



# REPORT ON OPERATIONS



2006

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## PREFACE

The year 2006 was another busy period for the eight lawyers of the ACWL. They responded to 96 requests for legal advice – 14 more than in 2005. They provided support in seven ongoing and new WTO dispute settlement proceedings. In addition, the ACWL completed its fourth annual training course in March and launched its fifth in October. The first participants in the ACWL's Secondment Programme for Trade Lawyers, from Lesotho and Paraguay, completed their training at the ACWL in June; participants from Malawi and Egypt joined the staff in September.

In 2006, every Member of the ACWL entitled to its services turned to the ACWL for legal advice, support in dispute settlement or training. The least developed countries (LDCs) also continued to increase their use of the ACWL's services. Their requests for legal advice more than doubled in 2006, reaching almost 20 per cent of all legal opinions provided by the ACWL. Some of these requests came from the LDC Group, which represents all LDCs in the WTO. The ACWL provided support to Chad as a third party in the ongoing dispute *United States – Subsidies on Upland Cotton (Recourse to Article 21.5 of the DSU by Brazil)*. Representatives from a quarter of the LDC missions in Geneva participated in the 2005-2006 and 2006-2007 training courses. More than half of the applications received for the Secondment Programme for Trade Lawyers came from LDCs. The ACWL expects these trends to continue in 2007 when it implements an action plan to further increase the use of its services by LDCs.



In May 2006, the ACWL had the pleasure of welcoming Mr. Pascal Lamy, the Director-General of WTO, at its premises. Accompanied by his legal advisor, Ms Gabrielle Marceau, Mr. Lamy met with members of the ACWL's Management Board and staff. In his informal remarks, Mr. Lamy noted that the ACWL provided a public good essential to the realisation of the purposes of the WTO. By ensuring that the legal

benefits of the WTO were shared among all Members, the ACWL contributed to the effectiveness of the WTO legal system, in particular its dispute settlement procedures, and to the realisation of the WTO's development objectives. Mr. Lamy also noted that the ACWL had gained respect for its performance.

Mr. Lamy echoed the views that were communicated by many of the ACWL Members and LDCs that were consulted by a Task Force established by the ACWL's General Assembly to develop a financial plan for the ACWL. In its report submitted in June 2006, the Task Force based its financial recommendations, *inter alia*, on the following findings:

- ▶ Both developing countries and LDCs indicated that they have little or no legal expertise of the kind available through the ACWL in their own countries.
- ▶ All ACWL Members and LDCs that have used the ACWL not only recognise it as a centre of excellence with regard to the services it provides, but would also strongly recommend it to other LDCs and developing countries.
- ▶ It is expected that there will be increased demand for the services of the ACWL over the coming years.

At the inauguration of the ACWL in October 2001, I expressed the expectation that the ACWL would soon be perceived as an indispensable institution playing a constructive role in the WTO legal system. Mr. Lamy's remarks and the findings of the Task Force suggest that, five years later, that expectation has become a reality. My heartfelt thanks go to all who have contributed to this achievement, in particular to my colleagues.

Frieder Roessler  
Executive Director

## THE ACWL IN 2006 AT A GLANCE

### MEMBERSHIP

Developed country Members	10
Developing country Members <sup>1</sup>	27
Developing countries in the process of acceding to the ACWL	2
LDCs entitled to the services of the ACWL	42
Total number of countries entitled to the services of the ACWL	69

### OPERATIONS

Legal opinions requested	96
WTO disputes in which the ACWL provided support in 2006	7
New requests for support in WTO disputes received in 2006	6
Certificates of Training for participants in 2005/2006 training course	22
Participants registered for the 2006/2007 training course	49

### STAFF

Lawyers, including Executive Director	8
Participants in Secondment Programme for Trade Lawyers	2
Administrative staff	2

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<sup>1</sup>Throughout this report, the terms "country" and "developing country" are meant to include customs territories and countries with economies in transition.

## ACWL OPERATIONS IN 2006

### LEGAL ADVICE

During 2006, the ACWL provided 96 legal opinions to its Members and the LDCs. Of these opinions, 20 were requested by LDCs or the LDC Group in the WTO (comprising 42 LDCs that are Members of the WTO or in the process of acceding to the WTO), and one by the African Group in the WTO, which includes 31 LDCs and ACWL Members.

The legal advice provided by the ACWL can be divided into three categories. The first comprises legal opinions on general systemic or procedural issues arising from negotiations and decision-making in the WTO. The ACWL's legal opinions on these matters aim to enhance the capacity of developing countries to pursue their interests within the complex institutional framework of the WTO and to participate actively in WTO decision-making and negotiations. Of the 96 legal opinions provided in 2006, 66 concerned such matters. For example, the ACWL gave advice on the renegotiation of tariff concessions under Article XXVIII of the General Agreement on Tariffs and Trade (GATT), on legal issues arising from negotiations on trade facilitation as well as on the legal implications of the commitment to provide duty-free and quota-free market access for products from LDCs. LDCs have been particularly interested in such systemic and procedural issues.



The second category of legal advice comprises legal opinions on measures taken or contemplated by the Member or LDC seeking the advice. This type of advice aims to assist ACWL Members and LDCs to achieve their policy objectives while respecting their WTO obligations. Such advice is often sought by Members or LDCs faced with internal disagreement as to the consistency of a proposed measure with WTO law. As the ACWL is neither profit-seeking nor issue-driven, it is in a unique position to provide

a neutral third-party assessment of the conflicting views in such cases. During 2006, the ACWL responded to eleven requests for legal opinions on measures taken or contemplated by the Member or LDC seeking the advice. For example, the ACWL assessed proposals to increase tariffs above the bound rate and to impose fees on international delivery services. The ACWL also assessed a number of proposed safeguard actions and anti-dumping measures.

The third category of advice comprises the legal opinions on measures taken by other WTO Members that affect the Member or LDC seeking the advice. In these cases, the ACWL provides an objective assessment of the chances of prevailing in a dispute settlement proceeding. As the ACWL is not a profit-making institution, the Members and LDCs seeking such advice can be confident that the ACWL's assessment is not tainted by commercial considerations. In 2006, ACWL

Members and LDCs sought an assessment of the viability of bringing a complaint in 19 cases. These opinions included assessments of subsidies on agricultural products, measures affecting trade in bananas, and aspects of an intellectual property regime.

The table on the next page provides a breakdown of the number of legal opinions provided in each category in 2005 and 2006.

LEGAL OPINIONS PROVIDED BY THE ACWL	2005		2006	
	Total	Share of total	Total	Share of total
	82	-	96	-
Advice on systemic or procedural issues	47	57%	66	69%
Advice on measures by country seeking advice	17	21%	11	11%
Advice on measures by other countries	18	22%	19	20%

As the table shows, during the past two years, about 80% of the legal advice of the ACWL assisted ACWL Members and LDCs to participate more effectively in WTO decision-making or negotiations and to acquire a better understanding of their WTO obligations.

## SUPPORT IN DISPUTE SETTLEMENT PROCEEDINGS

### Direct support by the ACWL

During 2006, the ACWL provided support to its Members and an LDC in seven WTO disputes. This total includes six disputes in which consultations, panel and/or Appellate Body proceedings were held in 2006 and one in which the ACWL assisted in the implementation of the rulings and recommendations of the Dispute Settlement Body (DSB).

During the five and a half years since its establishment, the ACWL has provided support in 25 WTO dispute settlement proceedings or more than one fifth of all such proceedings during that period. A list of these 25 disputes is set out in Appendix 1.

### Support in new consultations, panel and Appellate Body proceedings in 2006

The ACWL assisted Guatemala as a complainant in the panel proceedings in *Mexico – Anti-dumping Duties on Steel Pipes and Tubes from Guatemala*.<sup>2</sup> The case involves a challenge to several aspects of Mexico's investigation and subsequent im-

sition of anti-dumping measures on imports of certain steel pipes from Guatemala, including claims relating to the Mexican authorities' use of facts available to determine dumping margins, the factual basis of their injury determination, the determination of the causal link between dumping and injury, and whether the Mexican authorities properly investigated all of the products on which duties were imposed. This WTO panel proceeding was the first conducted entirely in Spanish. As a result, the ACWL provided its support entirely in Spanish.

The ACWL assisted Thailand in *United States – Measures Relating to Shrimp from Thailand*.<sup>3</sup> The dispute concerns two measures related to imports of shrimp from Thailand. The first consists of the practice known as "zeroing" to calculate dumping margins for each investigated Thai exporter in the course of the investigation and in the preliminary, final and amended determinations. Thailand claims, *inter alia*, inconsistency with Article 2.4.2 of the Anti-Dumping Agreement, which prohibits the use of "zeroing" in calculating margins of dumping with the average-to-average and transaction-to-transaction comparison methodologies. The second measure concerns an Enhanced Bond Requirement applied exclusively to shrimp imports subject to anti-dumping duties in the amount of the applicable anti-dumping duty margin multiplied by the value of imports of shrimp imported by the importer in the preceding year. Thailand's main claim is that the Enhanced Bond Requirement is inconsistent with provisions of the Anti-Dumping Agreement such as

<sup>2</sup>WT/DS331.

<sup>3</sup>WT/DS343.



Article 18.1, as well as with the provisions of the GATT such as Articles XI:1 and X:3 and that it is not justified under Article XX.

The ACWL represented Panama as a complainant in the consultations phase in *Colombia – Customs Measures on Importation of Certain Goods from Panama*.<sup>4</sup> Panama challenged Colombia's customs code and eleven resolutions establishing indicative unit prices and estimated prices for the customs valuation of certain goods from Panama and specified other countries or customs territories, and claimed that they were not in conformity with the valuation methods set out in the Customs Valuation Agreement as well



as Articles I:1, II:1(a) and (b), X:1, X:3(a), XI:1 and XIII:1 of the GATT. Panama also challenged three specific resolutions establishing a requirement that textile and footwear products from Panama had to enter into Colombia through specified ports of entry, and argued these were inconsistent with Articles I:1, V:6, XI:1 and XIII:1 of the GATT. Third, Panama challenged a specific resolution requiring that commercial invoices of goods coming from the Free Zone of Colon had to include additional information, and claimed that this requirement was inconsistent with Articles I:1, V:6, XI:1 and XIII:1 of the GATT. As a result of the initiation of these proceedings, on 1 November 2006, Colombia enacted resolutions that, with immediate effect, repealed the indicative prices, modified the estimated prices and repealed the ports of entry requirement. Panama and Colombia have notified the mutually agreed solution to the DSB.

The ACWL represented Thailand as a third party in the panel proceedings and Appellate Body proceedings in *United States – Measures relating to Zeroing and Sunset Reviews*<sup>5</sup> and *United States – Final Dumping Determination on Softwood Lum-*

*ber from Canada (Recourse to Article 21.5 of the DSU by Canada)*.<sup>6</sup> In both disputes, the ACWL advised Thailand on issues arising from the US practice of "zeroing" in the calculation of margins of dumping in anti-dumping determinations. As the panel reports in each of these cases were subject to appeals, the ACWL assisted Thailand in the preparation of third participant submissions and in its participation in the Appellate Body hearings in these disputes. In previous cases, the Appellate Body had established that whenever an investigating authority uses intermediate comparisons between subgroups of export prices and normal values as a step to arrive at the overall dumping margin for that product, the investigating authority may not, in aggregating those intermediate comparisons, "zero" the results of some of those comparisons. The issue in the two disputes was whether this principle applies also to comparisons on a transaction-by-transaction and average-to-transaction basis.

The ACWL assisted Chad as a third party in *United States – Subsidies on Upland Cotton (Recourse to Article 21.5 of the DSU by Brazil)*.<sup>7</sup> This dispute was launched by Brazil to determine whether the United States had complied with the rulings and recommendations of the DSB in the dispute *United States – Subsidies on Upland Cotton*.<sup>8</sup> Brazil challenged the subsidies granted to US cotton producers under the US Farm Bill and other legislation. Brazil argued successfully, *inter alia*, that because they had the effect of suppressing the price of cotton on the world market, subsidies granted by the United States caused serious prejudice to the interests of Brazilian farmers, and thus caused adverse effects within the meaning of Article 5 of the Agreement on Subsidies and Countervailing Measures. The Panel and the Appellate Body upheld Brazil's complaint, and accordingly, the DSB recommended that the United States address the adverse effects

<sup>4</sup>WT/DS348.

<sup>5</sup>WT/DS322.

<sup>6</sup>WT/DS247.

<sup>7</sup>WT/DS267/RW.

<sup>8</sup>WT/DS267.

caused by its subsidies. In the proceedings under Article 21.5 of the DSU, Brazil argued that the United States had failed to address these adverse effects. Chad, which had been a third party in the original panel proceedings, agreed with Brazil that the adverse effects of the subsidies continued and argued that these effects were particularly serious for farmers in West Africa.

### **Support in the implementation of DSB rulings and recommendations from previous years**

In 2006, the ACWL continued to support Indonesia in the implementation phase in *Korea – Anti-dumping Duties on Imports of Certain Paper from Indonesia*.<sup>9</sup>

### **Support provided through external legal counsel**

#### **Roster of External Legal Counsel**

If a dispute involving two or more ACWL Members or LDCs arises, the ACWL's policy is to support the Member or LDC that first requests its assistance. If the ACWL cannot then represent the other Member or LDC involved because to do so would result in a conflict of interest, the ACWL provides support to the other Member or LDC through external legal counsel. In 2004, the Management Board adopted the "Decision on Rules for the Subcontracting of External Legal Counsel", under which recourse to external legal counsel is authorised "if the staff of the Centre cannot provide support to a least developed country or a Member in a WTO dispute settlement proceeding because of a conflict of interest".<sup>10</sup> The Member or LDC concerned may select counsel from the ACWL's Roster of External Legal Counsel. This Roster includes law firms and individuals with prior experience in representing countries in WTO dispute settlement proceedings that have agreed to make their services available on the basis of a fixed hourly rate and a time budget established by the Manage-



ment Board. As of 31 December 2006, the Roster included 13 law firms and six individuals. The Roster is attached as Appendix 2. The ACWL pays the higher fees of the external legal counsel and charges the LDCs or Members concerned the lower fees that would normally be charged by the ACWL. The difference is financed by the ACWL. As a result, Members or LDCs that cannot be supported by the staff of the ACWL are able to obtain the support of an external counsel at no additional cost.

#### **Recourse to External Legal Counsel**

In 2006, the ACWL provided support to Turkey as the respondent in the panel proceeding in *Turkey – Measures Affecting the Importation of Rice*<sup>11</sup> through O'Connor & Company, a Brussels-based law firm listed on the Roster of External Counsel.

This is the third time that the ACWL provided support through external counsel. In 2005, it provided support to the Dominican Republic in the preparation for the arbitration under Article 21.3(c) of the DSU in *Dominican Republic – Import and Sale of Cigarettes*<sup>12</sup> through the law firm Sidley Austin Brown and Wood. Prior to the establishment of the roster, in 2003, the ACWL provided support through the law firm Wilmer, Cutler and Pickering to Colombia, Ecuador, Peru, and Venezuela as third parties in the dispute *European Communities – Conditions for the Granting of Tariff Preferences to Developing Countries*.<sup>13</sup>

#### **Technical Expertise Trust Fund**

The Technical Expertise Trust Fund was established to help finance the input of technical expertise that may be needed in WTO dispute settlement proceedings. In 2005, the ACWL used the Trust Fund to help Members obtain expert testimony in two disputes. No dispute entailing the need for technical expertise arose in 2006.

As of 31 December 2006, the balance of the trust fund was CHF708,160.

<sup>9</sup>WT/DS312.

<sup>10</sup>See *Rules for the Subcontracting of External Legal Counsel*, ACWL/MB/D/2004/4, 26 March 2004.

<sup>11</sup>WT/DS334.

<sup>12</sup>WT/DS302.

<sup>13</sup>WT/DS246.



## TRAINING ACTIVITIES

### Annual Training Course

The ACWL offers an annual training course on WTO law and procedures to government officials from developing country Members and LDCs. The course starts in October of each year and ends in the following March. Classes are held every Thursday from 13:00-15:00 hours at the premises of the ACWL.

In March 2006, the ACWL completed a course on the WTO dispute settlement procedures. 44 delegates registered for the course and 26 delegates received the Certificate in Training. In October 2006, the ACWL commenced a course on the basic principles of WTO law. 49 delegates registered for this course.

The ACWL offers participants in the course a free subscription to the research website [www.worldtradelaw.net](http://www.worldtradelaw.net). In 2006, the ACWL also offered each participating mission a copy of the textbook *The Law and Policy of the World Trade Organization* by Peter van den Bossche. At the conclusion of the course, the ACWL awards a Certificate of Training to participants who attend a requisite number of sessions. In recognition of the constraints faced by delegates from LDCs, the ACWL periodically conducts "catch-up" classes for participants from LDCs who are unable to attend the regularly-scheduled sessions. The ACWL has now completed four annual training courses, each covering a different aspect of WTO law.



### Occasional Seminars

On 8 June 2006, the ACWL held a seminar to discuss a draft ACWL background paper entitled "Giving Legal Effect to the Results of the Doha Round: An Analysis of the Methods of Changing WTO Law". The paper analysed, compared and assessed the main methods available



to give legal effect to the results of WTO trade negotiations.

54 delegates and lawyers from the WTO and other organisations attended the seminar and engaged in discussions. Following presentations by the staff of the ACWL, Professor John H. Jackson of the Georgetown University Law Centre commented on the paper and provided his views on how WTO jurisprudence ought to evolve to allow the law of the multilateral trading system to adequately respond to changing circumstances. Following this seminar, the ACWL disseminated a revised version of the background paper and made it available on its website.

On 7 December 2006, the ACWL hosted a seminar on the topic "TEN II: Problems with Dumping and Injury Margin Calculations in Ten Major User Countries". Gary Horlick and Edwin Vermulst presented the results of a study of problems with dumping and injury margin calculations in Australia, Brazil, China, the European Communities, India, Indonesia, Korea, Mexico, South Africa and the United States. The study was a follow-up to a similar exercise undertaken by the presenters in 2004. The seminar was attended by 33 delegates and lawyers from the WTO and other organisations.

## Secondment Programme for Trade Lawyers

The Agreement Establishing the ACWL envisages the training of government officials through internships. To fulfil this objective, in 2005, the ACWL launched a Secondment Programme for Trade Lawyers, under which lawyers from the governments of ACWL Members and LDCs and join the staff of the ACWL as paid trainees for a nine-month period, starting in mid-September and ending in mid-June of the following year. Mrs. Mpho Palime of Lesotho and Ms Olga Dios of Paraguay, the first two trainees under the Programme, completed their training in June 2006.

In March 2006, the ACWL sent an invitation to propose candidates for the 2006-2007 Secondment Programme to all developing country Members and LDCs. The ACWL received 52 applications, the majority of which were from LDCs. In May, the Recruitment Board interviewed seven candidates from Bhutan, Egypt, Kenya, Malawi, Peru, Sierra Leone and Sudan. It selected two candidates: Mrs. Mary Kachale of Malawi and Mr. Mokhtar Warida of Egypt, who began their training in September 2006.

Canada, Denmark, Norway and Sweden have contributed to the Secondment Programme. As of 31 December 2006, their contributions to the Programme were as follows:

### CONTRIBUTIONS AS OF 31 DECEMBER 2006

	AMOUNT (CHF'000)
<b>Member</b>	
Canada	40
Denmark	52
Ireland	94
Norway	52
Sweden	111
<b>Total contributions</b>	<b>349</b>

## OUTREACH

### COOPERATION WITH THE WTO

In 2006, the ACWL's lawyers cooperated with the WTO in the training and outreach activities listed below. The main aim of this cooperation was to ensure that all developing countries and LDCs are fully aware of the legal services that the ACWL provides.

- ▶ In March, the ACWL participated in the WTO's Geneva Week for Non-resident Members and Observers.
- ▶ In April, the Executive Director presented a paper at the Appellate Body Conference in New York to celebrate the 10th anniversary of the WTO dispute settlement system. The ACWL was also represented at a similar conference in Cairo, Egypt in February.
- ▶ In June and in November, the ACWL participated in the 9th and 10th introductory course on the WTO for LDC officials.
- ▶ In July and in September, the ACWL participated in the WTO's 15th and 16th dispute settlement training course.
- ▶ In October, the ACWL participated in the WTO specialised course on the Agreement on Sanitary and Phytosanitary Measures.
- ▶ In December, ACWL lawyers were invited to make two presentations as part of the Appellate Body Secretariat's Speaker Series.

## COOPERATION WITH OTHER ORGANISATIONS

The ACWL also cooperates with other organisations involved in trade and development issues in their training and outreach activities. In 2006, these activities included the following:

- ▶ In January, the ACWL participated in a seminar hosted by the International Centre for Trade and Sustainable Development (ICTSD) in Jakarta, Indonesia, on "Developing Countries and WTO dispute settlement".
- ▶ In February, and again in July, the ACWL participated in a seminar organised by the IDEAS Centre for French-speaking government officials from African cotton-exporting countries.
- ▶ In June, the ACWL participated in a regional dialogue organised in Sao Paulo, Brazil, by ICTSD on WTO dispute settlement.
- ▶ In September, the ACWL participated in a seminar on African participation in WTO dispute settlement organised by the Trade Law Centre for Southern Africa (TRALAC), and ICTSD in Geneva.
- ▶ In November, the ACWL participated in a follow-up seminar on the same theme hosted by ICTSD in Mombasa, Kenya.
- ▶ In October, the ACWL participated in a conference organised by TRALAC in Cape Town, on the theme "WTO and RTA Dispute Settlement: Implications for Dispute Settlement in Economic Partnership Agreements negotiated between Southern and Eastern African countries and the EC".
- ▶ In November, the ACWL participated in a training course on international trade law hosted by the International Development Law Organization (IDLO) at the University of the Western Cape in South Africa.
- ▶ From July to December, the ACWL participated in a number of meetings on the methods of giving legal ef-

fect to negotiating proposals in trade in services that were organised for the LDC Group by the Quaker United Nations Office (QUNO) and UNCTAD.

- ▶ In December, the ACWL participated in a seminar in Pretoria, South Africa, on the proposed "Economic Partnership Agreements" intended to replace the ACP-EU Cotonou Agreement.

## INSTITUTIONAL MATTERS

### MEMBERSHIP

#### Current membership

As of 31 December 2006, the membership of the ACWL consisted of 27 developing country Members and 10 developed country Members. The current Members of the ACWL are listed in Appendix 3.

The 42 LDCs that are Members of the WTO or are in the process of accession to the WTO are entitled to the services of the ACWL without having to take any steps to become Members of the ACWL. A list of the LDCs currently entitled to the services of the ACWL is attached as Appendix 4.

The ACWL's services are currently available to a total of 69 countries, representing approximately 40 per cent of the membership of the WTO. The table in Appendix 5 lists the developing country Members of the ACWL and the developing countries that have been complainant or respondent in a WTO dispute settlement proceeding. The table shows that about two thirds of the developing countries that have been complainant or respondent have decided to become a Member of the ACWL. The table further indicates that, with the exception of China, all developing countries that were complainant or respondent between three and twelve times have become a Member of the ACWL or are in the process of acceding to it. This suggests that the developing



countries that have participated in the WTO dispute settlement proceedings actively, but not sufficiently often to have acquired substantial experience in that area, have been particularly interested in joining the ACWL.

### Accessions in progress

Two countries, Costa Rica and Georgia, are currently in the process of acceding to the ACWL. Upon completion of these accessions, the ACWL will have 29 Members entitled to its services. Altogether nine developing countries will then have acceded to the Agreement Establishing the ACWL.

Costa Rica signed its Protocol of Accession on 29 August 2005 subject to ratification, acceptance or approval. According to the Protocol, Costa Rica will accede as a category B Member. The Protocol provides for the deposit of the instrument of ratification, acceptance or approval before 31 December 2006. In response to a request submitted by Costa Rica on 21 December 2006, the General Assembly agreed to extend the period for the deposit of that instrument to 30 June 2007.<sup>14</sup>



H.E. Mr. Saborío Soto signing Costa Rica's Protocol of Accession

In letters dated 9 October 2006 and 4 December 2006, Georgia applied for membership.<sup>15</sup> Georgia's Protocol of Accession provides that Georgia will accede as a category C Member and that the Protocol is open for acceptance by signature until 1 April 2007.

### THE MANAGEMENT BOARD

The ACWL's Management Board takes the decisions necessary to ensure the efficient and effective operation of the ACWL and reports to the General Assembly. The Board consists of six persons serving in their personal capacity who have been selected on the basis of their professional qualifications in the field of WTO law or international trade relations and development. Three Board members are nominated by the developing country Members, two Board members are nominated by the developed country Members, while one Board member serves as the representative of the LDCs. The Executive Director serves *ex officio* on the Board.

In 2006, the Management Board consisted of Mr. John M. Weekes of Canada, Chairman, Dr. Toufiq Ali of Bangladesh, Vice-Chairman, Mr. Yi-fu Lin of Chinese Taipei, Ms Amina Chawahir Mohamed of Kenya, Dr. Stuart Robinson of Switzerland, and Ms Claudia Uribe of Colombia. Ms Mohamed resigned from the Management Board in September 2006 and was replaced by Prof. Maria Nzomo, also of Kenya.

<sup>14</sup>See General Assembly Decision Extending the Period for the Deposit of the Instrument of Ratification, Acceptance or Approval of Costa Rica, ACWL/GA/D/2007/2.

<sup>15</sup>The General Assembly approved Georgia's Protocol of Accession Protocol of Accession on 9 January 2007. See Decision on the Accession of Georgia, ACWL/GA/D/2007/1.

## THE STAFF OF THE ACWL

As of 31 December 2006, the ACWL had a staff of eight lawyers (including the Executive Director), two junior lawyers under the Secondment Programme for Trade Lawyers, and two administrative officers. The day-to-day operations of the ACWL are managed by the Executive Director, Mr. Frieder Roessler, and the Deputy Director, Mr. Leo Palma, under the supervision of the Management Board. The legal staff consists of two senior counsel, Mr. Niall Meagher and Mrs. Cherise Valles, and four counsel, Ms Petina Gappah, Mr. Fernando Piérola, Mr. Hunter Nottage and Mr. Thomas Sebastian.<sup>16</sup>

Ms Mpho Palime of Lesotho and Ms Olga Dios of Paraguay, the first two junior counsel under the Secondment Programme for Trade Lawyers, joined the staff of the ACWL in September 2005 and completed their training in June 2006. Mrs. Mary Kachale of Malawi and Mr. Mokhtar Warida from Egypt joined the ACWL in September 2006. Their training ends in June 2007.

The ACWL's office administrators are Ms Pascale Colombo and Ms Carol Lau.



The staff of the ACWL

<sup>16</sup>Biographies of the staff members are available on the ACWL website, [www.acwl.ch](http://www.acwl.ch)



## APPENDIX 1 – WTO DISPUTES IN WHICH THE ACWL HAS PARTICIPATED

### Provided by the staff of the ACWL

For Chad, as third party in the panel proceedings in [United States - Subsidies on Upland Cotton \(Recourse to Article 21.5 of the DSU by Brazil\) \(DS 267\)](#)

For Panama, as complainant in the consultations phase in [Colombia - Customs Measures on Importation of Certain Goods from Panama \(DS 348\)](#)

For Thailand, as complainant in the consultations and panel phases in [United States - Measures Relating to Shrimp from Thailand \(DS 343\)](#)

For Thailand, as third party in the panel and Appellate Body proceedings in [United States - Final Dumping Determination on Softwood Lumber from Canada \(Recourse to Article 21.5 of the DSU by Canada\) \(DS 247\)](#)



For Colombia, Costa Rica, Ecuador, and Guatemala as interested parties in two separate arbitration proceedings in [European Communities - The ACP Partnership Agreement \(Recourse to Arbitration pursuant to the Decision of 14 November 2001\) \(WT/L/616\)](#)

For Guatemala, as complainant in the consultations and panel phases in [Mexico - Anti-dumping Duties on Steel Pipes and Tubes from Guatemala \(DS 331\)](#)

For Pakistan, as complainant in the consultations phase in [Egypt - Anti-dumping Duties on Matches from Pakistan \(DS 327\)](#)

For Thailand, as complainant in the consultations phase in [United States - Provisional Anti-dumping Measures on Shrimp from Thailand \(DS 324\)](#)

For Thailand, as third party in the panel and Appellate Body proceedings in [United States - Measures relating to Zeroing and Sunset Reviews \(DS 322\)](#)

For Indonesia, as complainant in the consultations phase, panel proceedings, and the implementation phase in [Korea - Anti-dumping Duties on Imports of Certain Paper from Indonesia \(DS 312\)](#)

For Bangladesh, as complainant in the consultations phase in [India - Anti-dumping Measure on Batteries from Bangladesh \(DS 306\)](#)

For Honduras, as complainant in the consultations phase, panel and Appellate Body proceedings, and the implementation phase in [Dominican Republic - Measures Affecting the Importation and Internal Sale of Cigarettes \(DS 302\)](#)

For Guatemala, as complainant in the consultations phase in [Mexico - Certain Pricing Measures for Customs Valuation and Other Purposes \(DS 298\)](#)

For Thailand, as complainant in the consultations phase, panel and Appellate Body proceedings, and the implementation phase in [European Communities - Customs Classification of Frozen Boneless Chicken Cuts \(DS 286\)](#)

For Nicaragua, as complainant in the consultations phase in [Mexico - Certain Measures Preventing the Importation of Black Beans from Nicaragua \(DS 284\)](#)

For Thailand, as complainant in the consultations phase, panel and Appellate Body proceedings, and the implementation phase in [European Communities - Export Subsidies on Sugar \(DS 283\)](#)

For the Philippines, as complainant in the consultations phase in [Australia - Certain Measures Affecting the Importation of Fresh Pineapple \(DS 271\)](#)

For the Philippines, as complainant in the consultations phase in [Australia - Certain Measures Affecting the Importation of Fresh Fruit and Vegetables \(DS 270\)](#)



For India, as complainant in the consultations phase, panel and Appellate Body proceedings, and the implementation phase in [European Communities - Conditions for the Granting of Tariff Preferences to Developing Countries \(DS 246\)](#)

For Paraguay, as third party in the panel proceedings in [European Communities - Conditions for the Granting of Tariff Preferences to Developing Countries \(DS 246\)](#)

For India, as complainant in the consultations phase and panel proceedings in [United States - Rules of Origin for Textiles and Apparel Products \(DS 243\)](#)

For Ecuador, as complainant in the consultations phase in [Turkey - Certain Procedures for the Import of Fresh Fruit \(DS 237\)](#)

For Peru, as complainant in the consultations phase, panel proceedings and Appellate Body proceedings, and the implementation phase in [European Communities - Trade Description of Sardines \(DS 231\)](#)

For Pakistan, as complainant in the Appellate Body proceedings in [United States - Transitional Safeguard Measures on Combed Cotton Yarn from Pakistan \(DS 192\)](#)

For India, as respondent in the panel proceedings and Appellate Body proceedings in [India - Measures Affecting the Automobile Industry \(DS 146, DS 175\)](#)

### Provided through external legal counsel

For Turkey, as respondent in the panel proceedings in [Turkey - Measures Affecting the Importation of Rice \(DS 334\)](#)



For Dominican Republic, in the arbitration proceedings pursuant to Article 21.3(c) of the DSU in [Dominican Republic - Measures Affecting the Importations and Internal Sale of Cigarettes \(DS 302\)](#)

For Colombia, Ecuador, Peru and Venezuela, in their participation as third parties in [EC - Conditions for the granting of Tariff Preferences to Developing Countries \(DS 246\)](#)

## APPENDIX 2 – ROSTER OF EXTERNAL LEGAL COUNSEL

### LAW FIRMS

Baker & McKenzie  
Clyde & Co  
Gide Loyrette Nouel  
King and Spalding  
Minter Ellison  
O'Connor & Company  
Sidley Austin Brown & Wood  
Thomas and Partners  
Van Bael & Bellis  
Vermulst Waer & Verhaeghe  
White & Case  
Willkie, Farr & Gallagher

### INDIVIDUALS

Ms Kirsten Goodwin  
Mr. Edmond McGovern  
Mr. Donald McRae  
Mr. Richard Plender  
Ms Debra Steger

## APPENDIX 3 – MEMBERS OF THE ACWL

### MEMBERS ENTITLED TO THE SERVICES OF THE ACWL (27)

### DEVELOPED COUNTRY MEMBERS (10)

#### SIGNATORIES TO THE AGREEMENT ESTABLISHING THE ACWL

BOLIVIA  
 COLOMBIA  
 DOMINICAN REPUBLIC  
 ECUADOR  
 EGYPT  
 GUATEMALA  
 HONDURAS  
 HONG KONG, CHINA  
 INDIA  
 KENYA  
 NICARAGUA  
 PAKISTAN  
 PANAMA  
 PARAGUAY  
 PERU  
 PHILIPPINES  
 THAILAND  
 TUNISIA  
 URUGUAY  
 VENEZUELA

CANADA  
 DENMARK  
 FINLAND  
 IRELAND  
 ITALY  
 NETHERLANDS  
 NORWAY  
 SWEDEN  
 UNITED KINGDOM

#### ACWL MEMBERS BY ACCESSION

JORDAN (20 January 2002)  
 OMAN (26 March 2003)  
 MAURITIUS (11 June 2003)  
 TURKEY (17 August 2003)  
 EL SALVADOR (4 March 2004)  
 INDONESIA (28 April 2004)  
 CHINESE TAIPEI (13 May 2004)

SWITZERLAND (5 December 2004)

#### IN THE PROCESS OF ACCESSION

COSTA RICA  
 GEORGIA

## APPENDIX 4 – LDCS ENTITLED TO THE SERVICES OF THE ACWL

Afghanistan*	Malawi
Angola	Maldives
Bangladesh	Mali
Benin	Mauritania
Bhutan*	Mozambique
Burkina Faso	Myanmar
Burundi	Nepal
Cambodia	Niger
Cape Verde*	Rwanda
Central African Republic	Samoa
Chad	Sao Tome and Principe*
Congo, Democratic Republic of	Senegal
Djibouti	Sierra Leone
Ethiopia*	Solomon Islands
Gambia	Sudan*
Guinea	Tanzania
Guinea Bissau	Togo
Haiti	Vanuatu*
Lesotho	Yemen
Madagascar	Zambia

\*In the process of acceding to the WTO

## APPENDIX 5 – DEVELOPING COUNTRIES PARTICIPATING IN WTO DISPUTES

### Frequency of participation of developing countries in DSU proceedings as complainants or respondents<sup>17</sup>

CATEGORY	Members of the WTO (Members of the ACWL and the LDC assisted by the ACWL in bold) <sup>18</sup>	Total	Complainant	Respondent
Frequent participation (21 times or more)	1 Brazil	36	22	14
	<b>2 India</b>	<b>34</b>	<b>17</b>	<b>17</b>
	3 Argentina	30	14	16
	4 Mexico	28	14	14
	5 Korea	25	12	13
	6 Chile	21	9	12
Occasional participation (between 3 and 12 times)	<b>7 Thailand</b>	<b>12</b>	<b>11</b>	<b>1</b>
	<b>8 Turkey</b>	<b>10</b>	<b>2</b>	<b>8</b>
	<b>9 Philippines</b>	<b>8</b>	<b>4</b>	<b>4</b>
	<b>10 Guatemala</b>	<b>8</b>	<b>6</b>	<b>2</b>
	<b>11 Indonesia</b>	<b>7</b>	<b>3</b>	<b>4</b>
	<b>12 Peru</b>	<b>6</b>	<b>2</b>	<b>4</b>
	<b>13 Colombia</b>	<b>6</b>	<b>4</b>	<b>2</b>
	<b>14 Ecuador</b>	<b>6</b>	<b>3</b>	<b>3</b>
	<b>15 Honduras</b>	<b>5</b>	<b>5</b>	-
	16 China	5	1	4
	<b>17 Pakistan</b>	<b>4</b>	<b>2</b>	<b>2</b>
	18 Costa Rica <sup>19</sup>	4	4	-
	<b>19 Egypt</b>	<b>3</b>	-	<b>3</b>
	<b>20 Nicaragua</b>	<b>3</b>	<b>1</b>	<b>2</b>
	<b>21 Venezuela</b>	<b>3</b>	<b>1</b>	<b>2</b>
	<b>22 Panama</b>	<b>3</b>	<b>3</b>	-
Rare participation (2 times or less)	23 Malaysia	2	1	1
	24 South Africa	2	-	2
	25 Trinidad and Tobago	2	-	2
	<b>26 Uruguay</b>	<b>2</b>	<b>1</b>	<b>1</b>
	<b>27 Dominican Republic</b>	<b>2</b>	-	<b>2</b>
	28 Antigua and Barbuda	1	1	-
	<b>29 Chinese Taipei</b>	<b>1</b>	<b>1</b>	-
	<b>30 Hong Kong, China</b>	<b>1</b>	<b>1</b>	-
	31 Singapore	1	1	-
	32 Sri Lanka	1	1	-
	<b>33 Bangladesh</b>	<b>1</b>	<b>1</b>	-

<sup>17</sup>Source: WTO website [http://www.wto.org/english/tratop\\_e/dispu\\_e/dispu\\_by\\_country\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/dispu_by_country_e.htm) last visited on 16 January 2007.

<sup>18</sup>ACWL membership as of 31 December 2006.

<sup>19</sup>In the process of acceding to the ACWL.

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