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DOCUMENTS, CASES & ANALYSIS



Petros C. Mavroidis
George A. Bermann
Mark Wu

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PETROS C. MAVROIDIS
GEORGE A. BERMAN
MARK WU

REFERENCES

- Aaronson, Susan A.** 1996. *Trade and the American Dream: A Social History of Postwar Trade Policy*. University of Kentucky Press: Lexington.
- Aaronson, Susan A.** 1999. *Who Decides? Congress and the Debate over Trade Policy in 1934 and 1974*, Council of Foreign Relations: New York.
- Abbott, Fred.** 1992. *Integration without Institutions: the NAFTA Mutation of the EC Model and the Future of the GATT Regime*, *American Journal of Comparative Law*, 40: 917–945.
- Abbott, Fred.** 2000. *The NAFTA and the Legalization of World Politics*, *International Organization*, 54: 519–550.
- Abbott, Kenneth W., and Duncan Snidal.** 2004. *Pathways to International Cooperation*, in Eyal Benvenisti & Mosche Hirsch, (eds.), *The Impact of International Law on International Cooperation*, Cambridge University Press: Cambridge, UK.
- Abbott, Kenneth W.** 1996. *Defensive Unfairness: The Normative Structure of Section 301*, pp. 415–471 in Jagdish Bhagwati and Robert Hudec (eds.), *Fair Trade And Harmonization*, 1996, MIT Press: Cambridge, MA, pp 415–71.
- Abdel Motaal, Dooa.** 2004. The ‘Multilateral Scientific Consensus’ and the World Trade Organization, *Journal of World Trade*, 38: 855–876.
- Acheson, Dean.** 1969. *Present at the Creation: My Years in the State Department*. W. W. Norton: New York, NY.
- Adlung, Rolf.** 2005. *Public Services and the GATS*, WTO, ERAD, Working Paper ERSD–2005–03, WTO: Geneva.
- Adlung, Rolf, and Martin Roy.** 2005. Turning Hills into Mountains? Current Commitments Under the GATS and Prospects of Change, *Journal of World Trade*, 39: 1161–1194.
- Alvarez, Jose.** 1994. Positivism Regained, Nihilism Postponed, *Michigan Journal of International Law*, 15: 747–81.
- Anderson, James E. and Eric van Wincoop.** 2003. Gravity with Gravitas: a solution to the Border Puzzle, *American Economic Review*, 93: 170–92.
- Anderson, Robert.** 2007. Reviewing the WTO Agreement on Government Procurement, Progress to Date and Ongoing Negotiations, *Public Procurement Law Review*, 4: 255–273.
- Arrowsmith, Sue.** 2002. *Government procurement in the WTO*, Kluwer: The Hague, Netherlands.
- Arrowsmith, Sue.** 2005. *The Law of Public and Utilities Procurement*, Sweet and Maxwell: London, UK.

Avi-Yonah, Reuben and J. B. Slemrod. 2002. (How) Should Trade Agreements Deal with Income Tax Issues? *Taxation Law Review*, 55: 533–554.

Axelrod, Robert. 1984. *The Evolution of Cooperation*, New York Basic Books: New York, NY.

Bacchetta, Marc, Patrick Low, Aaditya Mattoo, Ludger Scuknecht, Hannu Wager and Madelon Wehrens. 1998. *Electronic Commerce and the Role of the WTO*. WTO, Special Studies 2, WTO: Geneva.

Bagwell, Kyle. 2006. *Remedies in the WTO: an Economics Perspective*. Mimeo.

Bagwell, Kyle and Robert W. Staiger. 1990. A Theory of Managed Trade, *American Economic Review*, 80: 779–795.

Bagwell, Kyle and Robert W. Staiger. 1995. *Protection and the Business Cycle*, NBER Discussion Paper 5168.

Bagwell, Kyle and Robert W. Staiger. 2001. Strategic Trade, Competitive Industries and Agricultural Trade Disputes, *Economics & Politics*, 13: 113–128.

Bagwell, Kyle and Robert W. Staiger. 2002. *The Economics of the World Trading System*, MIT Press: Cambridge, Mass.

Bagwell, Kyle and Robert W. Staiger. 2005. Enforcement, Private Political Pressures and the GATT/WTO Escape Clause, *Journal of Legal Studies*, 34: 471–513.

Bagwell, Kyle and Robert W. Staiger. 2005. Will International Rules on Subsidies Disrupt the World Trading System? *American Economic Review*, 96: 877–95.

Bagwell, Kyle and Petros C. Mavroidis. 2007. US–Section 129(C)(1), pp. 315–338 in *Henrik Horn, and Petros C. Mavroidis (eds.), The American Law Institute Reporters' Studies on WTO Case Law*, Cambridge Un. Press: New York.

Bagwell, Kyle, Petros C. Mavroidis and Robert W. Staiger. 2002. It is all about Market Access, *American Journal of International Law*, 96: 56–76.

Bagwell, Kyle, Petros C. Mavroidis and Robert W. Staiger. 2005. The Case for Tradable Remedies in the WTO, pp. 395–414 in *Simon Evenett and Bernard M. Hoekman (eds), Economic Development and Multilateral Trade Cooperation*, Palgrave Macmillan and the World Bank: Washington, DC.

Bagwell, Kyle, and Alan O. Sykes. 2007. Chile—Price Band, pp. 436–460 in *Henrik Horn, and Petros C. Mavroidis (eds.), The American Law Institute Reporters' Studies on WTO Case Law*, Cambridge Un. Press: New York.

Bagwell, Kyle, and Alan O. Sykes. 2007a. India—Measures Affecting the Automotive Sector, pp. 461–481 in *Henrik Horn, and Petros C. Mavroidis (eds.), The American Law Institute Reporters' Studies on WTO Case Law*, Cambridge Un. Press: New York.

- Balassa, Bela.** 1966. Tariff Reductions and Trade in Manufactures Among the Industrial Countries, *American Economic Review*, 56 (3): 466–473.
- Baldwin, Richard E.** 1997. The Causes of Regionalism, *World Economy*, 20: 865–88.
- Baldwin, Richard E.** 2006. Multilateralising Regionalism, Spaghetti Bowls as Building Blocks on the Path to Global Free Trade, *World Economy*, 29: 1451–518.
- Baldwin, Robert.** 1970. *Non-tariff Distortions in International Trade*, Brookings Institution: Washington, DC.
- Baller, Silja.** 2007. *Trade Effects of Regional Standards Liberalisation: a Heterogeneous Firm Approach*, World Bank: Washington D.C.
- Barfield, Claude.** 2001. *Free Trade, Sovereignty, Democracy: The Future of the World Trade Organization*, American Enterprise Institute: Washington D.C.
- Bartels, Lorand and Federico Ortino.** (eds.) 2006. *Regional Trade Agreements and the WTO Legal System*, Oxford University Press: Oxford, UK.
- Bartels, Lorand.** 2001. Applicable Law in WTO Dispute Settlement Proceedings, *Journal of World Trade*, 35: 499–519.
- Bartels, Lorand.** 2002. Article XX of the GATT and the Problem of Extraterritorial Jurisdiction, *Journal of World Trade*, 36: 353–403.
- Barton, John H., Judith L. Goldstein, Timothy E. Josling, and Richard H. Steinberg.** 2008. *The Evolution of the Trade Regime: Politics, Law, and the Economics of the GATT, and the WTO*, Princeton University Press: Princeton, NJ.
- Basdevant, Suzanne.** 1929. *La Clause de la Nation la plus Favorisée*, Paris.
- Battigalli, Pierpaolo and Giovanni Maggi.** 2002. Rigidity, Discretion and the Costs of Writing Contracts, *American Economic Review*, 92(4): 798–817.
- Becker, Gary S.** 1968. Crime and punishment, *Journal of Political Economy*, 76: 169–217.
- Benedek, Wolfgang.** 1990. *Das GATT aus Völkerrechtlichehr Sicht*, Springer Verlag: Berlin.
- Benvenisti Eyal.** 2004. Customary International Law as a Judicial Tool for Promoting Efficiency, pp. 85–116 in *Eyal Benvenisti and Moshe Hirsch (eds.), The Impact of International Law on International Cooperation*, Cambridge Un. Press: Cambridge, UK.
- Bermann, George, Roger Goebel, William J. Davey and Eleanor Fox.** 2002. *European Community Law*, West Publishing: Eagan, Minn.
- Beviglia-Zampetti, Americo.** 2000. Market Access through Mutual Recognition, pp. 283–306 in *Pierre Sauvé, and Robert Stern (eds.), The GATS 2000, New directions in services trade liberalization*, Brookings: Washington, D.C.

Beviglia-Zampetti, Americo. 2000a. Mutual Recognition in the Transatlantic Context: Some Reflections on Future Negotiations, pp. 303–328 in *Thomas Cottier and Petros C. Mavroidis (eds.), Regulatory barriers and the principle of non-discrimination in world trade law*, Un. of Michigan Press: Ann Arbor, Michigan.

Beviglia-Zampetti, Americo. 2006. *Fairness in the World Economy: US Perspectives on International Trade Relations*, Elgar Publishing: Cheltenham.

Bhagwati, Jagdish. 1988. *Protectionism*. MIT Press: Cambridge, MA.

Bhagwati, Jagdish. 1998. *The Damages of Selective Safeguards* in Jagdish Bhagwati, *A stream of windows*, MIT Press: Cambridge, MA, pp. 109–12.

Bhagwati, Jagdish. 2002. *Free Trade Today*, Un. of Princeton Press: Princeton, NJ.

Bhagwati, Jagdish. 2002a. The Unilateral Freeing of Trade versus Reciprocity, pp. 1–30 in *Jagdish Bhagwati (ed.), Going Alone: the Case for Relaxed Reciprocity in freeing Trade*, MIT Press: Cambridge, MA.

Bhagwati, Jagdish, and R.A Brecher. 1980. National Welfare in an Open Economy in the Presence of Foreign Owned Factors of Production, *Journal of International Economics*, 10: 103–115.

Bhagwati, Jagdish, R.A Brecher, E. Dinopoulos, and T.N. Srinivasan. 1987. Quid pro quo, Foreign Investment and Welfare: a Political Economy Theoretic Approach, *Journal of Development Economics*, 27: 127–138.

Bhagwati, Jagdish and Robert E. Hudec (eds.). 1996. *Fair Trade And Harmonization*, Cambridge Un. Press: Cambridge, Mass.

Bhagwati, Jagdish and Petros C. Mavroidis. 2004. Killing the Byrd [Amendment] with the Right Stone, *World Trade Review*, 3:1–9.

Bhagwati, Jagdish and Arvid Panagariya. 1999. Preferential Trading Areas and Multilateralism—Strangers, Friends, or Foes, pp. 33–100 in *Jagdish Bhagwati, Pravin Krishna and Arvind Panagariya, Trading blocks*, MIT Press: Cambridge, MA.

Bhagwati, Jagdish and V.K. Ramaswami. 1963. Domestic Distortions, Tariffs, and the Theory of Optimum Subsidy, *Journal of Political Economy*, 71: 44–50.

Bhala, Raj. 2008. *International Trade Law*, LexisNexis: Newark, NJ.

Bhuiyan, Sharif. 2007. *National Law in WTO Law*, Cambridge Un. Press: Cambridge, UK.

Bickerdike, Charles F. 1907. Review of AC Pigou's Protective and Preferential Import Duties, *Economic Journal*, 17: 98–108.

Blackhurst, Richard. 2004. Improving the Capacity of WTO institutions to Fulfil Their Mandate, *Journal of International Economic Law*, 7: 705–716.

Blanchard, Emily J. 2007. *Re-evaluating the Role for Trade Agreements? Does Investment Liberalization Make the WTO Obsolete?* Mimeo.

Blank, Annet and Gabrielle Marceau. 1997. A History of Multilateral Negotiations on Procurement: from ITO to WTO, pp. 31–56 in *Bernard M. Hoekman and Petros C. Mavroidis (eds.), Law and policy in Public Purchasing*, University of Michigan Press: Ann Arbor, MI.

Bloningen, Bruce and Jee Hyeong Park. 2004. Dynamic Pricing in the Presence of Antidumping Policy: Theory and Evidence, *American Economic Review*, 94: 134–54.

Bloningen, Bruce, and Thomas J. Prusa. 2003. Antidumping, in *E. Kwan and James Harrigan (eds), Handbook of International Trade*, Blackwell: Oxford, UK.

Bogdandy von, Armin. 2003. Legitimacy of International Economic Governance: Interpretative Approaches to WTO Law and the Prospects of its Proceduralization, pp. 103–148 in *Stefan Griller (ed.), International Economic Governance and Non-Economic Concerns*, Springer Verlag: Wien and New York.

Boltuck, Richard. 1991. Assessing the effects on the domestic industry of price dumping, in *P.K.M. Tharakan (ed.), Policy Implications of Antidumping Measures*, North Holland : Amsterdam, The Netherlands.

Boltuck, Richard and Robert E. Litan. 1991. *Down in the Dumps, Administration of the Unfair Trade Laws*, Brookings: Washington, DC.

Bonsi, Richard, A. L. Hammett, and Bob Smith. 2008. Eco-labels and International Trade: Problems and Solutions, *Journal of World Trade*, 42: 407–432.

Bourgeois, Jacques. 2005. Some Reflections on the WTO Dispute Settlement System from a Practitioner's Perspective, pp. 39–50 in J.H.J. Bourgeois, *Trade Law Experienced: Pottering about in the GATT and the WTO*, Cameron May: London.

Bourgeois, Jacques. 2005a. EC Rules Against 'illicit trade practices'—Policy Cosmetics or International Law Enforcement? pp. 291–336 in *J.H.J. Bourgeois, Trade Law Experienced: Pottering about in the GATT and the WTO*, Cameron May: London, UK.

Bourgeois, Jacques. 2005b. Direct Taxation in the WTO: In or Out? pp. 125–144 in *J.H.J. Bourgeois, Trade Law Experienced: Pottering about in the GATT and the WTO*, Cameron May: London, UK.

Bown, Chad P. 2002. Why are Safeguards under the WTO so Unpopular? *World Trade Review*, 1: 47–62.

Bown, Chad P. 2004. *Participation in WTO Dispute Settlement: Complainants, Interested Parties and Free Riders*. Mimeo.

Bown, Chad. 2004a. Developing Countries as Plaintiffs and Defendants in GATT/WTO Trade Disputes, *The World Economy*, 27: 59–80.

Bown, Chad P. 2005. *Global Antidumping Database*, World Bank Policy Research Paper No 3737 (available at http://www.brandeis.edu/~cbown/global_ad/).

- Bown, Chad P.** 2007. China's WTO Entry: Antidumping, Safeguards, and Dispute Settlement, *NBER Working Paper 13349*.
- Bown, Chad P., and Bernard M. Hoekman.** 2005. WTO Dispute Settlement and the Missing Developing Country Cases: Engaging the Private Sector, *The World Economy*, 8: 1–30.
- Bown, Chad P., and Bernard M. Hoekman.** 2008. Developing Countries and Enforcement of Trade Agreements, *Journal of World Trade*, 42: 177–203.
- Bown, Chad P., Bernard M. Hoekman, and Caglar Ozden.** 2004. Developing Countries and U.S. Antidumping: The Path From Initial Filing to WTO Dispute Settlement, *World Trade Review*, 2: 349–71.
- Bown, Chad P., and Rachell McCulloch.** 2003. Nondiscrimination and the WTO Agreement on Safeguards, *World Trade Review*, 2: 327–48.
- Bown, Chad P., and Alan O. Sykes.** 2008. The Zeroing Issue: A Critical Analysis of Softwood V, pp. 121–142 in *Henrik Horn, and Petros C. Mavroidis (eds.), The American Law Institute Reporters' Studies, The WTO Case Law 2004–2005*, Cambridge Un. Press: Cambridge, UK.
- Bown, Chad P., and Japser Wauters.** 2008. US–Antidumping Measures on OCTG from Mexico, pp. 269–298 in *Henrik Horn, and Petros C. Mavroidis (eds.), The American Law Institute Reporters' Studies, The WTO Case Law 2004–2005*, Cambridge Un. Press: Cambridge, UK.
- Brainard S. Lael, and Thierry Verdier.** 1994. Lobbying and Adjustment in Declining Industries, *European Economic Review*, 38: 586–95.
- Brander James, and Barbara Spencer.** 1985. Export Subsidies and International Market Share Rivalry, *Journal of International Economics*, 18: 83–100.
- Brenton, Paul.** 2003. Integrating the Least Developed Countries into the World Trading System: The Current Impact of EU Preferences under Everything but Arms, *Journal of World Trade*, 37(3): 623–46.
- Brenton, Paul and Miriam Manchin.** 2003. Making EU trade agreements work: the role of rules of origin, *The World Economy*, 26: 755–69.
- Broda, Christian, Nuno Limão, and David E. Weinstein.** 2006. *Optimal Tariffs and Evidence*, NBER Working Paper Series 12033 (available at www.nber.org/papers/w12033).
- Broda, Christian, and David E. Weinstein.** 2004. Globalization and the Gains from variety, *Econometric Society 2004 North American Summer Meeting No 508*, Econometric Society: New York.
- Bronckers, Marco C.E.J.** 1985. *Selective Safeguard Measures in Multilateral Trade Relations*, Springer: New York.
- Bronckers, Marco C.E.J.** 1987. A Legal Analysis of Protectionist Measures Affecting Japanese Imports into the European Community—Revisited pp. 57–120 in *E.L.M. Völker (ed.), Protectionism and the European Community*, Kluwer: Deventer, Holland.

Bronckers, Marco C.E.J. 1997. Privatized Utilities under the WTO and the EU Procurement Rules, pp. 243–260 in *Bernard M. Hoekman and Petros C. Mavroidis (eds.) Law And Policy In Public Purchasing*, University of Michigan Press: Ann Arbor, Michigan.

Bronckers, Marco. 2004. The special Safeguard Clause in Respect of China: (how) Will it Work? in *M. Matsushita and H. Ahn (eds.), WTO and Asia: New perspectives*, Cameron May: London, pp 39–50.

Bronckers, Marco and Naboth van den Broek. 2005. Financial Compensation in the WTO: Improving Remedies in WTO Dispute Settlement, *Journal of International Economic Law*, 8: 101–26.

Bronckers, Marco C.E.J. & Natalie McNelis. 2000. Fact and Law in Pleadings before the WTO Appellate Body, pp. 321–333 in *Friedl Weiss (ed.), Improving WTO Dispute Settlement Procedures: Issues and Lessons from the Practice of other International Courts and Tribunals*, Cameron May: London, UK.

Broude, Tomer. 2007. Genetically Modified Rules: an Awkward Rule–Exception–Right Distinction in EC–Biotech, *World Trade Review*, 6: 215–232.

Brown, Drusilla K. 1987. General Equilibrium Effects of the US GSP, *Southern Economic Journal*, 54: 27–47.

Brown, Drusilla K. 1989. Trade and Welfare Effects of the European Schemes of the GSP, *Economic Development and Cultural Change*, 40: 532–44.

Brown, Winthrop. 1950. *The United States and the Restoration of World Trade. An Analysis and Appraisal of the ITO Charter and the General Agreement on Tariffs and Trade*. The Brookings Institution: Washington D.C.

Burt, Eric. 1997. Developing Countries and the Framework for Negotiations on Foreign Direct Investment in the WTO, *American University International Law Review*, 12: 1015–1067.

Busch, Marc L. and Eric Reinhardt. 2001. Bargaining in the Shadow of the Law: Early Settlement in GATT/WTO Disputes, *Fordham International Law Journal*, 24: 158–72.

Busch, Marc L. and Eric Reinhardt. 2002. Testing International Trade Law: Empirical Studies of GATT/WTO Dispute Settlement pp. 457–481 in *Daniel M. Kennedy and James D. Southwick (eds.), The Political Economy of International Trade Law: Essays in Honor of Robert Hudec*, Cambridge University Press: Cambridge, MA.

Busch, Marc L. and Eric Reinhardt. 2003. Developing Countries and GATT/WTO Dispute Settlement, *Journal of World Trade*, 37(4): 719–35.

Busch, Marc L. and Eric Reinhardt. 2005. *Three's a Crowd: The Influence of Third Parties on GATT/WTO Dispute Settlement*. Mimeo: Georgetown University.

Cadot, Olivier, Jaime de Melo and Bolormaa Tumurchudur. 2006. *AD Sunset Reviews: did the WTO Agreement Make any Difference?* Mimeo.

Capling, Ann. 2001. *Australia and the Global Trade System: from Havana to Seattle*, Cambridge University Press: New York, NY.

Chambovoy, Didier. 2002. How the Expiry of the Peace Clause (Article 13 of the WTO Agreement on Agriculture) Might Alter Disciplines on Agricultural Subsidies in the WTO Framework, *Journal of World Trade*, 36: 305–352.

Chang, Howard. 1995. An Economic Analysis of Trade Measures to Protect the Global Environment, *Georgetown Law Journal*, 83: 2131–60.

Charnovitz, Steve. 1991. Exploring the Environmental Exceptions in GATT Article XX, *Journal of World Trade*, 25: 37–55.

Charnovitz, Steve. 1995. Promoting Higher Labour Standards, *The Washington Quarterly*, 18: 167–90.

Charnovitz, Steve. 1998. The Moral Exception in Trade Policy, *Virginia Journal of International Law*, 38: 689–732.

Charnovitz, Steve. 2002. The Law of Environmental PPMs in the WTO: Debunking the Myth of Illegality, *Yale Journal of International Law*, 27: 59–109.

Charnovitz, Steve. 2007. *Exploring the Law of WTO Accession*, pp. 855–994 in *Merit E. Janow, Victoria Donaldson & Alan Yanovich (eds.), The WTO: Governance, Dispute Settlement & Developing Countries*, Juris Publishing: Huntington, US.

Chase, Kerry A. 2006. Multilateralism Compromised: The Mysterious Origins of GATT Article XXIV, *World Trade Review* 5: 1–30.

Chen, Maggi X., and Aaditya Mattoo. 2008. Regionalism in Standards: Good or Bad for Trade?, *Canadian Journal of Economics*, 41: 838–863.

Clerc, Evelyne. 2000. La mondialisation et les marchés publics: bilan et perspective de l'accord de l'OMC, sur les marchés publics, pp. 141–194 in *D. Batselé (ed.), Les marchés publics à L'aube du XXI siècle*: Bruylant: Brussels.

Conrad, Christiane R. 2007. The EC–Biotech Dispute and Applicability of the SPS Agreement: Are the Panel's Findings Built on Shaky Grounds? *World Trade Review*, 6: 233–248.

Cossy, Mireille. 2008. Some Thoughts on the Concept of Likeness in the GATS, Chapter 14 in Chapter 11 in *Marion Panizzon, Nicole Pohl, and Pierre Sauvé (eds.), GATS and the Regulation of International Trade in Services*, Cambridge Un. Press: Cambridge, UK.

Cottier, Thomas. 2004. Proposals for Moving From ad hoc Panels to Permanent WTO Panelists pp. 31–40 in *Federico Ortino and E.-U. Petersmann (eds.), The WTO Dispute Settlement System 1995–2003*, Kluwer: The Hague.

Crandall, Samuel B. 1913. The American Construction of the Most-Favored-Nation Clause, *American Journal of International Law*, 7: 709–10.

Croley, Steve, and John H. Jackson. 1996. WTO Dispute Procedures, Standard of Review, and Deference to National Governance, *American Journal of International Law*, 90: 193–213.

Crowley, Meredith. 2005. Do Antidumping Duties and Safeguard Tariffs Open or Close Technology Gaps? *Journal of International Economics*, 68: 469–84.

Crowley, Meredith. 2006. *Why are Safeguards Needed in a Trade Agreement?* Mimeo.

Curzon, Gerard. 1965. *Multilateral Commercial Diplomacy: The GATT and Its Impact on National Commercial Policies*, Martinus Nijhoff: Amsterdam, The Netherlands.

D'Andrea Tyson, Laura. 1992. *Who's Bashing Whom? Trade Conflict in High-Technology Industries*, Institute for International Economics (IIE): Washington D.C.

Daly, Michael. 1998. Investment Incentives and the Multilateral agreement on Investment, *Journal of World Trade*, 32: 5–41.

Dam, Kenneth. 1970. *The GATT: Law and International Economic Organization*, University of Chicago Press: Chicago, Ill.

Dam, Kenneth. 1977. The American Fiscal Constitution, *University of Chicago Law Review*, 44: 271–96.

Dam, Kenneth. 2001. *The Rules of the Global Game*. Un. of Chicago Press: Chicago, Ill.

Dam, Kenneth. 2004. *Cordell Hull, the Reciprocal Trade Agreement Act, and the WTO*. Mimeo.

Dattu, Riyaz. 2000. A Journal from Havana to Paris: the Fifty Year Quest for the Elusive Multilateral Agreement on Investment, *Fordham International Law Journal*, 24: 275–302.

Davey, William, J. 1987. Dispute settlement in GATT, *Fordham International Law Journal*, 11: 51–99.

Davey, William, J. 1988. Article XVII GATT: An Overview, pp. 17–36 in *Thomas Cottier, and Petros C. Mavroidis (eds.), State Trading in the Twenty-First Century*, Un. of Michigan Press: Ann Arbor, Michigan.

Davey, William J. 2002. A Permanent Body for WTO Dispute Settlement: Desirable or Practical, pp. 496–527 in *Daniel L. M. Kennedy and James D. Southwick (eds.), The Political Economy of International Trade: Essays in Honour of Professor Robert E. Hudec*, Cambridge Un. Press: Cambridge, UK.

Davey, William J. 2004. Proposals for Improving the Working Procedures of WTO Dispute Settlement Panels, pp. 19–30 in *Federico Ortino and Ernst-Ulrich Petersmann (eds.), The WTO Dispute Settlement System 1995–2003*, Kluwer.

Davey, William J. 2007. Evaluating WTO Dispute settlement: What Results Have Been Achieved Through Consultations and Implementation of Panel Reports? pp. 98–140 in *Y. Taniguchi, A. Yanovich, and J. Bohanes (eds.), The WTO in the 21st Century: Dispute Settlement, Negotiations, and Regionalism*, Cambridge Un. Press: Cambridge, UK.

Davey William J., and Joost Pauwelyn. 2000. MFN Unconditionality: a Legal Analysis of the Concept in View of its Evolution in the GATT/WTO

Jurisprudence with Particular Reference to the Issue of 'Like Products', pp. 13–50 in *Thomas Cottier and Petros C. Mavroidis (eds.), Regulatory Barriers and the Principle of Non-discrimination in World Trade Law*, Un. of Michigan Press: Ann Arbor, Michigan.

Davies, Gareth. 2007. Morality Clauses and Decision Making in Situations of Scientific Uncertainty: the case of GMOs, *World Trade Review*, 6: 249–264.

De Arechaga, Jimenez. 1978. *International Law in the Past Third of the Century*, *Receuil des cours*, 159, The Hague: Netherlands.

Deardorff, Alan V. and Robert M. Stern. 1998. *Measurement of Non Tariff Barriers*, University of Michigan Press: Ann Arbor, MI.

Deardorff, Alan. 1987. *Safeguards Policy and the Conservative Social Welfare Function*, in Henryk Kierzkowski (ed.), *Protection and Competition in International Trade: Essays in Honor of W.M. Corden*, Blackwell: Oxford.

De Jong, David N. and Maria Ripoli. 2006. Tariffs and Growth: an Empirical Exploration of Contingent Relationships, *The Review of Economic Statistics*, 88: 625–40.

Delaume, Georges R. 1983. ICSID Arbitration and the Courts, *American Journal of International Law*, 77: 784–811.

Delcros, Fabien. 2002. The Legal Status of Agriculture in the World Trade Organization, *Journal of World Trade*, 36: 219–254.

Delimatsis, Panagiotis. 2008. *Domestic Regulation and International Trade in Services: Necessity, Transparency and the Effects of Domestic Regulatory Measures on Foreign Entry*. Cambridge Un. Press: Cambridge, UK.

Deltas, George, and Simon Evenett. 1997. Quantitative Estimates of the Effects of Preference Politics, pp. 73–92 in *Bernard M. Hoekman and Petros C. Mavroidis (eds.), Law and Policy in Public Purchasing*, Un. of Michigan Press: Ann Arbor.

Démaret, Paul and R. Stewardson. 1994. Border Tax Adjustments under GATT and EC Law and General Implications for Environmental Taxes, *Journal of World Trade*, 28: 5–65.

Demelo, Jaime. 2007. Regionalism and Developing Countries, *Journal of World Trade*, 41: 351–369.

Desmedt, Axel G. 1998. Hormones: Objective Assessment and (or as) Standard of Review, *Journal of International Economic Law*, 1: 695–698.

Dewatripont, Mathias, André Sapir and Khalid Sekkat. 1999. Labour Market Effects of Trade with LLDCs in Europe, pp. 60–78 in *Mathias Dewatripont, André Sapir and Khalid Sekkat (eds.), Trade and Jobs in Europe: Much Ado About Nothing?*, Oxford University Press: Oxford, UK.

Diebold, William Jr. 1952. *The End of the ITO, Essays in International Finance*, No 16, Princeton International Finance Section, Princeton University: Princeton, NJ.

Diego-Fernandez Mateo. 2008. Trade Negotiations Make Strange Bed-Fellows, *World Trade Review*, 7: 423–454.

- Dixit, Avinash.** 1987. Trade and Insurance with Moral Hazard, *Journal of International Economics*, 23: 201–220.
- Dixit, Avinash.** 1989. Trade and Insurance with Imperfectly Observed Outcomes, *Quarterly Journal of Economics*, (February): 195–203.
- Dixit, Avinash.** 1989a. Trade and Insurance with Adverse Selection, *Review of Economic Studies*, 56: 235–248.
- Dixit, Avinash.** 2004. *Lawlessness and Economics*, Princeton University Press: Princeton, NJ.
- Downs, George, and David Rocke.** 1997. *Optimal Imperfection? Domestic Uncertainty and Institutions in International Relations*, Princeton University Press: Princeton, NJ.
- Drabek, Zdenek.** 2005. *Limits to Harmonization of Domestic Regulation*. Mimeo.
- Drache, Daniel.** 2003. ITO: when Labour and Investment Standards almost Mattered: a Putative History Lesson in Trade Politics that Ought not be Forgotten, pp. 9–28 in *James Busumtwi-Sam et al. (eds.), Global Instability: Uncertainty and New Visions in Political Economy*, Kluwer: Amsterdam.
- Drebentsov Vladimir, and Constantine Michalopoulos.** 1998. State Trading in Russia, pp. 303–318 in *Thomas Cottier, and Petros C. Mavroidis (eds.), State Trading in the Twenty-First Century*, Un. of Michigan Press: Ann Arbor, Michigan.
- Dunoff, Jeffrey.** 1999. The Death of the Trade Regime, *European Journal of International Law*, 10: 733–760.
- Dunoff, Jeffrey.** 2004. Public Participation in the Trade Regime: of Litigation, Frustration, Agitation and Legitimation, *Rutgers Law Review*, 56: 961–970.
- Dunoff, Jeffrey.** 2005. *Lotus Eaters: The Varietals Dispute, the SPS Agreement, and WTO Dispute Resolution*, pp. 153–189 in *George Bermann and Petros C. Mavroidis (eds.), Trade and Health in the WTO*, Cambridge University Press: Cambridge, MA.
- Eaton, Jonathan, and Gene Grossman.** 1985. Tariff as Insurance: Optimal Commercial Policy when Domestic Markets are Incomplete, *Canadian Journal of Economics*, 18: 258–272.
- Edgeworth, F.Y.** 1894. The Theory of International Values, *Economic Journal*, 4: 35–50.
- Ehlermann, Claus-Dieter and Nicolas Lockhart.** 2004. Standard of Review in WTO Law, *Journal of International Economic Law*, 7: 491–521.
- Ehlermann, Claus-Dieter.** 2004. Reflections on the Process of Clarification and Improvement of the DSU, pp. 105–114 in *Federico Ortino and E.-U. Petersmann (eds.), The WTO dispute settlement system 1995–2003*, Kluwer: The Hague.
- Ehring, Lothar.** 2002. De Facto Discrimination in World Trade Law: National and Most Favoured Nation Treatment—or Equal Treatment, *Journal of World Trade* 36: 921–77.

- Eichengreen, Barry.** 2006. *The European Economy since 1945: Coordinated Capitalism and Beyond*, Princeton University Press: Princeton, NJ.
- Eschenbach, Felix, and Bernard M. Hoekman.** 2006. Services Policy Reform and Economic Growth in Transition Economies: 1990–2004, *Review of World Economics*, 142: 746–764.
- Esserman, Susan and Robert Howse.** 2004. Trade Disputes Require Fairer Arbitration, *The Financial Times*, 12 September 2004 (available at <<http://www.ft.com>>).
- Estevadeordal, Antoni, Caroline Freund, and Emanuel Ornelas.** 2008. Does Regionalism Affect Trade Liberalization Toward Nonmembers, *Quarterly Journal of Economics*, 123(4).
- Estevadeordal, Antoni and L.J. Garay.** 1996. Protection, Preferential Tariffs, and Rules of Origin in America, *Integration and Trade*, 2–25.
- Ethier, Wilfred J.** 1982. National and International Returns to Scale in the Modern Theory of International Trade, *American Economic Review*, 72 (3): 389–405.
- Ethier, Wilfred J.** 1998. Regionalism in a Multilateral World, *Journal of Political Economy*, 106: 1214–45.
- Ethier, Wilfred J.** 2001. *Punishments and Dispute Settlement in Trade Agreements*, Copenhagen: EPRU.
- Ethier, Wilfred J.** 2002. Unilateralism in a Multilateral World, *Economic Journal*, 112: 266–92.
- Ethier, Wilfred J.** 2004. Political Externalities, Non-discrimination and a Multilateral World, *Review of International Economics*, 12: 303–20.
- Ethier, Wilfred J.** 2007. The Theory of Trade Policy and Trade Agreements: A Critique, *European Journal of Political Economy*, 23: 605–623.
- Ethier, Wilfred and Henrik Horn.** 1991. Services in International Trade, pp. 223–244 in *E. Helpman and A. Razin (eds.), International Trade and Trade Policy*. MIT Press: Cambridge, Mass.
- Evenett, Simon, and Bernard M. Hoekman.** 2007. *International Disciplines on Public Procurement: Teaching Materials*. Mimeo.
- Fauchald, Ole Christian.** 1998. *Environmental Taxes and Trade Discrimination*, Kluwer: Amsterdam.
- Feddersen, Christoph T.** 1998. Focusing on Substantive Law in International Economic Relations: the Public Morals of GATT's Article XX(a) and 'conventional' Rules of Interpretation, *Minnesota Journal of Global Trade*, 7: 75–101.
- Feinberg, Robert.** 2005. US Antidumping Enforcement and Macroeconomic Indicators Revisited: do Petitioners Learn? *Review of World Economics*, 141: 612–22.
- Feketekuty, Geza.** 2000. Regulatory Reform and Trade Liberalization in Services, pp. 225–240 in *Pierre Sauvé, and Robert Stern (eds.), The GATS 2000, New directions in Services Trade Liberalization*, Brookings: Washington, D.C.

Fenstra, Robert C. 2004. *Advanced International Trade*, Princeton University Press: Princeton, NJ.

Finger, Michael (ed.) 1993. *Antidumping: How It Works And Who Gets Hurt*, University of Michigan Press: Ann Arbor, MI.

Finger, Michael J. and Julio J. Nogues. 2006. *Safeguards and Antidumping in Latin American Trading Liberalization: Fighting Fire with Fire*, World Bank: Washington, DC.

Fontagne, Lionel, Thierry Mayer and Soledad Zignago. 2005. *A Re-evaluation of the Impact of Regional Agreements on Trade Patterns*. Mimeo.

Footer, Mary E. 2007. Post-normal Science in the Multilateral Trading System: Social Science Expertise and the EC-Biotech Panel, *World Trade Review*, 6: 281–298.

Fox, Eleanor. 1997. Toward World Antitrust and Market Access, *American Journal of International Law*, 91: 1–25.

Francois, Joseph F. 2005. *The Implications of Agricultural Trade Liberalization and Preference Erosion for Developing Countries*, UNIDO: Geneva.

Francois, Joseph F., and K.H. Hall. 1993. *COMPAS: Commercial Policy Analysis System*, Washington, DC: International Trade Commission.

Francois, Joseph F., and David Palmeter. 2008. US-Countervailing Duty Investigation on DRAMS, pp. 219–230 in *Henrik Horn, and Petros C. Mavroidis (eds.), The American Law Institute Reporters' Studies, The WTO Case Law 2004–2005*, Cambridge Un. Press: Cambridge, UK.

Francois, Joseph F., and Ian Wooton. 2001. Imperfect Competition and Trade Liberalization under the GATS, pp. 141–156 in *Robert M. Stern (ed.), Services in the International Economy*, Un. of Michigan Press: Ann Arbor, Michigan.

Francois, Joseph F., Douglas Nelson and David Palmeter. 1997. Public Procurement in the United States: a Post-Uruguay Round Perspective pp. 105–124 in *Bernard M. Hoekman and Petros C. Mavroidis (eds.), Law and Policy in Public Purchasing*, University of Michigan Press: Ann Arbor, MI.

Friedman, Thomas. 2005. *The World is Flat: a Brief History of the Twenty-First Century*, Farrar, Straus and Giroux: New York, NY.

Fudenberg, Drew and Jean Tirole. 1991. *Game Theory*, MIT Press: Cambridge, MA. **Gardner, Richard N.** 1980. *Sterling-Dollar Diplomacy in Current Perspective: the Origins and Prospects of our International Economic Order*, Columbia University Press: New York, NY.

Gallagher, Peter, Patrick A. Low and Andrew L. Stoller. 2005. *Managing the Challenges of WTO Participation*, 45 case studies, Cambridge Un. Press: Cambridge, UK.

Galli, Peter, André Moser, Elisabeth Lang, Evelyne Clerc. 2007. *Praxis des öffentlichen Beschaffungsrechts*, Schultess: Basel, Switzerland.

Gantz, David. 2004. The Free Trade Area of the Americas: An Idea Whose Time Has Come and Gone? *Loyola International Law Review*, 1: 179–205.

Garcia, Frank J. 2006. The Salmon Case: Evolution of Balancing Mechanisms for Non-Trade Values in WTO, pp. 133–152 in *George A. Bermann, and Petros C. Mavroidis (eds.), Trade and Human Health and Safety, Columbia Studies in WTO Law and Policy*, Cambridge Un. Press: New York.

Gardner, Richard N. 1956. *Sterling-Dollar Diplomacy: Anglo-American Collaboration in the Reconstruction of Multilateral Trade*. Clarendon Press: Oxford.

Gardner, Richard N. 1980. *Sterling-Dollar Diplomacy in Current Perspective: the Origins and Prospects of our International Economic Order*, Columbia Un. Press: N.Y.

Gay, Daniel. 2005. Vanuatu's Suspended Accession Bid: Second Thoughts? pp. 590–606 in *Peter Gallagher, Patrick A. Low and Andrew L. Stoller (eds.), Managing the challenges of WTO participation, 45 case studies*, Cambridge University Press: Cambridge, UK.

Goh, Gavin and Andreas R. Ziegler. 2003. Retrospective Remedies in the WTO after Automotive Leather, *Journal of International Economic Law*, 6: 545–64.

Goldberg, Pinelopi K. and Frank Verboven. 2005. Market Integration and Convergence on the Law of One Price: Evidence from the European Car Market, *Journal of International Economics*, 65: 49–73.

Goldsmith, Jack and Eric Posner. 1999. A Theory of Customary International Law, *Chicago Law Review*, 66: 1113–1143.

Goldsmith, Jack L. and Eric Posner. 2005. *The Limits of International Law*, Oxford University Press: New York, NY.

Gollier, C., B. Julien and N. Treich. 2000. Scientific Progress and Irreversibility: an Economic Interpretation of the Precautionary Principle, *Journal of Public Economics*, 75: 229–53.

Gootiz, Batshur, and Aaditya Mattoo. 2008. *Restrictions on Services Trade and FDI in OECD and Developing Countries*. Mimeo.

Graham, Edwrad D. 2000. *Fighting the Wrong Enemy: Antiglobal Activists and Multinational Enterprises*, Institute for International Economics: Washington, D.C.

Grandmont Jean-Michel and Daniel McFadden. 1972. A Technical Note on Classical Gains from Trade, *Journal of International Economics*, 2: 109–25.

Grando, Michelle. 2008. *The Process of Fact-Finding Before International Tribunals: A Study of the WTO Dispute Settlement System*, SJD Dissertaton, University of Toronto, Law School.

Greene, William H. 1993. *Econometric Analysis*. 2nd edition. McMillan: New York.