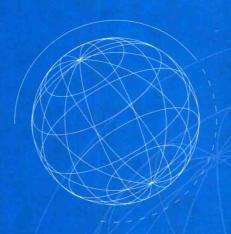


## The WTO in the Twenty-first Century

Dispute Settlement, Negotiations, and Regionalism in Asia

Edited by Yasuhei Taniguchi, Alan Yanovich, and Jan Bohanes





# THE WTO IN THE TWENTY-FIRST CENTURY

Dispute Settlement, Negotiations, and Regionalism in Asia

Edited by
YASUHEI TANIGUCHI, ALAN YANOVICH,
AND JAN BOHANES



### CAMBRIDGE UNIVERSITY PRESS Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, São Paulo

Cambridge University Press The Edinburgh Building, Cambridge CB2 8RU, UK

Published in the United States of America by Cambridge University Press, New York

www.cambridge.org Information on this title: www.cambridge.org/9780521875691

© World Trade Organization 2007

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2007

Printed in the United Kingdom at the University Press, Cambridge

A catalogue record for this publication is available from the British Library

ISBN-13 978-0-521-87569-1 hardback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication, and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

#### NOTES ON CONTRIBUTORS

Dukgeun Ahn is Assistant Professor of International Trade Law and Policy at the Graduate School of International Studies, Seoul National University. Professor Ahn advises several developing country governments, international organizations as well as various Korean ministries on trade law and policy issues, including WTO disputes, trade negotiation, and trade policy making. He is the author of several books and articles, including the WTO and East Asia: New Perspectives (co-edited with Mitsuo Matsushita, London, 2004), and The WTO Trade Remedy System: East Asian Perspectives (co-edited with Mitsuo Matsushita and Tain-jy Chen, 2006). He is on the editorial board for the Journal of International Economic Law (Oxford). He also teaches at the World Trade Institute in Switzerland. Professor Ahn holds a Ph.D. in both Economics and J.D. from the University of Michigan.

Jan Bohanes is Associate Attorney at the International Trade and Dispute Resolution Group of Sidley Austin LLP in the Geneva office, where he advises businesses, trade associations, and governments on international trade law with a particular focus on WTO law. Previously, he was Legal Affairs Officer at the Appellate Body Secretariat of the WTO. Mr Bohanes has also worked as visiting researcher at the Trade Law Centre for Southern Africa (tralac) in Stellenbosch, South Africa, and as law clerk in the Austrian judiciary system. Mr Bohanes holds a master's law degree as well as a doctorate in law from the University of Vienna, Austria, as well as a Master of Arts in Law and Diplomacy from the Fletcher School of Law and Diplomacy. He has authored publications on international dispute settlement issues, sanitary and phytosanitary matters, and trade and the environment. Recently, he has co-edited a publication with Appellate Body Member Giorgio Sacerdoti and Alan Yanovich, Counsellor at the Appellate Body Secretariat, entitled The WTO at Ten - The Contribution of the Dispute Settlement System (Cambridge, 2006).

Chotiras Chavanich has been the President of Eastern Asia University in Thailand since 1994. Prior to that, he held several positions with the Thai government, including in the Royal Project Initiation and Development Board, the National Economic and Social Development Board, and the Secretariat of the Cabinet. He received a Bachelor's degree in Law from Chulalongkorn University, a Masters of Public Policy degree from University of Southern California, and a Ph.D. in Government and Criminal Justice from Claremont University.

William J. Davey holds the Guy Raymond Jones Chair at the University of Illinois College of Law, where he has taught courses in international trade law, European Union law, international business transactions, and corporate/securities law since 1984. From 1995 to 1999, he was Director of the Legal Affairs Division of the WTO. Professor Davey is author of Legal Problems of International Economic Relations (with Jackson and Sykes, 4th edn, 2002), European Community Law (with Bermann, Goebel, and Fox, 2nd edn, 2002), Pine & Swine: Canada-United States Trade Dispute Settlement (1996), and Handbook of WTO/GATT Dispute Settlement (with Pescatore and Lowenfeld, 1991-2000), as well as many articles on various international trade law issues. He serves as Associate Editor of the Oxford Journal of International Economic Law. After his graduation from the University of Michigan Law School in 1974, he served as a law clerk to Judge J. Edward Lumbard (US Court of Appeals, New York) and Justice Potter Stewart (US Supreme Court), and worked in Brussels and New York for the law firm of Cleary, Gottlieb, Steen & Hamilton. He is a member of the American Law Institute.

James P. Durling is a partner in the International Trade Department of Willkie Farr & Gallagher LLP in Washington, DC. Mr Durling specializes in defending foreign companies and governments in anti-dumping, countervailing duty, and other trade remedy investigations, and providing advice on parties' obligations under the WTO agreements. Additionally, he has significant experience litigating WTO disputes and trade policy disputes between the United States and foreign parties. During his time at Willkie, Mr Durling took a leave of absence to serve as in-house counsel for Yamaha Motor Company and Matsushita Electric Industrial. He has published extensively on international trade topics, particularly trade remedies. Mr Durling holds a B.A. from Haverford College, a J.D. from New York University School of Law, and an M.P.A. from Princeton University.

此为试读,需要完整PDF请访问: www.ertongbook.com

Henry S. Gao is Assistant Professor at the Faculty of Law of the University of Hong Kong, China. He is also the Deputy Director of the East Asian International Economic Law and Policy Programme. In addition, he is Academic Coordinator for the Asia Pacific Regional Trade Policy Course jointly organized by the WTO and the University of Hong Kong, Legal Expert for the Beijing WTO Affairs Centre, and a member of the Board of Directors of the WTO Law Study Association of the China Law Society. Professor Gao obtained his LLB with the highest distinction from China Youth Politics Institute as the holder of the National Jianhao Scholarship. He pursued his Master of Laws at University College London (UCL), University of London as the first UCL China Scholar. He obtained a J.D. degree from Vanderbilt University with the Dean's Scholarship. The focus of his research is WTO, international trade law, corporate law, and law and economics. He is the author of several books and journal articles on these issues.

Mark Halle has been the European Representative and Director for Trade and Investment at the International Institute for Sustainable Development since 1998. From 1994 to 1998, he served as Director of Global Policy and Partnership of the IUCN – The World Conservation Union. He is the author of several articles relating to conservation strategy. Mr Halle received his B.A. in History and French from Tufts University (cum laude), and his Diploma in Historical Studies from the University of Cambridge.

Masayoshi Honma is Professor of Agricultural and Resource Economics at the Graduate School of Agricultural and Life Sciences, University of Tokyo. He has also taught at Seikei University and Otaru University of Commerce. During his academic career, he was a professional staff member at the Food and Agricultural Organization of the United Nations (1995), a visiting research fellow at the International Food Policy Research Institute (1989–1991), and a research associate of economics at Tokyo Metropolitan University (1983–1985). He earned a B.S. in Agricultural Science from Obihiro University of Agriculture and Veterinary Medicine, an M.S. in Agricultural Economics from the University of Tokyo, and a Ph.D. in Economics from Iowa State University. He has published numerous articles on agriculture and the WTO.

Valerie Hughes is a partner in the Ottawa office of Gowling Lafleur Henderson and practices mainly in the area of international law, including international trade law. Ms Hughes was Director of the Appellate Body Secretariat of the WTO in Geneva from August 2001 to December 2005, where she served as chief legal counsel to the WTO Appellate Body. Previously, she spent 19 years with the Government of Canada, during which she held various positions in the public and private international law fields, including Director and General Counsel of the Trade Law Division of the Department of Foreign Affairs and International Trade, Director and General Counsel of the General Legal Services Division of the Department of Finance, and Senior Counsel of the International Law Section of the Department of Justice. Ms Hughes has served as counsel for Canada before numerous international courts and tribunals, including the International Court of Justice, panels established under the NAFTA, WTO panels, and the WTO Appellate Body. She has published widely and is a regular guest lecturer at universities and speaker at international trade law conferences.

John H. Jackson is Professor of Law at Georgetown University Law Center (GULC). He joined the GULC faculty after a distinguished career as Hessel E. Yntema Professor of Law at the University of Michigan. He has been a visiting faculty member at the University of Delhi (India) and the University of Brussels (Belgium), a Consultant on Legal Education to the Ford Foundation, a Research Scholar at the headquarters of the GATT in Geneva, Switzerland, and a Rockefeller Foundation Fellow in Brussels, Belgium. He has served as General Counsel for the Office of the President's Special Representative for Trade in the US Executive Office of the President in Washington, DC (1973-1974), and Associate Vice-President for Academic Affairs at the University of Michigan (1988-1989). He has also advised the US and various foreign governments and international organizations. In 2000 he served as chairperson of a WTO panel for a trade dispute settlement procedure. He has served as a member of the board of editors for the American Journal of International Law, and several others. He is the editor-in-chief and a founding editor of the Journal of International Economic Law since 1998. Professor Jackson is also Director of the Institute of International Economic Law at GULC. In 1992, he received the Wolfgang Friedman Memorial Award for lifelong contribution to the field of international law, the Columbia University Journal of Transnational Law and the Columbia Society of International Law at Columbia University. He has been an honorary Vice-President of the American Society of International Law. In early 2000 a volume of essays was published in his

honour. In November 2002, Professor Jackson delivered the annual Hersch Lauterpacht Memorial Lecture, in Cambridge University, England. The series of three lectures has been extended into a book entitled Sovereignty, the WTO, and Changing Fundamentals of International Law (Cambridge, April 2006). In June 2003, he was awarded the honorary degree 'Doctor Iuris Honoris Causa' from Hamburg University Faculty of Law. Also in June 2003, he was appointed by WTO Director-General, Dr Supachai Panitchpadki, to the WTO Consultative Board, chaired by Peter Sutherland. Professor Jackson has published numerous books, articles, and chapters. He holds a B.A. from Princeton, a J.D. from the University of Michigan, and an LL.D. (Hon) from Hamburg University (Germany).

Chulsu Kim is Senior Advisor at Lee International IP and Law Group in Seoul, Korea and Chairman of the Institute for Trade and Investment, a research and consulting organization affiliated with Lee International. Dr Kim previously taught trade policy at Sejong University and served as its President from 2002 to 2006. From 1995 to 1999 he served as Deputy Director-General of the WTO and, prior to this, was Korea's Minister of Trade, Industry and Energy from 1993 to 1994. As Deputy Minister for Trade, he was Korea's chief trade negotiator. From 1987 to 1990, he chaired the Uruguay Round Negotiating Group on MTN agreements in his personal capacity. In 1990, he became the Commissioner of Korea's Intellectual Property Office. In 1991, he was appointed President of Korea Trade and Investment Promotion Corporation, a trade and investment promotion agency of the Korean government. In early 1993, he became Minister of Trade, Industry, and Energy and served until the end of 1994. Shortly after leaving the Cabinet, he was appointed Korea's Ambassador for International Trade. Dr Kim is a graduate of Tufts University (1964) and the University of Massachusetts, where he earned master's and doctorate degrees in political science. He received honorary doctorates in law from the University of Massachusetts (1997) and Franklin Pierce Law Center (2006). Dr Kim advises the Korea International Economic Policy Institute and the Shanghai WTO Consultation Center on international trade matters. In December 2003, he was appointed Visiting Professor at the Institute of Advanced Studies of the United Nations University in Tokyo.

C. L. Lim teaches at the National University of Singapore. He once taught at Queen Mary, University of London and the University of

Wales, Aberystwyth. He is co-author of The Paradox of Consensualism in International Law (The Hague/London/Boston, 1998), co-editor of Renegotiating Westphalia (The Hague, 1999), the Editor-in-Chief of the Singapore Year Book of International Law and the Southeast Asia reporter for the Oxford Reports on International Law in Domestic Courts. His writings have appeared in the Netherlands Year Book of International Law, the Nordic Journal of International Law, the Austrian Review of International and European Law, the Leiden Journal of International Law, the Chinese Journal of International Law, the Melbourne Journal of International Law and the Asian Yearbook of International Law. Dr Lim was concurrently State Counsel with the Attorney General of Singapore from 2002 to 2003, acting as an international law advisor and counselling the Government on Singapore's free trade agreement negotiations. He also served with the UNCC Governing Council Secretariat in Geneva from 1999 to 2000. He was educated in England at Buckingham, Oxford, and Nottingham, and at the Harvard Law School.

Chang-fa Lo is Professor of Law at the College of Law of the National Taiwan University. He teaches international trade law, competition law, and government procurement law. He served as the Dean from 2003 to 2006. He is also the Director of the Asian Centre for WTO and International Health Law and Policy of the same college. Professor Lo received his SJD from Harvard University School of Law in 1989. He was a short-term visiting professor of Wisconsin University School of Law and Tokyo University Faculty of Law. He served as commissioner of the Fair Trade Commission of Taiwan from 1998 to 2001 and as commissioner of the International Trade Commission which is in charge of investigation of injury of domestic industry under anti-dumping and safeguards laws (1993-2000). He was appointed National Chair Professor of the Ministry of Education of Taiwan, the highest academic recognition in Taiwan. He is the author of ten books, including New Legal Order Under the WTO: International Economic and Trade Law Studies V (in Chinese, 1996), Government Procurement Law and Government Procurement Agreement: International Economic and Trade Law Studies VII (in Chinese, 1999; 2nd edn, 2004) and The Legal Culture and System of Taiwan (New York, 2006). He was appointed as a WTO dispute settlement panelist in 2006.

Gabrielle Marceau is a Canadian lawyer and is currently Counsellor in the Cabinet of WTO Director-General Pascal Lamy. Prior to that, she was with the Legal Affairs Division of the WTO (from 1994). She is also Professor with the Faculty of Law at the University of Geneva, where she teaches WTO law. From 1983 to 1988, and from 1993 to 1994, she worked in Quebec, Canada in private practice, where she specialized in litigation (labour and civil law). She obtained her LL.B. from Sherbrooke University (Quebec) in 1982, her License to Practice Law (Ottawa) in 1983, her LL.M. from the London School of Economics (England) in 1990, and her Ph.D. from the University of London (England) in 1993. Professor Marceau has written widely on matters concerning international trade and dispute settlement in international law.

Mitsuo Matsushita is Professor Emeritus at Tokyo University and Counsel to Nagashima, Ohno & Tsunematsu, a leading international law firm in Tokyo. He served on the Appellate Body from 1995 to 2000. His academic career includes professorships at Sophia University and Tokyo University. He has been a Visiting Professor at Harvard University, Georgetown University, the University of Michigan, Columbia University, and at the College of Europe in Bruges, Belgium. He has written on various aspects of international trade and competition and investment law. In his public career, Professor Matsushita has been attached to the Japanese Ministry of Finance and the Ministry of International Economics and Trade as a member of various councils dealing with telecommunications, customs and tariffs, export and import transactions, and industrial property. He serves as a Member of the Office of the Ombudsman of Trade and Investment, which is part of the Japanese government and deals with market access issues. Professor Matsushita has a Ph.D. from Tulane University and a D.Jur. from Tokyo University.

Manabu Miyagawa is Director of the Economic Security Division of the Japanese Ministry of Foreign Affairs. He previously served as Director of the Ministry's WTO Dispute Settlement Division and represented Japan in the DSU negotiations. Prior to that, he was a Counsellor at the Japanese Mission to the European Union (2001–2004). Mr Miyagawa has also held several other positions within the Ministry of Foreign Affairs, where he has been responsible for European and Asian Affairs. He also worked at the Japanese Embassies in both the United Kingdom (1986–1990) and Thailand (1999–2001). In addition, he has represented Japan in a number of WTO cases and has been involved in negotiations relating to the Anti-Dumping Agreement and the SCM Agreement.

Hunter Nottage has been Counsel at the Advisory Centre on WTO Law since 2002. In that capacity he has appeared before a number of WTO panels and the Appellate Body, as well as provided legal opinions and training on various issues of WTO law. In 2005, he was counsel for Colombia, Costa Rica, Ecuador, and Guatemala in the banana tariff arbitrations, which are analyzed in his contribution to this book. Previously he was a member of the secretariat of the Organisation for Economic Co-operation and Development, working on trade policy linkages. He has also worked in private litigation and competition law for commercial law firms in Europe, North America, and New Zealand. Mr Nottage holds a first-class Masters in International Law from Cambridge University, and degrees in law and economics from Victoria University, New Zealand. He has authored publications on how to give legal effect to the results of the Doha Round, trade and competition policy interfaces, and regional trade agreements.

Supachai Panitchpakdi is Secretary-General of the UN Conference on Trade and Development. He began his four-year term on 1 September 2005 following his appointment by the UN General Assembly. Dr Supachai previously served as Director-General of the WTO from September 2002 to August 2005. He received his Master's Degree in Econometrics, Development Planning and his Ph.D. in Economic Planning and Development at the Netherlands School of Economics (now known as Erasmus University) in Rotterdam. He completed his doctoral dissertation on Human Resource Planning and Development and conducted research on development models as a visiting Fellow at Cambridge University. He began working at the Bank of Thailand in 1974. In 1986, he relinquished his post as the Director of the Financial Institutions Supervision Department and was appointed Deputy Minister of Finance. After dissolution of Parliament in 1988, he was appointed Director and Advisor, and subsequently President, of the Thai Military Bank. In 1992, Dr Supachai was appointed Senator and led a sub-committee to draw up Thailand's Seventh National Economic and Social Development Plan (1992-1996). Later in 1992, he became Deputy Prime Minister entrusted with overseeing the country's economic and trade policy making and was actively involved in international trade policy. Following the change of government in November 1997 in the wake of Thailand's financial crisis, he was appointed Deputy Prime Minister in charge of economic policies, and Minister of Commerce. In 2001 he was appointed Visiting Professor of the International Institute for Management Development in Lausanne, Switzerland.

Ernst-Ulrich Petersmann is Professor of International and European Law at the European University Institute (EUI) in Florence, Italy, and Joint Chair at the EUI's Robert Schuman Centre for Advanced Studies. He was previously Professor of International and European Law at the University of Geneva, Switzerland, and its Graduate Institute of International Studies. During his 30 years of legal practice, Professor Petersmann represented Germany in various international organizations (the EC, the UN, and the Organisation for Economic Co-operation and Development), acted as legal advisor to the GATT as well as legal consultant for the WTO, and participated in numerous GATT and WTO dispute settlement proceedings as legal advisor, or as a member or chairman of dispute settlement panels. He is Chairman of the International Trade Law Committee of the International Law Association and Associate Editor of several journals on international economic law and international economic relations. Recent publications include: Constitutionalism, Multilevel Trade Governance and Social Regulation (co-edited with C. Joerges) (Oxford, 2006); Developing Countries in the Doha Round (EUI/RSC, 2005); Reforming the World Trading System: Legitimacy, Efficiency and Democratic Governance (Oxford, 2005); The WTO Dispute Settlement System 1995-2003 (edited with F. Ortino) (Amsterdam, 2004); and Transatlantic Economic Disputes. The EU, the US and the WTO (edited with M.A. Polack) (Oxford, 2003).

Frieder Roessler is Executive Director of the Advisory Centre on WTO Law. Mr Roessler was educated in Germany, Switzerland, and the United States. He obtained a Ph.D. in law from the University of Freiburg i.Br. in Germany, and a Master of Arts from the Fletcher School of Law and Diplomacy in the United States. After completing his legal training in Germany, he worked for the World Bank and then for the GATT and the WTO. In 1989 he was appointed WTO Director of Legal Affairs, a post which he held until 1995 when he joined the faculty of law of Georgetown University in Washington, DC. While at the GATT/WTO, he advised dispute settlements panels and prepared drafts of their reports. Mr Roessler was also closely involved in the legal aspects of the Uruguay Round negotiations and participated in the legal drafting process at the end of the Round. After leaving the WTO, he remained actively involved in WTO legal matters; he advised WTO Members involved in WTO dispute settlement proceedings and worked as a consultant on WTOrelated matters for governments, professional organizations, and law firms. Mr Roessler was Adjunct Professor at the Jean Moulin University of Lyon and at Paris I. He also taught at the universities of St Gallen

(Switzerland) and Minnesota (United States). Between 1995 and 1998 he gave courses and seminars at Georgetown University on international economic law, the external relations and trade policies of the EC, WTO dispute settlement procedures (with Professor John Jackson), and trade and the environment (with Professor Edith Brown-Weiss). He has published extensively, mainly in the field of international trade law. A collection of his essays was published in 2000 entitled *The Legal Structure*, *Limits and Functions of the World Trade Order*.

Soichiro Sakuma is General Manager of the Legal Department at Nippon Steel Corporation, where he has worked for more than 20 years on a number of steel trade cases and foreign investment matters. He is a member of the Industrial Structure Council's Sub-committee on Unfair Trade Policies of the Japanese Ministry of Economy, Trade and Industry, and of several other industrial committees. Between 1986 and 1989, he was in the Directorate for Science, Technology and Industry at the Organization for Economic Co-operation and Development. Mr Sakuma obtained his law degree from Tokyo University.

Gregory Shaffer has recently been appointed Wing Tat-Lee Professor of International Law at Loyola University Chicago School of Law. Prior to that, he was Professor of Law at the University of Wisconsin Law School, Director of the UW European Union Centre, and Co-Director and Senior Fellow at the UW Centre on World Affairs and the Global Economy. Prior to teaching, he worked in Paris at the law firms of Coudert Brothers and Bredin Prat. His publications include Defending Interests: Public-Private Partnerships in WTO Litigation (Brookings Institution Press, 2003), Transatlantic Governance in the Global Economy (with Mark Pollack, Rowman & Littlefield, 2001), and Regulating Risk in the Global Economy: The United States, Europe and Agricultural Biotechnology (Oxford, forthcoming 2007). He has also authored over forty articles and book chapters on international trade law, global governance, and globalization's impact on domestic regulation. He has received numerous grants, including two from the National Science Foundation. He received his JD from Stanford Law School and his BA from Dartmouth College.

Andrew L. Stoler is Executive Director of the Institute for International Business, Economics and Law and holds the title of Adjunct Professor of International Trade at the University of Adelaide. Mr Stoler currently

serves on the Australian Foreign Minister's Aid Advisory Council and is a member of the Advisory Board of Stanford University's GATT Digital Library. He is a member of the Advisory Committee of the Shanghai WTO Affairs Consultation Centre and Senior Advisor to the Shenzhen WTO Affairs Centre. He also serves on the Board of Directors of the Australian Services Roundtable. Over the course of a long career in international trade, Mr Stoler served as Deputy Director-General of the WTO (1999-2002) and as Deputy Permanent Representative of the United States to the GATT and the WTO (1989-1999). As a senior official of the Office of the US Trade Representative, Executive Office of the President (Washington, DC) he also served as Deputy Assistant US Trade Representative for Europe and the Mediterranean and Director for Canada, Australia, and New Zealand. Mr Stoler holds an MBA in International Business from George Washington University and a BSFS in International Economic Affairs from Georgetown University's School of Foreign Service.

Shigehiro Tanaka is Director for WTO Affairs at the Japanese Ministry of Economy Trade and Industry (METI). He represented Japan in the market access negotiations during the Uruguay Round (1991–1993), and subsequently served as Chief Negotiator on anti-dumping in the Doha Round negotiations (2004–2005). Mr Tanaka has served in various capacities in METI, where he has been responsible for WTO rules, taxation, and corporate affairs for small and medium sized enterprises, and APEC relations. He has been a member of the State of New York Bar since 1990. Mr Tanaka obtained his law degree from the University of Tokyo and holds an LL.M. from Harvard Law School.

Yasuhei Taniguchi has been a member of the WTO Appellate Body since 2000. He is Professor of Law at Senshu University Law School. In addition, he is an attorney at the law firm of Matsuo & Kosugi in Tokyo. Professor Taniguchi obtained a law degree from Kyoto University in 1957 and was fully qualified as a jurist in 1959. His graduate degrees include LL.M., University of California at Berkeley (1963) and J.S.D., Cornell University (1964). He taught at Kyoto University for 39 years and has been Professor Emeritus since 1998. He also has taught at Tokyo Keizai University and as Visiting Professor of Law in the United States (University of Michigan, University of California at Berkeley, Duke University, Stanford University, Georgetown University, Harvard University, New York University, and the University of Richmond), in

Australia (Murdoch University and the University of Melbourne), at the University of Hong Kong and at the University of Paris XII. He is president of the Japanese Association of Arbitrators, Vice-President of the International Association of Procedural Law, and former President of the Japanese Association of Civil Procedure. In addition, Professor Taniguchi is affiliated with various academic societies and arbitral organizations as arbitrator, including the International Council for Commercial Arbitration; the International Chamber of Commerce Institute of World Business Law; the International Law Association; and the American Law Institute. Professor Taniguchi has written numerous books and articles in the fields of civil procedure, arbitration, insolvency, the judicial system and legal profession, as well as comparative and international law related to these fields. His work has been published in Japanese, Chinese, English, French, Italian, German, and Portuguese.

Alan Yanovich is a Counsellor at the WTO Appellate Body Secretariat, where he has worked since 2001. He was a legal adviser at the General Secretariat of the Andean Community from 1997 to 2001. Prior to that, he was a Commercial Secretary at the Colombian Government Trade Bureau in Washington, DC. Mr Yanovich has a J.D. from Georgetown University. He recently co-edited *The WTO at Ten: The Contribution of the Dispute Settlement System* (Cambridge, 2006). Mr Yanovich is Colombian.

Zhang Yuqing is currently Professor of WTO Law at the China University of Political Science and Law. He is also a WTO dispute settlement panelist, arbitrator, attorney at law of Beijing Zhang Yuqing Law Firm, member of the Governing Council of the International Institute for Unification of Private Law (UNIDROIT) and Vice-Chairman of the China International Economic Law Society. He is a former Director-General of the Department of Treaty and Law at the Chinese Ministry of Commerce. Mr Zhang obtained his LL.M. from Georgetown University Law Center in 1986 and his Master of Laws from the University of International Business and Economics, Beijing in 1982. From the 1980s to 2003, Mr Zhang acted as member or head of Chinese government delegations to the UN Commission on International Trade Law, the UNIDROIT, the Hague Conference, as well as the GATT/WTO for preparation of international uniform trade rules and China's accession to the WTO. Mr Zhang is author of several books on contracts, sale of goods, joint ventures, and anti-dumping, and of over 70 articles either in Chinese or English in the fields of WTO, commercial, and economic law.

#### **ACKNOWLEDGEMENTS**

We wish to give special thanks to the authors who have contributed to this book. We also wish to acknowledge the contribution made by the organizers of the Tokyo conference celebrating the Tenth Anniversary of the WTO's dispute settlement system and the establishment of the Appellate Body. In particular, we are grateful to Mr Takashi Iwamoto, Executive Director of the Fair Trade Centre, and Mr Takato Ojimi, Vice-President and Managing Director of the Institute of International Studies and Training. Both played a central role in coordinating and funding the Tokyo conference. In addition, we would like to express our appreciation to Valerie Hughes, who was Director of the Appellate Body Secretariat until 2005, and provided invaluable support to the organization of the Tokyo conference and the publication of this book. We are also grateful for the support we have received from Werner Zdouc, current Director of the Appellate Body Secretariat. In addition, we would like to thank those persons who assisted us in preparing this publication, including: Jean-Guy Carrier of the WTO Information and Media Relations Division; Judy Cowell and Pasha Hsieng of the Appellate Body Secretariat; and Finola O'Sullivan, Richard Woodham, and Wendy Gater at Cambridge University Press. Finally, our very special thanks go to Patricia Crawley of the Appellate Body Secretariat for laboriously putting together and reviewing the final manuscript, and for her editorial assistance.

## TABLE OF DISPUTE SETTLEMENT CASES AND REPORTS CITED IN THIS BOOK

Short title	Full title and citation
Argentina – Ceramic Tiles	Panel Report, Argentina – Definitive Anti- Dumping Measures on Imports of Ceramic Floor Tiles from Italy, WT/DS189/R, adopted 5 November 2001, DSR 2001:XII,
Argentina – Clothing and Footwear Argentina – Cotton	Argentina – Measures Affecting Textiles, Clothing and Footwear, WT/DS77 (EC) Argentina – Transitional Safeguard Measures on Certain Imports of Woven Fabrics of Cotton
	and Cotton Mixtures Originating in Brazil, WT/DS190 (Brazil)
Argentina – Drill Bits	Argentina – Definitive Anti-Dumping Measures on Imports of Drill Bits from Italy, WT/DS157 (EC)
Argentina – Footwear (EC)	Appellate Body Report, Argentina – Safeguard Measures on Imports of Footwear, WT/DS121/ AB/R, adopted 12 January 2000, DSR 2000:I, 515
Argentina – Footwear (EC)	Panel Report, Argentina – Safeguard Measures on Imports of Footwear, WT/DS121/R, adopted 12 January 2000, modified by Appellate Body Report, WT/DS121/AB/R,
Argentina – Footwear (US)	DSR 2000:II, 575 Argentina – Measures Affecting Imports of
Argentina – Pootwear (O3)	Footwear, WT/DS164 (US)
Argentina – Hides and Leather Affecting	Panel Report, Argentina – Measures the Export of Bovine Hides and Import of Finished Leather, WT/DS155/R and Corr.1, adopted 16 February 2001, DSR 2001:V, 1779

xxi