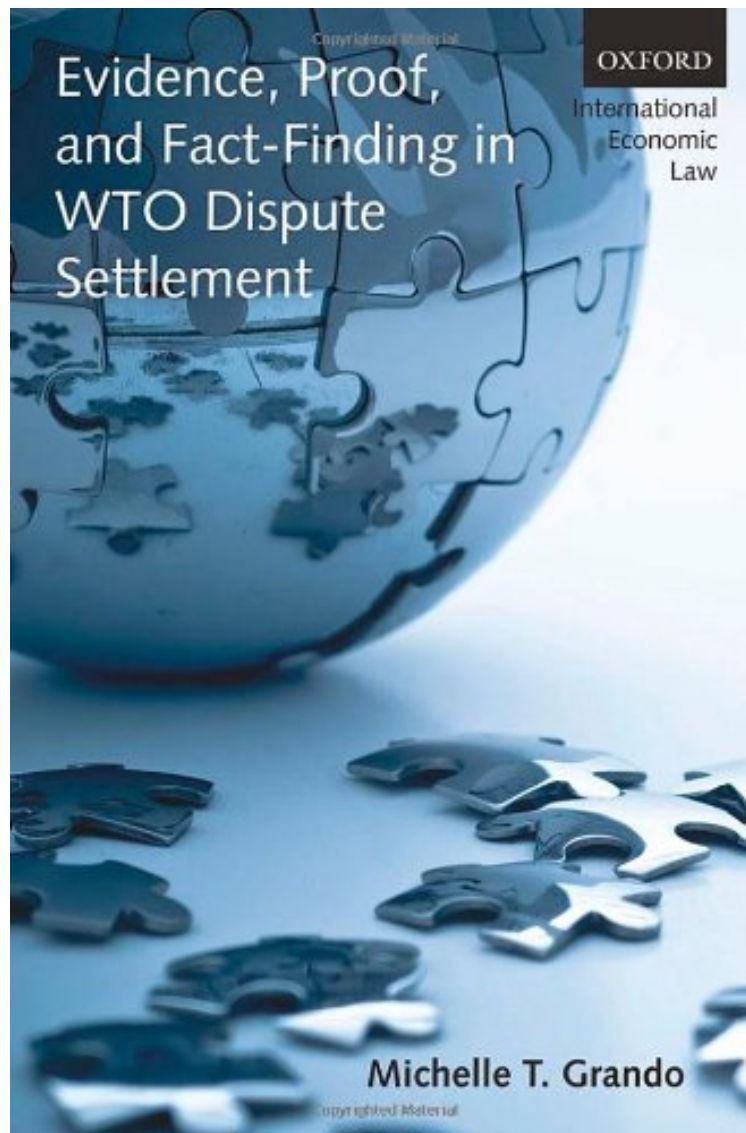


(Download) Evidence, Proof, and Fact-Finding in WTO Dispute Settlement (International Economic Law Series)

## Evidence, Proof, and Fact-Finding in WTO Dispute Settlement (International Economic Law Series)

*Michelle T. Grando*

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#3570917 in Books Oxford University Press, USA 2010-03-05 Original language: English PDF # 1 6.30 x 1.30 x 9.301, 1.70 #File Name: 019957264X350 pages | File size: 42.Mb

**Michelle T. Grando : Evidence, Proof, and Fact-Finding in WTO Dispute Settlement (International Economic Law Series)** before purchasing it in order to gauge whether or not it would be worth my time, and all praised Evidence, Proof, and Fact-Finding in WTO Dispute Settlement (International Economic Law Series):

This book examines the process through which a World Trade Organization (WTO) dispute settlement panel formulates its conclusions with respect to the facts of a case, i.e. the process of fact-finding or process of proof. The Dispute Settlement Understanding provides general guidance but few direct answers to specific questions regarding the process of fact-finding, which has placed upon panels and the Appellate Body the responsibility to provide answers to those questions as they have arisen in the cases. This book reviews the extensive jurisprudence developed in the 14 years of operation of the WTO dispute settlement system with a view to (a) determining whether panels and the Appellate Body have set out optimal rules to govern the process of fact-finding and, to the extent that that is not the case, (b) to make suggestions for improvement. This book analyzes questions such as (i) which party bears the responsibility of ultimately convincing the panel of the truth of a fact (burden of proof); (ii) what quantum of proof is necessary to convince the panel (standard of proof); (iii) the role of the panel, disputing parties, and non-disputing parties (e.g. experts, international organizations, private parties) in the development of the evidentiary record on which the panel bases its decision; (iv) the consequences of a party's failure to cooperate in the process of fact-finding; (v) how the parties can access the information which is necessary to prove their allegations; and (vi) the treatment of confidential business and governmental information. In assessing and making suggestions to improve the answers provided by panels to these questions, the book draws on the approaches followed in the two major legal systems of the world, the common law and the civil law, and to the extent possible the approaches adopted by other international courts and tribunals.

"The problems that are illustrated in this text apply across the globe, and will continue to exercise politicians internationally." --Stephen Mason, *KLQ*, Volume 60, April 2011

About the Author Michelle T. Grando holds a Doctor of Juridical Science (SJD) and a Master of Laws (LLM) from the University of Toronto, and a Bachelor of Laws (LLB) from the Federal University of Santa Catarina, Brazil. She is a fellow of the Institute of International Economic Law at the Georgetown University Law Center where she has also served as the Editorial Assistant to the *Journal of International Economic Law*. In 2005, she held a traineeship in the Legal Service of the European Commission in Brussels. In 2002-2003 she was a Legal Affairs Officer and a Legal Trainee in the Appellate Body Secretariat and the Rules Division of the WTO. She has worked in a number of research projects with Professor Michael J. Trebilcock (University of Toronto) and the International Lawyers and Economists against Poverty (ILEAP) among others.