Notes on contributors ix Foreword by Pascal Lamy XXV Acknowledgements xxvi xxvii Table of dispute settlement cases List of abbreviations xlii

Introduction

The WTO at Ten PART I

The WTO at ten: building on ten years of achievements 7 Supachai Panitchpakdi

- The WTO: ten years after its establishment 13 Renato Ruggiero
- From Doha to Hong Kong and beyond: a parliamentarian's 3 perspective 23 Enrique Barón Crespo
- The dispute settlement system of the WTO in action: a 4 perspective on the first ten years 35 Giorgio Sacerdoti

PART II Trade Negotiations and Dispute Settlement: What Balance between Political Governance and Judicialization?

- The Appellate Body, the WTO dispute settlement system, and 5 the politics of multilateralism 61 Robert Howse and Susan Esserman
- WTO dispute settlement: a brief reality check 81 6 Alejandro Jara

V

vi

- From 'member-driven governance' to constitutionally limited
 'multi-level trade governance' in the WTO 86
 Ernst-Ulrich Petersmann
- Homage to a Bull Moose III: striking the correct balance between political governance and judicialization in the WTO 111
 Elissa Alben and Timothy Reif
- 9 Drawing a line of equilibrium in a complex world 125 *Hélène Ruiz Fabri*
- 10 WTO law in context: the integration of international human rights and environmental law in the dispute settlement process 143 *Francesco Francioni*
- 11 The limits of the WTO: facing non-trade issues 155 *Friedl Weiss*

PART III From Initiating Proceedings to Ensuring Implementation: What Needs Improvement?

- 12 The WTO dispute settlement system from initiating proceedings to ensuring implementation: what needs improvement? 193
 Valerie Hughes
- 13The umpire needs better rules of the game235Jacques Bourgeois
- 14 DSU reform: if it is not broken improve it? 246 Daniel Brinza
- 15 DSU reform: resolving underlying balance-of-power issues 259 *Thomas Cottier*

16 From initiating proceedings to ensuring implementation: the links with the Community legal order 266 *Pieter Jan Kuijper*

. .

V11

PART IV Ten Years and Sixty-three Cases Later: The Contribution of the Appellate Body to the Development of International Trade Law

- Assessing the 'success' of the Appellate Body over the first ten years
 285
 John Lockhart
- 18 From afterthought to centrepiece: the WTO Appellate Body and its rise to prominence in the world trading system 289

Peter Van den Bossche

- Balance and coherence by the WTO Appellate Body: who could do better?
 326
 Gabrielle Marceau
- Looking for Mr and Mrs Right: ten years of the Appellate Body at the WTO 348
 Petros Mavroidis
- Treaty interpretation and the development of international trade law by the WTO Appellate Body 360
 Donald McRae
- The emergence of non-state actors in international commercial disputes through WTO Appellate Body case-law 372
 Brigitte Stern
- The Appellate Body's working procedures for appellate review
 386
 Victoria Donaldson and Alan Yanovich
- Reflections on the concept of 'judicial economy' in WTO dispute settlement
 424
 Jan Bohanes and Andreas Sennekamp

PART V Treaty Interpretation in International Law: Comparing the Appellate Body with the Courts in The Hague, Hamburg, and Luxembourg

25 The Appellate Body and treaty interpretation 453 *Georges Abi-Saab*

- Methods and practice of treaty interpretation by the
 International Court of Justice 465
 Gilbert Guillaume
- The jurisprudence of the Court of Justice and the Court of
 First Instance of the European Communities
 474
 Paolo Mengozzi
- 28The European Court of Justice: sources of law and methods ofinterpretation482

Allan Rosas

The International Tribunal for the Law of the Sea: applicable
 law and interpretation 490
 Tullio Treves

Annex

viii

Statistics on appellate review 501

Index 517

