



REPORT ON OPERATIONS 2011



TABLE OF CONTENTS

PREFACE	1
THE ACWL IN FIGURES	2
THE ACWL'S OPERATIONS	3
LEGAL ADVICE	3
Number of opinions	4
Distribution of opinions among countries	5
Categories of opinions	5
Issues addressed in the opinions	7
Survey of satisfaction	10
DISPUTE SETTLEMENT SUPPORT	11
Support provided by the ACWL's staff	14
<i>New disputes</i>	14
<i>Ongoing disputes</i>	14
Support provided through external counsel	16
TRAINING	17
Annual training courses	18
Survey of satisfaction	18
Seminars and other training activities	20
Secondment Programme for Trade Lawyers	22
THE ACWL AT TEN: LOOKING BACK, LOOKING FORWARD	23
OUTREACH	26
INSTITUTIONAL MATTERS	27
MEMBERSHIP	27
Developed countries	27
Developing countries	28
LDCs	28
The ACWL's geographical reach	28
THE GENERAL ASSEMBLY	30
THE MANAGEMENT BOARD	30
THE STAFF	31
APPENDIX 1 - WTO disputes in which the ACWL has provided support	32
APPENDIX 2 - Roster of External Counsel	34
APPENDIX 3 - ACWL Outreach Activities in 2011	35
APPENDIX 4 - Members of the ACWL	37
APPENDIX 5 - LDCs entitled to the services of the ACWL	38

PREFACE

When the ACWL was created in 2001, it was an experiment. It was not known to what extent developing countries and least-developed countries (LDCs) would entrust the defence of their legal interests at the WTO to the ACWL, whether they would value the legal opinions prepared by the ACWL, or whether the ACWL's training programmes would be of interest to them. Nor was it known how the complex institutional and financial structure devised by the founders of the ACWL to ensure its independence would work in practice. The ACWL's tenth anniversary in 2011 provided an excellent opportunity to review how that experiment had fared and what lessons could be drawn from the ACWL's experience. The ACWL therefore organised a conference in October 2011 on the topic of "The ACWL at Ten: Looking Back, Looking Forward", at which speakers that had created, used, supported or analysed the ACWL presented their perspectives on the ACWL's past and future. This Report on Operations includes a summary of the conference. The full text of the presentations made at the conference is available in hard copy from the ACWL and on the ACWL's website.

In 2011, the ACWL's main activity continued to be to provide legal advice in response to requests from its developing country Members and the LDCs entitled to its services. The number of legal opinions provided by the ACWL increased from 206 in 2010 to 218 in 2011. The ACWL also provided support in three ongoing WTO dispute settlement proceedings through its own staff and in one proceeding through external counsel. For the first time since the creation of the ACWL, none of the countries entitled to its services initiated a new dispute settlement proceeding. Overall, the number of new disputes at the WTO declined in 2011 to an all-time low.

The ACWL's annual training course has again been fully subscribed this year, with participants particularly appreciating the moot court exercise. The ACWL's Secondment Programme for Trade Lawyers continues to provide a unique capacity-building opportunity. In addition, developing countries and LDCs have started using the ACWL's training services in new ways. Thus, they requested workshops and videoconferences with groups of officials interested in aspects of WTO law, such as the conduct of anti-dumping proceedings and the preparation of submissions to panels. Delegates that followed dispute settlement proceedings for capacity-building purposes also requested assistance in understanding the legal issues in those proceedings.

At the tenth anniversary conference, WTO Director-General Pascal Lamy stated that he was "certain that the ACWL is up to the task of helping developing countries address the many complex new problems appearing on the horizon". I share this view, because I have confidence both in the unique institutional structure of the ACWL, which enables it to function independently and efficiently, and in the dedication of its Management Board, lawyers and administrative staff, and in the cooperative spirit with which the ACWL's Members and LDCs work together to ensure the success of the ACWL. I am very pleased that my optimism is shared by Australia, which decided in 2011 to join the ACWL as its 11th developed country Member.



Frieder ROESSLER,
Executive Director

THE ACWL IN FIGURES

	2010	2011
OPERATIONS		
Legal opinions	206	218
WTO disputes in which the ACWL provided support	7	3
New requests for support in WTO disputes	4	0
Certificates of Training awarded	29	31
MEMBERSHIP		
Developed country Members	10	11
Developing country ¹ Members	30	30
LDCs entitled to the services of the ACWL	44	43
Countries entitled to the services of the ACWL	74	73
STAFF		
Lawyers, including the Executive Director	9	9
Participants in the Secondment Programme for Trade Lawyers	3	3
Administrative staff	2	2

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

THE ACWL'S OPERATIONS

LEGAL ADVICE

The ACWL has provided developing countries and LDCs with over 1200 legal opinions free of charge since its establishment in mid-2001. ACWL Members and LDCs that use this service consistently report a high level of satisfaction with this advice. They report that the advice provided by the ACWL was timely, comprehensive and helpful in resolving their legal concerns.

Developing country Members and LDCs seek the ACWL's advice on three categories of legal issues. The first comprises legal issues arising in WTO decision making and negotiations. These opinions enhance the capacity of developing countries and LDCs to pursue their interests within the complex institutional framework of the WTO and to become active participants in WTO bodies. For example, the ACWL has advised developing countries and LDCs on legal issues arising in their trade policy reviews and in WTO committees such as the Committees on Technical Barriers to Trade and on Sanitary and Phytosanitary Measures. The ACWL has also provided advice on legal aspects of proposals submitted in the Doha Development Round negotiations.

The second category of legal advice concerns measures taken or contemplated by the Member or LDC seeking the advice. These opinions help these countries to realise their trade policy objectives in a manner consistent with WTO law and to avoid unnecessary disputes. For example, the ACWL has provided advice to Members and LDCs on the WTO-consistency of domestic tax measures, tariffs, subsidies, trade remedy investigations, SPS measures, intellectual property protection, services regulations and proposed regional trade agreements. Developing country Members or LDCs faced with internal disagreement as to the consistency of a proposed measure with WTO law often request the ACWL to evaluate that measure. In these cases, the ACWL is in a unique position to provide a neutral, objective assessment of the WTO legal issues.

The third category concerns measures of other WTO Members, which a developing country Member or LDC is considering challenging in WTO dispute settlement proceedings. For example, the ACWL has provided legal opinions on the WTO-consistency of technical regulations, SPS measures, import licensing requirements, and trade remedy measures. In these cases, the ACWL's opinions permit the developing country or LDC to assess the chances of prevailing in a dispute settlement proceeding on the basis of a legal analysis prepared by an institution that is neither issue-driven nor profit-making.

The ACWL provided 218 legal opinions to developing country Members and LDCs in 2011.

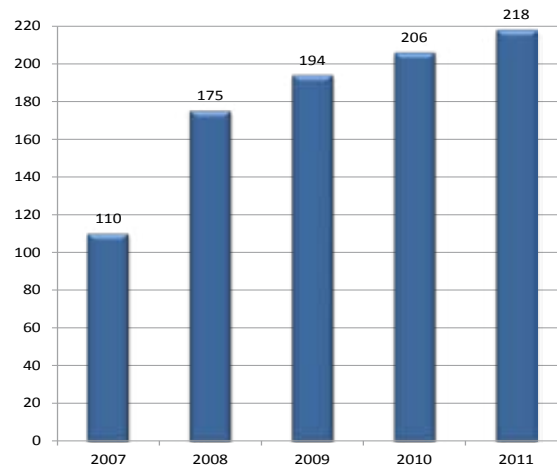
NUMBER OF OPINIONS

In 2011, the ACWL provided 218 legal opinions in response to requests for legal advice from its developing country Members and LDCs, an increase of almost 6 per cent over 2010 (206 opinions). The chart below shows the number of legal opinions provided during the past five years.

The ACWL counts as an individual legal opinion the advice given in response to each separate request by a developing country Member or LDC, regardless of the extent of the work involved. Thus, a legal opinion could be given in the course of a three-hour meeting or in the form of a memorandum of over 100 pages. In some cases, the ACWL is requested to provide follow-up advice or to assist on ongoing legal issues. For example, in one case this year, the ACWL provided legal support in WTO negotiations involving participation in over 40 hours of meetings over several weeks. Such follow-up or ongoing advice is not recorded as a separate legal opinion. Instances in which issues of law are discussed informally in brief email exchanges or conversations are not counted as legal opinions.

The time it takes to respond to requests for advice varies with the legal and factual complexity of the matter submitted. Oral opinions can be provided more quickly than written legal opinions; opinions required urgently are therefore often provided in a meeting or through a conference call. In 2011, all oral opinions were provided within the time frame requested. Forty two percent of the written legal opinions were provided within five working days, 20 percent within ten working days and 23 percent within 15 working days. In the remaining 15 percent of the cases, it took more than 15 working days, mainly because the need for more information arose during the course of the legal analysis.

ACWL Legal Opinions 2007-2011



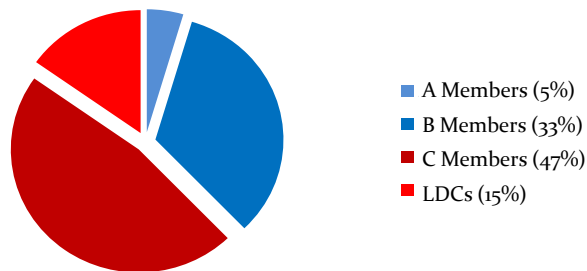
DISTRIBUTION OF OPINIONS AMONG COUNTRIES

In 2011, 23 of the ACWL's 30 developing country Members sought legal advice from the ACWL. All of the 43 LDCs entitled to the ACWL's services benefitted from its legal advice through 21 requests submitted on behalf of the WTO LDC Consultative Group (the "LDC Group"). In addition, six LDCs individually sought legal advice from the ACWL. This advice is discussed in more detail below in the section "Issues addressed in the opinions".

The ACWL divides its developing country Members into categories A, B, and C, according to their GNP per capita and share of world trade, with category A Members having the highest GNP per capita and largest share of world trade. The developing country Members in each category are listed in Appendix 4. As detailed in the chart below, category B Members requested 33 per cent of the opinions provided in 2011, while only 5 per cent were requested by category A Members. Close to two thirds of the opinions were sought by category C Members (47 per cent) and LDCs (15 per cent).

In 2011, 23 of the ACWL's 30 developing country Members and all of the LDCs entitled to its services benefitted from its legal advice.

Legal Opinions by Category of Member in 2011



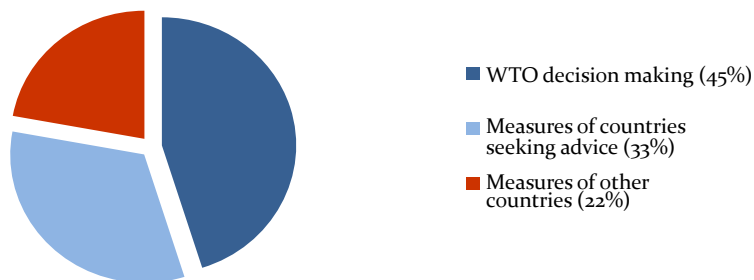
CATEGORIES OF OPINIONS

In 2011, 99 legal opinions (45 per cent of the total) concerned issues that arose in WTO decision making and negotiations in such areas as services, trade facilitation, non-agricultural market access, and accessions. The ACWL also responded to 71 requests from countries seeking advice about their own measures (33 per cent), including advice on proposed legislation on trade remedies, services, export processing zones, and intellectual property rights. Finally, the ACWL provided 48 legal opinions regarding measures taken by other WTO Members (22 per cent). In 2011, 46 per cent of the opinions falling into this category involved measures of other developing countries and 54 per cent involved measures taken by developed countries.

Over the past five years, 77 per cent of the ACWL's legal opinions enabled its developing country Members and LDCs to participate more effectively in WTO decision making and to evaluate the consistency of their own measures with their WTO obligations.

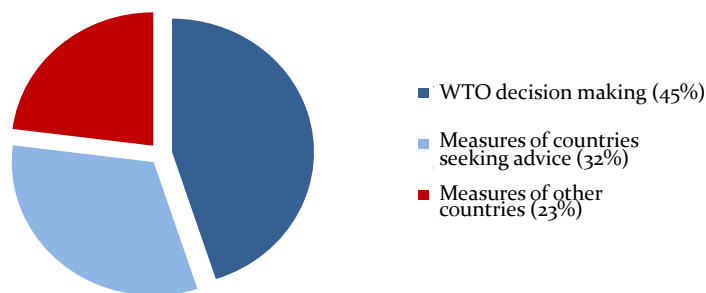
The breakdown of the ACWL's legal opinions among the three categories of legal opinions provided in 2011 is illustrated in the chart below.

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Legal Opinions by Category of Opinion in 2011



The following table provides the breakdown between the three categories of legal opinions provided in the past five years (2007-2011).

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Legal Opinions by Category of Opinion (Five-Year Average)



As this chart indicates, 77 per cent of the legal opinions provided by the ACWL during the past five years enabled ACWL Members and LDCs to participate more effectively in WTO decision making and to evaluate the consistency of their own measures with their WTO obligations. The LDCs, in particular, have requested opinions for these purposes. Only 23 per cent of the legal opinions provided during this period related to measures of other countries. The distribution of legal opinions among the three categories in each of the past five years is shown in the table on the following page.

Legal Opinions in 2007-2011 by Category of Opinion

CATEGORY OF OPINION	2007		2008		2009		2010		2011	
	TOTAL	SHARE OF TOTAL	TOTAL	SHARE OF TOTAL	TOTAL	SHARE OF TOTAL	TOTAL	SHARE OF TOTAL	TOTAL	SHARE OF TOTAL
WTO DECISION MAKING	48	44%	83	47%	81	42%	94	46%	99	45%
MEASURES OF COUNTRIES SEEKING ADVICE	39	35%	61	35%	53	27%	64	31%	71	33%
MEASURES OF OTHER COUNTRIES	23	21%	31	18%	60	31%	48	23%	48	22%

ISSUES ADDRESSED IN THE OPINIONS

The ACWL's legal opinions are provided to the requesting developing country or LDC on a strictly confidential basis. For this reason, the ACWL cannot disclose either the identity of the countries seeking its advice or any details of the issues on which advice was provided to a particular developing country or LDC. This means that the ACWL can describe only in general terms the issues on which it provided advice during the year, except where the ACWL's involvement was a matter of public record. This also means that the ACWL cannot disclose how the requesting developing country or LDC subsequently used the advice provided by the ACWL. The following description of some of the key legal issues addressed in the ACWL's legal opinions in 2011 takes those constraints into account.

- LDC Services Waiver:** At the eighth WTO Ministerial Conference in December 2011, Members adopted a waiver from the MFN obligation in Article II:1 of the GATS that permits Members to grant preferential treatment to services and service suppliers from LDCs. Mr. Pascal Lamy observed that he is "confident that the decision on the waiver at the Ministerial Conference, and the related granting of preferences by Members, will be effective in enhancing the development of trade in services for the least-developed countries". The ACWL provided legal assistance to the LDC Group over the last five years regarding the group's policy objectives in relation to preferential treatment in services. For instance, the ACWL assisted in preparing the draft waiver decision that was used as the basis

"The ACWL's service is an indispensable instrument for an effective WTO Mission".
- Delegate from the Philippines.

"The ACWL's legal advice has significantly benefitted Lao PDR's accession to the WTO. Through this advice, Lao PDR has been able to address non-compliance issues in its legislation."

- Delegate from Lao PDR.

for the negotiations since 2010. The ACWL also provided written and oral opinions to the LDC Group on various aspects of the GATS for use in the group's internal deliberations at both the technical and ambassadorial levels. The ACWL assisted the LDC Group on legal issues arising during small group negotiations led by Norway on this matter, as well as during informal bilateral consultations and key meetings of the Special Session of the Council for Trade in Services.

- **Other Assistance to the LDCs:** In addition to the work on the LDC services waiver described above, the ACWL's assistance to the LDCs in 2011 included legal advice related to trade facilitation, non-tariff barriers, the relationship between regional trade agreements and WTO law, the Enabling Clause, domestic regulation in services, the implications of graduation from LDC status under WTO law, and trade-related intellectual property rights.
- **Accessions:** In 2011, the ACWL received an increasing number of requests for legal advice from its developing country Members and LDCs on issues relating to WTO accessions. For example, the ACWL provided legal advice to LDCs that are in the process of acceding to the WTO on the consistency of national legislation with WTO law in areas such as intellectual property, SPS measures, and technical barriers to trade, and assisted them in addressing questions and concerns raised in the accession working parties. In addition, the ACWL provided legal advice to acceding LDCs on how they could achieve their policy objectives consistently with WTO law. The ACWL's legal advice complemented the policy advice provided to these LDCs by other organisations, including the IDEAS Centre Geneva. The ACWL also provided legal advice to developing countries on issues relating to the accessions of other countries, including on how to give legal effect to commitments made on accession.
- **Regional Trade Agreements:** The ACWL advised its developing country Members and LDCs on issues relating to the compatibility of commitments under proposed regional trade agreements (RTAs) with their WTO obligations, as well as on how proposed RTA obligations compared with corresponding WTO obligations. The ACWL also advised on the notification of RTAs and the WTO's procedures for the review of RTAs.
- **Trade Remedies:** The ACWL advised its developing country Members both with respect to their own compliance with their WTO obligations in imposing trade remedy (anti-dumping, countervailing duty, and safeguard) measures and on their rights with respect to trade remedy measures imposed by other WTO Members. For example, the ACWL advised

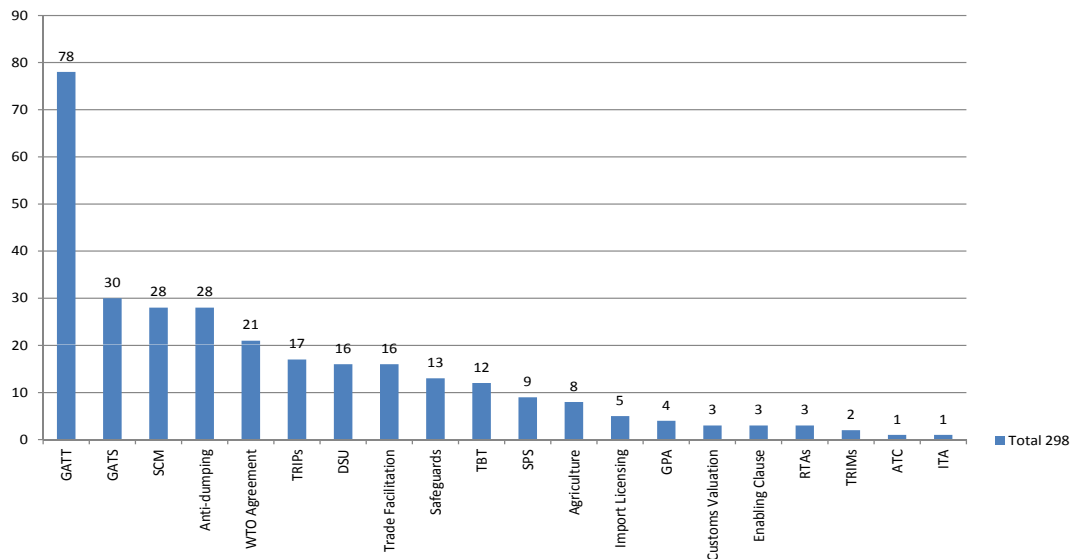
the investigating authorities of developing countries on legal issues arising in the conduct of investigations, including procedural obligations and the rules governing the calculation of dumping margins.

- **Trade Policy Reviews:** The ACWL provided advice on legal issues arising in the context of the WTO trade policy review mechanism.

The legal opinions provided this year by the ACWL involved issues arising under all of the WTO covered agreements, except for the rarely-invoked agreements on pre-shipment inspections and rules of origin. The following table provides a breakdown of the subjects covered in the legal opinions provided by the ACWL this year.

"The ACWL provided technical support on matters beyond our resources, improving our capacity to participate in the WTO".
- Delegate from Nicaragua.

Legal Opinions in 2011 by Subject



Note: Some legal opinions involved two or more subjects; accordingly, the total number of subjects exceeds the total number of legal opinions issued during the year.

Ninety per cent of respondents found the ACWL's legal advice to be "highly" or "very" satisfactory.

SURVEY OF SATISFACTION

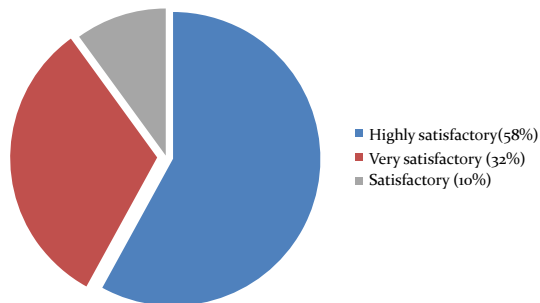
At the end of each year, the ACWL asks the developing countries and LDCs to whom legal opinions have been provided to respond to a survey of their satisfaction with the ACWL's legal advice.

In the 2011 survey, all of the respondents reported that the ACWL had contacted the respondent promptly after it had submitted its request for a legal opinion. All respondents also stated that the ACWL sent the opinions by the agreed deadline or, if there was no given deadline, in a prompt manner, and that the ACWL's legal opinions addressed all legal issues raised in the request in a manner that was helpful to their governments. Overall, 90 per cent of the respondents reported that they found the legal advice to be either "highly satisfactory" (58 per cent) or "very satisfactory" (32 per cent). The remaining participants reported that they found the legal advice to be "satisfactory" (10 per cent). No respondents reported that they found the ACWL's legal advice to be either "somewhat satisfactory" or "unsatisfactory".

One respondent to the survey explained that "by providing legal advice, the ACWL plays a crucial and positive part in assisting its Members in their integration into the multilateral trading system and in developing their human resources". A delegate from Lao PDR stated that "the ACWL's legal advice has significantly benefitted Lao PDR's accession to the WTO. Through this advice, Lao PDR has been able to address non-compliance issues in its legislation". Similarly, a delegate from Nicaragua reported that "the ACWL provided technical support on matters beyond our resources, improving our capacity to participate in the WTO". A delegate from the Philippines stated that "the ACWL's service is an indispensable instrument for an effective WTO Mission". A delegate from Honduras described the ACWL as "one of the better think tanks on WTO law, providing legal advice to its Members and allowing them to take better decisions based on WTO case law".

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Survey of Users' Satisfaction with the ACWL's Legal Advice





DISPUTE SETTLEMENT SUPPORT

Since its inception in 2001, the ACWL has provided support to its developing country Members and LDCs in 38 WTO dispute settlement proceedings directly through its staff and in five proceedings through external counsel. A list of these disputes is set out in Appendix 1.

The individual Members and LDCs that turn to the ACWL for support participate only rarely in WTO dispute settlement proceedings. Collectively, however, they participate almost as frequently as the United States or the European Union ("EU"), which are the main users of the WTO dispute settlement system. By providing support in 38 dispute settlement proceedings, therefore, the ACWL has acquired legal experience comparable to that of other frequent users of the system. Thus, the ACWL pools the legal experience of developing countries in WTO legal matters and enables each of them to draw on this collective experience to defend its interests in dispute settlement proceedings.

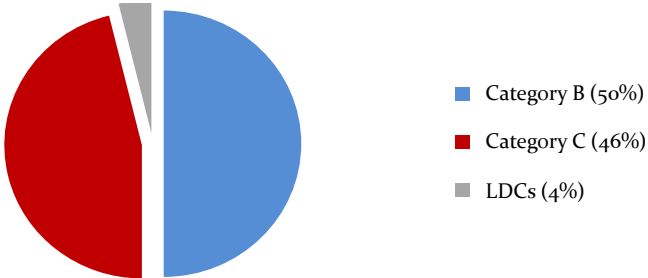
When providing assistance in a dispute settlement proceeding, the ACWL works in partnership with the developing country or LDC concerned. Prior to the initiation of a dispute, the ACWL lawyers prepare a legal opinion on the strengths and weaknesses of the case. The ACWL lawyers work together with delegates and capital-based officials to prepare for the consultations with the other party. During panel, Appellate Body, and other proceedings, the ACWL lawyers work together with these officials to draft the written submissions, oral statements, and answers to questions. In this manner, the ACWL combines its assistance in dispute settlement with capacity building.

Since its inception in 2001, the ACWL has assisted developing country Members and LDCs in 38 WTO dispute settlement proceedings.



The chart below provides details on the distribution of the ACWL's support in WTO dispute settlement proceedings during the past ten years by category of ACWL Members and LDCs.

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Assistance in Dispute Settlement Proceedings by Category of Member 2001-2011



The ACWL is increasingly asked to assist its developing country Members in disputes with other developing countries.

There has been a change in the kind of disputes in which the ACWL assists its developing country Members. Initially, the ACWL tended to assist its developing country Members in disputes brought against developed country respondents. Thus, in eight of the first ten disputes in which the ACWL provided support to the complainant, the respondent was a developed country. This has changed. The ACWL's developing country Members are now much more likely to seek the ACWL's assistance in asserting their rights vis-à-vis other developing countries. In eight of the ten most recent disputes in which the ACWL assisted the complainant, the respondent was another developing country. In other words, while developed countries were originally respondents in 80 per cent of the cases, they are now respondents in only 20 per cent of the cases.

In addition, six of the ten most recent disputes in which the ACWL has provided support were disputes between developing countries, compared to only two of the ACWL's first ten disputes. Two of the three disputes in which the ACWL provided support in 2011 were between developing countries – *Thailand – Cigarettes* and *Dominican Republic - Safeguard Measures*.

In recent years, it has also become more common for the ACWL to provide support to its developing country Members as respondents in a dispute settlement proceeding. In two of the three ongoing dispute settlement proceedings in which the ACWL provided support in 2011, the ACWL assisted the respondent (Thailand in *Thailand – Cigarettes* and the Philippines in *Philippines – Distilled Spirits*).



In addition to assisting its developing country Members and LDCs directly through its lawyers, the ACWL also provides support through external legal counsel. WTO dispute settlement proceedings between developing countries, including between those entitled to the ACWL's services, are increasingly common. The ACWL can provide direct support to two parties involved in the same proceeding that have compatible objectives, for instance as co-complainants. When parties pursuing incompatible objectives request the support of the ACWL on the same matter, however, the ACWL's lawyers normally assist the party that first requested advice. The ACWL provides support to the other party through external counsel.

The ACWL has established a Roster of External Counsel, which is made up of experienced law firms and individuals that have agreed to represent developing countries and LDCs when the ACWL's staff cannot do so because of a conflict of interest. The party that cannot be assisted by the ACWL's staff selects its counsel from the roster.

The selected counsel provides the same support that the ACWL's staff would have provided in the absence of the conflict of interest. The ACWL finances the difference between the fees charged by the external counsel and the fees that the ACWL would have charged for the same services. The law firms and lawyers on the Roster of External Counsel are listed in Appendix 2.

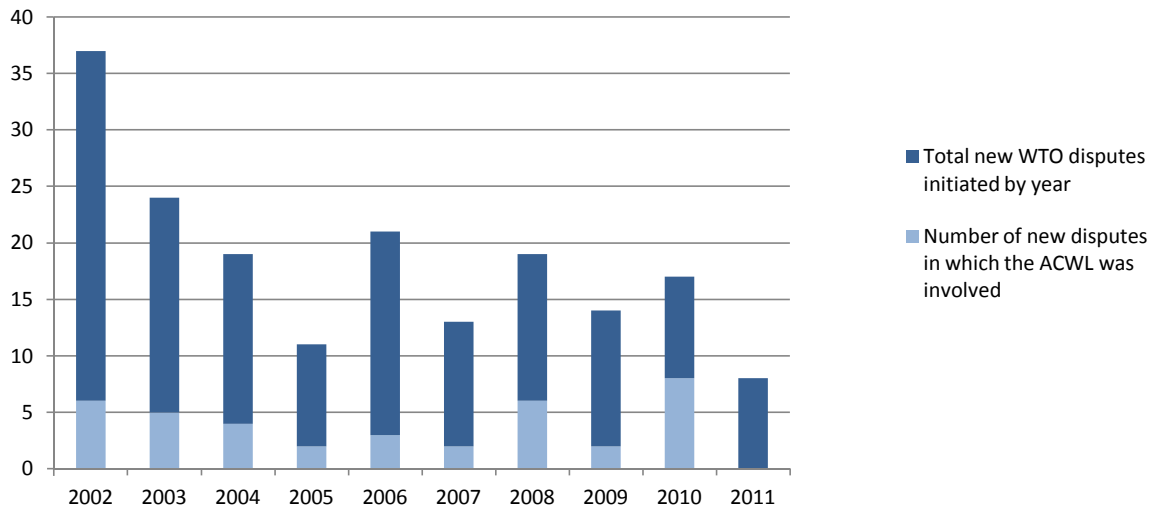
The ACWL's developing country Members may resort to the ACWL's Roster of External Counsel if the ACWL cannot assist them in dispute settlement proceedings because of a conflict of interest.

SUPPORT PROVIDED BY THE ACWL'S STAFF

NEW DISPUTES

The ACWL provided support in three ongoing dispute settlement proceedings in 2011. For the first time since its inception in 2001, however, the ACWL was not requested to provide assistance in any new dispute settlement proceeding. This reflects the sharp decline in new disputes initiated at the WTO. Only eight new disputes were initiated in 2011, compared to 17 in 2010. The total of eight new disputes in 2011 is the lowest number of disputes initiated in any year since the creation of the WTO in 1995. The following table shows the number of new disputes initiated each year since 2002, the first full year in which the ACWL was in existence, as well as the number of new disputes each year in which the ACWL was involved. These statistics show that over the ten-year period 2002-2011, the ACWL was involved in 21 per cent of all new WTO disputes.

ACWL Involvement in WTO Dispute Settlement Proceedings (2002-2011)



Note: The statistics in this table are based on the number of new "DS numbers" assigned to new disputes each year. Thus, cases with multiple complainants are counted separately (e.g., the *EC - Sugar* case counts as three disputes: DS 265, DS 266 and DS 283).

ONGOING DISPUTES

The following is a description of the three ongoing WTO dispute settlement proceedings in which the ACWL's lawyers provided assistance in 2011.

The ACWL assisted **Costa Rica, Guatemala, Honduras and El Salvador** as complainants in *Dominican Republic - Safeguard Measures on Imports of Polypropylene Bags and Tubular Fabric* (DS 415, DS 416, DS 417, DS 418). In these

proceedings, the complainants allege that a safeguard measure imposed by the Dominican Republic in October 2010 is inconsistent with, *inter alia*, Article XIX of the GATT 1994 and the WTO Safeguards Agreement. The panel was established in February 2011 and the submissions to the panel began in April. The panel conducted its meetings with the parties in June and July and issued its final report to the parties in November. The panel's report is expected to be circulated in early 2012.

The ACWL assisted the government of the **Philippines** as part of its legal team in *Philippines - Taxes on Distilled Spirits* (DS 396, DS 403), in which the Philippines is the respondent. The complainants, the EU and the United States, alleged that the Philippines' excise tax on certain distilled spirits is applied in a way that affords protection to domestic distilled spirits and subjects imported distilled spirits to internal taxes in excess of those applied to like domestic products, and is, therefore, inconsistent with Article III:2 of the GATT 1994. In its report, which was circulated in August 2011, the panel found that the Philippines acted inconsistently with Article III:2, first and second sentence, of the GATT 1994. The Philippines submitted a notice of appeal to the Appellate Body in September, whereupon the EU also appealed certain aspects of the panel's report.

The Appellate Body held its hearing in these appeals on 25-26 October. On 22 December, the Appellate Body issued its report, in which it upheld the panel's finding under Article III:2, first sentence, of the GATT 1994, with respect to individual liquor products (*e.g.*, gin, brandy, vodka, etc.), but reversed the panel's finding under that provision to the extent that it stood for the proposition that all distilled spirits at issue in the dispute were "like products", regardless of the raw materials used, within the meaning of Article III:2, first sentence, of the GATT 1994. The Appellate Body also upheld the panel's findings under Article III:2, second sentence, of the GATT 1994.

The ACWL continued to assist **Thailand** as the respondent in *Thailand - Customs and Fiscal Measures on Cigarettes from the Philippines* (DS 371). In this dispute, the panel had circulated its report in November 2010, in which it found that Thailand had acted inconsistently with the Customs Valuation Agreement with respect to the valuation of certain imports of cigarettes, but rejected the Philippines' claim that Thailand had a general practice of improperly rejecting the transaction value as the basis for the customs valuation of imports of cigarettes. The panel also found that certain aspects of Thailand's VAT regime were inconsistent with Articles III:2 and III:4 of the GATT 1994. Finally, the panel accepted some aspects of the Philippines' claims regarding the administration of Thailand's customs, excise and VAT laws, and regulations under Articles X:1 and X:3 of the GATT 1994, while rejecting others. In

During the past ten years, the ACWL has been involved in 21 per cent of all new WTO dispute settlement proceedings.



16 "Thailand has enjoyed working closely with the ACWL, and we have never been disappointed".
- Ambassador Piampongsant of Thailand.
ACWL at Ten Conference.

February 2011, Thailand filed a notice of appeal with the Appellate Body, in which Thailand sought review of certain of the panel's findings under Articles III:2 and III:4 of the GATT 1994 regarding Thailand's VAT regime for cigarettes. Thailand also appealed the panel's finding under Article X:3 of the GATT 1994 that Thailand was required to maintain a system for prompt review of decisions to require guarantees for the payment of customs duties on importation. Thailand also challenged certain procedural rulings of the panel. The Appellate Body held its hearing in the case in April and issued its report in June 2011. The Appellate Body upheld the panel's findings on different grounds. The panel and Appellate Body reports in the dispute were adopted by the Dispute Settlement Body (DSB) in July 2011. The ACWL then assisted Thailand in negotiations with the Philippines on a reasonable period of time to implement the DSB's rulings and recommendations pursuant to Article 21.3(b) of the Understanding on Rules and Procedures Governing the Settlement of Disputes. In September, Thailand and the Philippines notified the DSB that they had reached an agreement whereby Thailand's reasonable period of time would expire in October 2012, with respect to certain VAT measures, and May 2012, with respect to all other measures.

SUPPORT PROVIDED THROUGH EXTERNAL COUNSEL

In 2011, the Dominican Republic received support through external counsel in the dispute *Dominican Republic – Safeguard Measures on Imports of Polypropylene Bags and Tubular Fabric* (DS 415, DS 416, DS 417, DS 418). To date, the ACWL has provided support through external counsel in five WTO dispute settlement proceedings. These are listed in Appendix 1.



TRAINING

The ACWL provides training on WTO law through annual training courses, occasional seminars on WTO legal issues of general interest, workshops, and seminars on issues of specific interest to individual countries, as well as the Secondment Programme for Trade Lawyers.

The ACWL's training programme consists of three annual training courses. The first course covers the basic principles of WTO law, the second the WTO agreements relating to trade remedies, trade in services, and trade-related intellectual property rights, and the third the WTO dispute settlement procedures. The ACWL has completed nine annual training courses so far. Participants that attend two thirds of the sessions in a given year are awarded a Certificate of Training. To date, the ACWL has issued 251 Certificates of Training to delegates from nearly all ACWL Members and from two thirds of the LDCs with missions in Geneva.

The ACWL also conducts supplementary sessions for delegates that are unable to attend a regularly-scheduled session or have detailed queries on a topic covered in the course. The supplementary sessions are intended primarily for delegates from LDCs and other countries with small missions in Geneva. In addition, the ACWL offers seminars on significant panel and Appellate Body rulings and other subjects of interest and, upon request, training sessions on specific issues of WTO law.

In 2005, the ACWL launched the Secondment Programme for Trade Lawyers, under which government lawyers from developing country Members and LDCs join the staff of the ACWL as paid trainees for a nine-month term starting in

"The course was conducted in a highly professional manner both in its content, substance and skilful presentation. Overall, the ACWL team has done an excellent job".
- LDC course participant.

Eighty five per cent of the participants in the ACWL's annual training course found the course to be "highly" or "very" satisfactory.

mid-September and ending in mid-June of the following year. The programme gives government lawyers from developing countries and LDCs an opportunity to work with, and learn from, the ACWL's lawyers on WTO legal issues and in dispute settlement proceedings. It is funded by voluntary contributions made by developed country Members of the ACWL. To date, 17 government lawyers from 12 developing countries and four LDCs have participated in the programme.

ANNUAL TRAINING COURSES

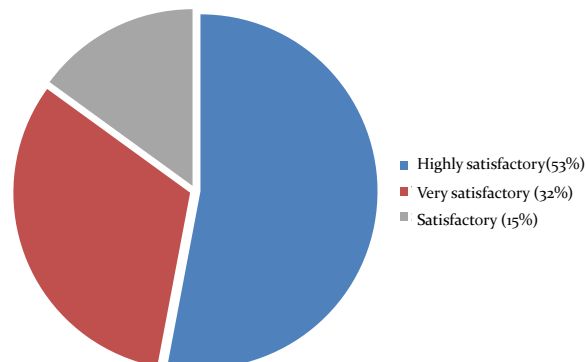
In March 2011, the ACWL completed its ninth annual training course, which focused on the WTO agreements relating to trade remedies, trade in services, and trade-related intellectual property rights. At the conclusion of the course, the ACWL awarded Certificates of Training to 31 of the 44 of the delegates that registered for the course, including seven delegates from LDCs.

In October 2011, the ACWL commenced its tenth annual training course, which focuses on WTO dispute settlement procedures. The course includes a moot court exercise, in which the participants address a legal issue taught in the course in a simulated WTO panel proceeding. The course will be completed in March 2012.

SURVEY OF SATISFACTION

At the end of each year's training course, the ACWL asks the participants to complete a questionnaire seeking feedback on the course. This feedback is helpful in maintaining and improving the quality of the training course for subsequent years. At the end of the 2010-2011 training course, 85 per cent of the respondents reported that they found the training course to be either "highly satisfactory" (53 per cent) or "very satisfactory" (32 per cent). The remaining participants reported that they found the course to be "satisfactory" (15 per cent). The chart below shows the breakdown of responses to the survey by level of satisfaction.

Survey of Participants in 2010-2011 Annual Training Course



Almost half of the responding participants stated that they have frequently been able to apply what they learned in the ACWL training course in the course of their daily work as their countries' delegates to the WTO. One participant explained as follows:

"My country has been able to enhance its participation in the WTO's dispute settlement mechanism because our officials are now better prepared. Our participation in the ACWL's training activities has been very important in that sense. The Mission has also been able to give its opinion to domestic authorities regarding WTO-related issues, for which the ACWL training has also been essential. Our enhanced knowledge has allowed us to better understand issues under negotiation and adjust our position accordingly".


Another participant described the course as "very useful for Geneva-based negotiators". A third stated that "the course was conducted in a highly professional manner both in its content, substance, and skilful presentation. Overall, the ACWL team has done an excellent job".

Among the LDC participants, one reported that "the organisation of the course was excellent . . . the presenters were also excellent. They always do their best to explain the most complicated topics. I think I have learned a lot from them". Another LDC participant said that "I believe that this kind of training is the most beneficial. It was easy to apply the theory in the negotiations as what was being learned was similar to the actual negotiations". This participant concluded that "the environment at the ACWL makes one wish to be around such people as often as possible. I am really happy about the training I obtained and I am a proud product of the ACWL training programme".

The participants also found the moot court exercise to be a very important part of the training course, with 89 per cent reporting that the moot court was either "extremely helpful" (42 per cent) or "very helpful" (47 per cent).

The participants suggested that more time be given to certain topics during the course, as well as to the moot court exercise. The ACWL will take these comments into account in structuring its future training activities.

"The environment at the ACWL makes one wish to be around such people as often as possible ... I am a proud product of the ACWL training programme".
- LDC course participant.



The ACWL conducts workshops on issues of WTO law at the request of developing countries and LDCs.

SEMINARS AND OTHER TRAINING ACTIVITIES

In 2011, the ACWL conducted two special seminars on issues of WTO law and jurisprudence that were of particular interest to the ACWL's developing country Members and LDCs. These seminars were well attended and gave the participants a better understanding of the issues under discussion.

In May, the ACWL hosted a seminar on the Appellate Body Report in *United States – Definitive Anti-Dumping and Countervailing Duties on Certain Products from China* (DS 379). In this report, the Appellate Body reversed the panel's findings on two significant issues: it outlawed "double remedies" that arise through the concurrent application of anti-dumping and countervailing duties in non-market economy situations, and it set a new standard for defining the term "public body" within the meaning of the SCM Agreement. The Appellate Body also considered issues concerning the specificity of subsidies and when internal prices can be rejected in establishing a benchmark to calculate the value of a subsidy.

In June, the ACWL hosted a seminar on the Appellate Body report in *European Communities and Certain Member States – Measures Affecting Trade in Large Civil Aircraft* (DS 316) – also known as the "Airbus" case. In this report, which is the longest Appellate Body report to date, the Appellate Body addressed numerous complex issues under the SCM Agreement. The report also has implications for the recent panel report in *United States – Measures Affecting Trade in Large Civil Aircraft* (the "Boeing" case), which is currently under appeal. The seminar focused on the issues of export contingency, serious prejudice, and the extinction/pass-through of subsidies.

The ACWL also provides training in the form of workshops for developing country or LDC officials that are interested in a specific WTO legal issue. These workshops are provided at the request of individual countries or groups of countries. In 2011, the ACWL conducted a workshop in Geneva on the legal requirements for injury and causation determinations in trade remedy investigations for a group of developing country government officials that were newly assigned to the conduct of anti-dumping investigations. In addition, the ACWL conducted a workshop by videoconference for government officials in the capital of a developing country Member on how to draft submissions to a WTO dispute settlement panel.



In 2011, the ACWL was also asked to provide training in the context of the increasingly common practice of the representatives of developing countries to follow dispute settlement proceedings as third parties for the purpose of learning more about WTO jurisprudence, rather than for the purpose of defending their trade interests. The ACWL has responded to requests by representatives of these Members to assist them in reaching a better understanding of the issues in proceedings that they decided to follow for learning purposes.

The ACWL welcomes requests from its Members and the LDCs for training on specific issues of WTO law identified by the Members and the LDCs themselves. While the ACWL lacks funding to send its lawyers to capitals, the ACWL can provide this training to Geneva-based or visiting capital-based delegates at its offices. In addition, with the spread of online videoconferencing facilities, it is becoming much easier for the ACWL to provide training to capital-based officials via the internet.



SECONDMENT PROGRAMME FOR TRADE LAWYERS

In 2011, the ACWL completed the fifth cycle of the Secondment Programme for Trade Lawyers and launched the sixth. The three participants in the 2010-2011 cycle – **Mr. Mesut Aydin** (Turkey), **Ms Gaewgarn Fuangtong** (Thailand) and **Mr. Jose Mario Elin Tan** (the Philippines) – completed their secondment in June 2011 and returned to their governments, where they are working on WTO-related legal issues.

Developing country Members and LDCs nominated a total of 50 candidates for the 2011-2012 cycle of the programme, nine of whom were invited to come to Geneva for interviews. The three successful candidates for this cycle, listed below, joined the ACWL in September 2011.



Mr. Faisal Al-Nabhani is a legal researcher with the Ministry of Legal Affairs of the Sultanate of Oman. His responsibilities include reviewing draft conventions and treaties that the government intends to conclude and preparing the implementing legislation as well as drafting legal opinions. Mr. Al-Nabhani has a Masters of Law in International Business and Economic Law from Georgetown University Law Centre and a law degree from the University of Warwick.



Mr. Pablo Escobar is a lawyer with the Permanent Mission of Ecuador to the WTO. His duties include participating in the Doha Round negotiations, including Trade Facilitation, Trade and Environment, Fisheries Subsidies, Agriculture and reform of the Dispute Settlement Understanding. He has a Bachelor of Business Administration from the Pan-American Center and a Juris Doctor from Universidad del Azuay. He graduated from the Academia Diplomática del Ecuador.



Mr. Jeremy Kumajas is a lawyer with the Legal Bureau of the Ministry of Trade of the Republic of Indonesia. His responsibilities include drafting regulations for the Ministry of Trade and ensuring consistency with national as well as international law. He has a degree in Economics Law from Universitas Indonesia and a Masters of Law from Maastricht University.

THE ACWL AT TEN: LOOKING BACK, LOOKING FORWARD



To mark its tenth anniversary, the ACWL held a conference at the WTO on 4 October 2011, entitled "The ACWL at Ten: Looking Back, Looking Forward".

The conference provided a valuable opportunity to discuss how the ACWL has evolved since its creation and how it can continue to develop and better serve its Members and the LDCs in the coming years. Over 150 people attended the event, including ambassadors and other representatives of WTO Members from Geneva missions and capitals, international organisations, NGOs, private sector law firms, and academia.

In opening the conference, WTO Director-General Pascal Lamy congratulated the ACWL for its "valuable contribution to the effectiveness of the WTO dispute settlement system". Noting that the ACWL "has assisted developing and least-developed countries with some 40 WTO disputes, provided training to over 200 delegates, and responded to an ever-growing need for legal advice," Mr. Lamy said that there is "no doubt that in the years to come, the ACWL will continue to play a central role in ensuring that all Members can benefit from one of the WTO's most enduring achievements - a secure and predictable dispute settlement system".

"I have no doubt that in the years to come, the ACWL will continue to play a central role in ensuring that all Members can benefit from one of the WTO's most enduring achievements - a secure and predictable dispute settlement system".
- Pascal Lamy.

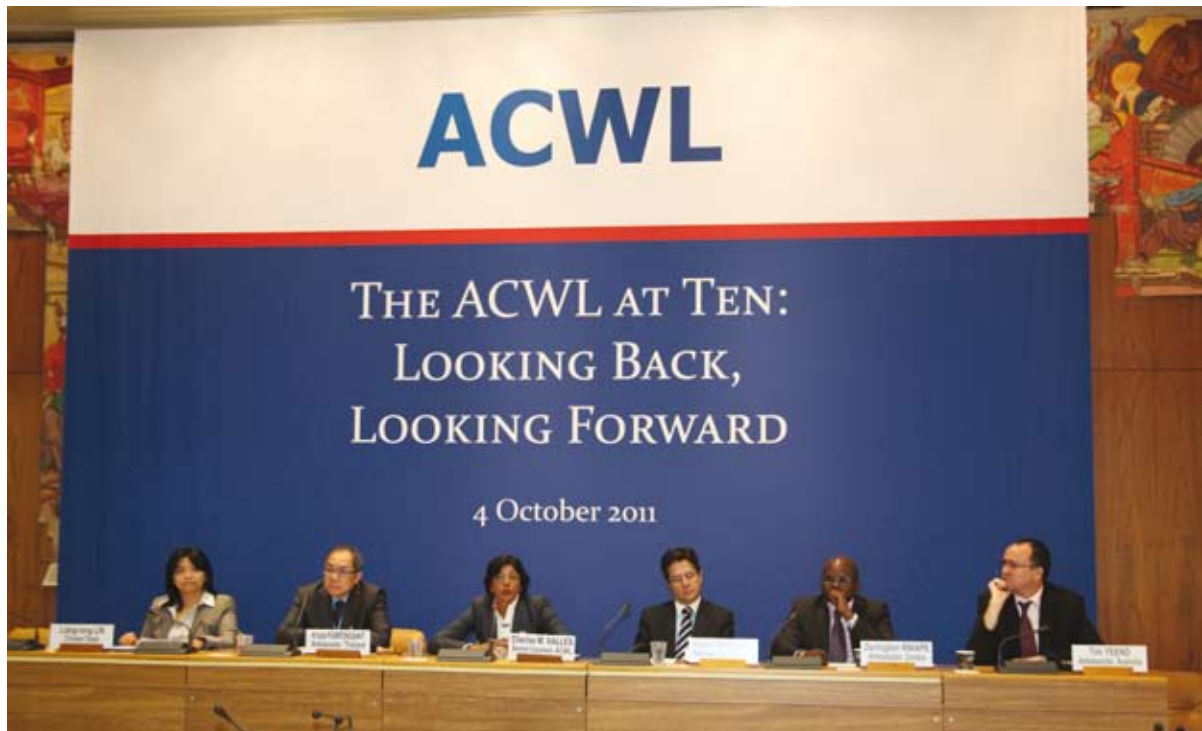
"The contribution of the ACWL as an independent source of legal advice remains an invaluable resource for developing and least-developed countries".
- Ambassador Mwape of Zambia.

The conference's three separate sessions spanned the ACWL's origins, current operations and future direction. In the first session on "Legal Aid for WTO Members: The Genesis and Realisation of a Novel Idea", Ms Claudia Orozco Jaramillo, former Minister-Counsellor of the Permanent Mission of Colombia to the WTO and Mr. Otto Genee, former Deputy Permanent Representative of the Permanent Mission of the Netherlands to the WTO, discussed the genesis and establishment of the ACWL and challenges they had encountered on the way. In this session, which was moderated by Dr. Stuart Robinson, Chairperson of the ACWL's Management Board, the Executive Director, Mr. Frieder Roessler, also explained how the ACWL's operations had evolved over the past ten years.

The second session on "The ACWL in Action: Perspectives of Members and Least-Developed Countries" was moderated by Ms Cherise M. Valles, Senior Counsel, ACWL. It provided an opportunity for ACWL Members, donors and beneficiaries to offer their thoughts on the ACWL's services. The Zambian Ambassador, H.E. Mr. Darlington Mwape, discussed how LDCs have benefited from the ACWL's legal advice, including in the context of the Doha Round. The Ambassadors of Thailand, H.E. Mr. Krisda Piampongsant, and Colombia, H.E. Mr. Eduardo Muñoz Gómez, discussed their countries' experience in participating in WTO dispute settlement proceedings with the ACWL's assistance. The Ambassador of Australia, H.E. Mr. Tim Yeend, explained Australia's recent decision to join the ACWL as a developed country Member. Finally, Ms Liang-rong Lin from Chinese Taipei shared her experiences as a former participant in the ACWL's Secondment Programme for Trade Lawyers.

The luncheon speaker was Mr. John Weekes, a member of the ACWL's Management Board and Canada's former Ambassador to the GATT and subsequently to the WTO. Putting in context the main focus of the day on the ACWL at Ten, Mr. Weekes reflected on the "WTO at Sixteen", which included his thoughts on the future of the Doha Round and other challenges facing the WTO.

The final session on "The ACWL's Role in the Multilateral Trading System: Past and Future" was moderated by Mr. Niall Meagher, Senior Counsel, ACWL. It provided an opportunity for academics and other outside experts to consider the ACWL's role from a systemic perspective, and how it might evolve in the future. Professor Chad Bown from the World Bank and Professor Gregory Shaffer from the University of Minnesota Law School presented their empirical research on the impact of the ACWL's services on developing country participation in WTO dispute settlement. Mr. Scott Andersen, Co-Managing Partner at Sidley Austin LLP in Geneva explored the important gap-filling role



played by the ACWL in the field of legal services, as well as the contributions to WTO jurisprudence that emerged from WTO disputes in which the ACWL has assisted developing countries. Finally, Mr. Christophe Bellmann, Programmes Director from the International Centre for Trade and Sustainable Development (ICTSD) in Geneva, discussed the ACWL's strengths from the perspective of another Geneva-based organisation with a trade and development mandate, and offered his thoughts on opportunities for the ACWL to work with other organisations to address ongoing challenges related to the development of legal capacity in developing countries.

The closing remarks were made by Mr. Declan Morrin, Chairperson of the General Assembly of the ACWL.

The presentations of the speakers at the conference are available in a separate report on the ACWL's website www.acwl.ch. Hard copies may be requested from the ACWL's secretariat.



OUTREACH

In 2011, the ACWL participated in seven training courses conducted by the WTO.

The ACWL's outreach activities are an important means of ensuring that developing countries and LDCs are sufficiently familiar with the opportunities offered by the ACWL. The ACWL organises its own outreach activities and participates as frequently as possible in those conducted by the WTO and other organisations.

In 2011, the ACWL's lawyers made presentations – in all three official languages of the WTO – at seven WTO training courses, including the Geneva Week for non-resident WTO Members, the Introduction Course for LDCs, the advanced trade policy course, and advanced courses on the TBT Agreement, the SPS Agreement and on dispute settlement. These courses provide an excellent opportunity to introduce the ACWL to capital-based officials that cannot participate in the ACWL's training courses. The ACWL appreciates the opportunity to collaborate with the WTO in these training programmes, which also enables the ACWL to inform visiting participants in these programmes of the services available from the ACWL.

The ACWL's lawyers also regularly participate in other training programmes on WTO law, moot court exercises, and presentations to students conducted by academic and non-governmental organisations. These activities permit the ACWL to explain to civil society its services and the role of developing countries and LDCs in the multilateral trading system. This is an important means of raising awareness of the ACWL.

Finally, the ACWL's lawyers are frequently invited to speak at seminars and conferences on international trade law issues. In 2011, these included participation in the WTO Public Forum, the American Law Institute's annual conference on the jurisprudence of the WTO, and conferences organised by the International Law Association.

A full list of the outreach activities in which the ACWL's lawyers participated in 2011 is provided in Appendix 3.

INSTITUTIONAL MATTERS

MEMBERSHIP

DEVELOPED COUNTRIES

On 28 July 2011, Australia, which had previously made a generous contribution of AUD\$3 million (approximately CHF2.8 million) to the ACWL, became the 41st Member of the ACWL. Australia had deposited its instrument of accession 30 days before, at a signing ceremony held at the ACWL following the June 2011 meeting of the ACWL's General Assembly. Speaking at that ceremony, H.E. Mr. Tim Yeend, Australia's Ambassador to the WTO, noted that the work of the ACWL had long been regarded highly by the Australian Government. He added that the integration of developing countries and LDCs into the global trading system was a priority for Australia and that he looked forward to cooperating with the ACWL to this end. Ambassador Yeend praised the ACWL for its work and professionalism.



With Australia's accession, the ACWL now has 11 developed country Members, which have provided most of the funding of the ACWL through their contributions to the ACWL's Endowment Fund and Working Capital Fund. These countries are listed in Appendix 4.

At its meeting in November 2011, the General Assembly of the ACWL adopted a decision regarding the future financing of the ACWL for the period 2012-2016. Following the recommendations of a task force established by the General Assembly in 2010 to consider the future financing of the ACWL, in 2011, the General Assembly adopted a proposal whereby the developed country Members of the ACWL would make voluntary contributions to finance the ACWL's operations during the 2012-2016 period. As of 31 December 2011, the following developed country Members had committed to make these voluntary contributions: Australia, Canada, Denmark, Finland, the Netherlands, Norway, Sweden and Switzerland.

There are 30 developing countries and 43 LDCs currently entitled to the services of the ACWL.

DEVELOPING COUNTRIES

Twenty-one developing countries originally accepted the Agreement Establishing the ACWL. Latvia withdrew from the ACWL in May 2004 upon its accession to the EU. In addition, ten developing countries have acceded to the ACWL, bringing the total number of developing country Members to 30. These are listed in Appendix 4.

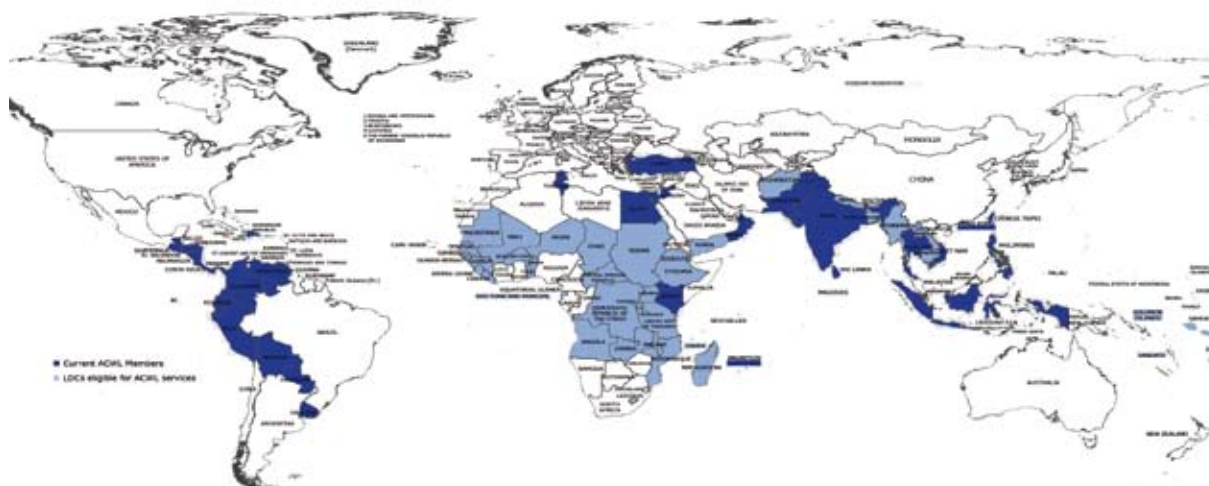
Georgia initiated the accession process in October 2006 but has yet to take further steps to pursue the process.

LDCS

Any country designated by the United Nations as an LDC is entitled to the services of the ACWL, provided that it is a Member of the WTO or in the process of acceding to the WTO. Unlike developing countries, LDCs need not join the ACWL and contribute to the ACWL's Endowment Fund to acquire the right to use the ACWL's services. There are 43 LDCs currently entitled to the services of the ACWL. These are listed in Appendix 5.

THE ACWL'S GEOGRAPHICAL REACH

The ACWL's services are currently available to a total of 73 countries: 30 developing countries, 31 LDCs that are Members of the WTO and 12 LDCs that are currently in the process of acceding to the WTO. In the map below, the Members of the ACWL are indicated in dark blue and the LDCs entitled to the services of the ACWL in light blue. This map shows that almost half of the countries (35) are in Africa. The 35 African countries entitled to the services of the ACWL include 28 of the 41 current Members of the African Group



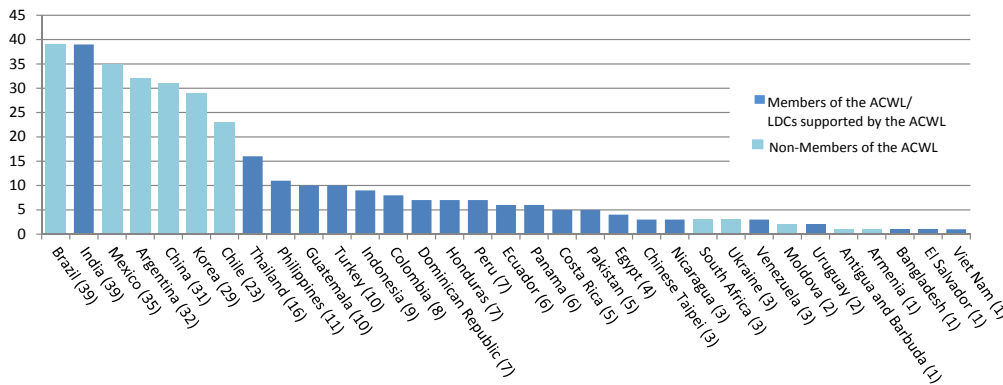
1 Maldives, which has been a WTO Member since 1995, graduated from LDC status in 2011.

at the WTO and six African LDCs that are in the process of acceding to the WTO. The other main geographical areas represented are Central and South America and South East Asia.

The chart below lists the 32 developing countries and one LDC that have been either a complainant or respondent in WTO dispute settlement proceedings since the ACWL was established in 2001 and the total number of disputes in which those countries have participated since 1995. Brazil, Mexico, Argentina, China, Korea and Chile have significant experience in WTO dispute settlement proceedings and have not acceded to the ACWL. Of the remaining 26 developing countries that have participated in dispute settlement proceedings since 2001, only five have not joined the ACWL: South Africa, which has been involved in consultations but not in panel proceedings, Antigua and Barbuda, which was assisted by private counsel in the *US – Gambling* dispute, and Ukraine, Armenia and Moldova, which have recently been involved in disputes with each other. The remaining 21 developing countries that have participated in dispute settlement proceedings have all joined the ACWL. Thus, the ACWL has attracted as Members developing countries that have become actively involved in WTO legal matters but lack legal capacity or experience in these matters. These are the very countries that the ACWL was intended to benefit.

The ACWL has attracted as Members developing countries that have become actively involved in WTO legal matters but lack legal capacity or experience in these matters.

ACWL Membership and Participation in Dispute Settlement Proceedings



Note: The columns and numbers in parentheses indicate the frequency with which the country has participated as a complainant or respondent in WTO dispute settlement proceedings. Five other developing countries – Malaysia, Singapore, Sri Lanka, Trinidad & Tobago, and Hong Kong, China participated in dispute settlement proceedings before the ACWL was established, but have not done so since. Hong Kong, China is one of the original Members of the ACWL. Sri Lanka acceded in 2008.



THE GENERAL ASSEMBLY

The General Assembly is the ACWL's highest decision-making body, consisting of the representatives of the Members of the ACWL and of the LDCs entitled to the services of the ACWL. In 2011, Mr. Declan Morrin (Ireland) continued to serve as its Chairperson. Mr. Michael Wei (Chinese Taipei) served as Vice-Chairperson.

THE MANAGEMENT BOARD

The ACWL's Management Board takes the decisions that are necessary to ensure the efficient and effective operation of the ACWL and reports to the General Assembly. The Management Board consists of six persons serving in their personal capacities 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 by the developed country Members and one by the LDCs. In addition, the Executive Director serves *ex officio* on the Board.

In 2011, the Management Board consisted of H.E. Mr. Bozkurt Aran, Mr. Martin Glass, H.E. Mr. Darlington Mwape, Dr. Stuart Robinson, H.E. Mr. Eduardo Ernesto Sperisen-Yurt and Mr. John M. Weekes. Dr. Robinson served as Chairperson of the Management Board and H. E. Mr. Sperisen-Yurt as Vice-Chairperson.



THE STAFF

31

As of 31 December 2011, the ACWL's staff consisted of nine lawyers (including the Executive Director) and two office administrators. The operations of the ACWL are managed by the Executive Director, Mr. Frieder Roessler, and the Deputy Director, Mr. Leo Palma. The lawyers are, in alphabetical order: Mr. Niall Meagher and Ms Cherise Valles (Senior Counsel); Mr. Jan Bohanes, Ms Tegan Brink, Mr. Hunter Nottage, Mr. Fernando Piérola and Mr. Alejandro Sanchez (Counsel). Biographies of the lawyers are available on the ACWL's website. The ACWL's office administrators are Ms Pascale Colombo and Ms Carol Lau.

There are three junior lawyers participating in the Secondment Programme for Trade Lawyers: Mr. Faisal Al-Nabhani, Mr. Pablo Escobar and Mr. Jeremy Kumajas (see page 22 above).

To contact an individual ACWL staff member, please use the standard email format: **name.surname@acwl.ch**. Emails for the Executive Director should be addressed to Carol Lau.

APPENDIX I

WTO DISPUTES IN WHICH THE ACWL HAS PROVIDED SUPPORT

SUPPORT PROVIDED BY THE ACWL'S STAFF

For [Costa Rica](#), [Guatemala](#), [Honduras](#) and [El Salvador](#) as the complainants in *Dominican Republic - Safeguard Measures on Imports of Polypropylene Bags and Tubular Fabric* (DS 415, DS 416, DS 417, DS 418).

For [Peru](#), as the complainant in *Argentina - Anti-Dumping Duties on Fasteners and Chains from Peru* (DS 410).

For [Ecuador](#), as a Member that joined the consultations in *European Union and a Member State - Seizure of Generic Drugs in Transit* (DS 408, DS 409).

For the [Philippines](#), as the respondent in *Philippines - Taxes on Distilled Spirits* (DS 396, DS 403).

For [Guatemala](#), as the complainant in *China - Grants, Loans and Other Incentives* (DS 390).

For [Costa Rica](#), as a third party in *European Communities - Tariff Treatment of Certain Information Technology Products* (DS 375, DS 376, DS 377).

For [Thailand](#), as the respondent in *Thailand - Customs and Fiscal Measures on Cigarettes from the Philippines* (DS 371).

For [Thailand](#), as the complainant in *United States - Anti-Dumping Measures on Polyethylene Retail Carrier Bags from Thailand* (DS 383).

For [Indonesia](#), as the complainant in *South Africa - Anti-Dumping Measures on Uncoated Woodfree Paper* (DS 374).

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

For [Colombia](#), as a third participant in the Appellate Body proceedings in *European Communities - Regime for the Importation, Sale and Distribution of Bananas (Second Recourse to Article 21.5 of the DSU by Ecuador)* (DS 27).

For [Panama](#), as the complainant in *Colombia - Indicative Prices and Restrictions on Ports of Entry* (DS 366).

For [Thailand](#), as a third party in *United States - Continued Existence and Application of Zeroing Methodology* (DS 350).

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

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

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

For [Thailand](#), as a third party in *United States - Final Dumping Determination on Softwood Lumber from Canada* (DS 264).

For [Colombia](#), [Costa Rica](#), [Ecuador](#) and [Guatemala](#), as interested parties in *European Communities - The ACP - EC Partnership Agreement (First and Second Recourse to Arbitration pursuant to the Decision of 14 November 2001)* (WT/L/616, WT/L/625).

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

For **Pakistan**, as the complainant in *Egypt - Anti-dumping Duties on Matches from Pakistan* (DS 327).

For **Thailand**, as the complainant in *United States - Provisional Anti-dumping Measures on Shrimp from Thailand* (DS 324).

For **Thailand**, as the third party in *United States - Measures relating to Zeroing and Sunset Reviews* (DS 322).

For **Indonesia**, as the complainant in *Korea - Anti-dumping Duties on Imports of Certain Paper from Indonesia* (DS 312).

For **Bangladesh**, as the complainant in *India - Anti-dumping Measure on Batteries from Bangladesh* (DS 306).

For **Honduras**, as the complainant in *Dominican Republic - Measures Affecting the Importation and Internal Sale of Cigarettes* (DS 302).

For **Guatemala**, as the complainant in *Mexico - Certain Pricing Measures for Customs Valuation and Other Purposes* (DS 298).

For **Thailand**, as the complainant in *European Communities - Customs Classification of Frozen Boneless Chicken Cuts* (DS 286).

For **Nicaragua**, as the complainant in *Mexico - Certain Measures Preventing the Importation of Black Beans from Nicaragua* (DS 284).

For **Thailand**, as the complainant in *European Communities - Export Subsidies on Sugar* (DS 283).

For **the Philippines**, as the complainant in *Australia - Certain Measures Affecting the Importation of Fresh Pineapple* (DS 271).

For **the Philippines**, as the 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 the complainant in *European Communities - Conditions for the Granting of Tariff Preferences to Developing Countries* (DS 246).

For **India**, as the complainant in *United States - Rules of Origin for Textiles and Apparel Products* (DS 243).

For **Ecuador**, as the complainant in *Turkey - Certain Procedures for the Import of Fresh Fruit* (DS 237).

For **Peru**, as the complainant in *European Communities - Trade Description of Sardines* (DS 231).

For **Pakistan**, as the complainant in *United States - Transitional Safeguard Measures on Combed Cotton Yarn from Pakistan* (DS 192).

For **India**, as the respondent in *India - Measures Affecting the Automobile Industry* (DS 146, DS 175).

SUPPORT PROVIDED THROUGH EXTERNAL LEGAL COUNSEL

For the **Dominican Republic**, as the respondent in *Dominican Republic - Safeguard Measures on Imports of Polypropylene Bags and Tubular Fabric* (DS 415, DS 416, DS 417, DS 418).

For **Colombia**, as the respondent in *Colombia - Indicative Prices and Restrictions on Ports of Entry* (DS 366).

For **Turkey**, as the respondent in *Turkey - Measures Affecting the Importation of Rice* (DS 334).

For **the Dominican Republic**, as the respondent in the arbitration proceedings pursuant to Article 21.3(c) of the DSU in *Dominican Republic - Measures Affecting the Importation 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 COUNSEL

LAW FIRMS	INDIVIDUALS
AKIN GUMP STRAUSS HAUER & FELD LLP ARENT FOX LLP BORDEN LADNER GERVAIS LLP CROWELL & MORING LLP ECONOMIC LAWS PRACTICE (ELP) FRATINI VERGANO GIDE LOYRETTE NOUEL JOCHUM SHORE & TROSSEVIN PC KING & SPALDING LLP LAW OFFICES OF AMELIA PORGES PLLC MINTER ELLISON NCTM STUDIO LEGALE ASSOCIATO (BERNARD O'CONNOR) SIDLEY AUSTIN LLP SHIN & KIM THE LAW OFFICES OF GARY N. HORLICK THOMPSON HINE LLP VAN BAEI & BELLIS VERMULST VERHAEGHE GRAAFSMA & BRONCKERS WHITE & CASE LLP WINSTON & STRAWN LLP	MR. EDMOND MCGOVERN MR. DONALD MCRAE

APPENDIX 3

ACWL OUTREACH ACTIVITIES IN 2011

DATE	WTO TRAINING COURSES
28 MARCH	2ND ADVANCED TRADE POLICY COURSE
5 MAY	22ND GENEVA WEEK (FOR LDCs WITHOUT MISSIONS IN GENEVA)
9 MAY AND 9 JUNE	ADVANCED COURSE ON THE AGREEMENT ON TECHNICAL BARRIERS TO TRADE
26 JULY	19TH INTRODUCTION COURSE FOR LDCs (IN FRENCH)
27 OCTOBER	ADVANCED COURSE ON THE AGREEMENT ON SANITARY AND PHYTOSANITARY MEASURES
21 NOVEMBER	ADVANCED TRADE POLICY COURSE (IN SPANISH)
5-7 DECEMBER	ADVANCED COURSE ON DISPUTE SETTLEMENT
	CONFERENCES AND OTHER PRESENTATIONS
27 JANUARY	PRESENTATION ON "THE PROTECTION OF DEVELOPING COUNTRIES' INTERESTS IN THE WTO", FOR ECUADOR'S MINISTRY OF ECONOMIC POLICY COORDINATION
27 JANUARY	PRESENTATION ON "THE ACWL'S SUPPORT TO SMALL DEVELOPING COUNTRIES IN DISPUTE SETTLEMENT: POSSIBILITIES FOR COTTON PRODUCERS", ORGANISED BY THE IDEAS CENTRE
29 MARCH	PANEL ON "DEVELOPING COUNTRIES IN THE WTO DISPUTE SETTLEMENT SYSTEM", FOR THE INFORMAL GROUP OF DEVELOPING COUNTRIES AT THE WTO
9 MAY	PANEL ON "SUBSTANTIVE LAW OF THE WTO", FOR CONFERENCE ON "WTO LITIGATION, INVESTMENT AND COMMERCIAL ARBITRATION", AT THE WTO
13 JUNE	CONFERENCE OF THE AMERICAN LAW INSTITUTE ON WTO DISPUTE SETTLEMENT, AT THE WTO
15 JUNE	INFORMATION SESSION ON THE ACWL FOR POTENTIAL DEVELOPING COUNTRY ACWL MEMBERS AND INTERESTED INTERNATIONAL ORGANISATIONS, AT THE ACWL
1 JULY	PRESENTATION ON THE ACWL AT A CONFERENCE OF THE INTERNATIONAL LAW ASSOCIATION

19 JULY	PRESENTATION ON DEVELOPING COUNTRIES IN WTO DISPUTE SETTLEMENT FOR THE GRADUATE INSTITUTE OF INTERNATIONAL AND DEVELOPMENT STUDIES PROGRAMME
20 SEPTEMBER	PANEL ON "DISPELLING THE MYTHS OF DEVELOPING COUNTRY PARTICIPATION IN THE DISPUTE SETTLEMENT MECHANISM", AT THE WTO PUBLIC FORUM
11 NOVEMBER	PRESENTATION ON THE ACWL AT A CONFERENCE OF THE EUROPEAN CIRCUIT OF THE ENGLISH BAR, AT THE WTO
17 NOVEMBER	PANEL ON "REFORM OF THE DSU", FOR THE INFORMAL GROUP OF DEVELOPING COUNTRIES AT THE WTO
6 DECEMBER	PRESENTATION ON THE ACWL TO A GROUP OF VISITING OFFICIALS FROM ASEAN, AT THE ACWL
	PRESENTATIONS ON THE ACWL TO STUDENT GROUPS
16 FEBRUARY	UNIVERSITY OF BARCELONA, INTERNATIONAL ECONOMIC LAW AND POLICY PROGRAMME
28 FEBRUARY	WORLD TRADE INSTITUTE, BERN
8 MARCH	UNIVERSITY OF READING
26 MAY	UNIVERSITY OF AMSTERDAM LAW SCHOOL
16 JULY	UNIVERSITY OF MELBOURNE LAW SCHOOL
22 JULY	WORLD TRADE INSTITUTE, BERN, SUMMER ACADEMY
20 OCTOBER	UNIVERSITY OF LAUSANNE
4 NOVEMBER	UNIVERSITY OF LAUSANNE
14 NOVEMBER	HARVARD LAW SCHOOL
2 DECEMBER	UNIVERSITY OF LAUSANNE
	OTHER ACTIVITIES
16-19 MAY	JUDGE, ELSA WTO LAW MOOT COURT COMPETITION REGIONAL ROUND (ROMANIA)
23-26 MAY	JUDGES, ELSA WTO LAW MOOT COURT COMPETITION FINAL ROUND (FRANCE)
21-22 JUNE	JUDGE, IELPO MOOT COURT COMPETITION (SPAIN)

APPENDIX 4

MEMBERS OF THE ACWL

MEMBERS ENTITLED TO THE SERVICES OF THE ACWL (30) (DATES OF ACCESSION IN PARENTHESES)	DEVELOPED COUNTRY MEMBERS (11) (DATES OF ACCESSION IN PARENTHESES)
<p>CATEGORY A: HONG KONG, CHINA CHINESE TAIPEI (13 MAY 2004)</p> <p>CATEGORY B: BOLIVARIAN REPUBLIC OF VENEZUELA COLOMBIA EGYPT INDIA PAKISTAN PHILIPPINES THAILAND URUGUAY OMAN (25 APRIL 2003) MAURITIUS (11 JUNE 2003) TURKEY (17 AUGUST 2003) INDONESIA (28 APRIL 2004) VIET NAM (25 SEPTEMBER 2009)</p> <p>CATEGORY C: BOLIVIA DOMINICAN REPUBLIC ECUADOR GUATEMALA HONDURAS KENYA NICARAGUA PANAMA PARAGUAY PERU TUNISIA JORDAN (20 JANUARY 2002) EL SALVADOR (3 SEPTEMBER 2004) SRI LANKA (21 NOVEMBER 2008) COSTA RICA (30 APRIL 2009)</p>	<p>CANADA DENMARK FINLAND IRELAND ITALY NETHERLANDS NORWAY SWEDEN UNITED KINGDOM SWITZERLAND (5 December 2004) AUSTRALIA (28 July 2011)</p>

APPENDIX 5

LDCs ENTITLED TO THE SERVICES OF THE ACWL

MEMBERS OF THE WTO (31)	IN THE PROCESS OF ACCEDING TO THE WTO (12)
ANGOLA	AFGHANISTAN
BANGLADESH	BHUTAN
BENIN	COMOROS
BURKINA FASO	EQUATORIAL GUINEA
BURUNDI	ETHIOPIA
CAMBODIA	LAO PEOPLE'S DEMOCRATIC REPUBLIC
CENTRAL AFRICAN REPUBLIC	LIBERIA
CHAD	SAMOA
DEMOCRATIC REPUBLIC OF THE CONGO	SÃO TOMÉ AND PRÍNCIPE
DJIBOUTI	SUDAN
GAMBIA	VANUATU
GUINEA	YEMEN
GUINEA-BISSAU	
HAITI	
LESOTHO	
MADAGASCAR	
MALAWI	
MALI	
MAURITANIA	
MOZAMBIQUE	
MYANMAR	
NEPAL	
NIGER	
RWANDA	
SENEGAL	
SIERRA LEONE	
SOLOMON ISLANDS	
TOGO	
UGANDA	
UNITED REPUBLIC OF TANZANIA	
ZAMBIA	

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