

Contents

Table of Cases

xiii

List of Contributors

xxiii

1. Introduction: A *Liber Amicorum* to Celebrate Mitsuo Matsushita's Contributions to International Economic Law 1
Julien Chaisse and Tsai-yu Lin

PART I RULES-BASED INTERNATIONAL DISPUTE SETTLEMENT

2. The WTO Dispute Settlement System: Dealing with Success 11
William J Davey
3. The Dispute Settlement System of the WTO: A Bright Picture with a Few Dark Spots 26
Claus-Dieter Ehlermann
4. The Scope of Regulatory Autonomy of WTO Members under Article III:4 of the GATT: A Critical Analysis of the Jurisprudence of the WTO Appellate Body 30
Frieder Roessler
5. How to Reconcile Health Law and Economic Law with Human Rights? Looking for Hercules in the WTO Appellate Body 39
Ernst-Ulrich Petersmann
6. The WTO Jurisprudence of Article XX(g) and the Conservation of Natural Resources 58
Joel P Trachtman
7. Balancing Investment Protection and Other Public Policy Goals: Lessons from WTO Jurisprudence 68
Yasuhei Taniguchi and Tomoko Ishikawa
8. Trade Law and the Vienna Treaty Convention's Systemic Integration Clause 94
Chin Leng Lim

9. When Popular Decisions Rest on Shaky Foundations:
Systemic Implications of Selected WTO Appellate Body
Trade Remedies Jurisprudence 113
Meredith Kolsky Lewis
10. Taming Investor–State Arbitration? 131
Jaemin Lee
11. The Limits of Legalization in Asia-Pacific Investment
Treaty Arbitration? 153
Luke Nottage

PART II NORMATIVE INFLUENCES TO AND FROM WTO LAW

12. The Interplay between the G20 and the WTO:
Informal Law-making in Action 183
Jan Wouters and Ines Willems
13. Unfinished Business: Competition Law and the WTO 201
Rolf H. Weber
14. Competition Law in Emerging Markets: The Virtue
of Regulatory Diversity 216
Frederick M. Abbott
15. Untangling the Triangle: Issues for State-controlled Entities
in Trade, Investment, and Competition Law 233
Julien Chaisse
16. In Search of Coherence: Navigating the WTO in the Universe
of International Law 259
Chien-huei Wu
17. Natural Resources and the Rules of the Multilateral Trading
System: A Sustainable Development Perspective 284
Thomas J. Schoenbaum
18. Facilitating Coherent Application of WTO Law Within
and Outside the Organization: Investment Regime as
an Example 300
Tsai-yu Lin

19. Reinterpretation of the National Treatment Principle:
Making International Economic Law a Friend of Global
Governance of Environmental Protection 314
Won-mog Choi
20. The Soft Law Approach to Regulatory Harmonization:
Are We Trading Away Privacy for Economic Integration? 328
Shin-yi Peng

PART III ISSUES IN THE POLICY- AND LAW-MAKING PROCESS

21. Members Only: Embracing Diversity in the WTO 351
Bernard M Hoekman and Petros C Mavroidis
22. TTIP and the Post-Bali WTO: Towards a New World Trade Order? 367
David A Gantz and Laura Nielsen
23. Regulatory Co-operation and Regulatory Coherence through
Mega-FTAs: Possibilities and Challenges 392
Junji Nakagawa
24. Rise of the Plurilaterals: Threat or Opportunity for Multilateral
Trade Governance 411
R V Anuradha
25. Trade in Pharmaceuticals: Patents and Access to Medicines
since TRIPS—Some Certainty and Several Lingering Questions 427
Bryan Mercurio
26. Trans-Pacific Partnership Intellectual Property Controversies 445
Raj Bhala
27. Interdependence and the WTO Agreement as
a 'Contractual Constitution' 462
Chios Carmody
28. Bridging Global and Regional Governance of International Trade 475
Chang-fa Lo
29. Decision making in the WTO: From Negotiated Law-making
to Judicial Law-making 487
R Rajesh Babu

30. Legal Development of WTO Trade Remedy Practices in East Asia <i>Dukgeun Ahn</i>	515
31. A Managerial Approach to Secure Compliance with the SPS Agreement <i>Yuka Fukunaga</i>	534
32. Conclusion: Some Thoughts on the WTO's Next Twenty Years <i>Julio A Lacarte Muró</i>	551
<i>Index</i>	559