

by the great industrial powers” (p. 455). At the same time, Alpa claims that while “we must admit that globalization is an irreversible process” we have to “try to understand how this process can be guided, to limit its negative effects and promote the positive ones” (p. 455). In the end, Alpa opines that in the era of globalization an “expansion of judicial power will be the best way of meeting the expectations of those who wish to protect the rights of individuals ... although this solution might appear to be merely the latest form of Western colonization in the missionary tradition” (p. 455). “But jurists – judges, solicitors, barristers, and academics – have made their contributions. One need only think of how the meaning of ‘the rights of the individual’ and ‘minority rights’ have expanded, how basic rights have been reshaped, of the social responsibility of companies, of market ethics ... even in the globalized world in which we live” (p. 456). Alpa challenges “an understanding and a structure of law as a ‘system for legal possibility’... the outcome of the influence of American-style ‘procedural pragmatism’ ” (p. 456).

Although a good analysis of the evolution of Italian law in the context of European Union law would be welcome, the value of the present text for international and comparative scholars is limited due to several weaknesses of the book. The “randomness in the choice of the different topics” (p. v) and the technical nature of the chapters limit its usefulness for foreign lawyers trying to learn about Italian private (civil) law and the predominant methods of case law interpretation by Italian jurists. The style of the author, in particular his tortuous sentence structure, extremely technical terminology, and obsessive use of masculine pronouns – moreover make this book a tedious read and ultimately a very challenging collection of essays for most readers. Last but not least, although the author provides excellent footnotes for his primary sources, the book has no index, hence is not even a good source for further research.

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James Harrison, *The Human Rights Impact of the World Trade Organization*, Hart Publishing (2007). 276 pp (ISBN 978-1-84113-693-6).

In a world that has adopted trade as the driving force for economic, social and cultural development, the impact of international trade on societies has enormous consequences for human development. Arguably, the question how trade affects the promotion and protection of human rights is one of the decisive questions of the 21st century. The World Trade Organization (WTO) is one of the most influential international trade organizations. Beyond its positive impact on the growth of the international economy, what has been surprisingly absent from the WTO docket are human rights issues. The WTO offers few norms in its

instruments for human rights protection. Harrison's study of human rights under the WTO system is a great contribution to both global economic development and human rights protection.

In his book, Harrison primarily explores the impact of the WTO trade rules on current human rights issues under its system. He believes an explicit human rights approach to trade is an important methodology for promoting and protecting human rights.

Following the introduction to the justice dimension of the WTO and a human rights methodology analysis, Harrison examines the interaction of two international law branches: international trade law and international human rights law. He analyzes the methodological differences between the international trade system and the international human rights system. Despite these differences, Harrison emphasizes that the international trade system and the international human rights system cannot operate in "splendid isolation" from one another.

Harrison subsequently discusses key legal issues in assessing the human rights impact of the WTO, such as the legal framework for the analysis of the human rights impacts of the WTO and the proposed methodology for dealing with human rights in the trade law context.

In the last part, he investigates how current international trade rules protect human rights and what lessons can be learned from current experience. Moreover, he presents future strategies for the protection and promotion of human rights in the international trade system, from general exception clauses in the trade law context; to raising explicit human rights arguments in WTO dispute settlement proceedings, as well as the interpretation of trade rules in a way that would take into account international human rights norms and standards, and monitoring mechanism as a broader strategy.

Throughout this book, Harrison states two general emphases. On the one hand, he stresses the significance of an explicit human rights approach to trade. He believes the existing trade rules, in particular the current WTO trade rules, will not always be beneficial to human rights observance, and according to him an explicit human rights methodology is required to promote and protect human rights in international trade. On the other hand, with such an explicit human rights discourse, the clarity and specificity of human rights norms in the WTO trade agreements is similarly vital to enforce human rights protection norms. Harrison holds that the existing mechanisms for dealing with human rights issues in the international trade law context are unclear. Even though there are some issues of human rights claimed and settled appropriately in the EU trade system, which can be studied by the WTO as good examples, there is no case law that explicitly rules on human rights issues in WTO dispute settlement proceedings until now. In addressing the significance of clarity and specificity, Harrison analyzes the relationship between the TRIPS agreement and access to medicine and subsequently concludes the difficulty for developing countries to rely on "exceptions" or flexibility provisions under WTO Agreements when they lack clarity and specificity. Explicit human rights norms with higher clarity and specificity are needed to protect and promote human rights.

The most innovative theory raised by Harrison is the adoption of a human rights methodology as the mechanism aimed at the promotion and protection of human rights in the international trade system: Conditionality-based measures, Compliance-based measures and Cooperation-based measures.

According to Harrison, conditionality-based measures are measures taken by one WTO Member State to enforce human rights protection in another WTO Member State by either imposing trade restrictions on goods and services or by providing incentives for human rights compliance to a specified standard. Compliance-based measures are those measures taken by a WTO Member State to achieve the goal of national human rights protection in accordance with its international human rights obligations. Cooperation-based measures, finally, are measures of international cooperation aimed at the protection and promotion a specific WTO Member State's human rights protection.

With respect to this human rights methodology, the conditionality-based measures are in great dispute. Harrison does not always recommend this kind of measures because he acknowledges that trade restrictions may themselves result in violations of economic, social and cultural rights and they are almost always imposed on developing countries by developed countries. In this context, Harrison expresses his frustration with human rights protection in international trading systems. For one thing, States are often reluctant to undertake effective measures to deal with human rights abuses in other States because their measures may be held in violation of WTO rules and result in trade retaliation; for another, increasing use of human rights conditionality on weaker trading partners by developed countries may cause a fragmentation of standards. From a human rights perspective, in order to resolve these problems, Harrison believes that international human rights standards are required to assess what kind of trade measure is compatible with a country's international obligations in case of a specific human rights abuse, even though previous and current decisions about the appropriateness of conditionality-based trade measures are being made primarily based on what is permissible under international trade law rules.

Even though all states formally proclaim their adherence to international human rights principles and norms, in actual fact, human rights abuses remain rampant. Therefore, in addition to the substantive issues related to human rights protection, procedural enforcement of human rights norms and rules remains the other important issue. Nevertheless, procedural problems are not specifically covered in this book.,

With respect to the issue who should be responsible for human rights protection in the international trade system, despite the importance of developing countries' compliance addressed by Harrison, he focuses more on developed countries' assistance and practical enforcement of "exception" provision. In less-developed countries, efforts are made by governments but human rights protection and environmental protection need further improvement. However, some least-developed countries seem to have no serious ambition to promote either their economic reforms or the protection of human rights. They simply get aid from the international community and do not feel under pressure or obligation to develop to a higher level. Corruption is serious in least-developed countries as

well. Therefore, it is necessary that the WTO should add more provisions about continuing its assistance to less-developed countries but impose pressure and obligations on least-developed countries to make them effectively protect and promote domestic human rights.

Harrison's book can be recommended to all scholars seeking solutions concerning human rights protection and the promotion of human rights protection via the international trading system.

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