

JOOST H.B. PAUWELYN

LIST OF PUBLICATIONS

September 2018

Books & Monographs

1. RETHINKING STAKEHOLDER PARTICIPATION IN GLOBAL GOVERNANCE: CHALLENGES AND REFORMS IN FINANCIAL AND HEALTH INSTITUTIONS (editor with Ayelet Berman, Tim Büthe & Martino Maggetti), Oxford University Press, 2019 (forthcoming)
2. ASSESSING THE WORLD TRADE ORGANIZATION – FIT FOR PURPOSE? (editor with Manfred Elsig & Bernard Hoekman), Cambridge University Press, 2017
3. THE USE OF ECONOMICS IN INTERNATIONAL TRADE AND INVESTMENT DISPUTES (editor with Marion Jansen & Theresa Carpenter), Cambridge University Press, 2017
4. INTERNATIONAL TRADE LAW, Wolters Kluwer / Aspen Publishers (with Andrew Guzman), 1st edition, 2009; 2nd edition, 2012; 3rd edition, 2016 (with Jennifer Hillman as third co-author)
5. THE FOUNDATIONS OF INTERNATIONAL INVESTMENT LAW: BRIDGING THEORY INTO PRACTICE (editor with Z. Douglas & J. Vinuales), Oxford University Press, 2014
6. INFORMAL INTERNATIONAL LAWMAKING (editor with R. Wessel & J. Wouters), Oxford University Press, 2012
7. INFORMAL INTERNATIONAL LAWMAKING: CASE STUDIES (editor with A. Berman, S. Duquet, R. Wessel & J. Wouters), TOAEP Academic Publisher, 2012, <http://tinyurl.com/hm5ggj8>
8. 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>
9. THE LAW, ECONOMICS AND POLITICS OF RETALIATION IN WTO DISPUTE SETTLEMENT (editor with Chad Bown), Cambridge University Press, 2010
10. OPTIMAL PROTECTION OF INTERNATIONAL LAW: NAVIGATING BETWEEN EUROPEAN ABSOLUTISM AND AMERICAN VOLUNTARISM, Cambridge University Press, 2008
11. 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
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14. 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>
15. TRADE IN ENERGY, WTO RULES APPLYING UNDER THE ENERGY CHARTER TREATY, Energy Charter Secretariat, Brussels, 2001

Articles

1. *Baseball Arbitration To Resolve International Law Disputes: Hit Or Miss?*, Florida Tax Review, Vol. 22, Fall Issue, 2018 (forthcoming)
2. *Exit from International Tribunals* (with R. Hamilton), 9 Journal of International Dispute Settlement 2018:3 (forthcoming)
3. *Busier than Ever? A Data-Driven Assessment and Forecast of WTO Caseload*, 21 Journal of International Economic Law 2018:3 (forthcoming)
4. *New Frontiers In Empirical Legal Research: Text-As-Data And Network Analysis Of International Economic Law*, Editor of Special Issue (with W. Alschner & S. Puig), 20 Journal of International Economic Law (2017:2), 217-426 with Introduction: *The Data-Driven Future of International Economic Law*, 217-231
5. *The Trade Regime as a Complex Adaptive System: Exploration and Exploitation of Environmental Norms in Trade Agreements* (with J.F. Morin & J. Hollway), 20 Journal of International Economic Law (2017:2), 365-390
6. *The WTO 20 Years on: “Global Governance by Judiciary” or, Rather, Member-Driven Settlement of (Some) Trade Disputes Between (Some) WTO Members?* 27 European Journal of International Law (2016:4)
7. *The Rule of Law Without the Rule of Lawyers? Why Investment Arbitrators Are from Mars, Trade Adjudicators Are from Venus*, 109 American Journal of International Law (2015, October Issue) 761-805.
8. *Rule-based Trade 2.0? The Rise of Informal Rules and International Standards and How They May Outcompete WTO Treaties*, 17 Journal of International Economic Law (2014) 739-751.

9. *When Structures Become Shackles: Stagnation and Dynamics in International Lawmaking* (with R. Wessel & J. Wouters), 25 *European Journal of International Law* (2014) 733-763.
10. *At the Edge of Chaos? Foreign Investment Law as A Complex Adaptive System, How It Emerged and How It Can Be Reformed*, 29 *ICSID Review – Foreign Investment Law Journal* (2014) 372-418
11. *Upholding the Rule of Law in Informal International Lawmaking Processes* (with S. Duquet, R. Wessel & J. Wouters), 6 *Hague Journal on The Rule of Law* (2014) 75-95
12. *The End of Differential Treatment for Developing Countries? Lessons from the Trade and Climate Change Regimes*, 22 *Review of European Community & International Environmental Law (RECIEL)*, (2013) 29-41
13. *Treaty Interpretation or Activism? The AB Report on United States – ADs and CVDs on Certain Products from China – Comment*, 12 *World Trade Review* (2013) 235-241
14. *Conflict of Norms or Conflict of Laws?: Different Techniques in the Fragmentation of Public International Law* (with Ralf Michaels), in 22 *Duke Journal of Comparative and International Law* (2012) 349-376
15. *The Stagnation of International Law* (with R. Wessel & J. Wouters), *Leuven Centre for Global Governance Studies*, Working Paper N. 97, Oct. 2012
16. *Trading Cultures – Appellate Body Report on China – Audiovisuals* (with P. Conconi), 10 *World Trade Review* (2011) 95-118
17. *The Exercise of Public Authority Through Informal International Lawmaking: An Accountability Issue?* (with Ramses Wessel and Jan Wouters), *Jean Monnet Working Paper* 06/11
18. *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
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20. *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
21. *Nothing dramatic (... regarding administration of customs law) – Comment*, 8 *World Trade Review* (2009) 45-48
22. *Forum Shopping Before International Tribunals: (Real) Concerns, (Im)possible Solutions*, 42 *CORNELL INTERNATIONAL LAW JOURNAL* (2009) 77-118 (with Eduardo Salles)
23. *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) (winner of the 2009 Francis Deak Prize)
24. *New Trade Politics for the 21st Century*, 11 *JOURNAL OF INTERNATIONAL ECONOMIC LAW* (2008) 559
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27. *The Transformation of World Trade*, 104 *MICHIGAN LAW REVIEW* (2005) 1-70
28. *Rien ne Va Plus? Distinguishing Domestic Regulation from Market Access in GATT and GATS*, 4 *WORLD TRADE REVIEW* (2005) 131-170
29. *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
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32. *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)
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35. *How to Win a WTO dispute based on non-WTO law: Questions of Jurisdiction and Merits*, *JOURNAL OF WORLD TRADE* (2003) 997-1030
36. *The Limits of Litigation: Americanization and Negotiation in the Settlement of WTO Disputes*, 19 *OHIO STATE JOURNAL ON DISPUTE RESOLUTION* (2003) 121-140
37. *WTO Compassion or Superiority Complex?: What to Make of the WTO Waiver for "Conflict Diamonds"*, 24 *MICHIGAN JOURNAL OF INTERNATIONAL LAW* (2003) 1177-1207
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42. *An Overview of the WTO Agreements On Health and Technical Standards and Their Impact On Communication*, ZEISCHRIFT FÜR DAS GESAMTE LEBENSMITTELRECHT (2000) 843-858
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1. *Defences and the Burden of Proof in International Law* in *Exceptions in International Law* (eds. L. Bartels & F. Paddeu), Oxford University Press, 2018, forthcoming
2. *Interplay Between the WTO Treaty and Other International Legal Instruments and Tribunals: Evolution After 20 Years of WTO Jurisprudence* in *Proceedings of the Québec City Conference on the WTO at 20* (eds. C.-E. Côté, V. Guèvremont, R. Ouellet), Presses de l'Université de Laval, 2018, forthcoming
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4. *Sources of International Trade Law: Mantras and Controversies at the World Trade Organization* in *Oxford Handbook on the Sources of International Law* (eds. S. Besson & J. d'Aspremont), Oxford University Press, 2017
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19. *Introduction and Key Issues Surrounding Informal International Lawmaking*, in *INFORMAL INTERNATIONAL LAWMAKING: CASE STUDIES* (A. Berman, S. Duquet, J. Pauwelyn, R. Wessel & J. Wouters, eds.), TOAEP Academic Publisher, 2012
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22. *Principled Monism and The Normative Conception of Coercion under International Law* (with George Pavlakos), in *Beyond the Established Legal Orders: Policy Interconnections Between the EU and the Rest of the World* (eds. Malcolm Evans & Panos Koutrakos, Hart Publishing, Oxford, 2011)
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31. *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)
32. *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)
33. *Fragmentation of International Law*, *MAX PLANCK ENCYCLOPEDIA OF PUBLIC INTERNATIONAL LAW*, entry included in 2008
34. *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
35. *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
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Shorter Articles & Book Reviews

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