

ment might be “biased” by the way these unobserved factors lead some cases to be litigated in Geneva, and not others.

The most immediate problem, of course, is that data on “non-cases” are not available for the full GATT/WTO membership over time. There are, however, ways for future work to test for likely sources of selection bias. For example, in the case of sanitary and phytosanitary (SPS) measures, attention is being paid to the issues brought to the dispute settlement mechanism of the International Plant Protection Convention (which has dealt with a single case to date), and to the issues addressed at meetings of the WTO’s SPS Committee and the Codex Alimentarius. These issues represent important leads, each with a paper trail, which hold promise as a way of distinguishing the types of cases that go to Geneva from those that do not, setting the stage for “selection effects” models. This research might look, for example, at whether questions debated at length under the Codex, or commented upon by a number of countries, are more likely to be filed for WTO dispute settlement. Along these lines, a recent study of US antidumping petitions finds that the determinations rendered by domestic agencies are strongly conditioned by the *threat* of foreign retaliation at the GATT/WTO, affording another angle on this question.<sup>13</sup> In the analyses below, selection effects models were estimated across stages *within* the life of filed disputes and were found wanting.

While it is obviously important to track down these “dogs that don’t bark,” the dogs that do bark also merit attention. In an important respect, dispute settlement is not an end *per se*, but a point of departure for key legal and political economy dynamics. Under the WTO, in particular, the question of “sequencing” with respect to the DSU Articles 21 & 22, the decision to follow through on authorization to retaliate, the process by which compliance is adjudicated after retaliation is authorized, and the political economy of designing and implementing new measures to replace old ones struck down, beg a closer look at dispute settlement as the starting point for interesting questions, rather than simply as the culmination of interesting questions.

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<sup>13</sup> Blonigen and Bown 2001.