
The issue of compliance with multilateral treaty regimes has been of considerable interest to political scientists and has led to an array of scholarly works at the intersection of international relations and international law attempting to explain the effectiveness of international regimes.\(^1\) Compliance is one of the concepts employed by scholars as a litmus test for the effectiveness of international law.\(^2\) *Theories and Practices of Compliance with WTO Law* is a welcome addition to the study of compliance, focusing on the increasingly fragile World Trade Organisation (WTO) regime. The significance of this work lies especially in its commitment to evaluate the practice of WTO members regarding compliance with Dispute Settlement Body (DSB) decisions, and the often overlooked question of why WTO members abide by their international trade law obligations.

The book is divided into five parts. Following a brief introduction, chapter 2 discusses globalisation and examines the shifting paradigms of the world trading system. Chapter three analyses political and legal theories and their potential to inform the enquiry of compliance with WTO law. Chapter 4 interrogates the approaches to the WTO remedies and compliance discourse, chiefly the international law principle of *pacta sunt servanda*. In the final chapter, Hodu concludes with his thesis of compliance under the WTO regime.

A decade after the entry into force of the WTO agreement most scholarly works have been focused on the legal obligations of nation states as subjects of international law (within the rubric of WTO law). These works have emphasised the treaty nature of the WTO regime, ignoring the motivational aspects of state behaviour. This is understandable but nevertheless culpable for ignoring what the author has seen as a clear omission in the discourse of compliance. The WTO Dispute Settlement Understanding (DSU) was created to provide security and predictability to the multilateral trading system, a far cry from the GATT regime. The DSU is both compulsory in character and was intended to enjoy stronger enforcement than its predecessor under the General Agreement on Tariffs and Trade (GATT) system. The current WTO dispute settlement mechanism has witnessed greater compliance in comparison to the GATT regime. However, the jurisprudential progressivism exhibited by the

\(^1\) For an extensive overview, see K Raustalia and AM Slaughter, ‘International Law, International Relations and Compliance’, in W Carlsnaes, T Risse and BA Simmons (eds), *Handbook of International Relations* (Sage Publishing 2002) 538-558.

WTO dispute settlement organ reflects difficult issues confronting the WTO. The author also highlights the concern of scholars on the nature of remedies that the World Trading system provides when nation-states fail to comply with their obligations under the multilateral trading system, in the light of increasing WTO membership and the transformation of the international financial system and international norm making. The author introduces the definitional contestation of compliance amongst international law, international relations and political science schools of thought. Thus, the tone is set for the remainder of the book, examining why compliance is such a problem for scholars especially across the international law and international relations disciplines.

Chapter 2 also traces the evolution of the WTO dispute settlement system from the 1947 GATT agreement to the current WTO regime linking it to the discourse on globalisation. Here the conflicting interests of pragmatism and legalism that jinxed the GATT is examined for its potential to encourage or discourage compliance. Emerging problems under the GATT trade regime were resolved by temporary measures and ad-hoc solutions. The power oriented approach continued to shape dispute resolution under the GATT system until the late 70s and early 80s when contracting parties abandoned the consensus approach and opted for a more judicialised dispute settlement method.

However, some of the controversies regarding remedies such as the issue of ‘compensation and suspension or concession or other obligations’ remained. The book submits that the application of the notion of suspension of concessions or other obligations under the WTO goes contrary to the objectives and underlying principles of the WTO. The key act of this chapter was to discuss the key procedural issues plaguing the old GATT system and how it propelled a change into the current rule-oriented system. It also highlights the problems that remained under the current dispute settlement system hence fleshing out the key arguments upon which different theories of compliance are traced under international law and political science theories. These theories are synthesised with notable WTO DSB decisions such as EC- Bananas, US – Shrimps, US - Steel Safeguards to mention a few, and also decisions of other international organisation tribunals to drive home the central theme of the book, why do member states fulfil or fall short of their international trade obligations.

Chapter 3 moves focus to the various theories of compliance under WTO law. The realist, constructivist and institutionalist arguments were rehearsed and upraised. An examination of the strengths and weaknesses of each school of thought in application to WTO law is undertaken. By applying these schools of thought, the author seeks to understand how WTO member states behave independently of the WTO structure. Hodu criticises the realist theory for being obsessed with power and ignoring the relevance of reputation cost; the institutionalist theory for lacking historical backing of its core premise, and for its lack of persuasive power. However, the author believes that institutionalism