

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.

NOTES ON CONTRIBUTORS

Editor

GABRIELLE MARCEAU, PhD, (1994–present) is a counsellor in the Legal Affairs Division of the WTO Secretariat, which she joined on 11 September 1994. Her main function is to advise panellists in WTO disputes, the Director-General's Office, the Secretariat and WTO members on WTO-related matters. From September 2005 to January 2010, she was legal adviser in the Cabinet of former WTO Director-General Pascal Lamy. Gabrielle Marceau is also Associate Professor at the Law Faculty of the University of Geneva, and has previously been Visiting Professor at the Graduate Institute in Geneva, the Sorbonne in Paris, Monash University in Melbourne, the World Trade Institute in Bern, and others. She is frequently invited to lecture at international conferences and law schools around the world. Professor Marceau is President of the Society of International Economic Law (SIEL), and is also involved with other associations and groups promoting international law. Before joining the GATT Secretariat, she worked in private practice in Quebec, Canada, mainly in labour and insurance law. Professor Marceau has published extensively on WTO law and international economic law. A selection of her publications can be found at www.unige.ch/droit/collaborateurs/publications/?gabrielle_marceau.

Contributors

ROBERT ANDERSON (1997–present) is a counsellor and team leader for government procurement and competition policy, Intellectual Property Division, WTO Secretariat. He is Honorary Professor, School of Law, University of Nottingham, and Part-time Faculty Member of the World Trade Institute of the University of Bern.

JAMES BACCHUS (1995–2003) is a former member and chairperson (2001–03) of the Appellate Body of the WTO and a former Member of the

Congress of the United States, from Florida. He chairs the Global Commission on Trade and Investment Policy of the International Chamber of Commerce, the Global Agenda Council on Governance for Sustainability of the World Economic Forum, and the global practice of the Greenberg Traurig law firm.

DANIEL ARI BAKER (2013–present) is a dispute settlement lawyer in the Legal Affairs Division of the WTO.

LUIZ OLAVO BAPTISTA (2001–09) is a former member and chairperson (2007–08) of the Appellate Body of the WTO. He has been a member of the Permanent Court of Arbitration at The Hague since 1996 and of the International Chamber of Commerce, Institute for International Trade Practices and of its Commission on Trade and Investment Policy since 1999. He is currently a senior partner at the L. O. Baptista – SVMFA Law Firm, in São Paulo, Brazil.

KARL BRAUNER (2013–present) currently serves as Deputy Director-General of the WTO. A lawyer by profession with degrees from Germany and the United Kingdom, Mr. Brauner worked as Assistant Professor at the University of Bielefeld and practised law in North-Rhine Westphalia before starting his ministerial career in the legal department of the Federal Ministry of Economics in Bonn in 1983.

KAARLO CASTREN (2001–present) is a counsellor in the WTO Appellate Body Secretariat.

MIREILLE COSSY (1995–present) is a counsellor in the Trade in Services Division of the WTO since 2000, having previously worked for five years in Trade and Environment. Before joining the WTO, she worked for the International Committee of the Red Cross and for the Swiss Ministry of Economic Affairs. She graduated in Law at the Universities of Lausanne and Geneva.

GRAHAM COOK (2006–present) is a counsellor in the Legal Affairs Division of the WTO, which he joined in 2010. Previously he worked in the Rules Division.

WILLIAM J. DAVEY (1995–99) is a former director of Legal Affairs Division. Since 2008 he has been the Guy Raymond Jones Chair in Law

Emeritus University of Illinois College of Law. Bill Davey has chaired several WTO dispute settlement panels since leaving the WTO.

CLAUS-DIETER EHLERMANN (1995–2001) is a former Appellate Body member, serving as chairperson during the last year of his mandate. He held several senior positions with the European Commission, such as Director-General of the Directorate General for Competition, spokesman and special adviser for institutional questions of President Jacques Delors and Director-General of the Legal Service of the European Commission. He was chair of European Community law at the European University Institute in Florence. He is senior counsel with the international law firm WilmerHale.

RENZO FRANCO (1974–2003) is a former senior counsellor of the GATT and the WTO. He worked in various subject matters ranging from development, agriculture and accession, serving in a number of dispute settlement cases relating to agricultural products. During the last period of his duty, he also assisted the Director-General of the WTO with the annual meetings of the G7/G8.

ARUMUGAMANGALAM VENKATACHALAM (A.V.) GANESAN (2000–08) is a former member and chairperson (2006–07) of the Appellate Body of the WTO. He was a chief negotiator of India for the Uruguay Round of Multilateral Trade Negotiations. He had also served as commerce secretary to the Government of India and as a consultant to UNCTAD, UNIDO and UNDP. He was also a member of the Permanent Group of Experts constituted under the WTO Agreement on Subsidies and Countervailing Measures.

MARISA GOLDSTEIN (2006–present) is a counsellor in the Legal Affairs Division of the WTO. Prior to joining the Secretariat she served as an attorney in the Office of Chief Counsel for Import Administration (now Enforcement and Compliance) of the US Department of Commerce. She holds a B.A. and M.I.A. from Columbia University and a J.D. from the University of Michigan.

JENNIFER HILLMAN (2007–11) is a former member and chairperson (2011) of the Appellate Body of the WTO. She has served as member of the US International Trade Commission, as chief Legal Counsel to the Office of the US Trade Representative and as negotiator for US bilateral

textile agreements. She currently serves as a Visiting Professor of Law at the Georgetown University Law Center and at the law firm of Cassidy Levy Kent.

VALERIE HUGHES (2010–present) is the current Director of the Legal Affairs Division at the WTO. She was a senior partner in a large Canadian law firm where she practised mainly in the area of international law. Prior to joining the firm in 2006, Ms Hughes was Director of the Appellate Body Secretariat of the WTO (2001–05). Ms Hughes has degrees from Carleton University and the University of Ottawa. She worked for nineteen years with the Government of Canada.

ALEJANDRO JARA (2005–13) is a former Deputy Director-General of the WTO and former diplomatic and trade official of Chile, having served as Ambassador of Chile in its Permanent Representation to the WTO. He is currently senior counsel at King & Spalding LLP.

AEGYOUNG JUNG (2004–present) is the policy and legal adviser to the WTO Director-General, having previously served for many years in the WTO Legal Affairs Division.

MARK KOULEN (1985–present) is a counsellor in the WTO Trade Policies Review Division. Previously, he served in the GATT Technical and other Barriers to Trade Division; GATT Tariff Division; GATT/WTO Rules Division; Intellectual Property and Investment Division and Trade and Finance Division.

PIETER JAN KUIJPER (1999–2002) is a former director of the Legal Affairs Division of the WTO. He had previously worked for the European Commission for many years. He is currently Professor of the Law of International Economic Organizations at the University of Amsterdam, the Netherlands.

JULIO LACARTE-MURÓ (1995–2001) is a former member and the first chairperson (1995–97) of the Appellate Body of the WTO. Prior to joining the WTO, he was a career diplomat who served as Uruguay's Ambassador to several countries. He also served as the Deputy Executive Secretary of the GATT (1947–48) and returned to the GATT as Uruguay's permanent representative (1961–66 and 1982–92). In those periods, he served as chairperson of the Council, the contracting parties, several dispute

settlement panels, and the Uruguay Round negotiating groups on dispute settlement and institutional questions.

ÅKE LINDÉN (1961–95) was Director of the Office of Legal Affairs from 1983 to 1989. Prior to this appointment, he served as Director of the GATT Tariff Division and held several other posts in the GATT Secretariat. He subsequently served as Legal Adviser to the Director-General of the GATT and as Special Adviser to the Director-General of the WTO. Mr Lindén passed away in 2013.

PAUL LUYTEN (1956–58) is a former counsellor of the GATT Secretariat. After his work at the Secretariat, he joined the Common Market Commission in Brussels. He served as head of the division on multilateral trade in the Directorate General of External Relations. He was later appointed chief of the European Commission's permanent delegation to the United Nations in Geneva. He participated in the Tokyo Round before returning to Brussels to become Deputy Director-General in the Directorate General of External Relations and oversee the negotiation of multilateral trade agreements, including the start of the Uruguay Round.

RETO MALACRIDA (1999–present) is a counsellor in the Legal Affairs Division of the WTO, having previously assisted WTO developing country members in respect of dispute settlement as legal affairs officer in the WTO Technical Cooperation Division. He is also a part-time lecturer at the University of St. Gallen, Switzerland.

MITSUO MATSUSHITA (1995–2000) is a former member of the Appellate Body. He is Professor Emeritus at Tokyo University and counsel with Nagashima, Ohno & Tsunematsu, an international law firm in Tokyo. He has been a Visiting Professor at Harvard University, Georgetown University, University of Michigan, Columbia University and at the College of Europe in Bruges, Belgium.

PETROS C. MAVROIDIS (1992–96) is a former legal affairs officer in the Legal Affairs Division of the WTO. He is the Edwin B. Parker Professor of Law at Columbia Law School, New York and Professor at the University of Neuchâtel. Currently he is on leave at the European University Institute, Florence, Italy.

PETER MILTHORP (1993–present) joined the GATT Secretariat as a dispute settlement lawyer in the Rules Division; he then moved in 1995 to

Accessions Division until 2010, and he is presently working in the Trade Policies Review Division.

BOZENA MUELLER-HOLYST (1993–present) is a counsellor in the Council and Trade Negotiations Committee Division at the WTO. She has been involved in the work of the Dispute Settlement Body since 1995. She is at present the secretary of the Dispute Settlement Body and participates in the work carried out in the context of the Dispute Settlement Understanding negotiations. Ms Mueller-Holyst has degrees from the Graduate Institute of International Studies (HEI) in Geneva (Switzerland) and the Academy of Economics in Krakow (Poland).

MARÍA J. PEREYRA (2001–present) is a counsellor in the Legal Affairs Division of the WTO. Prior to joining the WTO, Ms Pereyra worked in Brussels as a practitioner for EU and Trade law in internationally renowned law firms. She has important publications in trade law and also lectures at several universities.

ERNST-ULRICH PETERSMANN (1981–89) is a former counsellor in the Legal Affairs Division of the GATT and legal consultant in the GATT/WTO (1990–2013). He is a former professor at the University of Geneva, the Graduate Institute of International Studies, and has also served as legal adviser in the German Ministry of Economic Affairs. He is currently Emeritus Professor of International and European law at the European University Institute in Florence, Italy, where he used to serve as head of the Law Department.

ROSINE PLANK-BRUMBACK (1977–85 and 1988) is a former counsellor in the Agriculture Division of the GATT Secretariat. Prior to the GATT, she served at the US Mission to the European Communities. She is currently a principal specialist in the Secretariat for Legal Affairs of the Organization of American States and a consulting senior fellow at the Institute of International Economic Law of Georgetown University Law Center.

AMELIA PORGES (1990–94) is a former senior legal officer and counsellor in the GATT Legal Affairs Division. Before joining the Secretariat she was an associate general counsel in the Office of the US Trade Representative. After Marrakesh she served as a senior counsel for Dispute Settlement at the Office of the US Trade Representative and in major international law firms in Washington, DC. Since 2009 she has been principal in her own

international trade law firm. She teaches WTO law at the Johns Hopkins University School of Advanced International Studies.

RICARDO RAMÍREZ (2009–present) is a member and chairperson (2013–14) of the Appellate Body and Chair of International Trade Law at the Mexican National University (UNAM) in Mexico City. Prior to joining the Appellate Body, Mr Ramírez was the head of the International Trade Practice for Latin America of an international law firm in Mexico City, and also served as deputy general counsel for trade negotiations of the Ministry of Economy in Mexico for more than a decade. Mr Ramírez has represented Mexico in international trade litigation and investment arbitration proceedings, and has also acted as lead counsel to the Mexican government in several WTO disputes. Additionally, he has served on NAFTA panels and on International Centre for Settlement of Investment Disputes (ICSID) arbitral tribunals.

YVES RENOUF (1995–present) is currently Legal Counsel at the WTO Office of the Director-General. He joined the WTO Secretariat in the Rules Division, and then moved to the Legal Affairs Division in 1997. Prior to joining the WTO, he was an associate in the law firm of Van Bael & Bellis, and a member of the Legal Service of the European Commission.

STUART ROBINSON (1969–91) is a former senior director of the Conference Division of the GATT and former Adjunct Professor of International Economic Law at the Graduate Institute of International Studies.

FRIEDER ROESSLER (1989–95) is a former director of the Legal Affairs Division of the GATT and the WTO. He has been Visiting Professor at the faculty of law of Georgetown University, Washington DC and Executive Director of the Advisory Centre on WTO Law.

CHRISTINA SCHRÖDER (1972–2005) is a former legal counsellor in the Agriculture Division of GATT/WTO where she spent much of her time in servicing dispute settlement panels.

DEBRA STEGER (1995–2001) was the first Director and Chief Legal Adviser to the WTO Appellate Body. She is currently Professor at the University of Ottawa, Faculty of Law, where she teaches and conducts research in the fields of international trade and investment law, governance of international organisations, and international dispute settlement/arbitration.

HIELKE VAN TUINEN (1961–82) held different functions in his career in the GATT, including Assistant Director-General. He became the first Director of the GATT Office of Legal Affairs on 1 January 1981 until December 1982, when he was promoted to the position of Head of the Department of Conference Affairs and Administration.

DAVID UNTERHALTER (2006–13) is a former member and chairperson (2008–10) of the Appellate Body. Prior to joining the WTO, he served on a number of WTO dispute settlement panels. He is currently a Professor of Law at the University of Cape Town in South Africa, and a practising advocate at the Bar in London and Johannesburg, where he practises in several fields, including trade and competition law.

CHIBOLE WAKOLI (2010–present) is currently a dispute settlement lawyer in the Appellate Body Secretariat, having previously worked in the Legal Affairs Division of the WTO (2010–14).

PETER WILLIAMS (1961–91) is a former director of the various divisions in the GATT Secretariat. He then became a member of the Permanent Delegation of the European Communities to the WTO and finally the representative of the Pacific Islands Forum Secretariat to the WTO.

BRUCE WILSON (2002–10) is a former director of Legal Affairs Division of the WTO. He has practised law at several US law firms and was staff director of the trade sub-committee of the Committee on Ways and Means, US House of Representatives during the preparation of US implementing legislation for the North American Free Trade Agreement and for the Uruguay Round trade agreements. He also worked at the Office of the US Trade Representative. He is currently director of the Office of International Affairs of the Public Company Accounting Oversight Board in Washington, DC.

ALAN YANOVICH (2001–13) is senior counsel, Akin Gump Strauss Hauer & Feld. Formerly, he was Counsellor at the WTO Appellate Body Secretariat.

YUEJIAO ZHANG (2008–present) is member and former chairperson (2012–13) of the WTO Appellate Body. She is Professor of Law at Shantou University and Adjunct Professor at Tsinghua University of China, arbitrator in the International Chamber of Commerce, and for China's

International Trade and Economic Arbitration Commission, as well as being vice-president of China's International Economic Law Society. Ms Zhang held various senior positions at the Asian Development Bank, was executive director of the Western African Development Bank, Legal Counsel of the World Bank and governor of UNIDROIT for eight years. Finally, before 1996, Ms Zhang was Director-General of the Law and Treaties Department at the Ministry of Foreign Trade and Economic Cooperation; she was also one of China's chief negotiators on intellectual property and bilateral treaties for investment protection, and chief Legal Counsel for China's GATT resumption/accession.