

Impartiality & US Influence in International Courts Evidence from the WTO Appellate Body*

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Trade and Global Value Chains in Times of Insecurity
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Motivation & Research Question

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- Whether **IOs constrain or allow great powers** to exploit others is at the core of understanding the form of international cooperation that is desirable and feasible
- Rules have to be **impartial** and immune from influence
- But is **international law** really just?
- Are international (trade) courts **blind to power politics**?

Ambiguous theoretical expectations

- Some scholars argue that **judges are shielded away** from governments' influence
- Others argue that **governments** (directly or indirectly) are able to exert pressure and **affect judges' behavior**
- Evidence is mixed —**inferential challenges**
- We can't observe counterfactual rulings: **not obvious** that these effects reflect (im)partiality or other selection mechanisms

Approach & Answer

- Research design: **natural experiment** in the WTO
 - ▶ *Context*: **Appellate Body** panel composition
 - ▶ *Treatment*: **nationality** of judges
 - ▶ **shared** nationality → **Affinity**

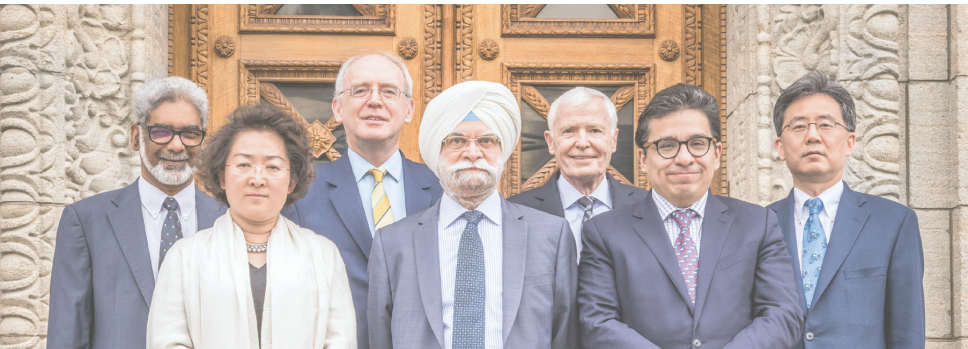
- There was **national bias** at the WTO Appellate Body
- but it was driven by the **US**

Framework

- Grounded in **International Political Economy**, but with a focus on bureaucrats
- Principal-agent framework of **delegation**
- Judges have **career incentives & concerns**
- **Easier** for countries to nudge incentives on their **'own' national judges**
- Judges can have **explicit or implicit biases**

WTO's DSU & the AB (1995-2017/2020)

- Bilateral consultations → Panel → **Appellate Body (AB)**
- AB judges: staggered standing membership, not-in-residence, 4-year term (can be reappointed once), appointed by consensus
- Standing membership of 7 judges → 3 for appeal



Selection of Division as proof of impartiality

WT/AB/WP/6/2

The Members constituting a division shall be selected on the basis of rotation, while taking into account the principles of random selection, unpredictability and opportunity for all Members to serve regardless of their national origin.

▶ Balance Tests

- Contrast with “(regular) panel”: must not be composed of nationals of the parties or third parties to the dispute, unless the parties agree otherwise (Art 8.3 of the DSU).
- **Independence & impartiality** are enshrined



"In my experience, governments have been scrupulous in maintaining the independence of the AB members. In my years on the AB, I had no contact with the U.S. government and, in fact, U.S. officials would avoid even extended pleasantries at the occasional cocktail party lest even such idle conversation generate any misimpression."



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*"Prohibit anyone other than the team from discussing the case, either in meetings, or in unofficial side-bar chats, unless authorized by the deciders to do so. In others words, **no partisan participation in team discussions, and no private lobbying of individual deciders, by staff leadership not part of the team on the case.**"*

Data

- 566 disputes → 148 reports → 1,606 claims (Jan 1995 - Oct 2018)
 - ▶ % Accepted: 21.36
 - ▶ % Rejected: 61.27
 - ▶ % Judicial Economy: 17.37
 - ▶ AD, GATT, DSU, SCM, other
 - ▶ Number of claims, Third parties, Appellant and Appellee experience
- 27 AB judges
 - ▶ Age, Gender, Experience, Public Service, Education; from 15 countries (EU as one)
- Appellants/Appellees: 34 countries (EU as one)

AB rulings with US as Appellant, by presence of US judge

| Outcome | Total | No US Judge | US Judge |
|---------------------------|----------------|-------------|----------|
| % Accepted (N) | 23.51 (114) | | |
| % Rejected (N) | 62.68 (304) | | |
| % Judicial Economy (N) | 13.81 (67) | | |

AB rulings with US as Appellant, by presence of US judge

| Outcome | Total | No US Judge | US Judge |
|---------------------------|----------------|----------------|----------------|
| % Accepted (N) | 23.51 (114) | 13.51 (30) | 31.94 (84) |
| % Rejected (N) | 62.68 (304) | 80.18 (178) | 47.91 (126) |
| % Judicial Economy (N) | 13.81 (67) | 6.31 (14) | 20.15 (53) |

Baseline Empirical Strategy

$$\text{AB Accepts Appeal}_{c,d,A,a,t} = \beta \text{Appellant Affinity Index}_{d,A,a,t} + \phi \mathbf{X}_{c,d,t} + \alpha_A + \delta_t + \epsilon_{c,d,A,a,t}$$

Appellant Affinity Index

- 1 if a judge only shares Appellant's nationality
- -1 if a judge only shares Appellee's nationality
- 0 otherwise (includes no affinity and both)

Controls

- Judges averaged at dispute-level
- "Treatment"-by-(standardized)-covariate interactions

Effect of AB panel sharing country on AB appeal acceptance rates

| | AB accepts claim of appellant | | | | |
|--------------------------|-------------------------------|---------------------|---------------------|--------------------|--------------------|
| | (1) | (2) | (3) | (4) | (5) |
| Appellant Affinity Index | 0.104*** (0.036) | 0.122*** (0.036) | 0.120*** (0.030) | 0.095** (0.036) | 0.081** (0.036) |
| Observations | 1,327 | 1,327 | 1,327 | 1,327 | 1,327 |
| Unique Disputes | 111 | 111 | 111 | 111 | 111 |
| Outcome mean | 0.26 | 0.26 | 0.26 | 0.26 | 0.26 |
| Outcome range | {0,1} | {0,1} | {0,1} | {0,1} | {0,1} |
| Judges controls | | ✓ | ✓ | ✓ | ✓ |
| Dispute controls | | | ✓ | ✓ | ✓ |
| Year Fixed-effects | | | | ✓ | ✓ |
| Appellant Fixed-effects | | | | | ✓ |

OLS estimates. Clustered standard errors at the unique-dispute level in parentheses.

Mechanisms: US influence

- US leverage its position at IOs to achieve its policy goals
- At WTO: leader in litigation + influence language and meaning of rules
- Pressuring & blocking (re)appointments of AB judges
 - ▶ Premise: may want to exert pressure to all, but greater bite with their own

Effect of AB panel sharing country on AB appeal acceptance rates

| | AB accepts claim of appellant | | | | |
|--------------------------|-------------------------------|--------------------|---------------------|--------------------|--------------------|
| | (1) | (2) | (3) | (4) | (5) |
| Appellant Affinity Index | 0.036 (0.046) | 0.062 (0.039) | 0.008 (0.047) | -0.007 (0.059) | -0.013 (0.055) |
| × US Appellant | 0.162** (0.071) | 0.162** (0.079) | 0.300*** (0.113) | 0.263** (0.111) | 0.240** (0.108) |
| Observations | 1,327 | 1,327 | 1,327 | 1,327 | 1,327 |
| Outcome mean | 0.26 | 0.26 | 0.26 | 0.26 | 0.26 |
| Outcome range | {0,1} | {0,1} | {0,1} | {0,1} | {0,1} |
| Judges controls | | ✓ | ✓ | ✓ | ✓ |
| Dispute controls | | | ✓ | ✓ | ✓ |
| Year Fixed-effects | | | | ✓ | ✓ |
| Appellant Fixed-effects | | | | | ✓ |

OLS estimates. Clustered SE at the unique-dispute level in parentheses. Const. interaction terms omitted.

Alternative Explanations: Power Dynamics & Implicit biases

- (No European Union bias) [◀ results](#)
- Broader “North vs South” taste-based bias

Alternative Explanations: Power Dynamics & Implicit biases

- (No European Union bias) [◀ results](#)
- Broader “North vs South” taste-based bias
 - ▶ [Developed Country Affinity Panel](#)
Majority of panel is a developed country national (~ 60% of claims)
 - ▶ [Developed Country Appellant](#)
~ 70% of claims. (Early OECD members)

Effect of AB panel sharing country status on AB appeal acceptance rates: *Full sample*

| | AB accepts claim of appellant | | | | |
|------------------------------|-------------------------------|-------------------|-------------------|-------------------|-------------------|
| | (1) | (2) | (3) | (4) | (5) |
| Devt. Country Affinity Panel | -0.063 (0.108) | -0.070 (0.114) | 0.080 (0.150) | 0.098 (0.183) | -0.176 (0.117) |
| × Devt. Country Appellant | -0.026 (0.157) | 0.012 (0.159) | -0.249 (0.201) | -0.347 (0.221) | -0.055 (0.127) |
| Observations | 1,327 | 1,327 | 1,327 | 1,327 | 1,327 |
| Unique Disputes | 111 | 111 | 111 | 111 | 111 |
| Outcome mean | 0.26 | 0.26 | 0.26 | 0.26 | 0.26 |
| Outcome range | {0,1} | {0,1} | {0,1} | {0,1} | {0,1} |
| Judges controls | | ✓ | ✓ | ✓ | ✓ |
| Dispute controls | | | ✓ | ✓ | ✓ |
| Year Fixed-effects | | | | ✓ | ✓ |
| Appellant Fixed-effects | | | | | ✓ |

OLS estimates. Clustered SE at the unique-dispute level in parentheses. Const. interaction terms omitted.

Effect of AB panel sharing country status on AB appeal acceptance rates: *excluding US*

| | AB accepts claim of appellant | | | | |
|------------------------------|-------------------------------|-------------------|-------------------|-------------------|--------------------|
| | (1) | (2) | (3) | (4) | (5) |
| Devt. Country Affinity Panel | 0.077 (0.204) | 0.074 (0.223) | 0.022 (0.251) | -0.019 (0.318) | -0.496* (0.283) |
| × Devt. Country Appellant | -0.168 (0.271) | -0.149 (0.303) | -0.186 (0.319) | -0.464 (0.346) | 0.195 (0.178) |
| Observations | 510 | 510 | 510 | 510 | 510 |
| Unique Disputes | 48 | 48 | 48 | 48 | 48 |
| Outcome mean | 0.24 | 0.24 | 0.24 | 0.24 | 0.24 |
| Outcome range | {0,1} | {0,1} | {0,1} | {0,1} | {0,1} |
| Judges controls | | ✓ | ✓ | ✓ | ✓ |
| Dispute controls | | | ✓ | ✓ | ✓ |
| Year Fixed-effects | | | | ✓ | ✓ |
| Appellant Fixed-effects | | | | | ✓ |

OLS estimates. Clustered SE at the unique-dispute level in parentheses. Const. interaction terms omitted.

Alternative Explanations: Legal Background

- (No Legal Origins bias) [▶ results](#)
- [Socialization](#) to US Education/Law

Alternative Explanations: Legal Background

- (No Legal Origins bias) [▶ results](#)
- [Socialization](#) to US Education/Law
- *Two tests:*
 - (1) Replace Affinity: [Majority](#) of Panel [US Educated](#)
 - (2) Repeat [excluding US judges](#)

Effect of majority of AB panel being educated in the US: *Full Sample*

| | AB accepts claim of appellant | | | | |
|-------------------------|-------------------------------|-------------------|-------------------|-------------------|-------------------|
| | (1) | (2) | (3) | (4) | (5) |
| Maj. Panel US Educated | -0.004 (0.059) | 0.005 (0.068) | -0.125 (0.079) | -0.073 (0.078) | 0.091 (0.083) |
| × US Appellant | -0.399 (0.306) | -0.307 (0.369) | -0.113 (0.371) | -0.129 (0.371) | -0.361 (0.364) |
| Observations | 1,327 | 1,327 | 1,327 | 1,327 | 1,327 |
| Unique Disputes | 111 | 111 | 111 | 111 | 111 |
| Outcome mean | 0.26 | 0.26 | 0.26 | 0.26 | 0.26 |
| Outcome range | {0,1} | {0,1} | {0,1} | {0,1} | {0,1} |
| Judges controls | | ✓ | ✓ | ✓ | ✓ |
| Dispute controls | | | ✓ | ✓ | ✓ |
| Year Fixed-effects | | | | ✓ | ✓ |
| Appellant Fixed-effects | | | | | ✓ |

OLS estimates. Clustered SE at the unique-dispute level in parentheses. Const. interaction terms omitted.

Effect of majority of AB panel being educated in the US: *Excluding US Judges*

| | AB accepts claim of appellant | | | | |
|-------------------------|-------------------------------|-------------------|---------------------|-------------------|-------------------|
| | (1) | (2) | (3) | (4) | (5) |
| Maj. Panel US Educated | -0.071 (0.103) | -0.033 (0.085) | -0.186** (0.086) | -0.088 (0.092) | -0.033 (0.079) |
| × US Appellant | -0.371 (0.390) | -0.369 (0.495) | -0.029 (0.260) | -0.007 (0.274) | -0.216 (0.250) |
| Observations | 686 | 686 | 686 | 686 | 686 |
| Unique Disputes | 67 | 67 | 67 | 67 | 67 |
| Outcome mean | 0.24 | 0.24 | 0.24 | 0.24 | 0.24 |
| Outcome range | {0,1} | {0,1} | {0,1} | {0,1} | {0,1} |
| Judges controls | | ✓ | ✓ | ✓ | ✓ |
| Dispute controls | | | ✓ | ✓ | ✓ |
| Year Fixed-effects | | | | ✓ | ✓ |
| Appellant Fixed-effects | | | | | ✓ |

OLS estimates. Clustered SE at the unique-dispute level in parentheses. Const. interaction terms omitted.

Testing Additional Implications: PE of Foreign Aid

- Is the US trying to exert influence?

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- Is the US trying to exert influence?
- *Corollaries:*
 - (1) PE of Aid: US aid increase to countries w/AB judge
 - (2) Placebo test with European Union aid

Developing countries, 1995-2016:

$$\text{Aid}_{it} = \beta \text{WTO AB Judge}_{it} + \phi \mathbf{X}_{it} + \alpha_i + \delta_t + \epsilon_{it}$$

AB Country Presence and Foreign Aid

| | Net US | | Net EU | |
|--------------|--------------------|--------------------|--------------------|-------------------|
| | Bilateral Aid (Ln) | | Bilateral Aid (Ln) | |
| | (1) | (2) | (3) | (4) |
| WTO AB Judge | 0.618** (0.254) | 0.581** (0.272) | 0.069 (0.133) | -0.080 (0.122) |
| Observations | 2,609 | 1,888 | 2,892 | 2,050 |
| Countries | 144 | 114 | 149 | 115 |
| Controls | | ✓ | | ✓ |
| Country FE | ✓ | ✓ | ✓ | ✓ |
| Year FE | ✓ | ✓ | ✓ | ✓ |

OLS estimates. Clustered SE at the country level in parentheses.

▶ Removing Egypt

▶ Matched results

Robustness & Extensions

- Principled estimations: 7-member **Block** Fixed Effects; Excluding observations with 'zero treatment probability' ▶ Dropping countries without AB presence
- **Individual-level** estimation: Bayesian partial m-probit ▶ Bayesian partial m-probit
- **Different Affinity** operationalization (flexible) ▶ Affinity indicators
- Not driven by **claim types** ▶ Dropping claim types
- Suggestive evidence about **term limits** and behavior **towards China** ▶ US judges by term ▶ US judges on China

Discussion & Policy Implications

- Hard to [sign the bias](#)
- [Puzzle](#): US seemingly winning... broke it
- Lessons for ongoing debate of the WTO DSM second-tier
 - ▶ re-evaluate co-national judges (align with panel rules)
 - ▶ randomize term-limits, possibly longer tenures, in-residence
 - ▶ move away from consensus selection

Main takeaway

- There was **national bias** in the WTO's Appellate Body
 - ▶ Driven by the **US**
 - ▶ **not** explained by **econ. status, socialization, legal orig.**
 - ▶ seemingly affected broader US foreign policy (ie, **aid**)
- Emphasizes the importance of **bureaucrats** for international politics
- **Challenges** the impartiality and independence of international trade law/IOs—even in one the best examples of international legalization
- **Price to pay** for cooperation and legitimacy

Thank you!

Impartiality & US Influence in International Courts: Evidence from the WTO Appellate Body

Eric Arias (World Bank)

◀ Appellate Body

◀ Estimation

◀ US influence

◀ Developing status

◀ Education

◀ Aid

◀ Robustness

◀ Discussion & Policy Implications

◀ Take away

▶ Summary Statistics

▶ Balance tests

▶ Affinity indicators

▶ No EU influence

▶ Legal origins

▶ Dropping claim types

▶ Dropping countries without AB presence

▶ Bayesian partial m-probit

▶ AB judges

▶ US judges by term

▶ US judges on China

▶ Aid: Removing Egypt

▶ Aid: Matched results

Identification Assumption: Balance Tests

| | Panel Affinity with Appellant | | | | | | | |
|-------------------------|-------------------------------|-------------------|-------------------|--------------------|-------------------|------------------|-------------------|-------------------|
| | (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) |
| Female Judge in Panel | -0.051 (0.118) | | | | | | | -0.062 (0.131) |
| Avg. Judge Age | | -0.001 (0.010) | | | | | | -0.008 (0.010) |
| Avg. Judge Experience | | | 0.053* (0.030) | | | | | 0.056* (0.029) |
| Maj. US Educated | | | | 0.228** (0.105) | | | | 0.176 (0.118) |
| Former Amb. in Panel | | | | | -0.131 (0.102) | | | -0.074 (0.109) |
| Total number of claims | | | | | | 0.001 (0.008) | | -0.001 (0.007) |
| Number of third parties | | | | | | | -0.003 (0.011) | -0.009 (0.011) |
| Observations | 137 | 137 | 137 | 137 | 137 | 137 | 137 | 137 |
| Outcome mean | 0.44 | 0.44 | 0.44 | 0.44 | 0.44 | 0.44 | 0.44 | 0.44 |
| Outcome range | {0,1} | {0,1} | {0,1} | {0,1} | {0,1} | {0,1} | {0,1} | {0,1} |

OLS estimates. Clustered SE at the unique-dispute level in parentheses.

Effect of AB panel sharing country on AB appeal acceptance rates (EU instead of US interaction)

| | AB accepts claim of appellant | | | | |
|--------------------------|-------------------------------|---------------------|---------------------|--------------------|--------------------|
| | (1) | (2) | (3) | (4) | (5) |
| Appellant Affinity Index | 0.119*** (0.040) | 0.136*** (0.047) | 0.156*** (0.043) | 0.124** (0.050) | 0.100** (0.048) |
| × EU Appellant | -0.057 (0.084) | -0.037 (0.091) | -0.127 (0.108) | -0.076 (0.114) | -0.057 (0.099) |
| Observations | 1,327 | 1,327 | 1,327 | 1,327 | 1,327 |
| Unique Disputes | 111 | 111 | 111 | 111 | 111 |
| Judges controls | | ✓ | ✓ | ✓ | ✓ |
| Dispute controls | | | ✓ | ✓ | ✓ |
| Year Fixed-effects | | | | ✓ | ✓ |
| Appellant Fixed-effects | | | | | ✓ |

OLS estimates. Clustered SE at the unique-dispute level in parentheses. Const. interaction terms omitted.

Effect of AB panel sharing country on AB appeal acceptance rates

| | AB accepts claim of appellant | | | | |
|-----------------------------------------|-------------------------------|------------------|-------------------|-------------------|--------------------|
| | (1) | (2) | (3) | (4) | (5) |
| Appellant Affinity Index | 0.041 (0.065) | 0.063 (0.059) | 0.017 (0.085) | 0.006 (0.098) | -0.095 (0.095) |
| × US Appellant | 0.157* (0.085) | 0.149 (0.092) | 0.278* (0.147) | 0.242* (0.142) | 0.338** (0.144) |
| × EU Appellant | 0.021 (0.095) | 0.034 (0.098) | 0.005 (0.126) | 0.031 (0.131) | 0.134 (0.133) |
| Observations | 1,327 | 1,327 | 1,327 | 1,327 | 1,327 |
| Unique Disputes | 111 | 111 | 111 | 111 | 111 |
| Judges controls | | ✓ | ✓ | ✓ | ✓ |
| Dispute controls | | | ✓ | ✓ | ✓ |
| Year Fixed-effects | | | | ✓ | ✓ |
| Appellant Fixed-effects | | | | | ✓ |
| Test: US vs. EU int. (<i>p</i> -value) | 0.07 | 0.12 | 0.01 | 0.04 | 0.04 |

OLS estimates. Clustered SEs at the unique-dispute level in parentheses. Const. interaction terms omitted.

Results using Bayesian partial m-probit models

| | AB accepts claim of appellant | | | | |
|----------------------------------------|-------------------------------|------------------------|-----------------------|-----------------------|--------------------|
| | (1) | (2) | (3) | (4) | (5) |
| Panel A: Assessing Impartiality | | | | | |
| Appellant Affinity | 0.557 (0.2; 0.9) | 0.660 (0.3; 1) | 0.794 (0.4; 1.3) | 0.274 (-0.2; 0.8) | 6.277 (0.4; 23) |
| Panel B: Assessing US influence | | | | | |
| Appellant Affinity | -0.144 (-0.6; 0.3) | -0.129 (-0.6 ; 0.3) | -0.310 (-0.9; 0.2) | -1.174 (-8.8; 0.1) | 0.153 (-0.7; 1) |
| × US Appellant | 8.94 (1.7; 23) | 9.53 (2.1; 24) | 9.58 (2.9; 21) | 9.60 (2.7; 24) | 8.98 (2.2; 21) |
| Observations | (1,319×3) | (1,319×3) | (1,319×3) | (1,319×3) | (1,319×3) |
| Judge controls | | ✓ | ✓ | ✓ | ✓ |
| Dispute/claim | | | ✓ | ✓ | ✓ |
| Year FE | | | | ✓ | ✓ |
| Appellant FE | | | | | ✓ |

Effect of AB country affinity on AB appeal acceptance rates

| | AB accepts claim of appellant | | | | |
|----------------------------------|-------------------------------|---------------------|---------------------|---------------------|--------------------|
| | (1) | (2) | (3) | (4) | (5) |
| Appellant Affinity | 0.161*** (0.059) | 0.239*** (0.072) | 0.230*** (0.068) | 0.159** (0.077) | 0.226** (0.105) |
| Appellee Affinity | -0.039 (0.057) | -0.017 (0.057) | -0.005 (0.058) | -0.057 (0.053) | -0.010 (0.056) |
| Appellant \times Appellee Aff. | -0.230*** (0.081) | -0.200** (0.097) | -0.360 (0.284) | -0.678** (0.278) | -0.425 (0.292) |
| Observations | 1,332 | 1,332 | 1,332 | 1,332 | 1,332 |
| Outcome mean | 0.26 | 0.26 | 0.26 | 0.26 | 0.26 |
| Outcome range | {0,1} | {0,1} | {0,1} | {0,1} | {0,1} |
| Judges controls | | ✓ | ✓ | ✓ | ✓ |
| Dispute controls | | | ✓ | ✓ | ✓ |
| Year Fixed-effects | | | | ✓ | ✓ |
| Appellant Fixed-effects | | | | | ✓ |

OLS estimates. Clustered SE at the unique-dispute level in parentheses.

Alternative Explanations: Legal Origins

- Different traditions behind [Legal Origins: Common vs. Civil Law](#)
- *Two tests:*
 - (1) Replace Affinity: [Majority](#) of Panel from a [Common Law country](#)
 - (2) Repeat [excluding US cases](#)

Effect of AB panel sharing country legal system on AB decisions: *Full sample*

| | AB accepts claim of appellant | | | | |
|---------------------------|-------------------------------|---------|---------|---------|---------|
| | (1) | (2) | (3) | (4) | (5) |
| Common Law Affinity Panel | -0.100* | -0.126 | -0.117 | -0.040 | -0.079 |
| | (0.052) | (0.080) | (0.112) | (0.117) | (0.184) |
| × Common Law Appellant | 0.212* | 0.151 | 0.199 | 0.082 | 0.083 |
| | (0.113) | (0.140) | (0.161) | (0.174) | (0.165) |
| Observations | 1,327 | 1,327 | 1,327 | 1,327 | 1,327 |
| Unique Disputes | 111 | 111 | 111 | 111 | 111 |
| Outcome mean | 0.26 | 0.26 | 0.26 | 0.26 | 0.26 |
| Outcome range | {0,1} | {0,1} | {0,1} | {0,1} | {0,1} |
| Judges controls | | ✓ | ✓ | ✓ | ✓ |
| Dispute controls | | | ✓ | ✓ | ✓ |
| Year Fixed-effects | | | | ✓ | ✓ |
| Appellant Fixed-effects | | | | | ✓ |

OLS estimates. Clustered SE at the unique-dispute level in parentheses. Const. interaction terms omitted.

Effect of AB panel sharing country legal system on AB decisions: *excluding US*

| | AB accepts claim of appellant | | | | |
|---------------------------|-------------------------------|---------------------|-------------------|-------------------|-------------------|
| | (1) | (2) | (3) | (4) | (5) |
| Common Law Affinity Panel | -0.093 (0.060) | -0.175** (0.066) | -0.055 (0.157) | -0.156 (0.220) | -0.240 (0.201) |
| × Common Law Appellant | -0.341*** (0.073) | -0.171 (0.119) | -0.500 (0.552) | -0.327 (0.585) | 0.189 (0.310) |
| Observations | 510 | 510 | 510 | 510 | 510 |
| Unique Disputes | 48 | 48 | 48 | 48 | 48 |
| Outcome mean | 0.24 | 0.24 | 0.24 | 0.24 | 0.24 |
| Outcome range | {0,1} | {0,1} | {0,1} | {0,1} | {0,1} |
| Judges controls | | ✓ | ✓ | ✓ | ✓ |
| Dispute controls | | | ✓ | ✓ | ✓ |
| Year Fixed-effects | | | | ✓ | ✓ |
| Appellant Fixed-effects | | | | | ✓ |

OLS estimates. Clustered SE at the unique-dispute level in parentheses. Const. interaction terms omitted.

Robustness to dropping countries without presence in the AB

| | AB accepts claim of appellant | | | | |
|--------------------------|-------------------------------|---------------------|---------------------|--------------------|--------------------|
| | (1) | (2) | (3) | (4) | (5) |
| Appellant Affinity Index | 0.105*** (0.036) | 0.123*** (0.036) | 0.122*** (0.030) | 0.095** (0.037) | 0.073** (0.035) |
| Observations | 1,291 | 1,291 | 1,291 | 1,291 | 1,291 |
| Judges controls | | ✓ | ✓ | ✓ | ✓ |
| Dispute controls | | | ✓ | ✓ | ✓ |
| Year Fixed-effects | | | | ✓ | ✓ |
| Appellant Fixed-effects | | | | | ✓ |

OLS estimates. Clustered standard errors at the unique-dispute level in parentheses.

Robustness to excluding types of disputes

| | AB accepts claim of appellant | | | | |
|--------------------------|-------------------------------|-------------------|--------------------|--------------------|---------------------|
| | All (1) | No AD (2) | No DSU (3) | No GATT (4) | No SCM (5) |
| Appellant Affinity Index | 0.084** (0.036) | 0.085* (0.047) | 0.101** (0.042) | 0.073** (0.036) | 0.101*** (0.034) |
| Observations | 1,332 | 1,059 | 1,131 | 1,108 | 1,163 |
| Judge controls | ✓ | ✓ | ✓ | ✓ | ✓ |
| Dispute/claim controls | ✓ | ✓ | ✓ | ✓ | ✓ |
| Year FE | ✓ | ✓ | ✓ | ✓ | ✓ |
| Appellant FE | ✓ | ✓ | ✓ | ✓ | ✓ |

OLS estimates. Clustered SE at the unique-dispute level in parentheses.

Summary Statistics

| Variable | Mean | Std. Dev. | Min. | Max. | N |
|------------------------------------|-------------|------------------|-------------|-------------|----------|
| AB accepts appellant claim | 0.258 | 0.438 | 0 | 1 | 1327 |
| AB accepts appellant claim (w/JE)2 | 0.214 | 0.41 | 0 | 1 | 1606 |
| Appellant Affinity Index | 0.02 | 0.651 | -1 | 1 | 1606 |
| Appellant Affinity | 0.324 | 0.468 | 0 | 1 | 1606 |
| Appellee Affinity | 0.304 | 0.46 | 0 | 1 | 1606 |
| US Appellant | 0.302 | 0.459 | 0 | 1 | 1606 |
| EU Appellant | 0.247 | 0.431 | 0 | 1 | 1606 |
| Developed Country Affinity Panel | 0.61 | 0.488 | 0 | 1 | 1606 |
| Developed Country Appellant | 0.714 | 0.452 | 0 | 1 | 1606 |
| US judge in panel | 0.517 | 0.5 | 0 | 1 | 1606 |
| Average Judge Age | 64.193 | 4.785 | 46 | 76.333 | 1606 |
| Average Judge Experience | 3.294 | 1.425 | 0.192 | 7.244 | 1606 |
| Female Judge in Panel | 0.252 | 0.434 | 0 | 1 | 1606 |
| Majority of Panel Educated in US | 0.814 | 0.389 | 0 | 1 | 1606 |
| Former Ambassador Judge in Panel | 0.393 | 0.489 | 0 | 1 | 1606 |
| Total number of claims | 18.097 | 12.945 | 1 | 58 | 1606 |
| Number of third parties | 9.577 | 6.408 | 0 | 24 | 1606 |
| Appellant Experience | 11.212 | 10.8 | 1 | 52 | 1606 |
| Appellee Experience | 12.255 | 12.884 | 1 | 52 | 1606 |
| AD claim | 0.197 | 0.398 | 0 | 1 | 1606 |
| DSU claim | 0.141 | 0.348 | 0 | 1 | 1606 |
| GATT claim | 0.165 | 0.371 | 0 | 1 | 1606 |
| SCM claim | 0.116 | 0.321 | 0 | 1 | 1606 |

AB Judges

| Name | Country | Term begins | Term ends |
|---------------------------------|----------------|--------------------|------------------|
| Christopher Beeby | New Zealand | 12/13/1995 | 3/19/2000 |
| Claus-Dieter Ehlermann | Germany | 12/13/1995 | 12/10/2001 |
| Florentino P. Feliciano | Philippines | 12/13/1995 | 12/10/2001 |
| James Bacchus | US | 12/13/1995 | 12/10/2003 |
| Julio Lacarte-Muró | Uruguay | 12/13/1995 | 12/10/2001 |
| Mitsuo Matsushita | Japan | 12/13/1995 | 4/31/2000 |
| Said El-Naggar | Egypt | 12/13/1995 | 4/31/2000 |
| A.V. Ganesan | India | 6/1/2000 | 5/31/2008 |
| Georges Michel Abi-Saab | Egypt | 6/1/2000 | 5/31/2008 |
| Yasuhei Taniguchi | Japan | 6/1/2000 | 12/10/2007 |
| Giorgio Sacerdoti | Italy | 12/19/2001 | 12/11/2009 |
| John Lockhart | Australia | 12/19/2001 | 1/13/2006 |
| Luiz Olavo Baptista | Brazil | 12/19/2001 | 2/11/2009 |
| Merit E. Janow | US | 12/11/2003 | 12/10/2007 |
| David Unterhalter | South Africa | 9/28/2006 | 1/22/2014 |
| Jennifer Hillman | US | 12/11/2007 | 12/10/2011 |
| Lilia R. Bautista | Philippines | 12/11/2007 | 12/10/2011 |
| Shotaro Oshima | Japan | 6/1/2008 | 4/6/2012 |
| Yuejiao Zhang | China | 6/1/2008 | 5/31/2016 |
| Ricardo Ramírez-Hernández | Mexico | 7/1/2009 | 6/30/2017 |
| Peter Van den Bossche | Belgium | 12/12/2009 | 12/11/2017 |
| Thomas R. Graham | US | 12/11/2011 | 3/30/2020 |
| Ujal Singh Bhatia | India | 12/11/2011 | 3/30/2020 |
| Seung Wha Chang | Korea | 6/1/2012 | 5/31/2016 |
| Shree Baboo Chekitan Servansing | Mauritius | 10/1/2014 | 9/30/2018 |
| Hong Zhao | China | 12/1/2016 | 11/30/2020 |
| Hyun Chong Kim | Korea | 1/25/2017 | 8/1/2017 |

AB rulings when US is Appellant with US Judge, by presence Term of US Judge

| Outcome | US Judge in First Term | US Judge in Last Term | Total |
|--------------------|---------------------------|--------------------------|-------|
| % Accepted | 39.76 | 28.18 | 31.82 |
| (N) | (33) | (51) | (84) |
| % Rejected | 44.58 | 49.72 | 44.11 |
| (N) | (37) | (90) | (127) |
| % Judicial Economy | 15.66 | 22.10 | 20.08 |
| (N) | (13) | (40) | (53) |

AB rulings when China is Appellant, by presence of US Judge

| Outcome | No US Judge | US Judge | Total |
|--------------------|-------------|----------|-------|
| % Accepted | 34.09 | 3.70 | 17.35 |
| (N) | (15) | (2) | (17) |
| % Rejected | 59.09 | 79.63 | 70.41 |
| (N) | (26) | (43) | (69) |
| % Judicial Economy | 6.82 | 16.67 | 12.24 |
| (N) | (3) | (9) | (12) |

Impartiality & US Influence in International Courts: Evidence from the WTO Appellate Body

Eric Arias (World Bank)

- ◀ Appellate Body
- ◀ Estimation
- ◀ US influence
- ◀ Developing status
- ◀ Education
- ◀ Aid
- ◀ Robustness
- ◀ Discussion & Policy Implications
- ◀ Take away
- ▶ Summary Statistics
- ▶ Balance tests
- ▶ Affinity indicators
- ▶ No EU influence
- ▶ Legal origins
- ▶ Dropping claim types
- ▶ Dropping countries without AB presence
- ▶ Bayesian partial m-probit
- ▶ AB judges
- ▶ US judges by term
- ▶ US judges on China
- ▶ Aid: Removing Egypt
- ▶ Aid: Matched results