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Book Review (reviewing Petros C. Mavroidis & Alan O. Sykes, The WTO and International Trade Law: Dispute Settlement (2005))

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The WTO and International Trade Law/Dispute Settlement. Edited by Petros C. Mavroidis & Alan O. Sykes. Northampton, MA: Edward Elgar Publishing Inc., 2005. Pp. 712. $275.00.
Reviewed by Sungjoon Cho, Assistant Professor of Law, Chicago-Kent College of Law.

The WTO dispute settlement system commands a great deal of attention from both the academia and practitioners. The time-honored aspiration of an international adjudicatory tribunal, which is impartial yet effective, has largely been fulfilled under the WTO dispute settlement system. No other international tribunal parallels the practical success of the WTO tribunal as judged by the extent and frequency of its use as well as the record of compliance with its rulings. Yet, the more critical contribution of the WTO dispute settlement mechanism is that it strengthens the multilateral trading system by providing stability and predictability through its rich jurisprudence. As Sylvia Ostry once observed, the dispute settlement mechanism may be labeled the "gem" of the whole WTO system.

The paramount significance of the WTO dispute settlement system has given rise to an abundance of scholarly literature in this field. However, such vast quantity of references may be more of a predicament than a blessing for the sake of academic research on the WTO. In particular, those who are not very familiar with the field tend to embark on their quests via a general, basic exploration before they move to more detailed, targeted research. Therefore, there has been a real need for a study aid by which the forest of the WTO dispute settlement system, rather than the trees, may be examined. This book responds to such a need.

The two editors, Professors Petros Mavroidis and Alan Sykes, who are undoubtedly renowned authorities in the field, have produced a dependable compendium on the WTO dispute settlement system. The book consists of six parts corresponding to six critical issues in the field; namely: (1) the function of the WTO dispute settlement system, (2) the standard of review, (3) remedies, (4) participation, (5) unilateral enforcement, and (6) governance. In each part, they carefully selected representative and informative articles which offer readers perspectives that are essential to comprehend this salient and discrete disciplinary area in the study of the WTO.

Understandably, a compendium of this sort cannot capture every important aspect or issue in the putative area. In this regard, the book has its own weaknesses. For example, the book does not fully address the "dynamic" development of the GATT/WTO dispute settlement system, which tends to evidence an evolutionary institutional trajectory from a *contractual* model in the early GATT period to a more *systemic* (or *constitutional*) model in the late GATT and the new WTO era. Also, "economic" analyses of the WTO dispute settlement system, which are introduced in the Part I of the book, might convey limited, albeit still useful, insights from a normative standpoint, mainly on account of the very nature of assumptions and conditions which all economic scrutiny would inevitably accompany. In addressing unilateralism (Part V), the book relies solely on slightly dated literature written one and half decades ago. One might be tempted to add a couple of more recent articles, especially those analyzing the important *Section 301* case. In

Governance (Part VI), the book would have benefited much by the inclusion of some articles analyzing (or criticizing) the recent *Sutherland Report*, which reflected largely on this issue.

Nonetheless, these weaknesses should not eclipse the book's broader merits. It still remains a very useful guide in the study of the WTO dispute settlement system for novices and the cognoscenti alike.