

and practitioners from private practices and departments within the WTO. While its contents reflect the state of play immediately following Cancún, due to the continued lack of consensus in the Doha Round negotiations the contributions can be considered pertinent today to the extent that they reflect the state of negotiations in 2004. Irrespective of this, however, and while not expecting the volume to take account of the July 2008 meeting, it is unfortunate that the contributions were not published sooner in a volume, or that an additional chapter was not provided highlighting relevant developments since 2004. Equally, given that the majority of, if not all, the contributors are experts on the particular topic on which they wrote, it is perhaps surprising that they themselves were not interested in providing an up-to-date account.

The book is divided into two sections. The first examines the evolution and context of WTO law, including an examination of when non-WTO law can be cited as a defence against violations of WTO law, and of the treatment of conflicts between the various WTO agreements. The second examines more closely certain topics of the negotiations, namely the idea of Doha as a development round, agriculture, the General Agreement on Trade in Services (GATS) in the context of domestic regulation, and the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs). In so doing, it incorporates the more contentious Doha items with the exception of the Singapore issues. However, following the July 2004 package when three of the issues (competition, investment, and transparency in government procurement) were dropped, the only omission is analysis of the current negotiations on trade facilitation.

Given the fact that the Doha Round is the 'Development Round', it seems pertinent to focus on Fritz Breuss' section on development and the sections on agriculture, which is often considered the linchpin of the negotiations, by Alan Matthews and Markus F. Hofreither. This choice is all the more relevant as the sections highlight the shortcomings of the volume through its delayed publication.

Fritz Breuss presents a number of studies which highlight the fact that only developing

Stefan Griller (ed.). ***At the Crossroads: The World Trading System and the Doha Round***. Vienna: Springer, 2008. Pp. 409. €79.95. ISBN 9783211224038.

This volume documents the proceedings of a conference held in 2003 on 'The WTO after the Failure of Cancún', organized by the European Community Studies Association (ECSA), Austria. Participants included both scholars, expert in WTO law and practice,

countries will lose as a result of the continued delay in liberalizing trade and, in his conclusion, suggests that the 'development agenda of the Doha Round may turn out to be a mere act of window-dressing' (at 303). His contribution, however, tends to focus on development theory and patterns of protection in general, and the effects liberalization would or could have, rather than on the specific developmental issues at the forefront of the Doha Round. Little or no mention is made of the specific Doha development issues of compulsory licensing of medicines and patent protection,<sup>1</sup> review of the provisions relating to special and differential treatment for developing countries, and the problems that developing countries are having in implementing their trade obligations. As such, while his conclusion may be correct, he provides little evidence of it in his chapter. Proof of his conclusion can arguably be seen in the negotiations since 2004 when, irrespective of the increased bargaining strength of groups such as the G20 and the G4 as a result of the convergence of their viewpoints, little has been achieved on the developmental front.

The discussions on agriculture are traced from both a generalist (Matthews) and European (Hofreither) perspective, both of which combined give an excellent overview of the topic. Once again, however, the contributions are let down by the failure to provide an up-to-date analysis, or even information, on the more recent discussions. For example, since Matthews' piece was written the Peace Clause in the Agricultural Agreement has expired, more than three years ago, yet his discussion of it focuses on whether it will or should be

renewed. In addition, discussion of agricultural issues at present are influenced by the rise in the prices of foodstuffs and the 'food v fuel' debate, given the proliferation in the popularity of bio-fuels from agricultural products such as sugar cane and maize, yet no reference is made in either contribution to this area.

At best, the volume is a good version of events within the Doha Round until the failure at Cancún but the actual worth of the work so long after the conference must be questioned. At worst, the book could be considered misleading should readers be unaware of how out of date the discussions on the negotiation actually are.

## *Individual Contributions*

*Joost Pauwelyn*, How to Win a WTO Dispute Based on Non-WTO Law?

Questions of Jurisdiction and Merits;

*Gabrielle Marceau and Anastasios Tomazos*,

Comments on Joost Pauwelyn's Paper;

*Erich Vranes*, Comments on Joost

Pauwelyn's Paper;

*William J. Davey*, The Quest for

Consistency: Principles Governing the

Interrelation of the WTO Agreements;

*Lorand Bartels*, Treaty Conflicts in WTO

Law – A Comment on William J. Davey's

Paper;

*Peter-Christian Müller-Graff*, Protectionism

or Reasonable National Regulation? The

Protection of Non-Economic Interests as

Barriers to the Free Movement of Goods:

A Comparison of EC Law and WTO Law;

*Piet Eeckhout*, Trade and Non-Economic

Policies in the EU and in the WTO. A

Comment on Peter-Christian Müller-Graff's

Paper;

*Thomas Cottier and Satoko Takenoshita*,

Decision-making and the Balance of

Powers in WTO Negotiations: Towards

Supplementary Weighted Voting;

*Fritz Breuss*, Does the 'Development

Round' Foster Development?;

*Alan Matthews*, Agriculture after Cancún;

*Markus F. Hofreither*, Cancún and beyond

– A European Perspective of Agricultural

Issues;

<sup>1</sup> This has since been resolved in a decision of 30 Aug. 2003 where an interim waiver was granted which permits member countries to export pharmaceutical items, produced under compulsory licence, to least developed countries. To date, only Rwanda has availed itself of its terms, which must raise questions as to how development-oriented its provisions actually are (WTO document IP/N/10/CAN/1). The issue is discussed in Jacques Bourgeois' chapter.

*Wolfgang Weiß*, GATS and Domestic  
Regulation – A Threat to Democracy?;  
*Jacques H. J. Bourgeois*, Post Cancún WTO  
TRIPS – A Bumpy Road

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