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# Private International Law in Common Law Canada: Cases, Text, and Materials

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## BOOK NOTES

THE WORLD TRADE ORGANIZATION: MULTILATERAL TRADE FRAMEWORK FOR THE 21ST CENTURY AND U.S. IMPLEMENTING LEGISLATION. EDITED BY TERENCE P. STEWART. [WASHINGTON, D.C.: SECTION OF INTERNATIONAL LAW AND PRACTICE, AMERICAN BAR ASSOCIATION] 1996. Pp. 754.

In the introductory essay to *The World Trade Organization*, Professor John H. Jackson provides a background for this series of essays about the 1994 establishment of the World Trade Organization (WTO). The drafters of the original General Agreement on Tariffs and Trade (GATT) never intended the GATT to be an international organization. Rather, GATT was intended to be a multilateral trade agreement that would depend on an international organization for its organizational context and secretariat services. While the original GATT was being negotiated and ratified in 1947 and 1948, an International Trade Organization (ITO) charter was also in the negotiation and ratification process. The drafters intended that the GATT and ITO together would constitute the "third leg" of a post-war international economic development and trade strategy with the World Bank and the International Monetary Fund. In 1947, the GATT and a draft ITO were completed. The GATT came into force "provisionally," pending ratification of the ITO charter. The ITO, however, failed to attain U.S. congressional approval. By 1951 it was clear that the ITO would be relegated to international legislative history.

Even without the ITO, the GATT, over the fifty years since its negotiation, has become the focus of international cooperation on trade matters among the world's states. Nevertheless, certain areas of international trade under the GATT rubric engendered less focus than others. Chief among these less-focused and unfocused areas were agricultural products trade, services trade, and intellectual property matters. Subsequent rounds of GATT negotiations, particularly the Kennedy Round of 1962-67 and the Tokyo Round of 1973-79, failed to bring these areas into the GATT fold. When the Uruguay Round of GATT negotiations began in 1986, these and other areas of international trade policy were included on an extremely ambitious agenda that culminated in a Final Act, signed on April 15, 1994. The final product weighed 385 pounds and was reduced to more than 22,000 pages of text.

Among the achievements of the Uruguay Round were greater focus and specificity on agriculture, service trades, and intellectual property, as well as textiles, market access, and integrating newly industrializing

countries into GATT. Last but not least, the Uruguay Round accomplished the original drafters intent for a charter for an international organization for administering GATT: the WTO. It is this last component of the Uruguay Round that the American Bar Association's Section on International Law and Practice addresses in *The World Trade Organization*.

For the most part, *The World Trade Organization* consists of essays that explain the WTO's role with respect to the various areas of international trade covered under the 1994 GATT. The volume includes essays on market access, agriculture, sanitary and phytosanitary measures, textiles and apparel, antidumping, the subsidies agreement, dispute settlement in antidumping and countervailing duty cases, the agreement on safeguards, the agreement on trade-related investment measures, trade-related aspects of intellectual property, the general agreement on trade in services, government procurement, dispute resolution provisions in general, and special and differential treatment for developing countries.

In addition, the second essay, "The Uruguay Round Agreements Act: An Overview of Major Issues and Potential Trouble Spots" by the volume's editor Terence P. Stewart, approaches the various problems that the GATT/WTO agreement presents, such as the effect of the agreement on federalism in participating countries and the ability of the United States to take unilateral action under existing and strengthened U.S. trade law. The third essay, "The Marrakesh Agreement Establishing the World Trade Organization," by U.S. Trade Representative Senior Counsel Amelia Porges, gives a more detailed background of the WTO than was given in the introductory essay and provides a concise but thorough analysis of the scope and legal framework of the WTO. Finally, the two concluding essays provide perspectives useful to U.S. international law practitioners. The entire paperback volume weighs less than two pounds.

*Martin D. Gelfand*

PRIVATE INTERNATIONAL LAW IN COMMON LAW CANADA: CASES, TEXT, AND MATERIALS. BY MARVIN BAER ET AL. [TORONTO: EMOND MONTGOMERY PUBLICATIONS LIMITED 1997] Pp. 889.

For the practitioner interested in the effects of private international law in common law Canada, this book is an invaluable first-hand reference. Although designed primarily as a tool for classroom instruction, the authors of *Private International Law in Common Law Canada* have designed the text in such a way as to make the volume as useful to the practicing lawyer as the student of law.

The text covers all major topics in private international law including: jurisdiction, judgments, choice of law, procedure, torts, contracts, property, and family law. In each section the reader is presented with case law, heavily annotated to add understanding to the particular topic. Also of interest are the selected bibliographic references, offering the reader a comprehensive and current selection of additional reference materials. The text also includes a complete table of contents which makes cross-referencing of topics easy and efficient.

*Lauren M. Moran*

