IMPARTIALITY IN INTERNATIONAL COURTS: EVIDENCE FROM A NATURAL EXPERIMENT AT THE WTO*

ERIC ARIAS†

JANUARY 2019

[Preliminary version for PEIO 2019]

Whether international organizations constrain or allow great powers to exploit others is at the core of international politics. If international organizations are to exert a constraint, their international rules have to be impartial and immune from influence –this is a fundamental requirement for justice. But is international law really just? Are international courts within international organizations blind to power politics? Existing evidence is mixed –arguably because of inferential challenges. I adjudicate between these positions by presenting new causal evidence. I leverage a natural experiment in the World Trade Organization's Appellate Body (AB) in which international judges —the members of the AB— are randomly assigned to cases. Panel composition is consequential for countries, who see their claims more likely to be affected when they face a panel with a co-national judge. However, further tests demonstrates this is driven by the US. These findings have implications for our understanding of international institutions and the role of US power in international politics.

*Thanks to John Benn for research assistance. Thanks to Julia Gray and participants at the International Political Economy Society annual conference for comments and suggestions.

†Department of Government, College of William and Mary. Email: eric.arias@wm.edu

1 Introduction

International cooperation requires legal means for resolving disputes among countries. This is what makes international law one of the cornerstones of the international system. As part of it, states have created –and delegated– the interpretation and application of the rule of law to different judicial bodies, such as the ICC, ECtHR, WTO DSM, etc. Scholars have long debated these decisions as well as the subsequent behavior and autonomy of these international organizations, giving raise to a fundamental and longstanding question in our field, namely is the system of international law truly just? In other words, is international justice truly blind?

At the most basic level, international law —just like domestic law— requires a fundamental principle of justice in order to blindly impart justice: impartiality. Without impartiality international law could simply become the tool of the powerful, or more broadly, becoming a futile element to manage inter-state relations, as states only comply with rules and the bodies they emanate from whenever it is in their best interest to do so (Downs, Rocke and Barsoom, 1996). As such, understanding impartiality in international courts is crucial to fully grasp the political influence of powerful countries on international law as well as the functioning international organizations more broadly.

Given the stakes, it is unsurprising that delegation to international law has been a contested and salient issue. In particular, it has been a point of contention from member states in response to unfavorable rulings. Countries have questioned the rule of law in diverse settings such as the European Court of Human Rights (Madsen, 2016), the International Criminal Court, or the East African Court of Justice (Alter, Gathii and Helfer, 2016).[1] Similarly, the WTO Dispute Settlement has been attacked, and seemingly politically interfered by the U.S., by politicizing the appointment and confirmation of appellate body judges, arguably to the verge of breakdown.[2]

[1] A related literature analyses the extent to which international courts (or strategic actions within it) can mobilize compliance domestically (Chaudoin, 2016, 2014).

[2] "World trade's top court close to breakdown as U.S. blocks another judge," September 26, 2018,

Despite the theoretical and increasing policy relevance of this issue, we know little about the extent of impartiality in international courts —and the evidence we have is mixed. Posner and Figueiredo (2005) analyzed the impartiality question at the International Court of Justice (ICJ) finding evidence in line with bias favoring countries of similar economic status, as well as other suggestive evidence of culture alignment. In a similar vein, Elsig and Pollack (2014) discuss threats to impartiality in the appointment of WTO AB judges suggesting a potential co-national bias. In contrast, Voeten (2008) shows that the behavior of ECtHR judges seems to be blind to geopolitics and legal culture —although it does seem to be aligned with policy concerns, which arguably mimics courts in the domestic arena.

It thus remains unclear whether states are able to exert their influence all the way through international judges, or whether these international judges and courts represent the fulfilled promise of independent and impartial international cooperation. More importantly, identification challenges makes this empirical puzzle a hard one to tackle, potentially explaining the mixed findings. Given that these studies typically involve judges that are selected by interested countries, and that we can not observe counterfactual rulings, it is not obvious that the documented effects actually reflects (im)partiality on behalf of the judges, or other selection mechanisms.

The domain of international trade law within the WTO represents an ideal laboratory in which to address this fundamental question. Specifically, I examine decisions made by the WTO's Appellate Body (AB). This is of utmost importance. The WTO dispute settlement is one of the most relevant and active international courts, provinding a key mechanism to manage the global trading system. The analytical benefit of the WTO is that it provides a fertile ground to answer this question in a causal way. To do so, I leverage a natural experiment at the WTO AB whereby judges assigned to a given case are selected at random using a lottery. As such, a given appellant sometimes faces a co-national judge in the AB division and sometimes it does not. Across the universe of Appellate Body decisions, I exploit this random assignment of AB judges to examine the extent

Reuters, here.

to which affinity towards the appellant affects the likelihood that the appellant's claim is accepted. To measure positive affinity with the appellant, I rely on whether a judge shares the nationality with the appellant and the appellant alone; measure negative affinity when co-nationality is shared with the appellee; and define neutral affinity otherwise. This measure shows positive appellant affinity for about 21% for the claims, neutral affinity for about 61% and negative affinity for about 18% of the claims in the sample. A variety of robustness tests validate this analysis.

Consistent with states' influence on international organizations, I find find that AB rulings exhibit biased and partial behavior. On average, affinity towards the appellant in a given AB division increases the likelihood that the AB accepts the claim of the appellant by around 8 to 12 percentage points —an increase of over 30% with respect to the mean.

However, they key finding is that US influence is the central force driving this biased behavior. I show that the average effect masks substantial heterogeneity with respect to the identity of the appellant country. Specifically, the ruling effect induced by affinity is concentrated in US cases. This is not only in line with theories about state influence on IOs, but also in line with arguments about the extent to which the most powerful country exerts the most influence.

Additional tests rule out alternative explanations and support the interpretation that these results are driven by US influence. First, relying on broader definitions of affinity based on development status rather than country, I rule out that the effects are driven by a developed vs. developing divide. Second, using educational backgrounds of the AB judges, I also rule out that the effects are driven to socialization to US education surrounding international law. Finally, consistent with the US influence premise, I show that US bilateral aid increases to countries when they have a judge present in the AB. A placebo test of European Union bilateral aid further supports such interpretation.

These findings contribute to several important literatures. They add to the international law literature by providing a rigorous, political economy approach, to assess its impartiality. By so doing, it also emphasizes the importance of bureaucrats –here, judges– as agents who are responsible

to implement mandates emanating from international institutions, but that can also be influenced by power politics. As such, this papers provides causal evidence supporting theories of international politics that posit that even seemingly autonomous, legalized, and independent international organizations can be subject to the influence of, instead of constraining, powerful countries.

2 Impartiality in International Courts

If international organizations —such as international courts— are to be autonomous actors, one crucial requirement is that they act with impartiality and independence, holding decisions and interpreting international law without any bias, prejudice, or influence. Impartiality is an indispensable and essential condition for blind justice. Some scholars argue that judges are actually shielded away from governments' influence, thus maintaining independence and impartiality (e.g., Alter, 2006, 2008; Voeten, 2008).

However, there are many reasons why impartiality at the international level might be threatened and violated. Theories of international politics would lead us to expect that major powers would exert pressure and influence international organizations and international courts so to tilt the balance in their favor and receive a more favorably treatment. For instance, Stone (2011) shows how international organizations can reflect the power and interests of the leading state in the international system —that is the US. Further, he emphasizes how 'the commitment of powerful states to international law is always provisional.' Indeed, scholars have shown evidence in line with the premise that the US has the willingness and the capacity to exert influence at multilateral organizations. Across international bodies, such as the UN, the World Bank, or the IMF, evidence suggest a powerful influence of the US (e.g., Kuziemko and Werker, 2006; Dreher et al., 2018; Stone, 2011). At the same time, this work mostly deals with how the US uses its influence to favor governments that considers important, obviously thinking about policy concessions. Perhaps surprisingly, less evidence directly shows the US as being the direct target benefit of its influence.

Micro-founding this political economy of influence would being with the premise that bureaucrats are career oriented. In the case of international law, international judges are the bureaucrats that interpret the law, and thus are the agents of interest. As any other bureaucrat, international judges have career incentives and career concerns, which can be influenced by countries willing and able to exert pressure on them at international organizations. Naturally, is much easier for countries to pressure and influence their own national judges, thus facilitating national bias above anything else. Indeed, a strand of the literature argues that governments, either directly or indirectly, indeed exert pressure and thus are able to influence on judges' behavior (e.g., Brutger and Morse, 2015; Elsig and Pollack, 2014; Carrubba, Gabel and Hankla, 2008; Posner and Figueiredo, 2005).

I adjudicate between these competing views by analyzing the rulings of the WTO's Appellate Body (AB). As I describe next, this setting provides an ideal laboratory to assess whether international law is truly blind and shielded from the influence of the powerful, or whether the blindfold is captured by the US hegemony.

2.1 Impartiality in the WTO's Dispute Settlement & the Appellate Body

The WTO is one of the most important organizations of global governance as international trade is crucial for the economic development of most countries. Key to this reality is the WTO legal system, often regarded as one of the most prominent international legal systems. The WTO's Dispute Settlement Body (DSB) has a well established set of rules to manage and resolve disputes between WTO member-states.

Before a legal procedure begins, member states are required to attempt solving their disputes through bilateral consultations (Article 4 DSU). If not solution is reached withing 60 days, states may request the opening of a panel. The end product of a panel is a report, which ought to be adopted within 60 days unless a party decides to appeal the panel's decision (or there is a consensus not to adopt it). If there is an appeal of the panel's decision, it is heard by the Appellate Body (AB).

The AB can uphold, modify or reverse the legal findings and conclusions of a panel. Once the AB issues a report, it shall be adopted by the DSB and unconditionally accepted by the parties to the dispute unless there is consensus not to do so —i.e., negative (or reverse) consensus.

Across the entire DSB, but with particular emphasis on the AB, impartiality and independence are absolutely enshrined. The Dispute Settlement Understanding (DSU) requires AB members to be "unaffiliated with any government" and "not participate in the consideration of any disputes that would create a direct or indirect conflict of interest." (Article 17.3 of the DSU). For instance, resignations of AB members should take effect 90 days after a notice has been submitted.[3] However, Hyun Chong Kim, former AB member from South Korea, tendered his resignation on August 1, 2017 with immediate effect as he was to be appointed Trade Minister of the Ministry of Trade, Industry, and Energy of the Korean government, which happened on August 4. This exception was made precisely to follow Article 17.3 of the WTO's DSU —i.e., Appellate Body members "shall be unaffiliated with any government." Indeed, Rules of Conduct for the Understanding on Rules and Procedures Governing the Settlement of Disputes (WT/DSB/RC/1) were adopted to promote impartiality and independence by explicitly detailing the mechanisms for addressing potential conflicts of interests (Steger, 2018). Nevertheless, insiders save no words to emphasize the reality of such impartiality. Merit Janow wrote: "In my experience, governments have been scrupulous in maintaining the independence of the Appellate Body members. In my years on the Appellate Body, 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. This is as it should be" (Janow, 2008, p.251). Jennifer Hillman has declared that "when you're on the Appellate Body, you've checked your nationality at the door. And your job is not in fact to protect the United States; your job is to render fair decisions."[4]

More concrete evidence of the spirit behind impartiality and independence is the way that the

[3]Rule 14(2) of the Working Procedures for Appellate Review

[4]"America May Be Doing Away with WTO Dispute Settlement," October 28, 2018, *Trade Talks*, here.

division —i.e., the judges— that hear any given appeal is selected. Unlike panels, who draw their judges from from a broad list of potential panelists, the AB is made up of seven standing judges. From this pool of seven, three are assigned to any given case based on "the principles of random selection, unpredictability and opportunity for all Members to serve regardless of their national origin" (WT/AB/WP/6/2).[5] A random selection process was devised so to ensure meeting these criteria, and be both secret and unpredictable. The random selection ensured that for every seven appeals serially numbered, each member was on three divisions and that the composition of no two of those divisions was identical for those seven appeals (Ganesan, 2018, p.528). This random selection of judges provides the identification strategy of the paper; a methodological opportunity to causally assess whether co-national judges support their own country, and whether the influence of the powerful reaches the judges and the court.[6]

Next, I describe the data and empirical strategy that I use to assess the extent to which the AB is actually impartial. After showing evidence against that, I explore the role of the hegemon, the US, in accounting for such behavior.

3 Data and estimation strategy

For the empirical analysis I rely on data from WTO disputes (using original and existing data from Horn, Johannesson and Mavroidis (2011) and Kucik and Pelc (2017)) covering 566 disputes from 1 January 1995 until 23 October 2018, of which 148 AB reports have been released.

Importantly, the AB makes several decisions on every dispute. That is, it deals with appeals from both original complainant and original respondent, making each country both appellant and appellee, depending on the claim at hand. As such, the main unit of analysis is dispute-claim. This is important, as a dispute can have over 50 claims, and thus 50 decisions are made within that

[5] Working procedures for appellate review, Rule 6, Article 6, paragraph 2.

[6] I test the identification assumption with balance tests in the Appendix, finding support for the randomness of the selection process (Table A6).

single dispute. Specifically, the 148 AB reports cover 1,611 claims, and 34 countries.[7]

In the data covering the 148 AB reports and 1,611 claims, about 21 per cent of the outcomes favored the appellant, 61 per cent rejected the claims, and about 17 per cent exercised judicial economy. This means that conditional on the AB making a ruling, about 26 per cent of the time the AB accepted the claims of the appellant.

Table 1: **AB rulings, by type of Article cited in the claim**

AB Ruling	Total	AD	DSU	GATT	SCM	Other
% Accepted	21.35	24.53	15.35	23.77	17.99	21.93
% Rejected	61.33	61.32	72.81	60.75	71.43	54.17
% Judicial Economy	17.32	14.15	11.84	15.47	10.58	23.90
(N)	(1,611)	(318)	(228)	(265)	(189)	(611)

To date, there has been 27 AB judges. Table A1 shows their nationality and terms of service. I have collected a series of individual-level characteristics, including date of birth, gender, education level (including type and university), as well as previous background (e.g., academic, public sector). Average age at the time of appointment is 60 years, with cases such as Ricardo Ramírez-Hernández (MEX) or Merit E. Janow (USA) appointed at 40 and 44 years old, and cases like Lilia Bautista (PHL) and Julio Lacarte-Muró (URY) appointed at 72 and 77, respectively. Only 5 of out of the 27 judges are women (18.5%). And 17 of the judges studied at US universities (63%).

At face value, there seems to be potential for biases. Table 2 describes the AB rulings when the US is the appellant in cases where the AB had a US judge in it versus AB panels without an US judge. On average, the AB accepted the claims of the US about 23 per cent of the time, rejecting about 63 per cent, and using judicial economy 14 per cent, broadly similar to the statistics aforementioned. However, when there is an US judge in the panel, the AB accepted the claims of the US almost 32 per cent of the time versus about 14 per cent without an US judge. If one focuses

[7]Countries (including EU) are Antigua and Barbuda, Argentina, Australia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Dominican Republic, Ecuador, EU, Guatemala, Honduras, India, Indonesia, Japan, Korea, Malaysia, Mexico, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Russia, Switzerland, Taiwan, Thailand, Turkey, USA, Venezuela, and Vietnam.

only on decisions (i.e., excluding judicial economy cases), the difference is starker: about 40 per cent versus less than 15 per cent.

Table 2: **AB rulings when US is Appellant, by presence of US judge in AB**

Outcome	No US Judge	US Judge	Total
% Accepted	13.51	31.82	23.46
(N)	(30)	(84)	(114)
% Rejected	80.18	44.11	62.76
(N)	(178)	(127)	(305)
% Judicial Economy	6.31	20.08	13.79
(N)	(14)	(53)	(67)

For a more systematic study, I estimate the analysis in different steps. I begin with a simple OLS estimation of the form:

$$\text{AB ACCEPTS APPEAL}_{c,d,A,a,t} = \beta \text{APPELLANT AFFINITY INDEX}_{d,A,a,t} + \phi \mathbf{X}_{d,t} + \epsilon_{c,d,A,a,t} \quad (1)$$

The unit of analysis is the dispute-claim, where c denotes claims within specific disputes d. The focus is on the directed-dyadic "dispute", whereby A represents the appellant and a the appellee. Thus, I construct measures of APPELLANT AFFINITY where positive values denote closer affinity with the Appellant and negative values closer affinity with the appellee. The main variable of interest, APPELLANT AFFINITY INDEX, takes a value of 1 when a judge in the panel shares the nationality of the appellant but not the appelle, takes a value of -1 when a judge in the panel shares the nationality of the appellee but not the appellant, and 0 otherwise. (Other measures will be tested below.) Out of the 1,332 claims with rulings, 284 (21.3%) show a positive appellant affinity with a value of 1, 233 (17.5%) show a negative affinity with a value of -1, and 815 (61.2%) show 'neutral' affinity with a value of 0.

The AB ruling can take three different values: (i) the claims of the appellant are accepted, (ii) the claims of the appellant are rejected, and (iii) judicial economy is exercised and no ruling is being made. The main outcome variable, AB ACCEPTS APPEAL, takes a value of 1 when the AB

accepts the claim of appellant, and 0 when it rejects it (i.e., it excludes judicial economy cases).

Controls I include two sets of control variables at the dispute level. First, I control for a battery of judge characteristics defined at the panel level: AVERAGE JUDGE AGE, AVERAGE JUDGE EXPERIENCE measured as average years of AB experience, an indicator on whether there is a FEMALE JUDGE IN PANEL, an indicator if the MAJORITY OF THE PANEL WAS EDUCATED IN THE US, and another indicator variable on whether any of the judges in the panel is a FORMER AMBASSADOR. Second, I also control for a series of disputes-specific variables. I include a count of the TOTAL NUMBER OF CLAIMS, which has been linked to the quality of the overall dispute, as well as a count of the total NUMBER OF THIRD PARTIES. As countries can also gain experience in the process which might affect their cases, I include controls for both the APPELLANT and APPELLEE EXPERIENCE, defined as the number of previous AB panels that the appellant or appellee has taken part in the past. In all cases, I follow best practices for covariate-adjustment regressions, where I demean the covariates and fully interact them with the variable of interest such that the affinity effect is the unbiased and consistent average effect even in the presence of heterogeneity along these covariates (Lin, 2013; Imbens and Rubin, 2015).

As different claims deal with different articles, I also include indicators for the most prominent articles, namely those realted to the anti-dumping agreement (AD), rules and procedures governing the settlement of disputes (DSU), the GATT agreement (GATT) and issues surrounding the agreement on subsidies and countervailing measures (SCM). Finally, in the most saturated models, I also controls for appellant fixed effects and year fixed effects.

4 Results

Table 3 shows the main results. Column 1 runs the simplest model, regressing whether the AB accepts the claim of the appellant on the Appellant Affinity Index. The estimated effect is positive,

statistically significant at conventional levels. At face value, appellant affinity increases the likelihood that the appellant claims is accepted by about 10 percentage points, a large effect considering that the mean acceptance rate is 26%.

To account for potential confounders, Columns 2 through 4 progressively add controls. Column 2 includes judge characteristics at the panel level; Column 3 also controls for dispute-specific outcomes; Column 4 also controls for year fixed effects. In all cases, the estimated effect of APPELLANT AFFINITY is positive, stable and precisely estimated. Substantively, based on Column 5, positive affinity between the panel and the appellant increases the likelihood that the AB accepts the claim of the appellant by about 8.4 percentage points, representing an increase of over 30% with respect to the mean. This provides strong evidence of non-trivial national bias at the AB.

Table 3: **Effect of AB panel sharing country on AB appeal acceptance rates**

	AB accepts claim of appellant				
	(1)	(2)	(3)	(4)	(5)
Appellant Affinity Index	0.105***	0.123***	0.123***	0.099***	0.084**
	(0.036)	(0.036)	(0.030)	(0.036)	(0.036)
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}
Judge controls		✓	✓	✓	✓
Dispute and claim controls			✓	✓	✓
Year Fixed-effects				✓	✓
Appellant Fixed-effects					✓

Notes: Full table in Section A.2. All specifications are estimated using OLS. Standard errors clustered by unique-dispute are in parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$.

Robustness These findings are robust to a variety of tests. For instance, the substantive results are unchanged if instead of using an affinity index, I flexibly estimate the effect of indicators of affinity (Table A7). Similarly, findings do not change when including judicial economy outcomes, coded as not accepting the appellant's claim (Table A16). In addition, one might be concern that the sample includes cases in which neither country taking part of the dispute has a co-national at the

AB. That is, one might be concern that countries with essentially a zero probability of 'treatment' might lead to biased inferences. These cases include seven unique disputes, involving a total of 13 countries, with a total of 47 claims.[8] Table A8 shows that the findings are robust to dropping these cases. Results are also not driven by specific types of claims. I re-analyze the data by excluding one-by-one the different types of claims —i.e., first removing Anti-Dumping claims, then DSU claims, and so on. Table A9 shows the stability of the results.

5 Mechanisms: US Influence

The evidence thus far points to the existence of a substantial national bias in the AB decisions. However, it is well known that not all countries carry the same influence in the international arena, and thus one might expect that bias might only be present for a specific type of country.

Theories of international politics would lead us to expect bias in favor on powerful countries. At the WTO in particular, not only the US has been the principal architect behind it (Kim, 2010) but also has been a leader in litigation (Davis, 2012) —and, arguably, even more than that. For instance, Brutger and Morse (2015) show that at the WTO panel stage, panelists respond to the preferences of the US even when it loses, by using more judicial economy, and thus decreasing the costs of compliance. In a similar vein, Daku and Pelc (2017) show how the US holds the greatest influence over jurisprudence by examining the content of both panel and AB rulings.

Moreover, the US has shown a very activist approach towards the AB, which has only become more aggressive over time. The first turning point started when the US lost cases involving antidumping and countervailing duties. In response, the US started to openly raise concerns about the AB, specially about what the US deemed to be 'judicial overreach.' This criticism was already present in the Bush administration, where the US position "does not agree with the approach that WTO panels and the Appellate Body have sometimes taken in disputes, and is concerned about the

[8]Countries are Argentina, Chile, Colombia, Dominican Republic, Guatemala, Honduras, Indonesia, Panama, Peru, Poland, Thailand, Taiwan, and Vietnam.

potential systemic implications."[9] Later, the US approach towards the AB took more concrete and contentious steps. Under the Obama administration, in 2011, the US decided not to reappoint the American judge Jennifer Hillman, likely because in the USTR eyes she did not dissent often and forcefully enough from decisions again the US (Elsig and Pollack, 2014).[10] Evidence consistent with this influence can be seen when analyzing AB rulings when the US is appellant and the US judge in the panel is in the first term vis-à-vis second/last term (Table 4).

Table 4: **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)

A second, more strenuous, turning point in the US-AB relations came next. In 2016, still under the Obama administration, the US blocked the reappointment of Seung Wha Chang of South Korea. US statements criticized what the US deemed to be judicial activism in rulings against the US.[11] This caused the criticism of the EU and other members, as well as current and previous AB members, all denouncing the threat to the independence of the WTO judiciary; no other government sided with the US position.[12] The US responded to these criticisms by declaring that "[w]e do not see how holding a member accountable for the views they have endorsed and their actual service carries a risk for the trust WTO Members place in the independence and impartiality of the Appellate Body. To the contrary, WTO Members' trust is not built on a vacuum. It is based on

[9]Executive Branch Strategy Regarding WTO Dispute Settlement Panels and the Appellate Body: Report to Congress Transmitted by the Secretary of Commerce (December 30, 2002).

[10]The US showed a similar approach once again in 2013-2014 when it blocked consensus over Kenyan James Gathii, thus forcing to restart the nomination process —all while the position lay vacant.

[11]The US statement went into detail, noting specific reports: DS453, DS430, DS437 and DS449.

[12]The position lay vacant again, until after the November 2016 election, when the Obama administration agreed on the new appointments.

the actual performance of the Appellate Body.", adding that "Article 17.3 of the DSU provides that an Appellate Body member is to be 'unaffiliated with any government' and is not to participate in any disputes that would create a direct or indirect conflict of interest. If this is what is meant when referring to the 'independence' of the Appellate Body, then it is difficult to see how the authority of the DSB to decline to reappoint a member would cause that member to become affiliated with any government or to develop a conflict of interest in a dispute."[13]

A final turning point came with the Trump administration, pushing for an ever more aggressive policy. Voicing similar concerns as previous administrations, it has been blocking all appointment to the AB until these issues are addressed, putting in jeopardy the entire system. The US's chief trade negotiator, US trade representative Robert Lighthizer —who was himself denied by the WTO as a AB candidate in favor of Merit Janow— is a well-known critic of the WTO and the AB in particular.

Overall, US intentions to sway AB rulings is nothing new. Given the willingess and capacity of the US to do so, I expect the core driving force behind the average results shown above to be the powerful influence of the US —the leading state. Hence, the next estimating equation takes the following form:

$$\begin{aligned}\text{AB ACCEPTS APPEAL}_{c,d,A,a,t} = {} & \alpha \text{APPELLANT AFFINITY INDEX}_{d,A,a,t} + \gamma \text{US APPELLANT}_{c,d,t} \\ & + \beta(\text{APPELLANT AFFINITY INDEX}_{d,A,a,t} \times \text{US APPELLANT}_{c,d,t}) \\ & + \phi \mathbf{X}_{d,t} + \epsilon_{c,d,A,a,t} \end{aligned} \tag{2}$$

where the key estimand of interest is β, the interaction effect of the APPELLANT AFFINITY INDEX and an indicator on whether the appellant is the US (US APPELLANT). Given the US influence argument, I expect β to be positive and significant, while I expect the estimand for APPELLANT

[13] Statement by the United States at the Meeting of the WTO Dispute Settlement Body, May 23, 2016, here.

Table 5: **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	0.062	0.010	-0.003	-0.008
	(0.046)	(0.039)	(0.047)	(0.059)	(0.055)
× US Appellant	0.162**	0.163**	0.301***	0.262**	0.234**
	(0.071)	(0.079)	(0.113)	(0.111)	(0.109)
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}
Judge controls		✓	✓	✓	✓
Dispute and claim controls			✓	✓	✓
Year Fixed-effects				✓	✓
Apellant Fixed-effects					✓

Notes: Full table in Section A.2. All specifications are estimated using OLS. Standard errors clustered by unique-dispute are in parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$.

AFFINITY when the appellant is not the US —i.e., α— to be a precisely estimate null.

Table 5 shows the results. Across all specifications the evidence is clear: the national bias is driven by US cases, as shown by the positive and significant interaction effects. In contrast, the effect of affinity towards the appellant when the US is not the appellant is small, not statistically significant, and changes sign in the most saturated models —where it suggests a precisely estimate null effect.

These results provide strong support for the argument that US influence has permeated the AB, biasing its rulings.[14]

European Union While there is clear agreement in the extant literature that the US in the lead country, some of the scholarship also notes the influence of European Union. Brutger and Morse (2015) also find use of judicial economy at the panel stage when the EU loses, and Daku and Pelc

[14]It might be even possible that US influence might not only favor the US, but also disfavor rivals. For instance, whenChina is an appellant and faces no US judge in the division, it wins 34.09 percent of the claims. This number drops to 3.70 when facing a division with a US judge (see Table A11). However, given the limited sample size I lack statistical power for more compelling tests, so this is suggestive at best.

(2017) show that the EU also has influence over jurisprudence —only not as much as the US. As such, there are reasons to expect to that the EU would also seek to exert influence at the AB body.

However, there are several reasons why that would not be the case. One could argue that national bias is harder to come about in a supranational context like the EU. Indeed, lack of co-ordination at the supranational level was clear at the beginning of the AB: in 1995 there were 13 candidates for the AB from EU member states, compared to 3 candidates in 2001 and 2 in 2009 (Ehlermann, 2018). However, even if learning occurred at the European Comission level, there are other reasons as to why the EU might not behave as the US. Another argument for why the US and the EU would behave differently is their opposing views about the (evolving) governance of the WTO AB. For instance, Robert Lighthizer has noted that while US position towards the WTO is one of a rigid contract, "Europeans tend to think theyre sort of evolving kinds of governance."[15] For Jennifer Hillman, this difference can be traced back to legal tradition: whereas the US is a common law country, most of the EU countries are civil law countries —as such, the EU sees the AB more as a court, where interpretation and evolving governance crosses disputes.[16] Finally, the EU has been one of the most outspoken critics of US behavior towards the AB and how it has threatening the impartiality of the WTO. Reacting to the US veto against the reappointment of South Korean judge Seung Wha Chang, the position of the EU was that such action "poses a very serious threat to the independence and impartiality of current and future Appellate Body members."[17] Indeed, EU proposals with respect to the AB, and how to ensure its independence, points to a system where either re-appointments should be close to automatic as long as the AB member is willing and able, or these members actually have one single term, but of longer duration (6 to 8 years instead of 4).

To adjudicate between these two competing views, I estimate the same model as above, but also adding an EU interaction. Table A10 shows the results, which support the interpretation that

[15] "U.S. Trade Policy Priorities: Robert Lighthizer, United States Trade Representative," September 18, 2017, *CSIS*, here.

[16] "America May Be Doing Away with WTO Dispute Settlement," October 28, 2018, *Trade Talks*, here.

[17] "US accused of undermining WTO," May 30, 2016, *Financial Times*, here.

the EU is not getting a biased treatment, again confirming the US exceptionalism.

6 Alternative Explanations

While the evidence from the previous section suggests a strong political influence of the US at the AB level, one might be concerned that there are alternative explanations that would not support such a political interference interpretation. Sources of potential biases are many, and cover a wide variety of scholarly traditions. For instance, implicit biases are possible. One way in which bias might occur is with respect to countries of similar economic status. That is, an alternative explanation is that this is not simply a US effect, but a broader struggle between the developed and developing world.

In a similar line, cultural or socialization factors, such as language, religion, and even legal traditions, could be a source of bias for international judges. For instance, another possible explanation is that even if the results are indeed driven by the US, this does not reflect power politics; rather it shows a educational bias driven by socialization of US views of international law whereby judges educated in the US are simply more suaded by the type of legal arguments made by the US.

I evaluate –and rule out– these alternative explanations below.

6.1 Developed vs. Developing Countries

International organizations have been long purported as forums where developed and developing nations struggle for power and influence. As such, one could argue that the previous results simply reflect the so called "north–south" divide, and not just US influence. To rule out this account, I replicate the analysis from before by analyzing affinity as sharing (developed or developing) country status. Developed countries are defined as early OECD members, but this definition does not change the results.[18] About 71 per cent of the claims are brought forward by a developed

[18]Countries defined as developed are Australia, Canada, Switzerland, 'EU', Japan, Korea, Norway, New Zealand and the United States. Developing are Antigua and Barbuda, Argentina, Brazil, Chile, China,

country (where the US and the European Union account for about 42 and 35 per cent, respectively). The 29 per cent of claims brought by developing country appellants are less concentrated, with the top appellants such as China, Mexico, India and Brazil accounting for 21, 15, 14 and 13 per, cent respectively.

In contrast, developing country nationals participate in almost all panels as AB judges. Close to 5% of the claims have an 'all-developed judge' panels; about 6.8% of the claims are ruled by an 'all-developing judge panel'. In most cases, there is 1 judge from a developing country (about 55%) while 33% of the claims are ruled but a panel composed of 2 developing country judges. Given this distribution, I replace the affinity variable from before with an indicator of affinity, DEVELOPED COUNTRY AFFINITY PANEL, that takes the value of 1 if the majority of the judges in the panel (i.e., at least two members) are developed country nationals, 0 otherwise

Table 6 shows the results. Across specifications, there is no support for the notion that there is a bias as a result of shared country economic status, nor there is an average differential effect induced by a panel with a majority of judges from the developing world.

6.2 Socialization to US education

There is an additional potential threat to inference given the previous results. One could posit that both the seemingly political US effect as well as the apparent null effect on shared economic status might be explained by a socialization process of US law. After all, US Law Schools are among the most, if not the most, prominent in the world. They train scholars and practitioners across the globe, and set set the tone for the way international law is discussed and analyzed today. In this vein, it could be the case that US trade lawyers have, on the margin, a comparative advantage in presenting their cases, specially so to US judges, thus potentially explaining the bias results.

However, there reasons why that might not be the case. First, this might be unlikely because

Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Honduras, India, Indonesia, Malasya, Mexico, Pakistan, Panama, Peru, Philippines, Russia, Taiwan, Thailand, Venezuela, and Vietnam.

Table 6: **Effect of AB panel sharing country development status on AB appeal acceptance rates**

	AB accepts claim of appellant				
	(1)	(2)	(3)	(4)	(5)
Developed Country Affinity Panel	0.073	0.072	0.083	0.022	-0.691*
	(0.210)	(0.244)	(0.294)	(0.290)	(0.351)
× Developed Country Appellant	-0.150	-0.134	-0.195	-0.519	0.162
	(0.280)	(0.329)	(0.335)	(0.344)	(0.198)
Observations	513	513	513	513	513
Outcome mean	0.24	0.24	0.24	0.24	0.24
Outcome range	{0,1}	{0,1}	{0,1}	{0,1}	{0,1}
Judge controls		✓	✓	✓	✓
Dispute and claim controls			✓	✓	✓
Year Fixed-effects				✓	✓
Appellant Fixed-effects					✓

Notes: Full table in Section A.2. All specifications are estimated using OLS. Standard errors clustered by unique-dispute are in parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$.

of outsourcing of legal capacity, mainly to US firms, thus erasing any comparative advantage. For instance, Frank (Guoliang) Hang, an international trade lawyer at Jun He Law Offices at the time (which spawned AB member Zhang Yuejiao) noted that "U.S. law firms are very strong in WTO disputes and the Chinese law firms are not so experienced. We are still learning. So we have to work with U.S. firms."[19] A second line of reasoning for why this might not be the case is, instead of outsourcing legal capacity, building it. For instance, Mr. Hang also noted that "as time goes by, as Chinese law firms have more cases and get more experience, I think we'll just represent the Chinese government by ourselves. But it'll still take a long time"; Xiao Jinquan, a partner at Dacheng Law Offices and director of the commerce and corporate committee on the All China Lawyers Association, noted that "waves of Chinese lawyers who received law degrees in the U.S. come back with understanding of WTO law and different legal system."[20]

For a systematic assessment of this potential threat to inference I leverage the education background of the universe of AB judges. Out of the 27 judges, 17 of them hold at least one degree

[19] Where Are China's WTO Lawyers? *Forbes*, April 27, 2009, here.
[20] Ibid.

from a US university —typically and LLM or JD. With this information, I construct an indicator on whether the MAJORITY OF THE AB PANEL WAS EDUCATED IN US.[21] This 'treatment' is akin to affinity indicators used above. As such, to assess the inferential threat of socialization to US education, I once again interact this variable of interest with an indicator on whether the US is the appellant on a given claim. As such, the estimation takes the following form:

$$\begin{aligned}\text{AB ACCEPTS APPEAL}_{c,d,A,a,t} = \beta(&\text{MAJORITY OF PANEL EDUCATED IN US}_{d,t} \times \text{US APPELLANT}_{c,d,t}) \\ &+ \alpha\text{MAJORITY OF PANEL EDUCATED IN US}_{d,t} + \gamma\text{US APPELLANT}_{c,d,t} \\ &+ \phi\mathbf{X}_{d,t} + \epsilon_{c,d,A,a,t} \qquad (3)\end{aligned}$$

where the coefficient of interest is β. If panels with a majority of US educated judges are more responsive to US claims, then β should be positive. In contrast, to the extent that socialization to education in the US is not driving the results, then β should a null effect.

Table 7, Panel A shows the first set of results. Overall, the interaction effect is statistically insignificant at conventional levels, and if anything, the estimated negative sign is in the opposite direction of what the socialization argument would have predicted. Panel A, however, relies on the full sample. That is, it includes US judges as well —where a national bias might confound the US education bias. As such, Panel B replicates the analysis but excluding US judges, effectively comparing cases where panels made up of non-US judges whereby the lottery assignment, sometimes the US faces panels with a majority of judges educated in the US and sometimes it does not. This arguably more convincing test once again fails to support the socialization hypotheses, thus lending more support to the US-specific, national bias argument.

[21] Results are the same if the number of judges educated in the US by panel or an indicator on whether the entire AB Panel was educated in the US are used.

Table 7: **Effect of majority of AB panel being educated in the US**

	AB accepts claim of appellant				
	(1)	(2)	(3)	(4)	(5)
Panel A: Full sample					
Majority of Panel Educated in US	0.000	0.029	-0.159**	-0.067	0.011
	(0.059)	(0.070)	(0.075)	(0.087)	(0.084)
× US Appellant	-0.403	-0.327	-0.268	-0.187	-0.509*
	(0.306)	(0.370)	(0.343)	(0.351)	(0.265)
Observations	1,332	1,332	1,332	1,332	1,332
Outcome mean	0.26	0.26	0.26	0.26	0.26
Panel B: Excluding US Judges					
Majority of Panel Educated in US	-0.068	-0.109	-0.375***	-0.258	-0.284
	(0.104)	(0.103)	(0.125)	(0.176)	(0.192)
× US Appellant	-0.374	-0.587	-0.071	0.285	-0.641*
	(0.390)	(0.440)	(0.400)	(0.426)	(0.340)
Observations	687	687	687	687	687
Outcome mean	0.24	0.24	0.24	0.24	0.24
Outcome range	{0,1}	{0,1}	{0,1}	{0,1}	{0,1}
Judge controls		✓	✓	✓	✓
Dispute and claim controls			✓	✓	✓
Year Fixed-effects				✓	✓
Appellant Fixed-effects					✓

Notes: Full table in Section A.2. All specifications are estimated using OLS. Article-type fixed effects included but output omitted. Standard errors clustered by unique-dispute are in parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$.

7 Corollaries of US influence: Foreign Aid

While the previous section provided evidence to rule out alternative explanations, the paper has yet to provide systematic evidence that the AB body behavior with respect to the US represents the US exerting influence. Here, I present indirect evidence of such behavior by analyzing the provision of foreign aid. Specifically, I examine whether the pattern of aid giving from the US to countries when they have nationals in the WTO AB is consistent with US influence.

Examining foreign aid giving provides a good case for several reasons. It is well established

that the US allocates aid based on strategic reasons, with a large focus on purchasing influence (Kuziemko and Werker, 2006). While it has not been analyzed before, it is plausible that the US leverage aid allocation to influence countries to potentially nudge their judges. Unlike other international courts, AB judges are not in residence in Geneva, but most of them live in their countries of origin, where their career is developed. As such, and knowing the term-limits of AB appointments, countries can have a large influence in the individual judges' career.

Analyzing bilateral aid allocation also provides with an suitable placebo test. Given the evidence from previous section, the EU is not receiving any biased treatment at the AB, and as such, one would not expect any pattern with the respect to their aid allocation as a function of countries' appointments of judges to the AB. This placebo test is important as, above and beyond the particulars of the estimation strategy, it would provide evidence that any finding on US bilateral aid is not driven by specific trends in recipients needs and so forth.

Thus the empirical strategy here looks within countries across time to analyze the extent to which US and EU bilateral changes as a function of whether the recipient country has a judge in the WTO AB:

$$\text{BILATERAL AID}_{i,t} = \beta \text{WTO AB JUDGE}_{d,t} + \alpha_i + \delta_t + \phi \mathbf{X}_{i,t} + \epsilon_{i,t} \tag{4}$$

where I examine developing countries from 1995 to to 2016. The two outcomes of interest are (i) logged US NET BILATERAL AID and (ii) EU NET BILATERAL AID —as a placebo test— for a given country, on a given year. The variable of interest is WTO AB JUDGE, an indicator on whether the recipient country has a national judge at the WTO AB on a given year. In all estimations I include country and year fixed-effects, and in additional models I include a series of relevant covariates, namely GDP (Ln), GDP per capita (Ln), trade openness (from World Development Indicators), UN Security Council temporary membership (from Dreher, Sturm and Vreeland, 2009), UN Voting Ideal Point absolute differences with the donor (i.e., US in the US case and Germany in

the EU case) (Bailey, Strezhnev and Voeten, 2017), democracy from Polity IV as well as indicators on civil war occurrence.[22] Standard errors are clustered at the country-level.

Table 8: **Correlation between country-presence in the WTO AB and bilateral aid**

	Net US Bilateral Aid (Ln)		Net EU Bilateral Aid (Ln)	
	(1)	(2)	(3)	(4)
WTO AB Judge	0.618**	0.581**	0.069	-0.080
	(0.254)	(0.272)	(0.133)	(0.122)
GDP (Ln)		1.359**		-1.154**
		(0.557)		(0.499)
GDP per capita (Ln)		-1.290**		0.538
		(0.517)		(0.538)
Trade (% of GDP)		0.009***		0.001
		(0.003)		(0.001)
UNSC seat		0.020		0.056
		(0.117)		(0.091)
Democracy		0.024		0.028**
		(0.015)		(0.012)
Civil War		0.071		0.035
		(0.071)		(0.061)
UN Ideal Point Diff. with US		-0.732***		
		(0.179)		
UN Ideal Point Diff. with Germany				-0.543***
				(0.114)
Observations	2,609	1,888	2,892	2,050
Countries	144	114	149	115
Country Fixed-effects	✓	✓	✓	✓
Year Fixed-effects	✓	✓	✓	✓
Covariates		✓		✓

Notes: All specifications are estimated using OLS. Covariates include GDP (Ln), GDP per capita (Ln), trade (% of GDP), UNSC seat, democracy, civil war, and UN Ideal Point Difference with the US (Germany). Standard errors clustered by country are in parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$.

Table 8 shows the results. Columns 1 and 2 focuses on US aid, without and with covariate adjusment, respectively. They show a strong positive and significant correlation between devel-

[22]Note that the correlation between WTO AB Judge and UNSC seat, and UN Voting difference with the US are low: 0.08 and 0.02 respectively.

oping country presence in the WTO AB and US bilateral aid. Substantively, a judge in the AB is associated with US aid increases of approximately 78 percent. While large, it is within the range of existing, similar estimates. For instance, the first set of estimates from Kuziemko and Werker (2006) report, on average, 59 percent increase in total aid from the United States due to nonpermanent mermbership on the UNSC —including estimates up to 170 percent increase in US aid during important years. More recently, Dreher et al. (2018) report that UNSC membership increases aid by more than 83 percent when voting in line with the US.

In contrast, the placebo test examining EU aid in Columns 3 and 4 shows a precisely estimated null effect.

Additional robustness tests confirm tha validity of thes results. For instance, many scholars argue that Egypt is a special case in foreign aid. This might be specially concerning given that Egypt had two AB judges, Said El-Naggar and Georges Michel Abi-Saab. Table A18 shows that the results still hold when Egypt is removed from the sample.

Overall, these results support the interpretation of the main results as ones where the US is trying to exert influence at the WTO.

8 Conclusion

Are International Organizations the fora in which international cooperation is achieved, or do they simply channel the power and influence of the global powers who created it? Is it the case that international judges can implement the law in a fair and impartial way?

Existing research provides mixed evidence as to whether international judges are or not impartial, and thus influenced by power politics. These mixed findings, however, can be obscured by endogeneity issues —making unclear the extent to which judges are indeed impartial and independent agents, or power politics rules. I address this shortcoming by exploiting a natural experiment at the WTO's Appellate Body, where judges get randomly assigned to cases. Exploiting the ran-

domness on whether countries face a co-national judge or not, I show that indeed there's substantial national bias in AB rulings.

Crucially, however, national bias at the AB is driven by US influence. I support this interpretation by ruling out alternative explanations with respect to a potential dispute between the developed and developing world, and also with respect to socialization to US education. I further show that US foreign aid provision is in line with the premise that the US is trying to influence the WTO AB —further support by placebo tests on EU foreign aid provision.

Overall, the evidence presented here provides a grim view on the impartiality of international judges, and consequently on the extent to which IOs can still be influenced by the role power in world politics.

References

Alter, Karen. 2006. Delegation to International Courts and the Limits of Recontracting Political Power. In *Delegation under Anarchy*, ed. Darren Hawkins, Daniel Nielson, Michael J. Tierney and David A. Lake. Cambridge University Press.

Alter, Karen J. 2008. "Agents or Trustees? International Courts in Their Political Context." *European Journal of International Relations* 14(1):33–63.

Alter, Karen, James Gathii and Laurence Helfer. 2016. "Backlash Against International Courts in West, East and Southern Africa: Causes and Consequences." *European Journal of International Law* 27.

Bailey, Michael, Anton Strezhnev and Erik Voeten. 2017. "Estimating dynamic state preferences from united nations voting data." *Journal of Conflict Resolution* 61:430–56.

Brutger, Ryan and Julia Morse. 2015. "Balancing law and politics: Judicial incentives in WTO dispute settlement." *Review of International Organizations* 10:179–205.

Carrubba, Clifford, Matthew Gabel and Charles Hankla. 2008. "Judicial Behavior under Political Constraints: Evidence from the European Court of Justice." *American Political Science Review* 102(4):435–452.

Chaudoin, Stephen. 2014. "Audience Features and the Strategic Timing of Trade Disputes." *International Organization* 68:877–911.

Chaudoin, Stephen. 2016. "How Contestation Moderates the Effects of International Institutons: the International Criminal Court and Kenya." *Journal of Politics* 78:557–571.

Daku, Mark and Krzysztof Pelc. 2017. "Who Holds Influence Over WTO Jurisprudence?" *Journal of International Economic Law* 20:233–255.

Davis, Christina. 2012. *Why Adjudicate? Enforcing Trade Rules in the WTO*. Princeton University Press.

Downs, George W, David M Rocke and Peter N Barsoom. 1996. "Is the good news about compliance good news about cooperation?" *International Organization* 50(3):379–406.

Dreher, Axel, Jan-Egbert Sturm and James Vreeland. 2009. "Development Aid and International Politics: Does membership on the UN Security Council influence World Bank decisions?" *Journal of Development Economics* 88:1–18.

Dreher, Axel, Valentin Lang, B. Peter Rosendorff and James Vreeland. 2018. "Buying Votes and International Organizations: The Dirty Work-Hypothesis." CEPR Discussion Paper 13290.

Ehlermann, Claus-Dieter. 2018. Revisiting the Appellate Body. In *A History of Law and Lawyers in the GATT/WTO*, ed. Gabrielle Marceau. Cambridge University Press pp. 517–546.

Elsig, Manfred and Mark Pollack. 2014. "Agents, trustees, and international courts: The politics of judicial appointment at the World Trade Organization." *European Journal of International Relations* 20:391–415.

Ganesan, A.V. 2018. The Appellate Body in its formative years. In *A History of Law and Lawyers in the GATT/WTO*, ed. Gabrielle Marceau. Cambridge University Press pp. 482–506.

Horn, Henrik, Louise Johannesson and Petros C Mavroidis. 2011. "'The WTO Dispute Settlement System 1995-2010: Some Descriptive Statistics'." *Journal of World Trade* 45, Issue 6:pp. 1107–1138.

Imbens, Guido and Donald Rubin. 2015. *Causal Inference for Statistics, Social, and Biomedical Sciences*. Cambridge University Press.

Janow, Merit. 2008. "Reflections on Serving on the Appellate Body." *Loyola University Chicago International Law Review* .

Kim, Soo Yeon. 2010. *Power and the Governance of Global Trade: From the GATT to the WTO*. Cornell University Press.

Kucik, Jeffrey and Krzysztof Pelc. 2017. "Measuring the Cost of Privacy: A Look at the Distributional Effects of Private Bargaining." *British Journal of Political Science* 46:861–889.

Kuziemko, Ilyana and Eric Werker. 2006. "How Much is a Seat on the Security Council Worth? Foreign Aid and Bribery at the United Nations." *Journal of Political Economy* 114:905–930.

Lin, Winston. 2013. "Agnostic Notes on Regression Adjustments to Experimental Data: Reexamining Freedman's Critique." *Annals of Applied Statistics* 7:295–318.

Madsen, Mikael. 2016. "The Challenging Authority of the European Court of Human Rights: From Cold War Legal Diplomacy to the Brighton Declaration and Backlash." *Law and Contemporary Problems* .

Posner, Eric A. and Miguel F.P. de Figueiredo. 2005. "Is the International Court of Justice Biased?" *The Journal of Legal Studies* 34(2):599–630.

Steger, Debra. 2018. The founding of the Appellate Body. In *A History of Law and Lawyers in the GATT/WTO*, ed. Gabrielle Marceau. Cambridge University Press pp. 482–506.

Stone, Randall. 2011. *Controlling Institutions: International Organizations and the Global Economy*. Cambridge University Press.

Voeten, Erik. 2008. "The Impartiality of International Judges: Evidence from the European Court of Human Rights." *American Political Science Review* 102(4):417–432.

A Appendix

Contents

A.1 Main variable definitions

A.1.1 Data

AB Accepts Appeal is an indicator for AB panel accepting the claim of the appellant. It takes a value of 1 when the AB accepts the claim, and 0 when it rejects it, thereby excluding judicial economy cases.

Appellant Affinity Index takes a value of 1 when a judge in the panel shares the nationality of the appellant but not the appelle, takes a value of -1 when a judge in the panel shares the nationality of the appellee but not the appellant, and 0 otherwise.

Appellant Affinity is an indicator for precincts receiving the information treatment.

Appellee Affinity Index is an indicator for precincts receiving the information treatment.

Average Judge Age is a variable that measures the average years of AB experience among the judges of the panel.

Female Judge in Panel is an indicator on whether there is a female judge in the panel.

Majority of Panel Educated in US is an indicator for panels where at least 2 of the judges were educated in the US.

Former Ambassador Judge in Panel is an indicator for whether any of the judges in the panel has experience as an Ambassador.

Total number of claims is a count of the total number of claims in the given dispute.

Number of third parties is a count of the total number of third party countries present in a given dispute.

Appellant Experience is a count of the total number of AB disputes that the appellant has taken part in at at the time of the AB report.

Appellee Experience is a count of the total number of AB disputes that the appelle has taken part in at at the time of the AB report.

Table A1: **Appellate Body Judges, by country and terms**

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
Arumugamangalam Venkatachalam 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	12/10/2019
Ujal Singh Bhatia	India	12/11/2011	12/10/2019
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

Notes: * expected.

A.2 Main results: full tables

Table A2: **Effect of AB panel sharing country on AB appeal acceptance rates**

	AB accepts claim of appellant				
	(1)	(2)	(3)	(4)	(5)
Appellant Affinity Index	0.105***	0.123***	0.123***	0.099***	0.084**
	(0.036)	(0.036)	(0.030)	(0.036)	(0.036)
Average Judge Age		0.014	0.030	0.003	-0.050
		(0.027)	(0.030)	(0.039)	(0.039)
Average Judge Experience		0.031	-0.002	0.019	0.032
		(0.030)	(0.031)	(0.042)	(0.045)
Female Judge in Panel		0.002	0.006	0.007	-0.007
		(0.029)	(0.027)	(0.036)	(0.030)
Majority of Panel Educated in US		0.001	-0.046*	-0.035	0.011
		(0.022)	(0.025)	(0.031)	(0.028)
Former Ambassador Judge in Panel		0.048*	0.039	0.041	0.059
		(0.026)	(0.027)	(0.037)	(0.037)
Total number of claims			-0.049**	-0.102***	-0.122***
			(0.023)	(0.035)	(0.032)
Number of third parties			-0.019	-0.007	0.024
			(0.029)	(0.031)	(0.030)
Appellant Experience			0.041*	0.056**	0.109**
			(0.021)	(0.026)	(0.052)
Appellee Experience			0.070**	0.055*	0.086***
			(0.034)	(0.029)	(0.032)
AD claim			-0.002	0.052	0.044
			(0.063)	(0.053)	(0.058)
DSU claim			-0.146**	-0.145**	-0.145**
			(0.066)	(0.066)	(0.068)
GATT claim			-0.013	-0.051	-0.027
			(0.066)	(0.058)	(0.057)
SCM claim			-0.112*	-0.052	-0.058
			(0.058)	(0.057)	(0.060)
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}
Year Fixed-effects				✓	✓
Appellant Fixed-effects					✓

Notes: All specifications are estimated using OLS. Standard errors clustered by unique-dispute are in parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$.

Table A3: **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	0.062	0.010	-0.003	-0.008
	(0.046)	(0.039)	(0.047)	(0.059)	(0.055)
× US Appellant	0.162**	0.163**	0.301***	0.262**	0.234**
	(0.071)	(0.079)	(0.113)	(0.111)	(0.109)
US Appellant	-0.031	-0.004	-0.072	-0.017	
	(0.063)	(0.058)	(0.077)	(0.083)	
Average Judge Age		0.025	0.040	0.013	-0.036
		(0.029)	(0.031)	(0.039)	(0.038)
Average Judge Experience		0.021	-0.015	0.011	0.021
		(0.030)	(0.029)	(0.041)	(0.044)
Female Judge in Panel		0.006	0.002	0.002	-0.009
		(0.029)	(0.026)	(0.036)	(0.030)
Majority of Panel Educated in US		-0.001	-0.042*	-0.036	0.009
		(0.022)	(0.023)	(0.028)	(0.027)
Former Ambassador Judge in Panel		0.047*	0.045*	0.039	0.053
		(0.024)	(0.025)	(0.035)	(0.037)
Total number of claims			-0.049**	-0.102***	-0.118***
			(0.023)	(0.033)	(0.032)
Number of third parties			-0.024	-0.021	0.009
			(0.027)	(0.028)	(0.028)
Appellant Experience			0.065**	0.064*	0.120**
			(0.031)	(0.035)	(0.050)
Appellee Experience			0.068**	0.053*	0.084***
			(0.034)	(0.027)	(0.031)
AD claim			0.016	0.055	0.044
			(0.062)	(0.054)	(0.058)
DSU claim			-0.160**	-0.160**	-0.155**
			(0.063)	(0.064)	(0.067)
GATT claim			-0.027	-0.060	-0.033
			(0.061)	(0.055)	(0.056)
SCM claim			-0.101*	-0.055	-0.057
			(0.058)	(0.057)	(0.060)
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}
Year Fixed-effects				✓	✓
Apellant Fixed-effects					✓

Notes: All specifications are estimated using OLS. Standard errors clustered by unique-dispute are in parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$.

Table A4: **Effect of AB panel sharing country development status on AB appeal acceptance rates**

	AB accepts claim of appellant				
	(1)	(2)	(3)	(4)	(5)
Developed Country Affinity Panel	0.073	0.072	0.083	0.022	-0.691*
	(0.210)	(0.244)	(0.294)	(0.290)	(0.351)
× Developed Country Appellant	-0.150	-0.134	-0.195	-0.519	0.162
	(0.280)	(0.329)	(0.335)	(0.344)	(0.198)
Developed Country Appellant	0.039	0.051	-0.066	0.029	
	(0.087)	(0.079)	(0.087)	(0.148)	
Average Judge Age		0.053	0.057	-0.052	-0.121*
		(0.036)	(0.039)	(0.078)	(0.070)
Average Judge Experience		-0.019	-0.023	-0.017	0.181
		(0.059)	(0.051)	(0.121)	(0.141)
Female Judge in Panel		-0.006	-0.011	0.106*	-0.024
		(0.044)	(0.038)	(0.058)	(0.073)
Majority of Panel Educated in US		-0.059	-0.139***	-0.106	-0.081**
		(0.048)	(0.047)	(0.067)	(0.039)
Former Ambassador Judge in Panel		0.046	0.002	0.100	0.068
		(0.046)	(0.045)	(0.091)	(0.093)
Total number of claims			-0.013	-0.356	0.273
			(0.115)	(0.262)	(0.297)
Number of third parties			0.037	0.126	0.024
			(0.049)	(0.148)	(0.204)
Appellant Experience			0.131**	0.191**	0.579***
			(0.060)	(0.081)	(0.106)
Appellee Experience			-0.046	0.109	0.230*
			(0.061)	(0.088)	(0.116)
AD claim			-0.140	-0.060	-0.027
			(0.100)	(0.069)	(0.070)
DSU claim			-0.256***	-0.173***	-0.129**
			(0.064)	(0.062)	(0.059)
GATT claim			-0.120*	-0.115	-0.020
			(0.068)	(0.076)	(0.054)
SCM claim			-0.393***	-0.298**	-0.323***
			(0.104)	(0.127)	(0.112)
Observations	513	513	513	513	513
Outcome mean	0.24	0.24	0.24	0.24	0.24
Outcome range	{0,1}	{0,1}	{0,1}	{0,1}	{0,1}
Year Fixed-effects				✓	✓
Apellant Fixed-effects					✓

Notes: All specifications are estimated using OLS. Standard errors clustered by unique-dispute are in parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$.

Table A5: **Effect of majority of AB panel being educated in the US**

	AB accepts claim of appellant				
	(1)	(2)	(3)	(4)	(5)
Panel A: Full sample					
Majority of Panel Educated in US	0.000	0.029	-0.159**	-0.067	0.011
	(0.059)	(0.070)	(0.075)	(0.087)	(0.084)
× US Appellant	-0.403	-0.327	-0.268	-0.187	-0.509*
	(0.306)	(0.370)	(0.343)	(0.351)	(0.265)
US Appellant	0.415	0.373	0.353	0.348	
	(0.294)	(0.364)	(0.329)	(0.336)	
Average Judge Age		0.059	-0.043	0.076	-0.104
		(0.074)	(0.098)	(0.122)	(0.091)
Average Judge Experience		0.007	-0.229*	-0.172	-0.263***
		(0.083)	(0.119)	(0.111)	(0.090)
Female Judge in Panel		0.020	-0.046	0.128**	0.168***
		(0.073)	(0.043)	(0.064)	(0.057)
Former Ambassador Judge in Panel		0.073	0.002	0.137	0.050
		(0.092)	(0.089)	(0.126)	(0.123)
Total number of claims			-0.036	-0.032	-0.224*
			(0.073)	(0.140)	(0.128)
Number of third parties			-0.125*	-0.052	-0.013
			(0.072)	(0.102)	(0.095)
Appellant Experience			0.168***	0.203***	0.231***
			(0.057)	(0.059)	(0.077)
Appellee Experience			0.080	0.136***	0.178***
			(0.057)	(0.049)	(0.054)
Observations	1,332	1,332	1,332	1,332	1,332
Outcome mean	0.26	0.26	0.26	0.26	0.26
Panel B: Excluding US Judges					
Majority of Panel Educated in US	-0.068	-0.109	-0.375***	-0.258	-0.284
	(0.104)	(0.103)	(0.125)	(0.176)	(0.192)
× US Appellant	-0.374	-0.587	-0.071	0.285	-0.641*
	(0.390)	(0.440)	(0.400)	(0.426)	(0.340)
US Appellant	0.231	0.465	-0.076	-0.162	
	(0.380)	(0.435)	(0.391)	(0.400)	
Average Judge Age		-0.051	0.105	0.386**	-0.138
		(0.075)	(0.147)	(0.171)	(0.154)
Average Judge Experience		-0.222	-0.084	-0.031	-0.492***
		(0.152)	(0.196)	(0.222)	(0.159)
Female Judge in Panel		-0.023	-0.051	-0.016	-0.118
		(0.074)	(0.036)	(0.147)	(0.137)
Former Ambassador Judge in Panel		0.021	0.200	0.354*	-0.127
		(0.096)	(0.188)	(0.188)	(0.169)
Total number of claims			0.400	0.327	-0.199
			(0.302)	(0.288)	(0.302)
Number of third parties			0.159	0.428*	0.222
			(0.184)	(0.216)	(0.252)
Appellant Experience			0.206***	0.222***	0.152**
			(0.050)	(0.072)	(0.067)
Appellee Experience			-0.019	-0.047	0.004
			(0.088)	(0.087)	(0.085)
Observations	687	687	687	687	687
Outcome mean	0.24	0.24	0.24	0.24	0.24
Outcome range	{0,1}	{0,1}	{0,1}	{0,1}	{0,1}
Year Fixed-effects				✓	✓
Apellant Fixed-effects					✓

Notes: All specifications are estimated using OLS. Article-type fixed effects included but output omitted. Standard errors clustered by unique-dispute are in parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$.

A.3 Additional Results

These include seven unique disputes, involving a total of 13 countries, with a total of 47 claims. Countries are Argentina, Chile, Colombia, Dominican Republic, Guatemala, Honduras, Indonesia, Panama, Peru, Poland, Thailand, Taiwan, and Vietnam.

A.4 Non-linear Estimations

Table A6: **Identification Assumption: Balance Tests**

	Panel Affinity with Appellant							
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Female Judge in Panel	-0.051							-0.062
	(0.118)							(0.131)
Average Judge Age		-0.001						-0.008
		(0.010)						(0.010)
Average Judge Experience			0.053*					0.056*
			(0.030)					(0.029)
Majority of Panel Educated in US				0.228**				0.176
				(0.105)				(0.118)
Former Ambassador Judge in Panel					-0.131			-0.074
					(0.102)			(0.109)
Total number of claims						0.001		-0.001
						(0.008)		(0.007)
Number of third parties							-0.003	-0.009
							(0.011)	(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}

Notes: All specifications are estimated using OLS. Standard errors clustered by unique-dispute are in parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$.

Table A7: **Effect of AB panel sharing country on AB appeal acceptance rates**

	AB accepts claim of appellant				
	(1)	(2)	(3)	(4)	(5)
Appellant Affinity	0.161***	0.239***	0.230***	0.159**	0.226**
	(0.059)	(0.072)	(0.068)	(0.077)	(0.105)
Appellee Affinity	-0.039	-0.017	-0.005	-0.057	-0.010
	(0.057)	(0.057)	(0.058)	(0.053)	(0.056)
Appellant Affinity × Appellee Affinity	-0.230***	-0.200**	-0.360	-0.678**	-0.425
	(0.081)	(0.097)	(0.284)	(0.278)	(0.292)
Average Judge Age		0.011	0.010	-0.072*	-0.102**
		(0.037)	(0.035)	(0.042)	(0.040)
Average Judge Experience		0.065	0.043	0.029	0.030
		(0.055)	(0.046)	(0.043)	(0.055)
Female Judge in Panel		-0.002	-0.006	0.025	-0.022
		(0.041)	(0.038)	(0.045)	(0.045)
Majority of Panel Educated in US		-0.019	-0.040	-0.033	0.009
		(0.037)	(0.033)	(0.036)	(0.032)
Former Ambassador Judge in Panel		0.079**	0.086**	0.099**	0.096**
		(0.035)	(0.033)	(0.046)	(0.042)
Total number of claims		-0.027	-0.027	-0.025	-0.030
		(0.036)	(0.032)	(0.036)	(0.050)
Number of third parties		-0.020	-0.039	-0.062*	-0.000
		(0.040)	(0.035)	(0.037)	(0.044)
Complainant Experience			0.008	0.018	0.043
			(0.034)	(0.040)	(0.044)
Respondent Experience			0.093**	0.086***	0.172***
			(0.041)	(0.031)	(0.040)
AD claim			-0.015	0.034	0.009
			(0.062)	(0.052)	(0.056)
DSU claim			-0.151**	-0.161**	-0.161**
			(0.065)	(0.065)	(0.067)
GATT claim			-0.013	-0.055	-0.042
			(0.065)	(0.056)	(0.058)
SCM claim			-0.113**	-0.103*	-0.103*
			(0.056)	(0.057)	(0.059)
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}
Year Fixed-effects				✓	✓
Apellant Fixed-effects					✓

Notes: All specifications are estimated using OLS. Standard errors clustered by unique-dispute are in parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$.

Table A8: **Effect of AB panel sharing country on AB appeal acceptance rates: Robustness to dropping countries without presence in the AB**

	AB accepts claim of appellant				
	(1)	(2)	(3)	(4)	(5)
Appellant Affinity Index	0.105***	0.123***	0.122***	0.095**	0.073**
	(0.036)	(0.036)	(0.030)	(0.037)	(0.035)
Average Judge Age		0.016	0.031	0.005	-0.056
		(0.029)	(0.031)	(0.043)	(0.040)
Average Judge Experience		0.030	-0.008	0.009	0.021
		(0.031)	(0.032)	(0.043)	(0.045)
Female Judge in Panel		0.005	0.004	-0.008	-0.020
		(0.031)	(0.029)	(0.036)	(0.029)
Majority of Panel Educated in US		-0.003	-0.056**	-0.037	0.023
		(0.022)	(0.026)	(0.034)	(0.030)
Former Ambassador Judge in Panel		0.046*	0.034	0.030	0.052
		(0.026)	(0.028)	(0.037)	(0.037)
Total number of claims			-0.050**	-0.103***	-0.123***
			(0.023)	(0.035)	(0.032)
Number of third parties			-0.023	-0.001	0.014
			(0.030)	(0.030)	(0.030)
Appellant Experience			0.045**	0.071***	0.079
			(0.022)	(0.026)	(0.052)
Appellee Experience			0.077**	0.075***	0.096***
			(0.035)	(0.028)	(0.032)
AD claim			-0.007	0.056	0.033
			(0.064)	(0.054)	(0.059)
DSU claim			-0.150**	-0.154**	-0.154**
			(0.068)	(0.068)	(0.068)
GATT claim			-0.010	-0.056	-0.027
			(0.067)	(0.058)	(0.059)
SCM claim			-0.119**	-0.059	-0.068
			(0.059)	(0.057)	(0.059)
Observations	1,291	1,291	1,291	1,291	1,291
Outcome mean	0.26	0.26	0.26	0.26	0.26
Outcome range	{0,1}	{0,1}	{0,1}	{0,1}	{0,1}
Year Fixed-effects				✓	✓
Apellant Fixed-effects					✓

Notes: All specifications are estimated using OLS. Standard errors clustered by unique-dispute are in parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$.

Table A9: **Effect of AB panel sharing country on AB appeal acceptance rates: Robustness to excluding types of disputes**

	AB accepts claim of appellant				
	Full sample	No AD	No DSU	No GATT	No SCM
	(1)	(2)	(3)	(4)	(5)
Appellant Affinity Index	0.084**	0.085*	0.101**	0.073**	0.101***
	(0.036)	(0.047)	(0.042)	(0.036)	(0.034)
Observations	1,332	1,059	1,131	1,108	1,163
Outcome mean	0.26	0.25	0.27	0.25	0.27
Outcome range	{0,1}	{0,1}	{0,1}	{0,1}	{0,1}
Judge controls	✓	✓	✓	✓	✓
Dispute and claim controls	✓	✓	✓	✓	✓
Year Fixed-effects	✓	✓	✓	✓	✓
Appellant Fixed-effects	✓	✓	✓	✓	✓

Notes: All specifications are estimated using OLS. Standard errors clustered by unique-dispute are in parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$.

Table A10: **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	0.020	0.015	-0.087
	(0.065)	(0.059)	(0.085)	(0.098)	(0.095)
× US Appellant	0.157*	0.149	0.277*	0.235*	0.327**
	(0.085)	(0.092)	(0.147)	(0.142)	(0.145)
× EU Appellant	0.021	0.030	0.002	0.023	0.128
	(0.095)	(0.098)	(0.127)	(0.131)	(0.134)
US Appellant	-0.061	-0.035	-0.170	-0.230	
	(0.073)	(0.063)	(0.121)	(0.165)	
EU Appellant	-0.084	-0.107	-0.131	-0.243	
	(0.085)	(0.090)	(0.129)	(0.159)	
Average Judge Age		0.023	0.046	0.002	-0.033
		(0.028)	(0.032)	(0.040)	(0.037)
Average Judge Experience		0.016	-0.025	0.018	0.024
		(0.030)	(0.031)	(0.043)	(0.044)
Female Judge in Panel		0.008	-0.002	0.006	-0.006
		(0.028)	(0.027)	(0.034)	(0.029)
Majority of Panel Educated in US		-0.012	-0.040*	-0.018	0.009
		(0.023)	(0.023)	(0.031)	(0.026)
Former Ambassador Judge in Panel		0.048**	0.051*	0.059	0.057
		(0.024)	(0.026)	(0.038)	(0.038)
Total number of claims			-0.043*	-0.101***	-0.116***
			(0.024)	(0.030)	(0.032)
Number of third parties			-0.010	0.002	0.019
			(0.035)	(0.034)	(0.031)
Appellant Experience			0.098**	0.145**	0.124**
			(0.044)	(0.065)	(0.050)
Appellee Experience			0.058*	0.047*	0.082**
			(0.033)	(0.028)	(0.032)
AD claim			0.007	0.055	0.046
			(0.063)	(0.055)	(0.058)
DSU claim			-0.158**	-0.148**	-0.151**
			(0.063)	(0.066)	(0.067)
GATT claim			-0.017	-0.039	-0.030
			(0.059)	(0.055)	(0.057)
SCM claim			-0.113*	-0.061	-0.057
			(0.061)	(0.058)	(0.060)
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}
Year Fixed-effects				✓	✓
Apellant Fixed-effects					✓
Test: US vs. EU interaction (p-value)	0.07	0.12	0.01	0.04	0.04

Notes: All specifications are estimated using OLS. Standard errors clustered by unique-dispute are in parentheses.
* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$.

Table A11: **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)

Table A12: **Effect of AB panel sharing country on AB appeal acceptance rates**

	AB accepts claim of appellant				
	(1)	(2)	(3)	(4)	(5)
Appellant Affinity Index	0.558***	0.813***	0.842***	0.640***	0.616**
	(0.210)	(0.249)	(0.215)	(0.232)	(0.252)
Average Judge Age		0.084	0.162	-0.014	-0.488
		(0.134)	(0.156)	(0.229)	(0.303)
Average Judge Experience		0.231	0.014	0.049	0.080
		(0.179)	(0.179)	(0.245)	(0.273)
Female Judge in Panel		0.026	0.033	0.034	-0.183
		(0.160)	(0.154)	(0.209)	(0.224)
Majority of Panel Educated in US		-0.053	-0.288**	-0.278*	-0.030
		(0.116)	(0.135)	(0.152)	(0.169)
Former Ambassador Judge in Panel		0.283*	0.225	0.282	0.489*
		(0.148)	(0.151)	(0.216)	(0.255)
Total number of claims			-0.253*	-0.711***	-0.829***
			(0.142)	(0.221)	(0.205)
Number of third parties			-0.119	-0.013	0.139
			(0.169)	(0.173)	(0.193)
Appellant Experience			0.202	0.382**	0.798***
			(0.131)	(0.178)	(0.284)
Appellee Experience			0.399**	0.366**	0.600***
			(0.178)	(0.173)	(0.216)
AD claim			-0.012	0.417	0.428
			(0.341)	(0.303)	(0.371)
DSU claim			-0.911**	-1.037**	-1.178**
			(0.403)	(0.423)	(0.465)
GATT claim			-0.073	-0.276	-0.197
			(0.345)	(0.340)	(0.394)
SCM claim			-0.730*	-0.565	-0.700
			(0.374)	(0.383)	(0.430)
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}
Year Fixed-effects				✓	✓
Apellant Fixed-effects					✓

Notes: All specifications are estimated using logit. Standard errors clustered by unique-dispute are in parentheses.
* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$.

Table A13: **Effect of AB panel sharing country on AB appeal acceptance rates**

	AB accepts claim of appellant				
	(1)	(2)	(3)	(4)	(5)
Appellant Affinity Index	0.194	0.470*	0.163	-0.061	-0.161
	(0.247)	(0.245)	(0.270)	(0.350)	(0.361)
× US Appellant	0.995*	1.030**	1.867***	1.894***	2.022***
	(0.573)	(0.493)	(0.688)	(0.684)	(0.714)
US Appellant	-0.357	-0.277	-0.733	-0.393	
	(0.501)	(0.413)	(0.529)	(0.517)	
Average Judge Age		0.163	0.237	0.044	-0.406
		(0.149)	(0.166)	(0.227)	(0.286)
Average Judge Experience		0.157	-0.083	0.030	0.007
		(0.172)	(0.166)	(0.237)	(0.268)
Female Judge in Panel		0.047	-0.006	-0.036	-0.250
		(0.159)	(0.153)	(0.217)	(0.227)
Majority of Panel Educated in US		-0.041	-0.241**	-0.277**	-0.054
		(0.114)	(0.122)	(0.141)	(0.168)
Former Ambassador Judge in Panel		0.288**	0.292**	0.314	0.523**
		(0.142)	(0.146)	(0.210)	(0.260)
Total number of claims			-0.242*	-0.683***	-0.811***
			(0.142)	(0.209)	(0.195)
Number of third parties			-0.165	-0.162	-0.080
			(0.163)	(0.169)	(0.206)
Appellant Experience			0.411**	0.489**	0.896***
			(0.168)	(0.204)	(0.275)
Appellee Experience			0.380**	0.341**	0.565***
			(0.179)	(0.167)	(0.209)
AD claim			0.102	0.445	0.474
			(0.324)	(0.300)	(0.359)
DSU claim			-1.046***	-1.167***	-1.327***
			(0.397)	(0.418)	(0.463)
GATT claim			-0.189	-0.374	-0.309
			(0.336)	(0.335)	(0.401)
SCM claim			-0.693*	-0.560	-0.725
			(0.385)	(0.385)	(0.442)
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}
Year Fixed-effects				✓	✓
Apellant Fixed-effects					✓

Notes: All specifications are estimated using logit. Standard errors clustered by unique-dispute are in parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$.

Table A14: **Effect of AB panel sharing country on AB appeal acceptance rates**

	AB accepts claim of appellant				
	(1)	(2)	(3)	(4)	(5)
Developed Country Affinity Panel	0.370	0.427	-0.377	-0.226	-18.897*
	(1.002)	(1.199)	(1.247)	(2.060)	(10.556)
× Developed Country Appellant	-0.800	-0.808	-1.301	-3.364*	1.031
	(1.432)	(1.713)	(1.711)	(1.957)	(2.115)
Developed Country Appellant	0.207	0.355	-0.312	0.409	
	(0.457)	(0.429)	(0.527)	(0.923)	
Average Judge Age		0.294	0.314	-0.182	-0.889
		(0.186)	(0.233)	(0.421)	(1.177)
Average Judge Experience		-0.064	-0.066	0.127	2.656
		(0.314)	(0.271)	(0.797)	(2.470)
Female Judge in Panel		-0.040	-0.136	0.969*	-3.551*
		(0.260)	(0.257)	(0.587)	(1.950)
Majority of Panel Educated in US		-0.301	-0.814***	-0.531	4.212
		(0.228)	(0.275)	(0.376)	(2.914)
Former Ambassador Judge in Panel		0.255	0.060	0.895	10.417
		(0.251)	(0.351)	(0.763)	(6.923)
Total number of claims			0.240	-2.443	25.315*
			(0.838)	(1.941)	(15.331)
Number of third parties			0.179	-0.386	-14.720
			(0.275)	(1.089)	(10.296)
Appellant Experience			0.668**	1.125*	17.122*
			(0.314)	(0.612)	(10.221)
Appellee Experience			-0.304	0.909	16.360
			(0.409)	(0.686)	(11.089)
AD claim			-0.966	-0.589	-0.012
			(0.649)	(0.464)	(0.773)
DSU claim			-1.848***	-1.410**	-0.998
			(0.563)	(0.571)	(0.714)
GATT claim			-0.767*	-0.788	-0.161
			(0.414)	(0.552)	(0.504)
SCM claim			-2.710***	-2.450**	-1.931**
			(0.898)	(1.026)	(0.934)
Observations	513	513	513	507	467
Outcome mean	0.24	0.24	0.24	0.24	0.24
Outcome range	{0,1}	{0,1}	{0,1}	{0,1}	{0,1}
Year Fixed-effects				✓	✓
Apellant Fixed-effects					✓

Notes: All specifications are estimated using logit. Standard errors clustered by unique-dispute are in parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$.

Table A15: **Effect of majority of AB panel being educated in the US**

	AB accepts claim of appellant				
	(1)	(2)	(3)	(4)	(5)
Panel A: Full sample					
Majority of Panel Educated in US	0.000	0.192	-0.653	-0.498	0.202
	(0.311)	(0.426)	(0.401)	(0.445)	(0.531)
× US Appellant	-1.722	-1.459	-1.140	-0.868	-2.926*
	(1.406)	(1.838)	(1.699)	(1.664)	(1.686)
US Appellant	1.782	1.698	1.599	1.844	
	(1.336)	(1.804)	(1.617)	(1.579)	
Average Judge Age		0.305	-0.158	0.516	-0.657
		(0.371)	(0.556)	(0.544)	(0.552)
Average Judge Experience		0.012	-1.101	-1.505	-2.206**
		(0.467)	(0.714)	(1.065)	(1.111)
Female Judge in Panel		0.120	-0.311	0.607	0.605
		(0.397)	(0.335)	(0.652)	(0.801)
Former Ambassador Judge in Panel		0.421	0.192	0.837	0.441
		(0.558)	(0.435)	(0.745)	(0.748)
Total number of claims			-0.044	0.814	-0.740
			(0.613)	(1.488)	(1.353)
Number of third parties			-0.655	-0.890	-0.597
			(0.594)	(1.079)	(1.004)
Appellant Experience			0.909***	1.391***	1.553**
			(0.314)	(0.529)	(0.666)
Appellee Experience			0.442	1.176*	1.466**
			(0.375)	(0.699)	(0.691)
Observations	1,332	1,332	1,332	1,322	1,271
Outcome mean	0.26	0.26	0.26	0.26	0.26
Panel B: Excluding US Judges					
Majority of Panel Educated in US	-0.319	-0.436	-1.891***	-1.058	3.100
	(0.482)	(0.540)	(0.649)	(1.032)	(2.992)
× US Appellant	-1.875	-3.133	-0.598	1.247	-44.024*
	(1.700)	(2.158)	(2.328)	(2.478)	(22.665)
US Appellant	0.949	2.285	-0.433	-0.436	
	(1.564)	(2.092)	(2.216)	(2.391)	
Average Judge Age		-0.278	0.659	2.331**	-17.495*
		(0.416)	(0.847)	(1.027)	(9.619)
Average Judge Experience		-1.111	-0.505	-0.640	-20.949**
		(0.957)	(1.113)	(1.254)	(10.136)
Female Judge in Panel		-0.115	-0.310	-0.192	-9.491
		(0.306)	(0.344)	(0.827)	(6.066)
Former Ambassador Judge in Panel		0.132	1.151	1.958*	2.352
		(0.557)	(0.952)	(1.006)	(3.744)
Total number of claims			2.211	2.209	4.388
			(1.412)	(1.710)	(4.974)
Number of third parties			1.034	1.631	-12.760
			(1.290)	(1.450)	(8.429)
Appellant Experience			1.123***	1.210**	2.239**
			(0.380)	(0.514)	(1.138)
Appellee Experience			-0.039	-0.213	2.760
			(0.485)	(0.536)	(1.943)
Observations	687	687	687	657	617
Outcome mean	0.24	0.24	0.24	0.22	0.22
Outcome range	{0,1}	{0,1}	{0,1}	{0,1}	{0,1}
Year Fixed-effects				✓	✓
Apellant Fixed-effects					✓

Notes: All specifications are estimated using logit. Article-type fixed effects included but output omitted. Standard errors clustered by unique-dispute are in parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$.

Table A16: **Effect of AB panel sharing country on AB appeal acceptance rates (outcomes including judicial economy)**

	AB accepts claim of appellant				
	(1)	(2)	(3)	(4)	(5)
Appellant Affinity Index	0.089***	0.102***	0.100***	0.099***	0.088***
	(0.030)	(0.033)	(0.031)	(0.034)	(0.031)
Average Judge Age		0.006	0.019	0.000	-0.043
		(0.023)	(0.026)	(0.034)	(0.031)
Average Judge Experience		0.015	-0.005	0.010	0.021
		(0.025)	(0.026)	(0.033)	(0.034)
Female Judge in Panel		-0.004	0.007	-0.009	-0.020
		(0.025)	(0.025)	(0.036)	(0.030)
Majority of Panel Educated in US		-0.005	-0.044**	-0.028	0.008
		(0.019)	(0.022)	(0.027)	(0.025)
Former Ambassador Judge in Panel		0.049**	0.043**	0.049	0.063**
		(0.022)	(0.020)	(0.031)	(0.030)
Total number of claims			-0.062***	-0.130***	-0.148***
			(0.020)	(0.036)	(0.028)
Number of third parties			-0.018	-0.013	0.011
			(0.024)	(0.027)	(0.026)
Appellant Experience			0.030*	0.040	0.061
			(0.018)	(0.025)	(0.051)
Appellee Experience			0.050*	0.032	0.048*
			(0.028)	(0.026)	(0.028)
AD claim			0.040	0.079*	0.067
			(0.055)	(0.043)	(0.046)
DSU claim			-0.109**	-0.108**	-0.111**
			(0.046)	(0.049)	(0.049)
GATT claim			-0.000	-0.037	-0.016
			(0.049)	(0.044)	(0.040)
SCM claim			-0.056	-0.007	-0.031
			(0.046)	(0.046)	(0.047)
Observations	1,611	1,611	1,611	1,611	1,611
Outcome mean	0.21	0.21	0.21	0.21	0.21
Outcome range	{0,1}	{0,1}	{0,1}	{0,1}	{0,1}
Year Fixed-effects				✓	✓
Apellant Fixed-effects					✓

Notes: All specifications are estimated using OLS. Standard errors clustered by unique-dispute are in parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$.

Table A17: **Correlation between country-presence in the WTO AB and bilateral aid**

	Net US Bilateral Aid (Ln)		Net EU Bilateral Aid (Ln)	
	(1)	(2)	(3)	(4)
WTO AB Judge	0.618**	0.581**	0.069	-0.080
	(0.254)	(0.272)	(0.133)	(0.122)
GDP (Ln)		1.359**		-1.154**
		(0.557)		(0.499)
GDP per capita (Ln)		-1.290**		0.538
		(0.517)		(0.538)
Trade (% of GDP)		0.009***		0.001
		(0.003)		(0.001)
UNSC seat		0.020		0.056
		(0.117)		(0.091)
Democracy		0.024		0.028**
		(0.015)		(0.012)
Civil War		0.071		0.035
		(0.071)		(0.061)
UN Ideal Point Diff. with US		-0.732***		
		(0.179)		
UN Ideal Point Diff. with Germany				-0.543***
				(0.114)
Observations	2,609	1,888	2,892	2,050
Countries	144	114	149	115
Country Fixed-effects	✓	✓	✓	✓
Year Fixed-effects	✓	✓	✓	✓
Covariates		✓		✓

Notes: All specifications are estimated using OLS. Covariates include GDP (Ln), GDP per capita (Ln), trade (% of GDP), UNCS seat, democracy, civil war, and UN Ideal Point Difference with the US (Germany). Standard errors clustered by country are in parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$.

Table A18: **Robustness of Correlation between country-presence in the WTO AB and bilateral aid: Excluding Egypt**

	Net US Bilateral Aid (Ln)		Net EU Bilateral Aid (Ln)	
	(1)	(2)	(3)	(4)
WTO AB Judge	0.462**	0.383*	0.051	-0.092
	(0.223)	(0.221)	(0.149)	(0.137)
Observations	2,592	1,871	2,871	2,031
Countries	143	113	148	114
Country Fixed-effects	✓	✓	✓	✓
Year Fixed-effects	✓	✓	✓	✓
Covariates		✓		✓

Notes: All specifications are estimated using OLS. Covariates include GDP (Ln), GDP per capita (Ln), trade (% of GDP), UNCS seat, democracy, civil war, and UN Ideal Point Difference with the US (Germany). Standard errors clustered by country are in parentheses. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$.