch of Tokyo Round of negotiations, the role of IMF in validating Balance of Payments restrictions existed since the General Agreement on Tariff and Trade 1947.<sup>6</sup> This co existence of WTO and IMF was continued with the establishment of the negotiating group on the Functioning of the GATT System in the Uruguay Round of Negotiations.<sup>7</sup> This is largely seen as the origin of coherence in the WTO.

The Original Decision on achieving greater coherence focused on the need for the same in global economic policy making. The initial focus was on the *expansion of trade, sustainable growth and development*.<sup>8</sup> Thus the call was for the WTO to address its relations with organisations focusing on monetary and developmental issues. This can be seen from the approach taken by the Director-Generals of the WTO from the start. The author would like to refer to *speech of the Director-General, DG Mike Moore in January 2001*.<sup>9</sup> He emphasised that the Marrakesh *Coherence* mandate urges the WTO to integrate trade with broader economic and development policies, working closely with the World Bank and IMF to support developing and least-developed countries. He further emphasised that the key focus is on helping these nations fully benefit from international trade through technical assistance, capacity building, and training. Trade liberalization in agriculture and services is crucial for poverty reduction, and improved market access for the poorest countries is essential.

However, the WTO currently functions with a number of other international organizations beyond the IMF and the World Bank within the ambit of coherence. Currently, the WTO has recognised the multiple obligations binding the nations which are its members.<sup>10</sup> Hence, approximately, 140 international organisations function under

the observer status in the WTO bodies.<sup>11</sup> This is one of the many ways the coherency mandate is being furthered by the WTO.

### **International Organisations in the Realm of the WTO**

The Marrakesh Agreement is the product of the 8-year negotiations held under the Uruguay Round of negotiations. It contains the working and functions of the WTO. Article III of the Marrakesh Agreement focuses on the *Functions of the WTO*. Article III.5 of the Marrakesh Agreement establishing the World Trade Organisation<sup>12</sup> states:

With a view to achieving *greater coherence* in global economic policy-making, the WTO shall cooperate, as appropriate, with the International Monetary Fund and with the International Bank for Reconstruction and Development and its affiliated agencies.

The explicit function of the WTO in achieving greater coherence in global economic policy-making gave it a certain level of power to carry on further the cause of liberalization and multilateralization. In addition to the direct commercial advantages for WTO members, a well-functioning, open, and rules-based trading system enhances the predictability and effectiveness of trade policies as tools for economic management. This system boosts resource flows to developing nations, fortifies markets and economies, and supports macroeconomic and financial stability.<sup>13</sup> Consequently, trade ministries and the WTO become more influential collaborators with finance and development ministries, as well as with the IMF and World Bank.<sup>14</sup> This cooperation fosters greater coherence in economic policy-making at both national and international levels, advancing the collective goals of sustainable growth, development, and poverty reduction.

The Marrakesh Mandate is evidenced in the declarations undertaken during the Uruguay Round Agreements. It includes the *Declaration on the Contribution of the World Trade Organisation to Achieving Greater Coherence in Global Economic Policymaking*<sup>15</sup> and the *Declaration on the Relationship of the World Trade Organization with the International Monetary Fund*<sup>16</sup>. The author observes that both these declarations focus squarely on global economic policy making and no further than that. The Ministers while adopting the declaration have noted the existing close relationship between the IMF and GATT 1947 under Article XV of the GATT.<sup>17</sup> This article had found its place in the 1947 Agreement and is now currently existing under the 1994 Agreement. Article XV of GATT provides specifically for the exchange arrangements between the WTO and the IMF. This article provides for the aim of a *co-ordinated policy* in the areas of questions regarding jurisdiction, quantitative restrictions

and other trade measures. As recognised in the Tokyo Declaration of 1973, the policy of liberalising trade cannot be conducted in isolation from the monetary system.<sup>18</sup>

One question that does arise in this context is that why were the leaders of negotiating nations so eager for coherency. Negotiators recognized that after the Bretton Woods system collapsed, international policy coordination weakened significantly. They believed that while policy coherence should be primarily achieved domestically, there was a need for stronger coordination among institutions with shared goals, with the creation of the WTO offering an opportunity for this.<sup>19</sup> The rise of protectionism in the 1980s was partly blamed on the expanding financial sector, with its unpredictable capital and exchange rate movements, and the GATT was seen as having failed to prevent this. The Coherence Mandate was thus viewed as a political call for institutions to establish order in their areas, with the WTO providing a platform for trade officials to align with this directive.<sup>20</sup>

This approach of the WTO can be considered nothing less than path-breaking. Even until the 21<sup>st</sup> century, the issue of norm and institutional fragmentation has persisted as pointed out by the 2006 International Law Commission Report.<sup>21</sup> However, the WTO consideration of multiple obligations of member states provides for a fresh perspective in International Law.

As highlighted above, there are 140 observer international institutions. The guidelines for observers have been provided under Annex 03 of the *Rules of Procedure for Sessions of the Ministerial Conference and Meetings of the General Council*.<sup>22</sup> The Secretariat for the WTO maintains a working relation with around 200 international organisations in a varied range of activities from research to training.

### ***Understanding Annex 3 and the 'Observer Status'***<sup>23</sup>

The observer status within the WTO is established to allow international intergovernmental organizations to follow and monitor discussions that pertain to their specific interests in trade-related matters. To be considered for this status, organizations must submit a formal written request, demonstrating their expertise and direct interest in the relevant trade policy issues, or showing alignment with the responsibilities of the WTO.

These requests are evaluated on a case-by-case basis by the specific WTO body to which the request is made. The evaluation process considers various factors, including the nature of the organization's work, its membership structure, the extent of its previous involvement with the General Agreement on Tariffs and Trade (GATT) 1947, and the principle of reciprocity concerning access to proceedings and documents. It is important to note that observer status is not automatically granted for all WTO meetings,

particularly those of the Committee on Budget, Finance and Administration, or the Dispute Settlement Body.

Additionally, even though some organizations may be granted observer status in one WTO body, this status does not extend automatically to other WTO bodies. Organizations that have formal cooperation agreements with the WTO may be granted observer status in accordance with those agreements. Organizations with observer status may be invited to speak at meetings, but they are generally required to do so after the members of the body have spoken. Their participation is limited, as they do not have the right to circulate documents, make proposals, or engage in decision-making, unless they receive a specific invitation to do so.

## **Dispute Settlement Procedure and Other International Organisations**

### *Importance of WTO Disputes Settlement Procedure*

Ever since the inception of the working of the WTO in 1994, the Dispute Settlement mechanism has been hailed globally as the *Crown Jewel* of the WTO.<sup>24</sup> While this claim has been highly contested due to the recent and continuing appellate body crisis, it still holds its position in the multilateral world due to its precise wording.<sup>25</sup> Article XXIII of the GATT holds compulsory and exclusive jurisdiction of the related disputes.<sup>26</sup> It is a one of a kind mechanism which provides the member countries a resolution procedure which is easily and equally accessible to all. For any agreement, the dispute settlement is important as it helps enforce the rights and the obligations of the member states. Further, it helps mitigate the imbalances in the political and economic powers of the nations globally.<sup>27</sup>

### *The Working of the WTO Dispute Settlement Procedure*

The WTO dispute settlement system has significantly influenced global trade and diplomacy. It stands out in international law for its judicial and legalistic approach, where its decisions and reports are binding and almost automatically applied to its members.<sup>28</sup> Unlike other specialized systems, this one is part of a vast and comprehensive body of law. Moreover, the issues addressed by the dispute settlement system often highlight the tension between preserving national sovereignty and the need for more extensive cooperation to succeed in a globalized economy.

The core of the dispute settlement procedure can be seen in Article XXIII. It provides for *compulsory and exclusive jurisdiction*. The dispute settlement procedure can be seen as an integration of informal means and formal means of dispute resolution. The Dispute Settlement Understanding provided under GATT 1994 is an upgrade to the one provided under GATT 1947. A formal dispute can be launched at the instance of

one or more member governments. There need not be complete consensus on the dispute.<sup>29</sup>

Subsequent to the initiation of the dispute, the first step in the dispute settlement is the consultation process between the parties involved in the dispute.<sup>30</sup> This process has a time limitation of 60 days and is aimed to ensure both the parties are able to ascertain the subject matter of the dispute and understand each other's perspectives. In case of non achievement of a mutually agreed solution, the Dispute Settlement Body establishes the panel upon request.

The panel functions based on specific terms of reference, which can be agreed upon through negotiation.<sup>31</sup> If an agreement isn't reached, default terms are applied. The panel then considers both oral and written submissions from the disputing parties and any third parties involved. The disputing parties are required to submit their arguments within the deadlines set by the panel. These arguments are presented in hearings that are closed to the public and other WTO members who are not directly involved in the case.

After the initial round of hearings and submissions, the disputing parties can submit further replies and participate in an additional hearing, usually only involving those directly in the dispute. The panel then prepares a confidential interim report, which the parties can review and comment on within a set period, typically around thirty days. This report often influences potential settlements.<sup>32</sup>

The adoption of the report is a crucial and transformative step compared to the GATT procedures. Under the current system, the Dispute Settlement Body (DSB) automatically adopts the panel's report at the first level unless it is appealed or the DSB collectively decides not to adopt it.<sup>33</sup> This means that a negative consensus can be overturned by those who support the report. Once adopted, the report becomes legally binding on the parties involved according to international law.<sup>34</sup> If the parties wish to challenge the report, they can appeal it to the Appellate Body, a newly established and highly visible institution with broad authority. The Appellate Body is made up of seven members chosen by the DSB through a consensus process.

## **International Organisations and the Disputes Settlement Procedure**

Article 13 of the Dispute Settlement Understanding provides the panel the *Right to Seek Information*.<sup>35</sup> The panel can seek technical advice from any individual or body that it deems necessary. This power when exercised needs to be informed to the Member Country within whose jurisdiction the individual or body is situated. This article vests in the panel the authority to decide on its own *to seek or to not seek* such information or advice from any body whether individual or organisation.<sup>36</sup> The right to not seek was

emphasised in this Appellate Body Report as it was seen that the Panel had received an *amicus curiae* brief from three non-governmental organisations. It was highlighted that the Panel can accept or reject the experts view. This has been deemed as an *investigative authority* provided to the panel.<sup>37</sup> The panel can seek information not just to resolve dispute but also to verify the statements made by the disputing parties.<sup>38</sup> This discretion to seek information can be requested by one of the parties itself.<sup>39</sup>

The question arises whether the Appellate Body can also accept *amicus curiae* briefs. The conclusion arrived at by the Appellate Body is that as long as there is no clash that occurs with other rules and procedures under the WTO, it can also accept such briefs.<sup>40</sup> However, it has been clarified that any *amicus curiae* briefs must come from the parties including third parties to the dispute. *Organisations which are not members of the WTO have no legal standing to make submissions to the Appellate Body.*<sup>41</sup> However, the Panel can request a non-party to make submissions under Article 13.<sup>42</sup> This includes 'Other International Intergovernmental organisations' as held conclusively by the Appellate Body in the *EC-Sardines case*.<sup>43</sup> There have been questions raised regarding the limitation to the power of the panel. While Article 13.2 of the SPS Agreement<sup>44</sup> provides for a limitation of the power of the panel to seek experts and international organisations opinion, the Appellate Body has provided the understanding that Article 13 of the DSU has no restrictions on the power of the Panel. Experts can be appointed at <sup>45</sup>the request of the parties to the dispute as was seen in the *EC-Hormones dispute* or without request as was seen in the *US-Shrimp dispute*.<sup>46</sup>

The wide-ranging power vested in the Panel to seek information has become the path of integration of the aim of coherency in the dispute settlement mechanism of the WTO. The panel can, after informing the member country, seek information from any expert or any body that in its opinion is appropriate. This way the power and decision making authority of the members is not circumscribed to enable the panel to make decisions. A careful balance has been struck in Article 13 between the two ends.

### ***A. International Monetary Fund***

As observed in the previous parts of the paper, the long-standing relationship of the WTO and IMF has positive implications for economic decision making globally. Article XV of GATT is the most direct coherency provision in the GATT. Further, Article 13 of the DSU provides the Panel the power to consult IMF on matters it deems appropriate as seen in the previous part.<sup>47</sup> This authority of the panel was challenged in the *Korea Beef case*. This case revolved around the challenge of increases in South Korean imports of beef by the United States. The argument advanced by South Korea was that the Panel had no authority to consult the IMF as this dispute involved a matter of balance of payments. It claimed that the General Council's authorization is necessary



for such consultation. However, the panel went ahead under Article 13 of DSU to seek information and Article XV.2 of the GATT. Article XV.2 provides for the consultation between WTO and the IMF.<sup>48</sup>

The focus on the authority of the panel was also discussed extensively in the India-Quantitative Restrictions dispute. The dispute was a challenge to measures imposed by India. India introduced quantitative restrictions on import of textiles with the justification of balance of payments under Article XVIII(B) of GATT.<sup>49</sup> India largely made an argument similar to the South Korean argument by claiming that the Balance of Payments issue was limited to WTO General Council or the Balance of Payments Committee. The United States on the other hand insisted on consultation with the IMF as an *expert*. The Panel did not address the issue of consultation under Article XV(2) but took action within the ambit of Article 13(1) of the DSU to make an objective assessment of the dispute matter.<sup>50</sup>

The issue arose also in the dispute on Argentina-Textiles and Apparel. This dispute involved an import surcharge imposed by Argentina.<sup>51</sup> One of the arguments advanced by Argentina included that the import surcharge is a commitment to the IMF. While the Panel had a premise for consultation, it didn't exercise the same. It did not seek information under Article 13 either. The Appellate Body recognised that the Panel should have consulted the IMF in this dispute. The Panel consulted the IMF successfully in the Dominican Republic-Import and Sale of Cigarettes.<sup>52</sup> The Dominican Republic was charging a foreign exchange fee. The Panel consulted the IMF under Article XV.

### ***B. The World Health Organisation***

While the role of the WTO involves trade in particular, and international economic laws in extension, there is an aspect of science. In this part, this aspect will be examined in the case of health disputes. There have arisen over the years numerous disputes concerning products which can potentially affect the health of the general public. While there was no explicit mention of scientific experts in GATT 1947, it can now be seen in the SPS Agreement. Focusing on the disputes, there have been numerous examples which involved a major role pertinent to scientific experts. These disputes include US-Shrimp,<sup>53</sup> EC-Hormones,<sup>54</sup> Australia-Salmon,<sup>55</sup> EC Biotech<sup>56</sup> and many more.

The Panels have relied on Article 13 of the DSU along with various specific provisions such as Article 11(2) of SPS Agreement, Article 14 of TBT Agreement etc. The role of the WHO can be analysed by looking at the Thailand-Cigarettes dispute. The dispute stemmed from a legislation passed in Thailand which prohibited import of cigarettes and other Tobacco products. This was objected to by the United States. Thailand invoked an exception under Article XX(b) claiming the protection to human life or health.<sup>57</sup>

Thailand requested a consultation with the WHO. The Panel accepted that request while requesting the WHO to present information on the effects of cigarettes. While the Panel did not refer to any specific provision of GATT for this action, it can be seen to be stemming from Article 13 of the DSU. The Panel accepted that the measure taken by Thailand was necessary. It is interesting to note that while the WHO provided for the information on the effect of tobacco and cigarettes on health, it further provided economic data on the price elasticity of smoking.

### **Path to Coherency (Analytical Understanding)**

*The General Agreement is not to be read in clinical isolation from public international law<sup>58</sup>*

Since 1994 the World Trade Organization has become a formidable force in the international arena. The WTO has consistently maintained its functioning over the decades providing the member nations a liberalised world of trade. It has successfully transformed the previously trade limited world to a liberalised world. Nations worldwide have been interlinked on a multilateral platform with certain rights and obligations. Compared to other international intergovernmental organisations, the WTO has carved itself a unique position due to the timely and precise enforceability of rights with special and differential treatment being provided to the developing and underdeveloped countries. Further, the power of each member state to initiate dispute has become an enabling factor in favour of the WTO.

While the WTO was established with the aim of economic development and recognition of relations of trade as is seen in the Marrakesh Agreement, the ambit of the functioning of WTO has expanded to beyond mere exchange of goods.<sup>59</sup> It governs the rights and obligations of the members on a wide range of factors which are primarily trade related. The Ministerial Conferences provide for an agenda which is suitable for the global situation. This primarily leads to a question of the already existing international organisations on various matters. These organisations have been functioning in respective spheres for a couple of decades now. It is to be recognised that the member states are signatories to multiple such agreements and derive their rights and obligations from multiple forums. This understanding has been provided in the Conclusions reached by the Study Group of the ILC.<sup>60</sup> The Study Group has recognised the specialization and diversification of international institutions acts as a double-edged sword. While it caters to specific fields, there is an issue of interpretation, functioning and varying rights of a single nation on multiple forums.

In order for the WTO to continue functioning along with the existing international intergovernmental organizations, there is a need for coherence among the WTO and

other organisations. The WTO has adopted this route in various aspects as highlighted in the previous sections of the paper. The WTO has recognised repeatedly through provisions of GATT and ministerial declarations the need to work together with other international organisations, specifically the IMF. This exhibits the WTO's recognition of coherence with other international institutions. Further, there are direct articles like Article XV and indirectly through Article XX.

The author seeks to focus specifically on the integration of international organisations in the Dispute Resolution mechanism of the WTO. While international organisations depends on its ability to ensure acceptance and support from the international community,<sup>61</sup> the legitimacy of the WTO judiciary is derived through its established compulsory and exclusive jurisdiction. Scholars have called for *institutional sensitivity* of the WTO over the decades. Sensitivity has been read to include the receptiveness exhibited by the WTO DSU to other international organisations and public international law.<sup>62</sup> The DSU primarily aims for coherence through the right to seek information through Article 13 of the DSU. While this is the provision providing broad ambit of powers, the special agreements within the WTO provide for further powers to the Panels to seek information and expert opinion from other intergovernmental organisations. The author seeks to focus specifically on the coherency between the WTO dispute settlement mechanism and the IMF and WHO respectively.

### *The DSU and the IMF*

The Consultation with the IMF is seen within Article XV of the GATT. This is a direct provision for consultation with the IMF. While it doesn't mention the DSU, it has been interpreted to include the DSU in successive Panel Reports. This is seen to be an inclusive interpretation adopted by the Panels to empower itself to ensure there is a consultation on the aspects mentioned under Article XV. The Panels however have been specifically empowered under the right to seek information under Article 13 of the DSU. This right to seek information has provided the Panels, and in extension the Appellate Bodies, to take a decision on whether there is a need to seek information from any individual or international organisation.

However, there arises an issue with respect of the complete discretion provided to the Panel. It can act as a double-edged sword. While it empowers the Panel to have a certain amount of decision making in adjudication, it also can lead to failed opportunity as in Argentina-Textiles and Apparel. Further inconsistency in Korea-Beef and India-Quantitative Restrictions exists with the interpretation. The Panel used Article XV(2) in the Korea-Beef dispute but approached IMF for information under Article 13 of DSU in India-Quantitative Restrictions. In the Dominican Republic-Import and Sale of

Cigarettes, the Panel took upon itself to analyse and interpret the IMF standard to rule that the act fell within an Article XV exception.

Looking at the varied interpretation and choice being made by the Panels, it can lead to ambiguity among the Parties. The Parties might be confused as to which measure can be resorted to seek the opinion of the IMF. This can be remedied with adoption of a common interpretation by the Panels and Appellate Bodies. Further, there can be consideration of this common interpretation being understood together through the Ministerial declarations adopted to ensure that there is a solution reached considering the changing economic times.

### *The DSU and the WHO*

The role of the WHO can be seen in the panel report of the Thailand-Cigarettes report. The WHO has provided not just the scientific information regarding health effects of cigarettes and tobacco products but also provided the economic analysis of the price elasticity of the product. Scholars have interpreted the Panel acceptance of WHO expertise in different manners. A few scholars have seen it as ignorance of evidence of the effect of opening up of markets in developing countries.<sup>63</sup> An opposing view is expressed by other scholars who viewed that the Panel report led to a less restrictive understanding being adopted.

While these differing opinions exist, the author would like to point out that the Panel's integration with the WHO while settling dispute despite there is no explicit provision regarding the same. It is starkly different from the coherence between WTO and the IMF which was envisaged from GATT 1947. This Panel Report has paved the way for the consideration of the WHO opinion with respect to issues regarding health and impact of health.

The link between trade and health was recognised by the WHO in a Resolution on International Trade and Health in 2006 which the Assembly provided for policy making to be done in coherence with trade and health. While health doesn't seem directly as a subject matter of the WTO, it has far reaching implications in terms of the measures taken with respect to trade in goods like tobacco. This reaches further importance with respect to developing and under-developed countries where the impact of tobacco products are seen at a higher level than developed countries where there is more awareness regarding the health implications. The author envisages a future where the WTO and WHO can collaborate further on the impact of trade of certain items. There needs to be a deeper understanding adopted by the WTO with respect to the WHO and its expertise area. While health forms an exception under Article XX and the SPS Agreement directly, the indirect implications of trade and health must be recognised as well.

Further, there has been an inclusion of public international law under the DSU mechanism. In the US-Gasoline, the Appellate Body included the Vienna Convention on the Law of Treaties in reference to *customary rules of interpretation* under Article 3(2) of the DSU. The Vienna Convention of Law of Treaties (VCLT) is thus binding on the WTO members irrespective of ratification status. This means applying the principle of interpretation in good faith according to Article 31 of the VCLT. While this isn't the only rules of interpretation followed by the Adjudicator, it is one of the rules. The author believes that a more consistent adoption of the VCLT can provide some aid to the multiple interpretations existing currently of the provisions in question. Having one institutionalised method of interpretation would also be beneficial for the parties initiating the dispute and ensuring that there is some uniformity in interpretation of diverse declarations.

## Conclusion

In the increasingly interconnected and complex global landscape, the role of international organizations in shaping and guiding trade and economic policies has never been more crucial. This paper set out to explore the concept of coherence within the World Trade Organization's (WTO) dispute settlement mechanism, particularly how it interacts with and incorporates the expertise of other international organizations such as the International Monetary Fund (IMF) and the World Health Organization (WHO). The findings underscore the importance of fostering a harmonized approach to global economic governance, one that transcends the isolated functioning of individual organizations and embraces a more integrated, cooperative framework.

The WTO, since its inception, has played a pivotal role in facilitating global trade, ensuring that member states adhere to agreed-upon rules and principles. However, as the scope of international trade has expanded to encompass a wide range of issues—from financial stability to public health—the need for the WTO to collaborate with other specialized organizations has become increasingly apparent. This paper has highlighted how the WTO's dispute settlement mechanism, often regarded as the *crown jewel* of the organization, serves as a crucial platform for integrating these external influences.

The analysis reveals that the WTO has made commendable progress in achieving greater coherence with institutions like the IMF and WHO. This is evident in various provisions, such as Article XV of the General Agreement on Tariffs and Trade (GATT), which explicitly encourages consultation with the IMF, and in the increasing reliance on scientific and technical expertise from the WHO in health-related trade disputes. These interactions not only enhance the credibility and effectiveness of the WTO's

dispute settlement process but also ensure that trade policies are more holistic, taking into account the broader economic, social, and health impacts on member states.

However, the path to achieving full coherence is not without challenges. This paper identifies several areas where inconsistencies and ambiguities persist, particularly in how the WTO panels and Appellate Body interpret and apply the rules regarding external consultations.

Moreover, the project emphasizes the potential benefits of deepening the relationship between the WTO and WHO, particularly in light of the growing importance of public health in global trade. The Thailand-Cigarettes case serves as a prime example of how WHO's expertise can be instrumental in informing trade decisions that have significant health implications. There is still much room for expanding this collaboration to address the indirect health impacts of trade more comprehensively.

In conclusion, the future of the WTO's dispute settlement mechanism lies in its ability to adapt and evolve in response to the changing dynamics of global governance. By continuing to foster coherence with other international organizations, the WTO can ensure that its decisions are not only legally sound but also aligned with the broader goals of sustainable development, economic stability, and public health. This paper underscores the necessity of a more integrated approach to international trade, one that recognizes the interdependencies of various global institutions and seeks to harmonize their efforts in the pursuit of a more equitable and prosperous world order.

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