

A HISTORY OF LAW AND LAWYERS IN THE GATT/WTO

How did a treaty that emerged in the aftermath of the Second World War, and barely survived its early years evolve into one of the most influential organisations in international law? This unique book brings together original contributions from an unprecedented number of eminent current and former GATT and WTO staff members, including many current and former Appellate Body members, to trace the history of law and lawyers in the GATT/WTO and explore how the nature of legal work has evolved over the institution's sixty-year history. In doing so, it paints a fascinating portrait of the development of the rule of law in the multilateral trading system, and allows some of the most important personalities in GATT and WTO history to share their stories and reflect on the WTO's remarkable journey from a 'provisionally applied treaty' to an international organisation defined by its commitment to the rule of law.

GABRIELLE MARCEAU is a counsellor in the Legal Affairs Division of the WTO Secretariat. Her main function is to advise panellists in WTO disputes, the Director-General's Office, the Secretariat and WTO members on WTO-related matters. Dr Marceau is also Associate Professor at the Law Faculty of the University of Geneva, Switzerland, and has published extensively on WTO matters.

A HISTORY OF LAW AND LAWYERS IN THE GATT/WTO

The Development of the Rule of Law in the
Multilateral Trading System

Edited by

GABRIELLE MARCEAU



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PLATES

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1. Sir James Helmore Laconte (middle), UK Ambassador, and Alan Renouf (right), GATT Legal Officer, in discussion at the Palais des Nations in 1947.
2. The original contracting parties to the GATT hold one of their first sessions at the Palais des Nations in Geneva on 17 August 1948.
3. A meeting of GATT contracting parties circa 1957. Those pictured include (from left to right): Jean Royer, GATT Deputy Director-General; Peter Haight, Head of Operations Unit; Eric Wyndham White, GATT Executive Secretary; and Madelaine Feisilber, Royer's Personal Assistant.
4. An informal meeting in 1967 in the office of Eric Wyndham White, GATT Executive Secretary, which resulted in all key elements of the Kennedy Round being agreed. Participants include (seated from left to right): Jean Rey, European Commissioner for External Relations; Finn Gundelach, GATT Deputy Director-General; and Peter Williams, secretary of the meeting.
5. Paul Luyten (seated), Head of the EEC Permanent Delegation to the GATT, signing a GATT legal instrument circa 1976. Also pictured (from left to right) are: Hielke van Tuinen, GATT Counsellor; Åke Lindén, GATT Counsellor; and Yvette Davel, Administrative Assistant.
6. Signing of a GATT legal instrument circa 1966. Those pictured include: Finn Gundelach (left, standing), GATT Director and subsequently Deputy Director-General; Åke Lindén (centre, back), GATT Counsellor; and Noel Torres (right), legal adviser in the GATT Secretariat.
7. Gardner Patterson (left), Deputy Director-General, Olivier Long (centre), GATT Director-General, and Peter Williams (right), Secretary of the Trade Negotiations Committee, at a ministerial meeting in Tokyo in September 1973 to open the Tokyo Round.
8. Åke Lindén (left), GATT counsellor, Raul Trejos Flores (centre), Ambassador of Costa Rica, and Hector Millan (right), GATT Counsellor, at the signing of Costa Rica's Protocol of Accession in Geneva in 1990.
9. John Weekes (right), Chairman of the General Council, and Stuart Robinson, Director of the Session and Council Affairs Division, at the 46th meeting of the GATT contracting parties on 12–13 December 1990 in Geneva.

10. Åke Lindén, Director of the Tariff Division (GATT), in his office at the Centre William Rappard in Geneva in 1994.
11. Ernst-Ulrich Petersmann, first GATT officer to hold a legal title, hired in 1981 as Assistant Legal Affairs Officer.
12. William Davey (right), Director of WTO Legal Affairs Division, at the signing of the Fifth Protocol (Financial Services) of the General Agreement on Trade in Services (GATS) by Sivaramen Palayathan, Trade Adviser, Permanent Mission of Mauritius to the WTO, in Geneva in June 1999.
13. The 'Lacarte Group' negotiating the Marrakesh Agreement Establishing the WTO and the Uruguay Round Dispute Settlement Understanding in October 1993. Participants include: Bernard Jansen (front left), EEC Legal Service; Åke Lindén (centre, standing), Director of the Tariff Division (GATT); Julio Lacarte-Muró (centre, seated), Ambassador for Uruguay, Chairman. GATT staff include Amy Porges and Peter Milthorpe (centre left, right of door).
14. Appellate Body Secretariat and members in March 2000. Those pictured include: Julio Lacarte-Muró (fifth from left), Appellate Body member; Florentino Feliciano of the Philippines (sixth from left), Appellate Body member; Said El-Nagar of Egypt (eighth from left), Appellate Body member; Debra Steger (centre), Director of the Appellate Body Secretariat; James Bacchus of the United States (sixth from right), Appellate Body member; Claus-Dieter Ehlermann of Germany (fifth from right), Appellate Body member; Mitsuo Matsushita of Japan (third from right); and Christopher Beeby of New Zealand (far right).
15. Swearing-in ceremony of Arumugamangalam Venkatachalam Ganesan (right) as an Appellate Body member in 2000, accompanied by Florentino Feliciano, Appellate Body chairperson.
16. WTO Legal Affairs Division in May 2000. Those pictured include Yves Renouf (second from left), Julie Pain (fourth from left), Gabrielle Marceau (sixth from left), Geraldine Murphy (eighth from left), Pieter Jan Kuijper (sixth from right), Werner Zdouc (second from right) and Reto Malacrida (far right).
17. Swearing-in ceremony of Luiz Olavo Baptista (right) as an Appellate Body member in 2001, accompanied by James Bacchus, Appellate Body chairperson.
18. Appellate Body hearing in 2002 for *Canada – Measures Affecting the Importation of Milk and the Exportation of Dairy Products* (second recourse to Article 21.5 of the DSU by New Zealand and the United States). Seated on the podium are: Luiz Olavo Baptista (centre), presiding member; Giorgio Sacerdoti (centre right); Yasuhei Taniguchi (centre left); Nicolas Lockhart (far right), legal officer in Appellate Body Secretariat; and Jan Bohanes (far left), legal officer in Appellate Body Secretariat.
19. Compliance panel for *Chile – Price Band System* with WTO Secretariat team in Geneva in August 2006. From left to right: Jorge Castro, legal counsellor in the Legal Affairs Division; Pablo Bentes, intern in the Legal Affairs Division; Ho-Young Ahn, panellist from Korea; Hardeep Puri, panel chair from India;

- Timothy Groser, panellist from New Zealand; Arti Daswani, legal officer in the Legal Affairs Division; and Bruce Wilson, Director of the Legal Affairs Division.
20. The Rules Division in July 2008. Those pictured include Jan Woznowski (front row, second from left), Judith Czako (front row, third from left), Mark Koulen (middle row, far left), Guy Evans (middle row, far right), Graham Cook (back row, far right), Jesse Kreier (back row, second right) and Johann Human (back row, far left).
 21. Swearing-in ceremony of Peter Van den Bossche as an Appellate Body member in 2009, accompanied by David Unterhalter (left), Appellate Body chairperson.
 22. Members of the Appellate Body in 2009. Those pictured include (from left to right) Ricardo Ramírez of Mexico, Werner Zdouc (Director of the Appellate Body Secretariat), Yuejiao Zhang of China, Peter Van den Bossche of Belgium, Jennifer Hillman of the United States, David Unterhalter of South Africa, Lilia R. Bautista of the Philippines, Giorgio Sacerdoti of Italy and Shotaro Oshima of Japan.
 23. Alejandro Jara (left), WTO Deputy Director-General, at the WTO's Eighth Ministerial Conference in December 2011 in Geneva.
 24. Valerie Hughes, Director of the Legal Affairs Division, at the opening of the 30th anniversary of the Legal Affairs Division in June 2012 in Geneva.
 25. WTO directors of the Legal Affairs Division at the 30th anniversary of the Legal Affairs Division in June 2012 in Geneva. From left to right: Frieder Roessler (Feb 1989–Aug 1995); Valerie Hughes (Sept 2010–); Bruce Wilson (Sept 2002–Aug 2010); William Davey (Sept 1995–July 1999) and Pieter Jan Kuijper (Nov 1999–April 2002).
 26. Representatives of the Latin American countries and the European Union following the signing of the banana agreement in Geneva in November 2012. Those pictured include: Roberto Azevêdo (third from left), Ambassador of Brazil; Pascal Lamy (centre), then WTO Director-General; and Gabrielle Marceau (eighth from left) of the Legal Affairs Division. The picture also includes ambassadors from Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Venezuela and Peru.
 27. Gabrielle Marceau, Counsellor of the Legal Affairs Division and editor of this book, speaking on trade and energy at a session of the WTO Public Forum 2013 in Geneva.
 28. Rob Anderson (right), Counsellor of the Intellectual Property Division, and Bozena Mueller-Holyst (second from left), Counsellor of the Council and Trade Negotiations Committee Division (and generally responsible for the work of the Dispute Settlement Body) at the WTO's Ninth Ministerial Conference in December 2013 in Bali, Indonesia.
 29. Deputy Director-General Karl Brauner holding a meeting (in the context of the strategic review) with staff in the Centre William Rappard in January 2014.

30. Director-General Roberto Azevêdo, depositary of WTO legal instruments, receiving from H. E. Dr Saadaldeen Talib, Yemeni Minister of Trade and Industry, Yemen's Protocol of Accession on 27 May 2014.

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