

FOREWORD

Currently, one of the most perplexing subjects for international legal scholars is that of the "linkage" of subjects other than trade to the World Trade Organization (WTO). The WTO is the organization established by the treaties resulting from the Uruguay Round massive trade negotiations that finished in 1994. The WTO replaces the GATT as an institution, but it includes the GATT in an annex. The Uruguay Round added several very substantial new subjects under the "GATT/WTO umbrella", including a treaty text on services as well as one on intellectual property. The WTO and the Uruguay Round texts were a necessary evolution of the international trading system, but there is still more to be done with this "work in progress".

Four of the major perplexities that face the future of the WTO are the subjects that Steve Charnovitz takes up in this volume. These subjects are perhaps the most contentious, and the most difficult to analyze, of current WTO policy problems.

Steve Charnovitz is not new to these difficult issues. He has an amazing bibliography, going back to 1984, of thoughtful publications about international trade law subjects, especially relating to the GATT (and now WTO). Although Steve took his formal legal training at Yale from 1995 to 1998, relatively late in his career, his earlier works demonstrate a remarkable grasp of jurisprudential concepts and connections to policy, in ways that many graduate lawyers would envy. While at Yale, Steve was Director of the Global Environment & Trade Study, of the newly formed Yale Center for Environment Law and Policy. Since receiving his J.D. degree in 1998, he has practiced law with the elite firm of Wilmer, Cutler & Pickering in Washington, D.C., which wisely has him engaged in some of the most analytically difficult and timely subjects in dispute at the WTO. These subjects include the "FSC-Foreign Sales Corporation" case brought by the European Community against the United States, which involves incredibly complex questions of taxation as it relates to international trade norms in the WTO treaty system.

Yet, even while practicing "heavy duty" in cutting edge law, Steve has demonstrated his amazing capacity to produce challenging scholarly works embracing perceptive thinking about issues vital to our "globalized" world.

The perplexities of the "trade and environment" link is clearly one of Steve's most important scholarly priorities. Remarkable jurisprudence of the new WTO dispute settlement system has already pushed the frontier of this link, including the "Shrimp-Turtle" case brought against the United States, which is probably the most profound "constitutional" case of the WTO so far, and which also

grapples with some of the systemic procedural issues of the WTO and its relationship with civil society (another one of Steve's "themes").

The link between international trade law norms and labor standards is currently perhaps the most politically sensitive link of the world trade system, posing serious dilemmas to policy makers, including operating as a major contributor to the failure of the Seattle Ministerial in 1999. Steve again helps our thinking on these issues.

An even broader potential dilemma, not unrelated to the labor-trade link question, is the possible future link between human rights norms other than labor standards. The ramifications of this dilemma are enormous and fraught with difficulty. They raise extremely troublesome conceptual problems, and again Steve does not hesitate to push the borders of that frontier.

Finally, the last part of this book's collection of Steve's works grapples with one of the most important systemic questions of the world trading system, namely how to develop an appropriate relationship with nongovernmental entities, often labeled (ambiguously) "civil society." This systemic question pervades all the other major subjects of this book and of Steve's thinking. Indeed, in many ways, this question has been inevitably and importantly linked to the environment-trade link, as well as being potentially important to the other subjects. The current frequent press reports of the protests and violence at major international economic meetings are witness to the political explosiveness of these issues.

This book is a welcome addition to Steve Charnovitz's bibliography, drawing together in one volume that is a readily accessible source, 16 articles, every one of which merits attention by the scholarly and policy-making world. His contribution to that world is thus manifest, and will be recognized with gratitude.

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1. INTRODUCTION

How broad should be the scope of international law, at this time, as governments and nations. The low common denominator among governments on which to group or package "B" better than one has not been looked at through international law, at this time, regarding or combining about this question

Although the issues of the 1990s should the international environment regulations? How should Intellectual Property rights of multinational corporations have been internally inconsistent linking trade policy linking trade and environment

This Article addresses highlights some of the issues discussed in Section 3 discussed in Section 4 discussed in Section 5 discussed in organizations with environment

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