

incentives. But when does such intervention become an international issue? At what point should international rules step in? Within what decision-making framework will it choose to do so?

To the south of the 49th parallel, some are cringing at the expanded reach of the rules of NAFTA and the WTO. For example, Senator Dole has proposed a WTO Dispute Settlement Review Commission, with a mandate to review whether WTO panel decisions should be accepted by the United States. Americans seem to be contemplating the establishment of their own transformer, to shield themselves from WTO currents should they become "tyrannical and abusive." And I have already mentioned that arguments have been raised which query the constitutionality of giving antidumping and countervailing duty panel decisions binding effect in United States domestic law. Although the United States can rightfully claim to be a staunch defender of the international rule of law through such central institutions as the International Court of Justice and other United Nations bodies, there are those in the United States who appear unwilling to accept such an international rule of law for international trade. Section 301 still looms large on the horizon, despite the panoply of international rules now at the United States' disposal.

These new rules will become useless pronouncements without the backing of the proper incentives to ensure their enforcement. As we witness the growth pains of a new and more muscular institution, we must nourish it by making strengthened dispute settlement a high priority. Indeed, the credibility of the WTO will hang on the success of its dispute settlement mechanism.

Some day in the not-too-distant future, we may have to consider whether the WTO dispute settlement system, even with all the improvements over the GATT regime that preceded it, is up to the task of guaranteeing respect for the rule of international trade law. In Europe, the architects of what has become the European Union recognized that significant economic integration had to be accompanied by a system through which rules could be enforced effectively. And they concluded that only by creating a European Court of Justice with supranational authority, and by giving its rulings direct effect in the domestic law of its member states, could respect for an open trade and investment environment be assured.

Some have said that such supranationalism is antithetical to the democratic traditions which have shaped the American, Canadian and British political systems, that direct effect of international law cannot be reconciled with representational government and public accountability. Senator Dole refers to "unelected bureaucrats" with "an agenda of their own to modify existing international trade amendments, abuse their role, and reach inappropriate results." But the very source of our democratic traditions, Great Britain itself, yields ample proof that democracy and an international rule