

CURRICULUM VITAE

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Nationality Belgian

Family status married, two daughters, one son

Current Positions:

* Professor, International Law Department
Graduate Institute of International and Development Studies (*IHEID*), Geneva

* Co-Director, Centre for Trade and Economic Integration

* Senior Advisor, King & Spalding LLP, Washington DC

Former Positions:

2002-2007 Professor of Law (with tenure as of 2006)
Duke University School of Law
Director JD/LLM Program & Duke-Geneva Institute in Transnational Law

Spring term 2007 Visiting Professor, Georgetown University Law Center

Spring term 2006 Visiting Professor, Graduate Institute of International Studies, Geneva

2002 Legal Affairs Officer, Appellate Body Secretariat
World Trade Organization, Geneva

Fall term 2001 Emile Noel Fellow, New York University, School of Law
Visiting Scholar, Columbia Law School

2000-2001 Assistant Professor, University of Neuchâtel, Law Faculty

1996 – 2002 Legal Affairs Officer, Legal Affairs Division
World Trade Organization, Geneva

1995–1996 Associate, De Bandt, van Hecke & Lagae, Law Offices,
Brussels (litigation and public law departments)

Education:

- * Ph.D. in law, University of Neuchâtel, Switzerland
- * *Magister Juris*, University of Oxford, Corpus Christi College - *first class honours*
- * Master's degree in law (*Lic. Jur.*), Catholic University of Leuven (Belgium) - *magna cum laude*
- * Erasmus Scholar, University of London, Queen Mary and Westfield College
- * Bachelor's degree in law (*Cand. Jur.*), University of Namur (Belgium) - *cum laude*

Languages Dutch (mother tongue), fluent in English and French, read German and Spanish

Professional :

- * Founder and Co-Director of the *Centre for Trade and Economic Integration*
- * Founder and Director of the IHEID's *Trade and Investment Law Clinic*
- * Honorary Lecturer, Member of CEPMLP Global Faculty, *Centre for Energy, Petroleum and Mineral Law and Policy, University of Dundee*

- * Member, *Indicative List of Governmental and Non-Governmental Panelists, World Trade Organization*
- * Member, International Trade Law Committee of the International Law Association
- * Member of the International Law Association (ILA), the American Society of International Law (ASIL) and the European Society of International Law (ESIL)

- * General Editor, *Journal of International Dispute Settlement*
- * Member of the Board of Editors of the *Journal of International Economic Law*
- * Member of the Board of Editors of the *Revista de Derecho Económico Internacional*
- * Member of the Board of Editors of the *Zeitschrift fuer oeffentliches Recht* (Austrian Journal of Public and International Law)
- * Regular Contributor, International Economic Law and Policy Blog, <http://worldtradelaw.typepad.com/ielpblog/>
- * Contributor to the Max Planck Encyclopedia of Public International Law

Awards :

- * 2005 Paul Guggenheim Prize (for book on Conflict of Norms in Public International Law)
- * 2006 Duke Law School Faculty Scholarship Award
- * 2009 Francis Deak Prize, American Journal of International Law (for article on Non-Discrimination)

Publications :

Books & Monographs

1. GLOBAL CHALLENGES AT THE INTERSECTION OF TRADE, ENERGY AND THE ENVIRONMENT (editor), CEPR, June 2010, available at <http://www.cepr.org/press/CTEI-CEPR.pdf>
2. THE LAW, ECONOMICS AND POLITICS OF RETALIATION IN WTO DISPUTE SETTLEMENT (Cambridge University Press, 2010) (edited with Chad Bown)
3. INTERNATIONAL TRADE LAW (Wolters Kluwer / Aspen Publishers, 2009) (with Andrew Guzman)
4. OPTIMAL PROTECTION OF INTERNATIONAL LAW: NAVIGATING BETWEEN EUROPEAN ABSOLUTISM AND AMERICAN VOLUNTARISM (Cambridge University Press, 2008)
5. APPEAL WITHOUT REMAND : A DESIGN FLAW IN WTO DISPUTE SETTLEMENT AND HOW TO FIX IT, June 2007, available at http://www.ictsd.org/issarea/dsu/resources/Pauwelyn_Remand.pdf
6. HUMAN RIGHTS AND INTERNATIONAL TRADE (co-edited with Thomas Cottier and Elisabeth Burgi), Oxford University Press, 2005
7. CONFLICT OF NORMS IN PUBLIC INTERNATIONAL LAW - HOW WTO LAW RELATES TO OTHER RULES OF INTERNATIONAL LAW, Cambridge University Press, 2003 (paperback edition, 2008) and translated & published in Chinese, Law Press China, 2005
8. THE NATURE OF WTO OBLIGATIONS, Jean Monnet Working Paper No. 1/02 (2002), NYU School of Law, Jean Monnet Centre, available at <http://www.jeanmonnetprogram.org/papers/02/020101.html>
9. TRADE IN ENERGY, WTO RULES APPLYING UNDER THE ENERGY CHARTER TREATY, ENERGY CHARTER Secretariat, Brussels, 2001

Articles

1. *The Dog That Barked But Didn't Bite: Fifteen Years of Intellectual Property Disputes at the WTO*, 1 *Journal of International Dispute Resolution* (2010), 389-429
2. *Squaring Free Trade in Culture With Chinese Censorship: The WTO Appellate Body Report on China – Audiovisuals*, 11 *Melbourne Journal of International Law* (2010), 1-22, available at <http://mjil.law.unimelb.edu.au/>
3. *Emergency Action by the WTO Director-General: Global Administrative Law and the WTO's Initial Response to the 2008-09 Financial Crisis* (with A. Berman), 6 *International Organizations Law Review* (2009) 499-512
4. *Forum Shopping Before International Tribunals: (Real) Concerns, (Im)possible Solutions*, 42 *CORNELL INTERNATIONAL LAW JOURNAL* (2009) 77-118 (with Eduardo Salles)
5. *Non-Discrimination in Trade and Investment Treaties : Worlds Apart or Two Sides of the Same Coin ?*, 102 *AMERICAN JOURNAL OF INTERNATIONAL LAW* (2008) 48 (with Nicolas DiMascio)
6. *New Trade Politics for the 21st Century*, 11 *JOURNAL OF INTERNATIONAL ECONOMIC LAW* (2008) 559
7. *U.S. Federal Climate Policy and Competitiveness Concerns: The Limits and Options of International Trade Law*, Working Paper, Nicolas Institute for Environmental Policy Solutions, Duke University, April 2007, available at <http://www.nicholas.duke.edu/institute/internationaltradelaw.pdf>
8. *Adding Sweeteners to Softwood Lumber: The WTO-NAFTA 'Spaghetti Bowl' Is Cooking*, 9 *JOURNAL OF INTERNATIONAL ECONOMIC LAW* (2006) 1-10
9. *The Transformation of World Trade*, 104 *MICHIGAN LAW REVIEW* (2005) 1-70
10. *Rien ne Va Plus? Distinguishing Domestic Regulation from Market Access in GATT and GATS*, 4 *WORLD TRADE REVIEW* (2005) 131-170
11. *The Sutherland Report: A Missed Opportunity for Genuine Debate on Trade, Globalization and Reforming the WTO*, *JOURNAL OF INTERNATIONAL ECONOMIC LAW* (2005:2) 329-346
12. *Bridging Fragmentation and Unity: International Law as a Universe of Inter-Connected Islands*, 25 *MICHIGAN JOURNAL OF INTERNATIONAL LAW* (2004) 903-927
13. *Going Global, Regional or Both? Dispute settlement in the Southern African Development Community (SADC) and Overlaps with the WTO and Other Jurisdictions*, 13 *MINNESOTA JOURNAL OF GLOBAL TRADE* (2004) 231-304
14. *Environmental Risk, Precaution and Scientific Rationality in the Context of WTO/NAFTA Trade Rules*, *RISK ANALYSIS* (2004) 461-9 (with D. Crawford Brown and Kelly Smith)
15. *The Puzzle of WTO Safeguards and Regional Trade Agreements*, *JOURNAL OF INTERNATIONAL ECONOMIC LAW* (2004) 109-142
16. *A Typology of Multilateral Treaty Obligations: Are WTO Obligations Bilateral or Collective in Nature?* 14 *EUROPEAN JOURNAL OF INTERNATIONAL LAW* (2003) 907-952
17. *How to Win a WTO dispute based on non-WTO law: Questions of Jurisdiction and Merits*, *JOURNAL OF WORLD TRADE* (2003) 997-1030
18. *The Limits of Litigation: Americanization and Negotiation in the Settlement of WTO Disputes*, 19 *OHIO STATE JOURNAL ON DISPUTE RESOLUTION* (2003) 121-140
19. *WTO Compassion or Superiority Complex?: What to Make of the WTO Waiver for "Conflict Diamonds"*, 24 *MICHIGAN JOURNAL OF INTERNATIONAL LAW* (2003) 1177-1207
20. *The Use of Experts in WTO Dispute Settlement*, 51 *INTERNATIONAL AND COMPARATIVE LAW QUARTERLY* (2002) 325-364
21. *Cross-agreement Complaints before the Appellate Body: A case study of the EC – Asbestos Dispute*, 1 *WORLD TRADE REVIEW* (2002) 63-87
22. *The Role of Public International Law in the WTO: How Far Can We Go?*, 95 *AMERICAN*

JOURNAL OF INTERNATIONAL LAW (2001) 535-578

23. *Enforcement and Countermeasures in the WTO: Rules are Rules – Towards a More Collective Approach*, 94 AMERICAN JOURNAL OF INTERNATIONAL LAW (2000) 621-633
24. *An Overview of the WTO Agreements On Health and Technical Standards and Their Impact On Communication*, ZEISCHRIFT FÜR DAS GESAMTE LEBENSMITTELRECHT (2000) 843-858
25. *Evidence, Proof and Persuasion in WTO Dispute Settlement, Who Bears the Burden*, JOURNAL OF INTERNATIONAL ECONOMIC LAW (1998) 227-258
26. *The WTO Agreement on Sanitary and Phytosanitary (SPS) Measures as Applied in the First Three SPS Disputes: EC – Hormones, Australia – Salmon and Japan – Varietals*, JOURNAL OF INTERNATIONAL ECONOMIC LAW (1999) 641-664
27. *The Concept of a "Continuing Violation" of an International Obligation: Selected Problems*, BRITISH YEARBOOK OF INTERNATIONAL LAW (1995) 415-450

Works in Collection

1. *The Rise and Challenges of 'Informal' International Law-Making*, in *The Law of the Future and the Future of Law* (eds. Muller, Zouridis, Frishman and Kistemaker, 2011), 125-140
2. *Principled Monism and The Normative Conception of Coercion under International Law* (with George Pavlakos), in *Beyond the Established Orders: Policy Interconnections Between the EU and the Rest of the World* (eds. Malcolm Evans & Panos Koutrakos, 2011)
3. *Conflict of Norms or Conflict of Laws?: Different Techniques in the Fragmentation of International Law* (with Ralf Michaels), in *Multi-Sourced Equivalent Norms* (ed. Yuval Shany, 2011)
4. *Appellate Body Report on China – Audiovisuals* (with Paola Conconi), *WTO Case Law of 2009*, American Law Institute, forthcoming 2010 (CUP)
5. *The Dog That Barked But Didn't Bite: 15 Years of Intellectual Property Disputes at the WTO*, in *La Resolution des Litiges de Propriété Intellectuelle* (ed. Jacques de Werra), 2010, 1-52
6. *Global Challenges at the Intersection of Trade, Energy and the Environment: An Introduction*, in *Global Challenges at the Intersection of Trade, Energy and the Environment* (ed. J. Pauwelyn), p. 1-10
7. *Trade Retaliation in WTO Dispute Settlement: A Multi-Disciplinary Approach* (with Chad Bown), in *The Law, Economics and Politics of Retaliation in WTO Dispute Settlement* (Cambridge University Press, 2010) (eds. J. Pauwelyn & Chad Bown)
8. *The Calculation and Design of Trade Retaliation in Context: What is the Goal of Suspending WTO Obligations?* in *The Law, Economics and Politics of Retaliation in WTO Dispute Settlement* (Cambridge University Press, 2010) (eds. J. Pauwelyn & Chad Bown)
9. *Multilateralizing Regionalism: What About An MFN Clause in Preferential Trade Agreements?*, *Proceedings of the 103rd Annual Meeting of the American Society of International Law*, 2009, p. 122-124
10. *Comment – Nothing Dramatic (... regarding administration of customs laws. A Comment on the WTO Appellate Body Report on EC – Selected Customs Matters* by B. Hoekman and P. Mavroidis in *The WTO Case Law of 2006-2007, Legal and Economic Analysis* (CUP, 2009, eds. P. Mavroidis & H. Horn)
11. *Legal Avenues to "Multilateralise Regionalism": Beyond Article XXIV*, in *Multilateralising Regionalism, Challenges for the Global Trading System*, Cambridge University Press, 2009 (eds. Richard Baldwin and Patrick Low)
12. *The Unbearable Lightness of Likeness*, in *GATS and the Regulation of International Trade in Services*, Cambridge University Press, 2008 (eds. Marion Panizzon, Nicole Pohl and Pierre Sauvé)

13. *Fragmentation of International Law*, MAX PLANCK ENCYCLOPEDIA OF PUBLIC INTERNATIONAL LAW, entry included in 2008
14. *The Future of the WTO – Consultative Board Report* in WTO LAW AND PROCESS, THE PROCEEDINGS OF THE 2005 AND 2006 ANNUAL WTO CONFERENCES (F. ORTINO AND S. RIPINSKY, EDS.), at 160
15. *Trade and Investment Disputes: Complement or Conflict?* in WTO LAW AND PROCESS, THE PROCEEDINGS OF THE 2005 AND 2006 ANNUAL WTO CONFERENCES (F. ORTINO AND S. RIPINSKY, EDS.), at 313
16. *The Promises and Limits of Treaty Interpretation*, in Fragmentation : Diversification and Expansion of International Law, Proceedings of the 34th Annual Conference of the Canadian Council on International Law, 2006, at 99.
17. *Europe, America and the “Unity” of International Law*, in The Europeanisation of International Law, The Status of International Law in the EU and its Member States, edited by J. Wouters, André Nollkaemper & Erika de Wet, T.M.C. Asser Press, 2008
18. *Non-Traditional Patterns of Global Regulation: Is the WTO ‘Missing the Boat’?* in Non-Traditional Sources of International Law (eds. Ilias Bantekas and Ricardo Abello, forthcoming OUP 2006)
19. *Is the Vienna Convention Outdated?* in WTO LAW AND PROCESS, eds. Mads Andenas and Federico Ortino, British Institute of International and Comparative Law, 2005, 494-500
20. *Remedies in the WTO: ‘First Set the Goal, then Fix the Instruments to Get There’*, in WTO LAW AND PROCESS, eds. Mads Andenas and Federico Ortino, British Institute of International and Comparative Law, 2005, 185-199
21. *The Use of Experts in WTO Dispute Settlement*, in GEORGE BERMANN & PETROS MAVROIDIS (EDS.), HUMAN HEALTH AND SAFETY IN WTO DISPUTE RESOLUTION (Cambridge University Press, forthcoming 2005)
22. *WTO Dispute Settlement: Of Sovereign Interests, Private Rights and Public Goods*, in JEROME REICHMAN (ED.), INTERNATIONAL PUBLIC GOODS AND TRANSFER OF TECHNOLOGY UNDER A GLOBALIZED INTELLECTUAL PROPERTY REGIME (Cambridge University Press, 2005) 817-830
23. *The Application of Non-WTO Rules of International Law in WTO Dispute Settlement*, in P. Macrory, A. Appleton and M. Plummer (eds.), THE WTO: LEGAL, ECONOMIC AND POLITICAL ANALYSIS (Springer, 2005, 3 Vols.), Vol. I, 1405-1426
24. *The Jurisdiction of the WTO*, in PROCEEDINGS OF THE 98TH ANNUAL MEETING OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW (March 31-April 3, 2004) 135-138
25. *A Comparative Analysis of Trade Remedies in the WTO* (translated in Japanese), in ICHIRO ARAKI AND KAWASE TSUYOSHI (EDS.), SAFEGUARDS UNDER THE WTO AGREEMENT: ISSUES AND PROPOSALS FOR A MORE EFFECTIVE MECHANISM, published by Toyo Keizai Shimpo Sha, Japan, 2004, 21-36
26. *Proposals for Reform of Article 21 of the DSU*, in E.-U. PETERSMANN, IMPROVEMENTS AND CLARIFICATIONS OF THE WTO DISPUTE SETTLEMENT UNDERSTANDING, WTO NEGOTIATORS MEET ACADEMICS (European University Institute, 2002) 67-80
27. *Does the WTO Stand for “Deference to” or “Interference with” National Health Authorities when Applying the (SPS) Agreement on Sanitary and Phytosanitary Measures?*, in THOMAS COTTIER & PETROS MAVROIDIS (EDS.), THE ROLE OF THE JUDGE IN INTERNATIONAL TRADE REGULATION (Michigan University Press, 2003)
28. *A World Environment Court*, in UN UNIVERSITY, INSTITUTE OF ADVANCED STUDIES, INTERNATIONAL ENVIRONMENTAL GOVERNANCE, GAPS AND WEAKNESSES, PROPOSALS FOR REFORM, Working Paper, 2002 (36 pages)
29. *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 Product”*, co-authored with William, J., Davey, in THOMAS COTTIER & PETROS MAVROIDIS (EDS.), REGULATORY BARRIERS AND THE PRINCIPLE OF NON-DISCRIMINATION (University of Michigan Press, 1998) 13-50

30. *Applying SPS in WTO disputes*, in DAVID ROBERTSON & AYNLEY KELLOW, GLOBALIZATION AND THE ENVIRONMENT, RISK ASSESSMENT AND THE WTO (2001) 63-81

Shorter Articles & Book Reviews

1. *La Sélection des Juges à l'OMC, et Peut-Etre celle d'un Chinois, Mérite Plus d'Attention*, Le Temps, 16 November 2007 available at <http://www.letemps.ch/template/economie.asp?page=9&article=219460>
2. *Faut-il Pénaliser les Importations « Sales » ?*, Le Temps, 28 September 2007
3. *A Carbon Levy on Imports to Fight Climate Change*, Telos, September 2007, available at http://www.telos-eu.com/en/article/a_carbon_levy_on_imports_to_fight_climate_change
4. *Blood Diamonds' Many Facets*, Op-ed, News & Observer, 11 January 2007, available at <http://www.newsobserver.com/559/story/530965.html>
5. *The U.S.-Canada Softwood Lumber Dispute Reaches a Climax*, ASIL Insight, November 30, 2005 at: <http://www.asil.org/insights/2005/11/insights051129.html>
6. *The UNESCO Convention on Cultural Diversity, and the WTO: Diversity in International Law-Making?*, ASIL Insight, November 15, 2005 at: <http://www.asil.org/insights/2005/11/insights051115.html>
7. *Just Trade*, Book Review of *Trade, Inequality and Justice: Toward a Liberal Theory of Just Trade* by Frank J. Garcia (2003), 37 GEORGE WASHINGTON INTERNATIONAL LAW REVIEW (2005) 559-571
8. *WTO Softens Earlier Condemnation of U.S. Ban on Internet Gambling, but Confirms Broad Reach into Sensitive Domestic Regulation*, American Society of International Law (ASIL) Insight, April 2005, at <http://www.asil.org/insights/2005/04/insights050412.html>
9. *An Insider's Guide to the WTO's Problems* (with Andrew Guzman), 9 BRIDGES 2005 (January) at p. 7 (published by the International Centre for Trade and Sustainable Development (ICTSD))
10. *WTO Condemnation of U.S. Ban on Internet Gambling Pits Free Trade against Moral Values*, American Society of International Law (ASIL) Insight, November 2004, at www.asil.org/insights/2004/11/insight041117.html
11. *The Appellate Body's GSP decision* (with Lorand Bartels, Steve Charnovitz, Robert Howse, Jane Bradley and Donald Regan) 3 *World Trade Review* (2004) 239-266
12. *Recent Books on Trade and Environment: GATT Phantoms Still Haunt the WTO*, 15 EUROPEAN JOURNAL OF INTERNATIONAL LAW (2004) 575-592
13. *WTO Victory over Steel Hides Deficiencies*, THE JURIST, 23 January 2004, at <http://jurist.law.pitt.edu/forum/Pauwelyn1.php>
14. *Iraqi Reconstruction Contracts and the WTO: "International law? I'd better call my lawyer"*, THE JURIST, 19 December 2003, at <http://www.jurist.law.pitt.edu/forum/forumnew133.php>
15. *L'Organisation Mondiale Du Commerce et la Propriété Intellectuelle, Pourquoi Et Comment?*, 39 L'OBSERVATEUR DE BRUXELLES (October 2000) 40-45
16. *Towards Liberalization of Trade in Basic Communications: Negotiations in the World Trade Organization*, 10 SOCIÉTÉ DE DROIT INTERNATIONAL ECONOMIQUE (SDIE) BULLETIN (1997) 6-8
17. *Book Review: Regionalism and Multilateralism After the Uruguay Round - Convergence and Interaction* (by Demaret, Bellis and Jiménez (eds.), 1997), JOURNAL OF WORLD TRADE (1999) 182-187