

Convergence of General Principles of Applicable International Law with the Dispute Settlement Mechanisms of the World Trade Organization (Original Research)

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Extended Abstract

Introduction

The principle of the peaceful settlement of disputes is a prominent reflection of the World Trade Organization's (WTO) deep connection to the core principles of public international law. However, there are instances where the procedures and decisions of the WTO—particularly those of its Dispute Settlement Body (DSB)—appear to diverge from established rules and norms of international law. Such tensions may give rise to theoretical and practical legal ambiguities, at times resulting in conflicting interpretations among legal scholars or inconsistencies within WTO rulings themselves.

Despite its economic nature and foundational ties to private law and commercial liberalism, the WTO is undeniably an international organization subject to the rules of public international law. At first glance, one might assume a high level of coherence between the WTO's legal framework and international law. Nevertheless, the WTO's institutional characteristics and specialized functions set it apart from many other international organizations, raising questions about the depth of this coherence.

This issue invites scrutiny from multiple perspectives, including the substantive sources of WTO law, general principles of public international law, and the current fragmented landscape of the international legal order. The goal is to affirm the legal compatibility—if not complete coherence—between WTO law and the broader framework of public international law.

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Ultimately, the findings of this research aim to provide a conceptual and analytical foundation for understanding this compatibility. It is hoped that this contribution will also assist in clarifying potential theoretical ambiguities in the context of Iran's possible accession to the WTO. By demonstrating that the WTO operates not in isolation from, but rather within the normative structure of international law, this study highlights the interpretive and systemic harmony that underpins modern trade dispute resolution mechanisms.

Research Gap & Objective

Although the WTO was established within the framework of international law and has adopted fundamental principles such as the peaceful settlement of disputes, in practice, certain rulings of its dispute settlement body have shown tensions or discrepancies with general rules of public international law. This research investigates whether there is legal coherence between the WTO legal framework and the general principles of international law, or whether—either theoretically or in practice—these two systems diverge from one another, and how such divergence, if it exists, may be interpreted or justified from a legal perspective.

Methodology

This study uses a descriptive-analytical method with an interdisciplinary approach. Sources include treaties and agreements under the WTO, decisions of the Dispute Settlement Body, relevant literature in international trade law and public international law, as well as interpretive legal analysis. The research seeks to combine doctrinal analysis with a review of case law to evaluate the consistency between the two legal systems.

Key Findings

The study reveals that despite its specialized focus on trade and its foundation in principles of private law and commercial liberalism, the World Trade Organization fundamentally operates within the broader system of public international law. The decisions of its Dispute Settlement Body often reflect core principles of international law, such as good faith, *pacta sunt servanda*, estoppel, proportionality, and State responsibility. While certain provisions and interpretations under WTO law may appear distinct or even exceptional, they do not indicate a structural conflict with international law. Rather, these distinctions illustrate a relationship of specificity within generality, aligning with the *lex specialis* doctrine. Ultimately, the legal reasoning found in WTO jurisprudence is largely compatible with international legal norms, supporting the view that WTO law functions as a specialized branch within the unified framework of public international law.

Contribution to the Field

This research clarifies the legal relationship between WTO law and public

international law by moving beyond a simple conflict-based analysis. It instead introduces a conceptual framework for understanding legal coherence between specialized and general legal regimes. The novelty of this work lies in its focus on reconciling doctrinal and institutional aspects of both systems, especially in the context of international dispute resolution.

Implications and Applications

The findings of this study have several practical applications. For Iranian policymakers and negotiators, the research provides a clearer understanding of the potential legal challenges that may arise during the accession process to the World Trade Organization. For legal scholars and researchers, it offers a theoretical framework to assess the degree of coherence between WTO rules and general principles of international law. Additionally, for judges, arbitrators, and legal practitioners, the study underscores the relevance of public international law in interpreting and applying WTO obligations.

Conclusion

As demonstrated in this study, the WTO operates within the scope of public international law. Although certain provisions of WTO law may appear specific or exceptional, they are not in fundamental contradiction with general international law. Instead, they should be understood as special rules within a broader legal system, forming a relationship of specificity within generality. Thus, a structural and substantive harmony exists between the WTO legal order and international law, offering a unified understanding of international legal norms in the context of global trade governance.

Keywords

International Law, World Trade Organization, International Economic Law, Settlement of International Disputes, International Commercial Law.

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