



REPORT ON OPERATIONS



2007

TABLE OF CONTENTS

PREFACE	1
THE ACWL IN 2007 AT A GLANCE	3
SERVICES PROVIDED IN 2007	4
▶ LEGAL ADVICE	4
▶ SUPPORT IN DISPUTE SETTLEMENT PROCEEDINGS	7
▶ TRAINING	9
OUTREACH	12
▶ COOPERATION WITH OTHER ORGANISATIONS	12
▶ LAUNCH OF ACWL USER GUIDE	13
INSTITUTIONAL MATTERS	13
▶ MEMBERSHIP	13
▶ GENERAL ASSEMBLY	14
▶ MANAGEMENT BOARD	14
▶ STAFF	15
APPENDIX 1 - WTO DISPUTES SETTLEMENT PROCEEDINGS IN WHICH THE ACWL PROVIDED SUPPORT	16
APPENDIX 2 - ROSTER OF EXTERNAL LEGAL COUNSEL	18
APPENDIX 3 - MEMBERS OF THE ACWL	19
APPENDIX 4 - LDCS ENTITLED TO THE SERVICES OF THE ACWL	20
APPENDIX 5 - DEVELOPING COUNTRY/LDC PARTICIPATING IN WTO DISPUTES	21



PREFACE

Demand for the services of the Advisory Centre on WTO Law (ACWL) has increased steadily over the six and a half years of its existence. This trend continued in 2007. The ACWL provided 110 legal opinions in 2007, 14 more than in 2006, and 28 more than in 2005. During the past three years, 79 per cent of the ACWL's legal opinions concerned a general systemic or procedural issue or a measure taken or contemplated by the country seeking the advice. Only 21 per cent of the opinions related to measures taken by another Member of the WTO. Thus, the developing countries and least developed countries (LDCs) have sought the ACWL's advice mainly to help them to find their way in the complex institutional structure of the WTO and to implement the equally complex substantive law of the WTO.

In 2007, the ACWL provided its written opinions on average within eight and a half working days of the receipt of the request. In response to a survey by the ACWL of its users, the developing countries and the LDCs consistently indicated that the ACWL provided prompt and helpful legal advice.

By the end of 2007, the ACWL staff had provided support to developing countries and LDCs in 29 WTO dispute settlement proceedings. In 22 of these, the ACWL provided support to the complainant, in the remaining seven to the respondent or a third party. It is interesting to note that in half of the 22 cases in which the ACWL staff supported the complainant, the respondent was another developing country. Thus, developing countries have sought the ACWL's services to settle their disputes with all their trading partners, not just with developed countries.

Demand for training continued to increase. At the conclusion of the 2006-2007 regular training course, the ACWL awarded 33 certificates of training, the highest number so far. There are 56 participants registered for the 2007-2008 course, more than for any of the previous courses. The ACWL also increased its ad hoc seminars and courses and continued to participate in the training programmes of other international organisations, including the WTO.

The LDCs continued to increase their use of the ACWL's services in 2007. The ACWL provided 18 legal opinions to LDCs. Increasingly, unlike opinions provided to developing countries, opinions for LDCs are provided to groups of LDCs, including the LDC Group in the WTO, and thereby benefit many LDCs. The ACWL also provided support to an LDC, Chad, as a third party in the proceeding of the compliance panel in *United States – Subsidies on Upland Cotton*. The General Assembly adopted a decision permitting the ACWL to provide such support to LDCs free of charge in the future.

The participation of delegates from LDCs in the regular training course increased from eight in the 2005-2006 course to 13 in the 2006-2007 course and to 19 in the current course. The ACWL offers "catch-up classes" for delegates from LDCs and other countries that are unable to attend all regular training sessions. In May and June 2007, the ACWL offered a series of seminars

on topics of special interest to LDCs. The LDCs have also shown considerable interest in the ACWL's Secondment Programme for Trade Lawyers, accounting for almost half of all applications to the Programme in its first three years. Three of the seven lawyers selected so far come from an LDC.

The ACWL published in October 2007 a manual entitled *How to Use the Services of the ACWL: A Practical Guide for Developing Countries and LDCs*. The Guide describes how the ACWL is organised and how developing countries and the LDCs can best take advantage of its services. The Guide is intended to help Members and LDCs make more effective use of the ACWL's services, and to assist countries that are not yet Members in deciding whether they wish to accede to the ACWL.

My heartfelt thanks go out once again to all who have contributed to the achievements of the ACWL in 2007, and in all previous years. I would like to thank in particular Mr. Otto Genee, who was the Chairman of the ACWL's General Assembly until June 2007. Otto played an indispensable role in the ACWL's establishment and in assisting the fledgling institution to chart its course in the crucial early years. My staff and I have benefitted tremendously from his vision and dedication, and will miss his wisdom and good humour. We wish him well in all his future endeavours.

Frieder Roessler
Executive Director



THE ACWL IN 2007 AT A GLANCE

MEMBERSHIP

Developed country ¹ Members	10
Developing country Members	27
Countries in the process of accession to the ACWL	2
LDCs entitled to the services of the ACWL	42
Countries entitled to the services of the ACWL	69

SERVICES PROVIDED

Legal opinions	110
WTO disputes in which the ACWL provided support in 2007	6
New requests for support in WTO disputes received in 2007	2
Certificates of Training awarded in 2006/2007 training course	33

STAFF

Lawyers, including Executive Director	8
Participants in Secondment Programme for Trade Lawyers	3
Administrative staff	2

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

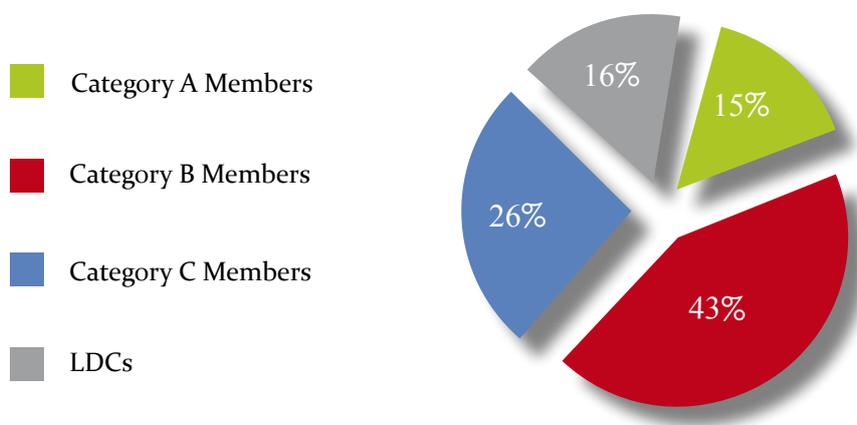
SERVICES PROVIDED IN 2007

LEGAL ADVICE

The ACWL responded to 110 requests for legal opinions from its Members and from the LDCs. Of these opinions, 79 were provided in writing, and the remainder orally, for instance in meetings or conference calls. The average time between a request for a written opinion and its delivery was eight and a half working days.

As shown in the table below, of the 110 opinions provided in 2007, 16 were requested by Category A countries, 47 by Category B countries, 29 by Category C countries and 18 by the LDCs. Requests for legal opinions from LDCs continue to grow. Between 2002 and 2004, LDCs accounted for a total of 5 requests for legal opinions. That figure rose to 11 in 2005, 20 in 2006, and dropped slightly to 18 in 2007.

CATEGORY OF COUNTRY	NUMBER OF LEGAL OPINIONS REQUESTED	PERCENTAGE OF TOTAL OPINIONS
Category A Members	16	14.5
Category B Members	47	42.7
Category C Members	29	26.4
LDCs	18	16.4
Total	110	100



The legal opinions provided by the ACWL can be divided into three broad categories. The first consists of 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 110 legal opinions requested in 2007, 48 concerned these matters. For example, the ACWL gave advice on the WTO-compatibility of the European Communities' proposals for "economic partnership agreements" with developing countries and LDCs. The ACWL also gave advice on the legal aspects of various proposals in the Doha negotiations, and on the ratification of the protocol amending the Agreement on Trade-Related Aspects of Intellectual Property Rights. The LDCs have been particularly interested in these 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. This 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 these cases. During 2007, the ACWL responded to 39 requests for legal opinions on measures taken or contemplated by the Member or LDC seeking the advice. For example, the ACWL assessed the WTO-compatibility of a number

of incentives under contemplated investment promotion schemes and of various export subsidy programmes. 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 aims to provide an objective assessment of the chances of prevailing in a dispute settlement proceeding. As the ACWL is not dependent financially on revenues from litigation, the Members and LDCs seeking this advice can be confident that the ACWL's assessment is not tainted by commercial considerations. In 2007, ACWL Members and LDCs sought an assessment of the viability of bringing a complaint in 23 instances. These opinions included assessments of quarantine measures on agricultural products, and a number of safeguard and anti-dumping measures.

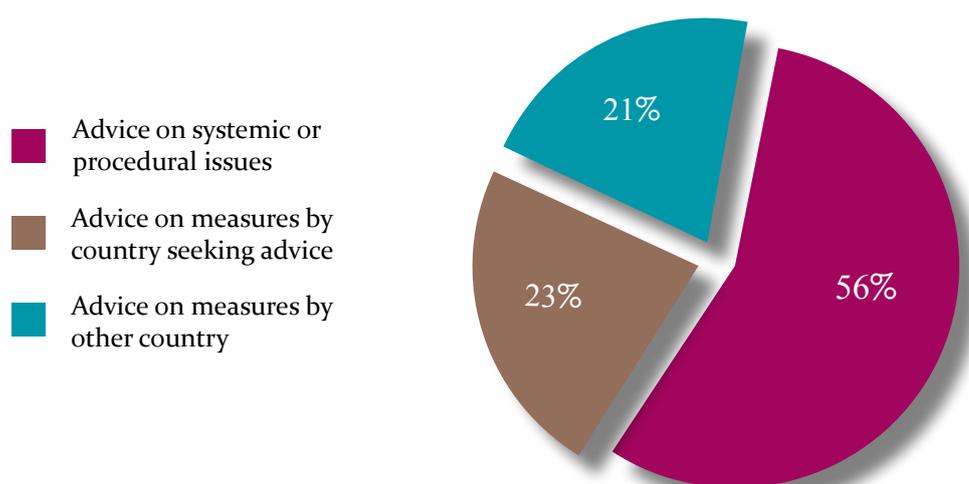
The table on the following page provides a breakdown of the number of legal opinions provided in each category in 2005, 2006 and 2007.

LEGAL OPINIONS PROVIDED BY THE ACWL	2005		2006		2007		2005-2007	
	Total	Share of total	Total	Share of total	Total	Share of total	Total	Share of total
	82	-	96	-	110	-	288	-
Advice on systemic or procedural issues	47	57%	66	69%	48	44%	161	56%
Advice on measures by country seeking advice	17	21%	11	11%	39	36%	67	23%
Advice on measures by other countries	18	22%	19	20%	23	20%	60	21%

As the above table shows, 79 per cent of the legal opinions provided by the ACWL during the past three years concerned systemic or procedural issues or a measure contemplated or adopted by the country seeking the advice. The main effect of the ACWL's advisory activ-

ity has thus been to enable developing countries and LDCs to participate more effectively in WTO decision-making or negotiations and to acquire a better understanding of WTO law.

Legal opinions 2005-2007



SUPPORT IN DISPUTE SETTLEMENT PROCEEDINGS

In 2007, the ACWL provided support to five of its Members and an LDC in six WTO disputes. This total includes two new disputes that were initiated in 2007, and four initiated in previous years but in which hearings were held in 2007. By the end of 2007, the ACWL had provided direct support in 29 WTO dispute settlement proceedings. In 22 of these proceedings, the staff's support went to the complainant while, in the remaining seven, the staff provided support to either the respondent or to a third party. In one half of the cases in which the staff provided support to the complainant, the respondent was another developing country, generally a country with substantially more experience in WTO dispute settlement than the complainant.

Support provided by the staff of the ACWL

The ACWL is providing support to Panama as a complainant in the dispute *Colombia – Indicative Prices and Restrictions on Ports of Entry* (DS 366). Panama is challenging Colombia's Customs Code and certain resolutions that establish indicative prices to determine the value of products for the purpose of levying customs duties and internal taxes. Panama claims that Colombia is not complying with valuation methods set out in the Agreement on Customs Valuation and with Articles VII and VIII:1(c) of the GATT 1994. Panama is also challenging a Colombian requirement that textile and footwear products coming from Panama enter only through two designated ports of entry. Panama claims that these measures restrict the importation of goods into Colombia and the transit of goods through Colombia inconsistently with

Articles I:1, V:2, V:6, XI:1 and XIII:1 of the GATT 1994. The panel was established in October 2007 and the proceedings are ongoing.

The ACWL is also providing support to Colombia in the dispute *European Communities – Regime for the Importation of Bananas* (DS 361). Consultations were held with the European Communities. These were followed by a request by Colombia that the WTO Director-General use his good offices pursuant to Article 3.12 of the DSU to facilitate a mutually acceptable solution. This is the first time since the establishment of the WTO that a developing country has resorted to these procedures.

The ACWL has assisted Colombia in preparing documentation and oral presentations during the good offices process, which is still ongoing.

In *United States – Measures Relating to Shrimp from Thailand* (DS 343), the ACWL assisted Thailand in its challenge to two measures imposed by the United States on shrimp from Thailand. The first measure involved an anti-dumping order based on the so-called zeroing methodology for determining the margins of dumping. Because the type of zeroing at issue, known as average-to-average zeroing, has already been found to be inconsistent with WTO law by previous panels and the Appellate Body, this aspect of this dispute is unlikely to be as controversial. The second measure at issue involves the imposition by the United States of enhanced bonding requirements on importers of shrimp from Thailand that have the practical effect of doubling the burden of the anti-dumping duties. Thailand claimed that this requirement constituted a specific action against dumping contrary to Article 18.1 of the Anti-dumping Agreement and that the measure was inconsistent with Articles I, II and X:3 of the GATT 1994. In a case heard simultaneously by the same panelists (DS 345), India has also challenged the



enhanced bond requirements. The panel reports in both these cases are expected to be issued in February 2008.

The ACWL continued to support Indonesia in the dispute *Korea - Anti-Dumping Duties on Imports of Certain Paper from Indonesia (Recourse to Article 21.5 of the DSU by Indonesia)* (DS 312). In 2005, a WTO panel had found that an anti-dumping measure imposed by Korea against imports of certain paper products from Indonesia was inconsistent with WTO law. Korea subsequently revised the measure and Indonesia then initiated Article 21.5 proceedings claiming that the revised measure was also inconsistent with Korea's WTO obligations. The Article 21.5 panel agreed, finding that Korea had acted inconsistently with Articles 6.8 and 6.2 of the Anti-Dumping Agreement in its proceedings to revise the original measure. As a consequence of this ruling, Indonesia became entitled under the DSU to request authorisation to suspend concessions in respect of imports from Korea.

The ACWL assisted Chad as a third party in the dispute *United States - Subsidies on Upland Cotton* (Recourse to Article 21.5 of the DSU by Brazil) (DS 267). This dispute concerned the implementation of rulings and recommendation in the dispute *United States - Subsidies on Upland Cotton*. In that dispute, Brazil had argued successfully, *inter alia*, that because they had the effect of suppressing the price of cotton on the world market, subsidies granted to cotton producers under the United States' Farm Bill and other legislation 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 caused by its subsidies. In 2007, a panel established under Article 21.5 of the DSU held hearings to determine whether the United States had complied with the rulings and recommendations of the DSB. Chad, which had been a third party in the original panel proceedings, supported Brazil's complaint that the adverse effects of the subsidies continued and argued that these effects were particularly serious for farmers in West Africa. In a report circulated in December 2007, the panel found that the United States had failed to address these adverse effects. It is expected that this report will be appealed in early 2008.



The ACWL also represented Guatemala as complainant in the dispute *Mexico - Anti-Dumping Duties on Steel Pipes and Tubes from Guatemala*, (DS 331), the first WTO dispute settlement panel proceeding conducted entirely in Spanish before Spanish-speaking panellists. In a report circulated in 2007, the panel upheld the vast majority of Guatemala's claims and, as requested by Guatemala, took the unusual step of exercising its discretion under Article 19.1 of the DSU to suggest that Mexico implement the panel's rulings by terminating the anti-dumping measure. This is only the second time in which a panel has made such a suggestion in a dispute involving an anti-dumping measure. The panel report was not appealed, and the ACWL assisted Guatemala in negotiating, under Article 21.3(b) of the DSU, a reasonable period of time in which Mexico is expected to implement the rulings and recommendations in the dispute.

Support provided through external legal counsel

If the staff of the ACWL cannot provide support to a Member of the ACWL or an LDC in a WTO dispute settlement proceeding because of a conflict of interest, the ACWL provides that support through external legal counsel. To facilitate the selection of counsel in these cases, the Management Board decided to establish a Roster of External Legal Counsel consisting of law firms and individuals with prior experience in WTO dispute settlement proceedings that have agreed to make their services available at a reduced rate and in accordance with the billing policy of the ACWL. As of 31 December 2007, the Roster included 12 law firms and five individuals. The Roster is attached as Appendix 2.

In 2007, Colombia selected from the Roster the law firm White & Case to serve as its counsel in the dispute *Colombia - Indicative Prices and Restrictions on Ports of Entry* (DS 366), in which the ACWL represents Panama.

This is the fourth dispute in which the ACWL has provided support to its Members through an external legal counsel. The ACWL had previously provided support to Turkey as the respondent in the panel proceeding in *Turkey - Measures Affecting the Importation of Rice*, through the law firm O'Connor and Company; to the Dominican Republic in the arbitration under Article 21.3(c) of the DSU in *Dominican Republic - Measures Affecting the Importation and Internal Sale of Cigarettes*, through the law firm Sidley Austin; and to Colombia, Ecuador, Peru, and Venezuela, as third parties in the dispute *European Communities - Conditions for the Granting of Tariff Preferences to Developing Countries*, through the law firm Wilmer Cutler and Pickering.

TRAINING

Regular Training Course

The ACWL offers an annual training course on WTO law and procedures. The course starts in October of each year and ends in March or April of the following year. Classes are held on Thursdays from 13:00 - 15:00 hours at the premises of the ACWL. The course is open to officials from developing-country Members and LDCs. When space is available, the ACWL also invites delegates from developing countries that have not yet joined the ACWL.

The ACWL awards a Certificate of Training to participants who attend at least two thirds of the 18 to 20 annual sessions. In recognition of the constraints faced by delegates from small missions, in particular those from LDCs, the ACWL conducts on request individual "catch-up" classes for participants that were unable to attend the scheduled sessions.

In March 2007, the ACWL completed a course on the basic principles of the world trade order. The course also included a moot court exercise. The ACWL awarded Certificates of Training to 33 Geneva-based delegates, the highest number of participants to receive this award since the ACWL began its training courses.



In October 2007, the ACWL commenced a course covering the WTO agreements on trade in services, intellectual property rights, agriculture and trade remedies. The course also includes a moot court exercise. There are 56 delegates registered for this course, which will be completed in April 2008.



The LDCs are making more use of the ACWL's training courses. There were a total of 19 delegates from LDCs registered for the first two training courses organised by the ACWL between 2002 and 2004. Now, 19 delegates from LDCs have registered for the training course that began in October 2007. Of the 33 delegates that received Certificates of Training in March 2007, more than a third were from the LDCs.

Ad hoc seminars and courses

On 20 March 2007, the ACWL hosted an informal lunch at which Appellate Body Member Professor David Unterhalter addressed ambassadors and other delegates from the African Group in the WTO. The wide-ranging discussion touched on issues of interpreting WTO law, procedural rules on burden of proof, the principle of non-discrimination in WTO law and the participation of developing countries in the WTO dispute settlement system.

During April and May 2007, the ACWL organised a series of training seminars on topics of interest to LDCs. These seminars covered provisions in the WTO agreements relating to LDCs, the legal consequences of the duty-free and quota-free initiative and a legal analysis of the economic partnership agreements between the EC and ACP countries.

On 7 December 2007, the ACWL hosted a seminar on the Appellate Body report in the dispute *Brazil – Measures Affecting Imports of Retreaded Tyres* (WT/DS332/AB/R). Government officials from developing countries and LDCs participated in a discussion led by lawyers of the ACWL and officials from Brazil and the EC, the main parties to the dispute. The discussion focused on developments in the Appellate Body's jurisprudence on Article XX of the GATT 1994.

At the request of Guatemala, the ACWL participated in 2007 in a training programme on WTO law and dispute settlement organised by the Guatemalan Mission in Geneva for capital-based government officials interested in increasing their knowledge of WTO law. ACWL staff provided weekly training to the capital-based officials by videoconference from the Guatemalan mission in Geneva. The course, which was partly adapted from the ACWL's own training course, included a moot court exercise. Participating officials will be evaluated and, if successful, receive a certificate for their participation. The programme will continue in 2008.

Secondment Programme for Trade Lawyers

The Agreement Establishing the ACWL envisages that the ACWL offer training to 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 LDCs and developing country Members join the staff of the ACWL as paid trainees for a nine-month period, starting in September and ending in June of the following year.

Since 2005, the following officials have participated in the Programme:

Ms Olga Dios, a Fulbright scholar from Paraguay, was recruited in 2005. Ms Dios had previously worked for her country's Ministry of Trade and Industry on matters related to international trade, WTO law and regional trade agreements. Upon completing her secondment in 2006, Ms. Dios returned to Paraguay, where she is currently a legal and trade policy adviser to Paraguay's Trade Vice-Minister.



Ms Mpho Palime, a lawyer from Lesotho and a graduate of the National University of Lesotho, was recruited in 2005. Upon completing her secondment, Ms Palime resumed her duties as Chief Legal Officer in Lesotho's Ministry of Trade and Industry before joining the Secretariat of the Southern African Development Community as a legal officer in August 2007.



Mr. Mokhtar Warida of Egypt was recruited in 2006. He holds degrees in economics and political science and had previously worked on trade policy issues in the Egyptian Ministry of Foreign Affairs. Upon completing his secondment, Mr. Warida returned to his position in the Foreign Ministry, and also completed his PhD in law from Queen Mary College, University of London.



Ms Mary Kachale, a lawyer from Malawi, was recruited in 2006. Ms Kachale had previously worked in the Ministry of Justice, where her responsibilities included giving legal advice to government departments and ministries. Upon completing her secondment, Ms Kachale returned to Malawi and to her position as a legal counsel in the Ministry of Justice.



In 2007, the ACWL recruited Mr. Talat Kaya of Turkey, Mr. Pema Rinzin of Bhutan and Ms Sophia Sitati of Kenya. They joined the ACWL in September 2007, and are expected to complete their secondment in 2008. Mr. Rinzin is the first participant in the Secondment Programme from an LDC that is in the process of acceding to the WTO.

The Secondment Programme is funded through voluntary contributions by the developed country Members of the ACWL. As indicated in the table below, Canada, Denmark, Ireland, Norway and Sweden have contributed to the Programme.

CONTRIBUTIONS AS OF 31 DECEMBER 2007

	AMOUNT (CHF'000)
Member	
Canada	56
Denmark	52
Ireland	94
Norway	52
Sweden	461
Total contributions	715

OUTREACH

COOPERATION WITH OTHER ORGANISATIONS

While the ACWL does not have the resources to conduct training sessions outside Geneva, its lawyers frequently participate in the training activities of other international organisations. The main aim of this cooperation is to ensure that all developing countries and LDCs are fully aware of the legal services that the ACWL provides.

WTO

In 2007, the ACWL's lawyers cooperated with the WTO in several training and outreach activities, including:

- ▶ In March, July and October, the ACWL delivered training to government officials in all the WTO's Trade Policy Courses that were held in Geneva. The ACWL thus participated in the WTO's trade policy course in all three official languages: English, Spanish and French.
- ▶ In November, the ACWL participated in the WTO's Geneva Week for non-resident WTO Members and observers.
- ▶ Throughout the year, the ACWL also continued to participate in the WTO's introductory courses for LDCs.



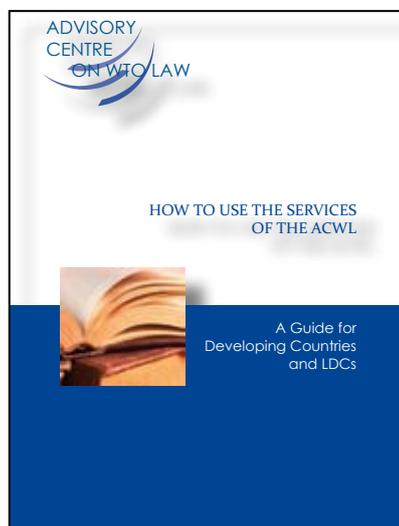
Other Organisations

In 2007, the ACWL participated in the following activities with other organisations that work closely with developing countries and LDCs:

- ▶ In February, the ACWL participated in a workshop on special and differential treatment in WTO law hosted by the World Trade Institute in Bern.
- ▶ Also in February, the ACWL participated in a workshop on economic partnership agreements hosted by the International Centre for Trade and Sustainable Development (ICTSD), the Centre for International Environmental Law (CIEL) and the Quakers United Nations Office (QUNO).
- ▶ In May, the ACWL participated in a seminar for delegates from African Caribbean and Pacific countries organised by the South Centre, Oxfam and CIEL.
- ▶ In July, the ACWL participated in a joint WTO-International Trade Centre (ITC) course for government officials from Sri Lanka.
- ▶ In August and September, the ACWL participated in a seminar organised for government officials from developing countries and LDCs by the Agency for International Information and Cooperation (AITIC).
- ▶ In October, the ACWL participated in the South Centre's workshop on WTO law and intellectual property.
- ▶ In October, the ACWL presented a module on dispute settlement at the distance learning facility of the International Development Law Organization (IDLO) in Rome.
- ▶ In November, the ACWL participated in a conference in Swaziland on issues arising in the Doha negotiations hosted by the Trade Policy Centre for Africa (TRAPCA).

In October 2007, the ACWL published a manual that is intended to enable developing countries and LDCs to make better use of the ACWL's services. Entitled "How to Use the Services of the ACWL: A Guide for Developing Countries and LDCs", the Guide describes in the form of questions and answers how developing countries and LDCs can avail of the services provided by the ACWL, and how developing countries that are not yet Members of the ACWL can accede to the Agreement Establishing the ACWL and become entitled to use the ACWL's services.

The English version of the Guide was posted on the ACWL website and mailed to all developing country Members and LDCs. In early 2008, the ACWL will publish the Guide in French and Spanish.



INSTITUTIONAL MATTERS

MEMBERSHIP

Current membership

As of 31 December 2007, the membership of the ACWL consisted of 27 developing country Members and ten developed country Members. The current Members of the ACWL are listed in Appendix 3. The 42 LDCs that are Members of the WTO or in the process of accession to the WTO are entitled to the services of the ACWL without having 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 participated in the WTO dispute settlement proceedings. The table indicates that about two thirds of all developing countries that have participated in the WTO dispute settlement proceedings as complainant or respondent have decided to become a Member of the ACWL. It also indicates that the developing countries that have occasionally been involved in WTO dispute settlement proceedings but not sufficiently often to acquire substantial experience have been particularly interested in joining the ACWL.

Accessions

Costa Rica and Georgia have initiated but not completed the process of acceding to the ACWL. Costa Rica initiated the process of acceding to the Agreement Establishing the ACWL as a Category C Member in March 2005 but has not yet submitted its instrument of ratification. Georgia applied for accession as a Category C Member in 2006 but needs to take further steps to complete the process of accession.

GENERAL ASSEMBLY

In June 2007, Mr. Otto Genee of the Netherlands, who had been the Chairman of the General Assembly since the ACWL was established, was replaced as the Chairman of the General Assembly by Mr. Eamonn Laird of Ireland.

On the recommendation of the Management Board, in June 2007, the General Assembly decided that any LDC that has reserved its right to participate in a WTO panel proceeding as a third party may request that the ACWL provide its services in connection with that proceeding and any subsequent Appellate Body proceeding free of charge. The Executive Director is authorised to approve these requests where the support by the ACWL is likely to assist the LDC in building its capacity in WTO law and gaining practical experience in WTO dispute settlement proceedings, provided that there is no conflict of interest that would prevent the staff of the ACWL from providing support to the LDC, and the support would cause neither financial nor operational problems for the ACWL.²



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.

For the period 2007-2009, the Management Board consists of Mr. John M. Weekes of Canada, Chairman, Mr. Arsene Balihuta of Uganda, Mr. Yi-fu Lin of Chinese Taipei, Prof. Maria Nzomo of Kenya, Dr. Stuart Robinson of Switzerland and Mr. Eduardo Sperisen-Yurt of Guatemala.

In 2007, the Management Board approved a revised time budget and billing policy for support in WTO dispute settlement proceedings.³ The Management Board also revised the rules on external legal counsel.⁴

² "Assisting Least Developed Countries as Third Parties in Dispute Settlement Proceedings", Decision ACWL/MD/D/2007/5, adopted by the Management Board on 15 June 2007.

³ "Billing Policy and Time Budget", Decision MB/D/2007/7 adopted by the Management Board on 19 November 2007.

⁴ "Revised Rules for Support in WTO Dispute Settlement Proceedings through External Legal Counsel", Decision ACWL/MB/D/2007/8 adopted by the Management Board on 19 November 2007.

STAFF

As of 31 December 2007, the ACWL had a staff of eight lawyers (including the Executive Director), three 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 also includes Mr. Niall Meagher, Ms Cherise Valles, Ms Petina Gappah, Mr. Fernando Piérola, Mr. Hunter Nottage and Mr. Thomas Sebastian.⁵

Mr. Kaya of Turkey, Mr. Rinzin of Bhutan and Ms Sitati of Kenya joined the ACWL as junior counsel under the Secondment Programme for Trade Lawyers in September 2007. Their period of training ends in June 2008.

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



The staff of the ACWL

⁵ Biographies of the staff members are available on the ACWL website, www.acwl.ch.

APPENDIX 1 - WTO DISPUTES SETTLEMENT PROCEEDINGS IN WHICH THE ACWL PROVIDED SUPPORT

Support provided by the staff of the ACWL

For Colombia, as a complainant in [European Communities - Regime for the Importation of Bananas \(DS 361\)](#)

For Panama, as a complainant in [Colombia – Indicative Prices and Restrictions on Ports of Entry \(DS 366\)](#)

For Thailand, as a third party in [United States – Measures relating to Zeroing and Sunset Reviews \(DS 322\)](#)

For Panama, as a complainant in [Colombia – Customs Measures on Importation of Certain Goods from Panama \(DS 348\)](#)

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

For Thailand, as a complainant in [United States - Measures Relating to Shrimp from Thailand \(DS 343\)](#)

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

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

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

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

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

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

For Indonesia, as a complainant in [Korea - Anti-dumping Duties on Imports of Certain Paper from Indonesia \(DS 312\)](#)

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

For Honduras, as a complainant in [Dominican Republic - Measures Affecting the Importation and Internal Sale of Cigarettes \(DS 302\)](#)

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

For Thailand, as a complainant in [European Communities - Customs Classification of Frozen Boneless Chicken Cuts \(DS 286\)](#)

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



For Thailand, as a complainant in [European Communities - Export Subsidies on Sugar \(DS 283\)](#)

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

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

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

For India, as a complainant in [European Communities - Conditions for the Granting of Tariff Preferences to Developing Countries \(DS 246\)](#)

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

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

For Peru, as a complainant in [European Communities - Trade Description of Sardines \(DS 231\)](#)

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

For India, as a respondent in [India - Measures Affecting the Automobile Industry \(DS 146, DS 175\)](#)

Support provided through external legal counsel

For Colombia, as a respondent in [Colombia - Indicative Prices and Restrictions on Ports of Entry \(DS 366\)](#)

For Turkey, as a 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, 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
Heenan Blaikie
King & Spalding
Minter Ellison
O'Connor and Company
Sidley Austin
Thomas & Partners
Van Bael & Bellis
Vermulst Verhaeghe & Graafsma
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 Kindgom

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

MEMBERS OF THE WTO AND COUNTRIES IN PROCESS OF ACCEDING TO THE WTO DESIGNATED BY THE UNITED NATIONS AS LDCs (42)

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	Uganda
Guinea Bissau	Tanzania
Haiti	Togo
Lao People's Democratic Republic	Vanuatu*
Lesotho	Yemen
Madagascar	Zambia

*In the process of acceding to the WTO

APPENDIX 5 - DEVELOPING COUNTRY/LDC PARTICIPATING IN WTO DISPUTES

Frequency of participation of developing countries or customs territories in
DSU proceedings as complainants or respondents⁶

CATEGORY	Members of the WTO (Members of the ACWL and the LDC assisted by the ACWL in bold)	Total	Complainant	Respondent
Frequent participation (21 times or more)	1 Brazil	37	23	14
	2 India	35	17	18
	3 Argentina	30	14	16
	4 Mexico	29	15	14
	5 Korea	25	12	13
	6 Chile	21	9	12
	7 Thailand	12	11	1
Occasional participation (between 3 and 12 times)	8 Turkey	10	2	8
	9 China	10	2	8
	10 Philippines	8	4	4
	11 Guatemala	8	6	2
	12 Colombia	8	5	3
	13 Indonesia	7	3	4
	14 Peru	6	2	4
	15 Ecuador	6	3	3
	16 Honduras	5	5	-
	17 Panama	5	5	-
	18 Pakistan	4	2	2
	19 Costa Rica ⁷	4	4	-
	20 Egypt	3	-	3
	21 Nicaragua	3	1	2
	22 Venezuela	3	1	2
	Rare participation (2 times or less)	23 Malaysia	2	1
24 South Africa		2	-	2
25 Trinidad and Tobago		2	-	2
26 Uruguay		2	1	1
27 Dominican Republic		2	-	2
28 Antigua and Barbuda		1	1	-
29 Chinese Taipei		1	1	-
30 Hong Kong, China		1	1	-
31 Singapore		1	1	-
32 Sri Lanka		1	1	-
33 Bangladesh		1	1	-

⁶ Source: WTO Secretariat, Statistical Information on Recourse to WTO Dispute Settlement Procedures (1 January 1995 – 30 September 2004), Background Note prepared for the Special Session of the Dispute Settlement Body, 22 October 2004, JOB(03)225/Rev.1, updated manually to 31 December 2007.

⁷ In the process of acceding to the ACWL.



The Advisory Centre on WTO Law

Avenue Giuseppe-Motta 31-33

C.P. 132

CH-1211 Geneva 20

Switzerland

T + 41 22 919 21 21

F + 41 22 919 21 22

info@acwl.ch

www.acwl.ch

