

Contents

List of contributors ix
Preface xi
Foreword by E. THOMAS SULLIVAN xiii

Introduction: An overview of the volume 1

Part I **The constitutional developments of international trade law**

1 Sovereignty, subsidiarity, and separation of powers: The high-wire balancing act of globalization 13
JOHN H. JACKSON

2 Constitutionalism and WTO law: From a state-centered approach towards a human rights approach in international economic law 32
ERNST-ULRICH PETERSMANN

3 WTO decision-making: Is it reformable? 68
FRIEDL WEISS

4 Some institutional issues presently before the WTO 81
PIETER JAN KUIJPER

5 Domestic regulation and international trade: Where's the race? Lessons from telecommunications and export controls 111
RONALD A. CASS AND JOHN R. HARING

Part II **The scope of international trade law: Adding new subjects and restructuring old ones**

6 What subjects are suitable for WTO agreement? 157
BRIAN HINDLEY

Comment: We have met the enemy and he is us 171
JOEL P. TRACHTMAN

vi	Contents
7	International action on bribery and corruption: Why the dog didn't bark in the WTO 177 KENNETH W. ABBOTT AND DUNCAN SNIDAL Comment: It's elementary, my dear Abbott 205 FRED L. MORRISON
8	Alternative national merger standards and the prospects for international cooperation 208 DANIEL J. GIFFORD AND ROBERT T. KUDRLE Comment: Harmonizing global merger standards 248 E. THOMAS SULLIVAN
9	Agriculture on the way to firm international trading rules 254 STEFAN TANGERMANN
<i>Part III</i> Legal relations between developed and developing countries	
10	The Uruguay Round North–South Grand Bargain: Implications for future negotiations 285 SYLVIA OSTRY Comment: The Uruguay Round North–South bargain: Will the WTO get over it? 301 J. MICHAEL FINGER
11	The TRIPS-legality of measures taken to address public health crises: Responding to USTR–State–industry positions that undermine the WTO 311 FREDERICK M. ABBOTT Comment: The TRIPS Agreement 343 T. N. SRINIVASAN
12	“If only we were elephants”: The political economy of the WTO's treatment of trade and environment matters 349 GREGORY C. SHAFFER Comment: The dynamics of protest 394 SARA DILLON
13	The Seattle impasse and its implications for the World Trade Organization 400 JOHN S. ODELL

Contents	vii
Comment: Trade negotiations and high politics: Drawing the right lessons from Seattle	430
ROBERT HOWSE	
14 Developing country interests in WTO agricultural policy	435
G. EDWARD SCHUH	
Comment: WTO and policy reform in developing countries	450
TERRY L. ROE	
Part IV The operation of the WTO dispute settlement procedure	
15 Testing international trade law: Empirical studies of GATT/WTO dispute settlement	457
MARC L. BUSCH AND ERIC REINHARDT	
16 The Appellate Body and its contribution to WTO dispute settlement	482
DEBRA P. STEGER	
17 A permanent panel body for WTO dispute settlement: Desirable or practical?	496
WILLIAM J. DAVEY	
Comment: Step by step to an international trade court	528
AMELIA PORGES	
18 International trade policy and domestic food safety regulation: The case for substantial deference by the WTO Dispute Settlement Body under the SPS Agreement	537
MICHAEL TREBILCOCK AND JULIE SOLOWAY	
Comment: The case against clarity	575
DANIEL A. FARBER	
19 Judicial supremacy, judicial restraint, and the issue of consistency of preferential trade agreements with the WTO: The apple in the picture	583
PETROS C. MAVROIDIS	
20 Should the teeth be pulled? An analysis of WTO sanctions	602
STEVE CHARNOVITZ	
21 Problems with the compliance structure of the WTO dispute resolution process	636
GARY N. HORLICK	

Cambridge University Press
0521813190 - The Political Economy of International Trade Law: Essays in Honor of Robert E. Hudec
Edited by Daniel L. M. Kennedy and James D. Southwick
Table of Contents
[More information](#)

viii	Contents	
22	“Inducing compliance” in WTO dispute settlement	646
	DAVID PALMETER AND STANIMIR A. ALEXANDROV	
	<i>Bibliography of works by ROBERT E. HUDEC</i>	667
	<i>Index</i>	673