

Stefan Griller (ed.)

International Economic Governance  
and Non-Economic Concerns

New Challenges for the International Legal Order

SpringerWienNewYork

## Table of Contents

### I. Economic and Non-Economic Principles

<i>Meinhard Hilf / Goetz J. Goettsche</i> The Relation of Economic and Non-Economic Principles in International Law	5
---	---

### II. Democracy and Legitimacy

<i>J. H. H. Weiler / Iulia Motoc</i> Taking Democracy Seriously: The Normative Challenges to the International Legal System	47
---	----

<i>Robert Howse</i> How to Begin to Think About the 'Democratic Deficit' at the WTO	79
---	----

<i>Armin von Bogdandy</i> Legitimacy of International Economic Governance: Interpretative Approaches to WTO law and the Prospects of its Proceduralization	103
---	-----

<i>Gerhard Hafner</i> The Effect of Soft Law on International Economic Relations	149
--	-----

<i>Elisabeth Tuerk</i> The Role of NGOs in International Governance NGOs and Developing Country WTO Members: Is there Potential for Alliance?	169
--	-----

### III. Human Rights

<i>Ernst-Ulrich Petersmann</i> Constitutional Primacy and 'Indivisibility' of Human Rights in International Law? The Unfinished Human Rights Revolution and the Emerging Global Integration Law	211
---	-----

## Table of Contents

<i>Stefan Griller</i> International Economic Law as a Means to Further Human Rights? Selective Purchasing Under the WTO Agreement on Government Procurement	267
<b>IV. Labour Standards</b>	
<i>Michael J. Trebilcock</i> International Trade and International Labour Standards: Choosing Objectives, Instruments, and Institutions	289
<i>José M. Salazar-Xirinachs / Jorge M. Martínez-Piva</i> Trade, Labour Standards and Global Governance: A Perspective from the Americas	315
<b>V. Environmental Concerns</b>	
<i>Joanne Scott</i> Integrating Environmental Concerns into International Economic Law	371
<i>Gerhard Loibl</i> The Cartagena Protocol on Biosafety: A New Model for Environmental Protection on an International Level?	389
<b>VI. Transparency</b>	
<i>Deirdre Curtin</i> Digital Governance in the European Union Anno 2002. Freedom of Information Trumped by ‘Internal Security’?	425
<i>Sebastian Geiseler-Bonse</i> Transparency and Democracy in the Internet: ICANN as an Example?	459
<i>John Lewis</i> How Far Are Governments Interested in International Transparency? The Distribution of Radio Frequencies as a Practical Example	479
Abbreviations	509
The Authors of this Volume	515

Meinhard Hilf / Goetz J. Goettsche

## The Relation of Economic and Non-Economic Principles in International Law

I.	No better Case than the <i>Shrimp</i> Case	5
II.	Drawing the Lines ...	8
III.	What are Principles?	9
IV.	A Principle-oriented Approach to WTO Law	10
V.	Sources of WTO Law	12
VI.	Principles Expressed in WTO Agreements: 'Internal Principles'	15
	A. 'Classical' GATT/WTO Principles	15
	B. The Principle of Proportionality	18
	1. AB Report <i>US – Gasoline</i>	21
	2. AB Report <i>US – Shrimp</i>	23
	3. AB Report <i>Korea – Beef</i>	24
	4. AB Report <i>US – Cotton Yarn</i>	26
VII.	Principles Originated in Public International Law or the Internal Legal Regimes of WTO Members: 'External Principles'	28
VIII.	Balancing Rules and Principles in WTO Law	33
IX.	Prospects and Conclusions	36
	Summary	38
	Bibliography	40

### I. No better Case than the *Shrimp* Case

More than three years ago the Appellate Body ruled in its landmark decision of 12 October 1998 that the US Shrimp embargo was legitimate under Article XX (g) GATT 1994, because it related to