The contributors to Part III and IV deal with more substantive issues, namely the negotiations on agriculture and services respectively. Within this part, Petersmann's text on the strategic use of the WTO Dispute Settlement Proceedings for advancing WTO negotiations on agriculture includes some rather controversial, yet interesting, ideas. The same can be said of J Anthony VanDuzer's contribution on the implications for development of GATS obligations relating to health and education Services.

Part V focuses on less-developed WTO members, more precisely on the concept of policy space beyond special and differential treatment, technical assistance and capacity-building. One of the most interesting parts of this book is Part VI on consumer welfare. As Petros Mavroidis convincingly points out in his contribution, not much can be achieved through dispute settlement activities, as it is at the negotiating table where things can change. Unfortunately, the topics that are discussed under this part—investment and trade-related competition rules—are precisely those that have been dropped from the Doha negotiations.

Part VII offers a broad overview of the challenges to the political legitimacy of the WTO system, although it is somewhat of a missed opportunity that the chosen case studies stem from a US and an EU perspective, rather than including views from developing countries as well. This is all the more disappointing given the fact that the belief that the Doha Round ought to deliver substantive benefits for less-developed countries is one of the recurring themes throughout this book. One could also express some reservations as to whether the input-legitimacy of rule-making and adjudication in the WTO could really be enhanced merely by an explicit recognition in a WTO Ministerial Declaration that all WTO Members are committed to respect universal human rights, as is claimed by Petersmann in his chapter on the Human Rights Approach to International Trade.

Gregory Shaffer's call for a conceptual framework that would permit an assessment of the trade-offs between different mechanisms for ensuring (parliamentary) oversight of the WTO is very persuasive. One cannot but agree with his subsequent conclusion that the establishment of an inter-parliamentary body would be beset by severe institutional imperfections, thus leaving annual meetings of parliamentarians as the only (but not so revolutionary) alternative.

The adequacy of the WTO decision-making procedures, the 'Member-driven' rule-making system, and the consensus practice are discussed in the final Part of this book, Part VIII. This part features, among others, some inspiring views on the role of chairmen (John S Odell) analysing the menu of tactics which WTO chairs have at their disposal—ranging from a passive approach, over influence on formulation to more decisive and/or manipulative tactics. Gary P Sampson addresses formal and substantive fragmentation of international law in his assessment of the need for restructuring collaboration among the WTO and UN Agencies, so as to harness their complementarities.

One can only agree with John Jackson, the general editor, that this work could not have been timelier, as its subject-matter is under intense discussion both in international institutions and in academia. Although the Doha Development Round was still scheduled to be concluded in 2006 at the time when this book was written, the issues that are discussed in it only became more pressing as the deadline for concluding this round of negotiations is being postponed. As the debate continues, this book offers a noteworthy collection of valuable and innovative views on the future of the WTO which consequently make it an interesting and thought-provoking read for both academics and practitioners alike.

FREYA BAETENS*

The Genocide Convention, An International Law Analysis By JOHN QUIGLEY [Ashgate, Aldershot, 2006, xvii+301pp, ISBN 978-0754647300]

John Quigley is an eminent scholar in the field of human rights, but he is also in many ways an

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activist, and it is perhaps wearing the latter hat that he first engaged with the application of the 1948 Convention for the Prevention and Punishment of the Crime of Genocide. In 1979, Quigley served as an expert witness on legal matters during *in absentia* proceedings of Khmer rouge leaders held in Pnomh Penh. Later, in the early 1990s, he joined a team of lawyers led by Francis Boyle who argued Bosnia's claim at the International Court of Justice filed against what was then called the Federal Republic of Yugoslavia. He also was involved with the prosecutions in Ethiopia directed against former president Mengistu. In each case, the crime of genocide lay at the centre of the criminal justice paradigm.

He has put this rich experience struggling with the mysteries of the Convention to paper, producing a compact but authoritative volume on what Alain Pellet once called the 'quintessential human rights treaty'. Quigley's work sparkles with erudition, not to mention an eclectic grasp of sources. His facility with languages is impressive, adding a richness to the manuscript not often found in legal scholarship.

The book consists of some 45 chapters, divided into nine 'parts'. The first two set the stage, discussing briefly the drafting of the 1948 Convention and the various fora in which the crime of genocide may be adjudicated. Quigley then proceeds, in subsequent parts, to deconstruct the definition of genocide in the Convention itself, examining the components of Article II, the well-established and virtually immutable definition of the crime. The discussion of complicity is a bit thin, especially given the extraordinary position it has occupied in the case law of the ad hoc tribunals. But there are other fascinating developments in the book on such issues as 'nuclear genocide'.

Professor Quigley favours an expansive definition of the crime of genocide. He is not alone, of course, and joins those over the years who have both lamented genocide's narrow definition and campaigned for its enlargement. This takes a variety of forms, including efforts to add to the groups protected by the Convention, either by literal interpretation or amendment, and efforts to lower the threshold set by requiring that the intent be to destroy the group 'in part'. The approach fits well with Quigley's personal engagement in cases such as Cambodia and Ethiopia, where application of the definition of genocide to the facts of the atrocities was not exactly neat. But the most important aspect of his expansive approach concerns the act now known as 'ethnic cleansing'.

Quigley marshals the evidence for assimilating ethnic cleansing to genocide, although his enthusiasm probably leads him to overstate things. Thus, he explains that the International Court of Justice 'suggested' that ethnic cleansing as practised in Bosnia and Herzegovina could constitute genocide. As authority, he refers particularly to an individual opinion of Bosnia's ad hoc judge, Elihu Lauterpacht, issued in 1993 as part of the provisional measures rulings in the case. He cannot, of course, be faulted for overlooking the final judgment of the Court in the Bosnia case because it appeared in February 2007, after his book was published, and which poured cold water on the thesis that ethnic cleansing equals genocide. However, his misreading of the judicial mind is characteristic of many legal scholars, who desperately wanted the International Court to fit the square peg of Serbia into the round hole of Article II of the Genocide Convention. Ultimately of course, the Court ruled that genocide was not committed in Bosnia and Herzegovina during the 1992–95 war, saving the horrific but isolated exception of the Srebrenica massacre. Quigley's assessment here may have been clouded by his activist perspective and a desire to use the Convention to teach the Serbs a lesson (one, which in the opinion of this reviewer, they most certainly deserved). Nevertheless, a more balanced assessment of the law, based on reported cases and other hard evidence, might have resulted in a more nuanced perspective.

A significant part of the book focuses on whether the Convention imposes State responsibility for genocide, a matter in some doubt until the final ruling of the International Court of Justice in 2007. On this point, with the benefit of hindsight Quigley is too cautious and a tad pessimistic. The Court made it very clear that a State could be found responsible under Article IX of the Convention, and in this sense has, perhaps, invited more recourse to the provision.

The title of Quigley's book promises an analysis of the Convention, and readers might well expect to find all major issues of interpretation addressed within the covers. There is, however, a

very important omission: the issue of the duty to prevent genocide, which is barely considered. It is true that the case law and the official sources, such as the debates at the time the Convention was being drafted, provide little to guide us here. Perhaps too, the issue of prevention directs us more to the political sphere, whilst Quigley in this instance seems more comfortable in the court-room, discussing genocide after it has occurred (or not, as the case may be).The omission is all the more glaring in light of the February 2007 ruling of the International Court of Justice, which found that '[F]or a State to be held responsible for breaching its obligation of prevention, it does not need to be proven that the State concerned definitely had the power to prevent the genocide; it is sufficient that it had the means to do so and that it manifestly refrained from using them.'

Quigley concludes by telling us that 'the Genocide Convention remains a work in progress'. Although in terms of legal consequences little now remains to distinguish genocide from crimes against humanity, genocide's special cachet remains. For Bosnian Muslims, it was simply not enough to describe their suffering and victimization as crimes against humanity. Genocide was the label they required. Stubborn insistence upon the term ultimately led them to a setback for their cause, in the International Court of Justice. But the same type of thinking is characteristic of many other groups of victims, from Darfur to Cambodia to Tibet, and even Armenia. Professor Quigley's book, for all its many insights into the interpretation of the Genocide Convention, seems ultimately to contribute to this phenomenon, rather than to explain it.

William A Schabas*

Global Anti-Terrorism Law and Policy, edited by Victor V Ramraj, Michael Hor and Kent Roach [CUP, Cambridge, 2005, xi+633pp (and Index, 16 pp) Hardback, £95, ISBN: 0–52–185125–4.]

The best reason for a multi-authored volume is that its subject's scope is beyond a single author, and a wide-ranging survey of national and international legal responses to terrorism is a good candidate for such a treatment. *Global Anti-Terrorism Law and Policy* is a good example of collected symposium papers forming the backbone of a useful volume of essays. While such collections can suffer from a lack of structure, patchy coverage of the topic or the sense that the authors are talking across each other, none of those pitfalls is present here. The editors have assembled consistently useful and interesting essays into a coherent volume, where the play of ideas between authors is apparent.

The book consists of an introduction, postscript on recent developments and 26 chapters divided into six parts. Those consist of essays dealing with theoretical perspectives on anti-terrorism law and policy; a comparative study of types of anti-terrorism measures (a 'sectoral' approach with chapters on the use of criminal law, maritime and aviation security measures, asylum law, etc); law and policy in Asia (Singapore, Malaysia, Indonesia, the Philippines, Japan, India, and Hong Kong); regional cooperation (ie ASEAN and the EU); law and policy in the West (the UK, US, Canada, Australia, and New Zealand); and law and policy in Africa, the Middle East, and Argentina.

It is invidious to single out a few essays or themes from such a volume, but that is all a brief review will allow. Of the chapters on theory, and arguably of the volume as a whole, the highlight is the debate between David Dyzenhaus and Oren Gross over the appropriate constitutional framework for handling states of emergency. The essential point is whether in exceptional circumstances it might be desirable that the executive act illegally and seek subsequent ratification of their acts (effectively a pardon for wrongful but necessary conduct). Gross suggests this would preserve a constitutional order's integrity without the risk of 'emergency' powers becoming permanently entrenched, and curb the likelihood of executive abuses as each decision-maker

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