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THE STANDARD OF REVIEW IN WTO DISPUTE SETTLEMENT

Critique and Development

Ross Becroft, Principal Gross & Becroft Lawyers and Melbourne Law School, Australia

'Applying the proper standard of review has been a vexing issue for WTO panels and Members alike. As in national systems, the degree to which the reviewing body (here the panel) defers to the investigating authority is frequently controversial. Dr. Becroft has provided a thorough analysis of the WTO jurisprudence to date, identified the shortcomings of the present approach and offered a thoughtful series of recommendations for formulating a new and better standard of review.'

– David A. Gantz, The University of Arizona, US

'Ross Becroft has produced a solid monograph which adds to the existing literature on the correct standard of review to be applied by a WTO panel. Becroft's work is well-research and written and his analysis is straight-forward and comprehensive. His call for a new standard of review is well thought out, creative and feasible. Becroft's book is recommended reading for those interested in the workings and decision-making in WTO dispute settlement.'

– Bryan Mercurio, The Chinese University of Hong Kong

'This is an important book and should be considered to be on the required reading list of anyone professionally involved in dispute settlement at the WTO. The standard of review is at the core of the dispute settlement process and Ross Becroft has made a major contribution with his comprehensive and insightful analysis and suggestions for a new standard of review for the future.'

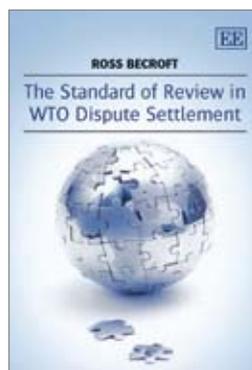
– Andrew Stoler, Executive Director, Institute for International Trade and former WTO Deputy Director-General

This detailed book critiques how the World Trade Organization scrutinizes domestic measures to determine compliance with the WTO Agreements. This scrutiny, known as the standard of review, is particularly relevant when WTO panels are examining measures involving controversial domestic policy issues. The author argues that the current WTO standard of review is inadequate and a flexible standard based on the responsibilities that WTO members have retained for themselves under the WTO Agreements is preferable. This new standard of review would better reflect the autonomy contemplated for members under the WTO rules and reduce scope for the contention that the WTO overreaching its mandate.

This work provides a foundation for mediating relations between states and the WTO, and similar international organisations. It will be of great interest to scholars and practitioners in the fields of law and international relations with an interest in international economic law, the WTO or international organisations in general.

Contents: GATT Report and WTO Award and Report Abbreviations 1. Introduction 2. The Development of the WTO Standard of Review 3. Alternative Models and Principles for the Development of a WTO Standard of Review 4. A New General Standard of Review 5. Modification of the General Standard of Review 6. The Application of a New Standard of Review to the Trade Remedy Agreements 7. The Application of a New Standard of Review to Selected Non-Trade Remedy Agreements 8. Conclusion Bibliography Index

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