



# THE EMC<sup>2</sup> REPORT 2004/2005



Regional Round Organisers:



## THE ELSA MOOT COURT COMPETITION ON WTO LAW - EMC<sup>2</sup> 2004/2005

### Participation

The 2004/2005 edition of the Moot Court started in September of 2004 with over 50 teams registering for the Selection Rounds.

### The Structure

The Selection Rounds were structured in the following way: ELSA National Oral Rounds were organised by ELSA Italy, ELSA Malta, ELSA Norway, ELSA Romania and ELSA United Kingdom with one team (the winners) per National Round qualifying for the Final Oral Round. The Regional (Oral) Round for Asia-Pacific (Australia, New Zealand, Taiwan etc.) was organised by the International Institute for Business, Economics and Law (IIBE&L) of the University of Adelaide (Australia). The Latin American Regional Round was organised by COLADIC - The Latin American Council of International and Comparative Law. Finally, the International Written Round, organised by ELSA International, was designed to select teams coming from the WTO Member States not covered by the National or Regional (Oral) Selection Rounds.

### The Final Oral Round

Through the rigorous process of selection, 18 teams attended the Final Oral Round of the EMC<sup>2</sup>. The event took place in Geneva between the 26<sup>th</sup> and the 30<sup>th</sup> of April 2005. After the marathon Preliminary Rounds, the EMC<sup>2</sup> 2004/2005 had the most international Semi Finalists so far. Four highest ranking teams of the Preliminary

Rounds proceeded to the Elimination Rounds, which were conducted in the “knock-out” manner. The following pairs of teams attempted to “talk their way into” the Grand Final: **NYU (USA) vs. Hong Kong University (Hong Kong, China), London City University (UK) vs. Maastricht University (The Netherlands).**

After the lengthy argued Preliminary Rounds and Elimination Rounds, the teams from **Hong Kong University and City University London** proceeded to the Grand Final, which took place in Room W of the William Rapard Centre, Headquarters of the World Trade Organisation. The winner was declared to be the team from **City University London.**

The **Grand Final Panel** included Prof. Thomas Cottier (Panel Chairman), Managing Director of the World Trade Institute; Ms. Valerie Hughes, Director of the WTO Appellate Body Secretariat; Mr. Niall Meagher, Senior Counsel of the Advisory Centre on WTO Law; Dr. Gabrielle Marceau, Deputy-Director of the WTO Secretariat’s Legal Affairs Division and Mr. Hannes Schloemann, Director of WTI Advisors (Geneva, Switzerland).

### Acknowledgements

ELSA International would like to thank all the members of the **Advisory Board of the EMC<sup>2</sup>** for their important contribution to the success of the Competition. Their knowledge and reputed experience in the sphere of WTO law, doubled by their interest and participation as judges in the EMC<sup>2</sup> enriches the academic value of the Moot Court. ELSA is humbly touched by their involvement in the success of the EMC<sup>2</sup>!

Our special thank you goes to Prof. Robert Howse, member of the EMC<sup>2</sup> Advisory Board, who drafted the Case for the Third edition of the EMC<sup>2</sup>, as well as Dr. Arthur Appleton, Dr. Gabrielle Marceau and Mr. Iain Sandford for serving on the case Review Board. Separate mention is required for Mrs. Letizia Raschella-Sergi, EMC<sup>2</sup> Academic Supervisor for Asia-Pacific, who just expanded the geography of her duties, and who has been an eagerly exploited advisor of the EMC<sup>2</sup> from its outset in 2002.

Furthermore, ELSA would like to thank the sponsors of the EMC<sup>2</sup> 2004/2005, namely, **Thomson Legal** for their longstanding support of the marketing campaigns, the **World Trade Institute (WTI)** in Berne, the **Law Faculty of the University of Geneva** and **Picton Howell LLP** from London for the financial and logistical support, as well as the Corporate Partners of ELSA International **CMS Cameron McKenna**, **LexisNexis** and **Microsoft EMEA**.

Once again, we sincerely thank the **World Trade Organization Secretariat**, who provided not only technical support to this project, but also the venue for the Elimination Rounds and Grand Final.

The contributions of **IIBE&L** and **COLADIC** were essential to the overall success of the EMC<sup>2</sup>. By organising the Asia-Pacific and the Latin American Regional Rounds, they have contributed to the consolidation of the global reputation of the Moot Court Competition. ELSA would like to express its deep appreciation for all their work and trust in this project.

Finally, we would like to underline the hard work of the **International Organising Committee of the EMC<sup>2</sup>** and thank the ELSA members who were a part of the Competition for all their work and dedication for the Moot Court and ultimately, to ELSA!

ELSA International would also like to take this opportunity to welcome its newest Corporate Partner - **TransLegal** - to the family of EMC<sup>2</sup> Sponsors for the upcoming edition of the Competition. The central focus of the co-operation between TransLegal and ELSA International is the promotion of the **Cambridge ILEC exam (International Legal English Certificate)**, which TransLegal has developed in collaboration with the University of Cambridge (Cambridge ESOL). The Cambridge ILEC exam will be launched in June of next year and is the world's only internationally recognised test of legal English.

*"The ELSA Moot Court Competition on WTO law provides a wonderful incentive for law students to face intellectual challenges and teaches ability to address complex issues of WTO law", Prof. Thomas Cottier concluded the Grand Final session of the ELSA Moot Court Competition on WTO law (the EMC<sup>2</sup>) 2004/2005.*

With these encouraging words in mind, ELSA International has already started the preparations for the edition 2005/2006 of the EMC<sup>2</sup>. We're looking forward to organising another successful event!

For more details on the upcoming edition, please continue checking our website at [www.elsa.org/emcc](http://www.elsa.org/emcc)

## **PARTICIPANTS OF THE FINAL ORAL ROUND**

The teams are presented in the order they **ranked after the Preliminary Rounds** (corresponding team codes issued to the teams at registration are placed in the brackets).

1. University of Maastricht, Law Faculty (Team 013)
2. The University of Hong Kong, Faculty of Law (Team 039)
3. London City University (Team 018)
4. New York University, School of Law (Team 008)
5. Universitat Potsdam (Team 007)
6. Bond University (Team 042)
7. Federal University of Rio Grande do Sul School of Law (Team 004)
8. Ivane Javakishvili Tbilisi State University (Team 002)
9. University of Oslo, Faculty of Law (Team 021)
10. Martin-Luther-Universität Halle-Wittenberg (Team 036)
11. Instituto Tecnológico Autónomo de México (ITAM) (Team 045)
12. University of Malta (Team 050)
13. University Technology Sydney (UTS) (Team 041)
14. Amsterdam Law School (Team 011)
15. University of Bucharest, Faculty of Law (Team 014)
16. Università degli Studi di Napoli "Federico II" (Team 030)
17. Sciences-Po Paris (Team 019)
18. University of Lund (Team 033)

## **AWARDS**

**Winner of the EMC<sup>2</sup> 2004/2005 - Team 018 - London City University!**

Runner up of the EMC<sup>2</sup> 2004/2005 - Team 039 - The University of Hong Kong, Faculty of Law.

**Other Semi Finalists:**

University of Maastricht, Law Faculty (Team 013)

New York University, School of Law (Team 008)

**Best Orator of the Preliminary Rounds** was awarded to:

Mr. Bertram Boie (Team 013)

The **Best Orator of the Eliminations Rounds** title was awarded to two individuals as there was a tie in their scores. Congratulations to:

Ms. Suchita Suresh Nanwani (Team 039)

Mr. Olave Basabose (Team 013)

The **Overall Best Memorial of the International Written Round** award was won by Team 036 along with the awards for the Best Complainant and best Respondent Memorials at the same level.

The **Overall Best Memorial of the Final Oral Round** award was won by Team 018, which also claimed the Gabrielle Marceau Award for Best Complainant and Valerie Hughes Award for the Best Respondent Memorials.

## RANKING OF THE 18 PARTICIPATING TEAMS AFTER THE PRELIMINARY ROUNDS

Ranking	"Round of origin"*	Team code	Complainant	Respondent	Total of the Preliminary Rounds
1	IWR	013	56,00	53,00	109,00
2	IWR	039	47,00	54,00	101,00
3	NR	018	44,00	54,50	98,50
4	IWR	008	51,00	45,00	96,00
5	IWR	007	49,50	46,00	95,50
6	RR	042	46,00	48,75	94,75
7	IWR	002	46,50	48,00	94,50
8	RR	004	37,00	55,00	92,00
9	NR	021	47,00	43,50	90,50
10	IWR	036	42,00	43,50	85,50
11	RR	045	37,00	47,00	84,00
12	NR	050	47,50	30,00	77,50
13	RR	041	41,00	36,00	77,00
14	IWR	011	36,00	39,00	75,00
15	NR	014	29,00	43,00	72,00
16	NR	030	32,00	33,00	65,00
17	IWR	019	33,00	22,00	55,00
18	IWR	033	20,50	27,00	47,50

\* "Round of Origin" section indicates through which Selection Round a particular Team qualified for the Final Oral Round.

IWR – International Written Round

RR – Regional Round

NR – National Round

According to the Rules of the EMC<sup>2</sup>, the 4 highest ranking Teams (marked in yellow) qualified for the Semi Finals (Elimination Rounds).

"Scoring of the Oral Rounds": Each member of the Panel could assign a maximum score of 20 points: 0-5 being poor, 6-10 being average, 11-15 being good, 16-20 being excellent. Therefore, the maximum score for each oral argument any Team presented was 60 points. Each Team pleaded twice in the Preliminary Rounds – once as Complainant and once as Respondent. Therefore, the ranking was determined by adding up the points of the two sessions. Total of 120 points could have been received by one Team throughout the Preliminary Rounds.

## DETAILED RESULTS OF THE PRELIMINARY ROUNDS

Session #*	Team code		Total	
	Complainant	Respondent	Complainant	Respondent
1A	50	4	47,50	55,00
1B	11	7	36,00	46,00
1C	13	39	56,00	54,00
1D	14	19	29,00	22,00
1E	21	36	47,00	43,50
2A	42	33	46,00	27,00
2B	8	18	51,00	54,50
2C	2	41	46,50	36,00
2D	30	45	32,00	47,00
3A	33	30	20,50	33,00
3B	18	2	44,00	48,00
3C	41	8	41,00	45,00
3D	45	42	37,00	48,75
4A	4	21	37,00	43,50
4B	7	14	49,50	43,00
4C	19	13	33,00	53,00
4D	39	11	47,00	39,00
4E	36	50	42,00	30,00

\* Sessions with 4 highest ranking teams are marked in yellow.

## BEST ORATORS OF THE PRELIMINARY ROUNDS RANKING

Ranking	Name	Team code	Points (out of 20)
1.	Bertram Boie	013	18,33
2.	Suchita Suresh Nanwani	039	16,83
3.	Mei Lin Robertson	042	16,33
4.	Wai Kit Wong	039	16,17
5.	Lisa Davidson	042	16,00
6.	Ana Jibuti	002	16,00
7.	Miguel Augustin Kreling	004	15,83
8.	Judith Schmith	007	15,67
9.	Tamar Goderdzishvili	002	15,17
10.	Ann Tien Yen Lui	039	15,17
11.	Anders Evje	021	15,17
12.	Asbjørn Jessen Dølvik	021	15,00
13.	Terra Lawson-Remer	008	14,75
14.	Geir-Arne Borgstrand	021	14,67
15.	Fernanda Garza Magdaleno	045	14,58
16.	Amnada Rawls	008	14,58
17.	Ana Gerdau de Borja	004	14,33

\*\*Please note: to qualify for the Best Orator of the Preliminary Round Awards, an orator had to plead twice during the Preliminary Rounds – once as Complainant and once as Respondent. The scores were drawn up as an average of 6 scores (3 judges per 2 Panels of the Preliminary Rounds).

A total of 17 out of 64 speakers pleaded twice throughout the Preliminary Rounds. Hence their ranking is presented above.

Individual performance of the Teams members was assessed based on the same general criteria as the performance of the Teams' oral pleadings. The Panels were guided by factors such as: competence, inclusion of all relevant facts, structure and logic of the argument, soundness of the argument presented, response to questions by The Panels, time management, role of Team members etc. Each member of The Panel could assign a maximum score of 20 points: 0-5 being poor, 6-10 being average, 11-15 being good, 16-20 being excellent per Team member for an individual performance.



## RESULTS OF THE INTERNATIONAL WRITTEN ROUND AND THE OVERALL BEST MEMORIAL RESULTS

Team Code	Penalties		Interim Memorial Score		Memorial Score
	Compl.	Resp.	Compl.	Resp.	Total
018 NR	0	0	36	36.50	72.50
036 IWR	1	1	32.75	35	65.75
039 IWR	0	0	30.5	29.85	60.35
002 IWR	0	0	28.25	29.5	57.75
008 IWR	1	1	29.75	29	56.75
007 IWR	1	1	27.75	30.5	56.25
013 IWR	0	0	28	28.25	56.25
004 LRR	0	0	26.75	26.50	53.25
042 PRR	0	0	26.25	26.25	52.50
041 PRR	0	0	24.25	27	51.25
045 LRR	0	0	24.00	24.75	48.75
011 IWR	1	1	21.75	23	42.75
019 IWR	2	2	22.25	24.25	42.5
033 IWR	1	1	16.75	22	36.75
023 IWR	0	0	16.75	17	33.75
021 NR	0	0	16.25	16.75	33
043 IWR	1	1	17	15.25	30.25
006 IWR	0	0	11.5	18.75	30.25
051 IWR	1	1	15.25	15	28.25
010 IWR	2	1	15.25	14.5	26.75
014 NR	0	0	14	12.50	26.50
038 IWR	0	0	11.5	11.75	23.25
037 IWR	2	2	11.25	9	16.25

Each Written Memorial was reviewed by two judges individually and independently.

Each Written Memorial judge could assign a maximum score of 20 points: 0-5 being poor, 6-10 being average, 11-15 being good, 16-20 being excellent. Therefore, the maximum score for each Written Memorial could be 40 points, and for both Memorials - 80 points.

The judges were guided by factors such as: argumentation and correct legal analysis, clarity of argument, complete and correct recognition and weighting of issues, correct application of the relevant rules and legal principles, presentation and style, persuasiveness, structure, logic, thoroughness, eloquence, reasoning, grammar, spelling and style.

## ADVISORY BOARD AND JUDGES' POOL OF THE ELSA MOOT COURT COMPETITION ON WTO LAW

In order to ensure the high quality of the event the following persons agreed to advise and support ELSA with the organisation of the ELSA Moot Court Competition on WTO Law.

Name	Involvement with the EMC <sup>2</sup>
<b>Prof. Claus-Dieter Ehlerman</b> Wilmer, Cutler & Pickering (Belgium)	<b>Grand Final Panels of FOR 2003 and FOR 2004 (Chairman)</b>
<b>Prof. Luiz Olavo Baptista</b> WTO Appellate Body Member	<b>Advisor</b>
<b>Prof. Dr. Carl Baudenbacher</b> President of the EFTA Court	<b>Advisor</b>
<b>Prof. Giorgio Sacerdoti</b> WTO Appellate Body Member	<b>Grand Final Panel of FOR 2004</b>
<b>Prof. P. Van Den Bossche</b> University of Maastricht (The Netherlands)	<b>Advisor</b>
<b>Prof. Jacques Bourgeois</b> Akin Gump Strauss Hauer & Feld (Belgium)	<b>Grand Final Panel of FOR 2003 and FOR 2004</b>
<b>Dr. Marco Bronckers</b> Wilmer, Cutler & Pickering (Belgium)	<b>Advisor</b>
<b>Prof. Thomas Cottier</b> University of Berne, Baker & McKenzie (Switzerland)	<b>Grand Final Panel of FOR 2003, FOR 2004 and FOR 2005 (Chairman)</b>
<b>Ms. Valerie Hughes</b> Director of the WTO Appellate Body Secretariat	<b>Grand Final Panel of FOR 2003 and FOR 2005; Case Review Board 2004</b>
<b>Prof. Robert Howse</b> , Michigan University (USA)	<b>Semi Finals Panel of FOR 2003</b>
<b>Dr. Gabrielle Marceau</b> Counsellor for the Legal Affairs Division of the WTO Secretariat	<b>Grand Final Panel of FOR 2005; Semi Finals Panels of FOR 2003, FOR 2004 and FOR 2005; Case Review Board 2004-2005</b>
<b>Prof. Elisabetta Montaguti</b> European Commission, Legal Service	<b>Grand Final Panel of FOR 2003 and FOR 2004</b>
<b>Mr. Niall Meagher</b> Senior Counsel at the Advisory Centre on WTO Law	<b>Grand Final Panel of FOR 2005</b>
<b>Prof. Joel Trachtman</b> Tufts University, USA	<b>Grand Final Panel of FOR 2005</b>
<b>Her Excellency Amina Mohamed</b> <b>Ambassador of Kenya</b>	<b>Grand Final Panel of FOR 2004</b>

Regardless of their past and present positions and status, the above listed persons are kindly helping the EMC<sup>2</sup> to reach its full potential. They consult with the IOC, promote the Competition commissioning their own reputation, and overall supporting the EMC<sup>2</sup> however they can. ELSA and the IOC are extremely humbled by such devotion and attention to the Competition.

Name	Involvement with the EMC <sup>2</sup>
<b>Mr. Stefan Amarasinha</b> Directorate-General for Trade, European Commission	Preliminary Rounds of FOR 2005
<b>Dr. Arthur Appleton</b> J.D., Ph.D. White & Case, Geneva (Switzerland)	Case Review Board of 2004 and 2005; Semi Finals Panel of FOR 2003, FOR 2004 and FOR 2005; Preliminary Rounds of FOR 2003 – 2005
<b>Mr. Georg Berrisch</b> Covington & Burling (Belgium)	Preliminary Rounds of FOR 2003 and FOR 2004
<b>Prof. Christine Breining-Kaufmann</b> University of Zurich	Preliminary Rounds of FOR 2003, FOR 2004 and FOR 2005
<b>Dr. Jan Bohanes</b> WTO Appellate Body Secretariat	Preliminary Rounds of FOR 2003, FOR 2004 and FOR 2005
<b>Mr. Jorge Castro</b> WTO Legal Affairs Division	Preliminary Rounds of FOR 2004 and FOR 2005
<b>Ms. Victoria Donaldson</b> WTO Appellate Body Secretariat	Preliminary Rounds of FOR 2004 and FOR 2005
<b>Mr. Lothar Ehring</b> Directorate-General for Trade, European Commission	Preliminary Rounds of FOR 2003, FOR 2004 and FOR 2005
<b>Prof. Piet Eeckhout</b> King's College London (the United Kingdom)	Advisor
<b>Prof. Frank Emmert</b> Indiana University School of Law (Indianapolis, USA)	Grand Final Panel of FOR 2005; Case Drafter 2003; Advisor
<b>Prof. John Erauw</b> Private International Law Institute, University of Ghent	Advisor
<b>Prof. Mary Footer</b> Amsterdam Centre for International Law (The Netherlands)	Semi Finals Panels of FOR 2003, 2004 and 2005; Preliminary Rounds of FOR 2003 – 2005
<b>Mr. Folkert Graafsma</b> Vermulst Waer & Verhaeghe (Belgium)	Advisor
<b>Prof. Heinz Hauser</b> University of St. Gallen (Switzerland)	Preliminary Rounds of FOR 2003 and FOR 2004
<b>Dr. Roberto Rios-Herran</b> World Trade Institute (Switzerland)	Preliminary Rounds of FOR 2005
<b>Mr. Philip Marsden</b> The British Institute of International and Comparative Law	Preliminary Rounds of FOR 2003
<b>Dr. James H. Mathis</b> International Law Department of Amsterdam University	Case Drafter 2004; Grand Final of FOR 2004
<b>Prof. Petros Mavroidis</b>	Preliminary Rounds of FOR 2003

University of Neuchatel (Switzerland)	
<b>Ms. Natalie McNelis</b> Wilmer, Cutler & Pickering (Belgium)	Advisor
<b>Dr. Laura Nielsen</b> University of Copenhagen (Denmark)	Preliminary Rounds of FOR 2004 and FOR 2005
<b>Mr. Hunter Nottage</b> Advisory Centre on the WTO Law	Preliminary Rounds of FOR 2003, FOR 2004 and FOR 2005
<b>Prof. Joost Pauwelyn</b> Duke's University (USA)	Advisor
<b>Mrs. Maria J. Pereyra-Friedrichsen</b> WTO Legal Affairs Division	Preliminary Rounds of FOR 2004 and FOR 2005; Advisor
<b>Dr. Christian Pitschas</b> WTI Advisors (Geneva)	Preliminary Rounds of FOR 2004 and FOR 2005
<b>Mr. Iain Sandford</b> WTO Appellate Body Secretariat	Case Review Board 2004; Advisor
<b>Ms. Julia S. Selivanova</b> Baker & McKenzie, Geneva (Switzerland)	Preliminary Rounds of FOR 2005
<b>Mr. Hannes Schloemann</b> Director of WTI Advisors (Geneva)	Grand Final Panel of FOR 2005; Semi Finals Panel of 2005; Preliminary Rounds of FOR 2003, FOR 2004 and FOR 2005;
<b>Mrs. Letizia Raschella - Sergi</b>	Academic Supervisor for Asia-Pacific 2005, 2006; Case Review Board 2005; Preliminary Rounds of FOR 2003, FOR 2004 and FOR 2005
<b>Dr. Soren Schonberg</b> Directorate-General for Trade, European Commission	Preliminary Rounds of FOR 2005
<b>Prof. Christian Tietje LL.M (Michigan)</b> University of Halle (Germany)	Preliminary Rounds of FOR 2003, FOR 2004 and FOR 2005
<b>Mr. Arun Venkataraman</b> WTO Appellate Body Secretariat	Preliminary Rounds of FOR 2004
<b>Ms. Tania Voon</b> WTO Appellate Body Secretariat	Preliminary Rounds of FOR 2004 and FOR 2005
<b>Prof. Dr. Jan Wouters</b> Katholieke Universiteit Leuven (Belgium)	Preliminary Rounds of FOR 2005
<b>Prof. Rolf Weber</b> Zurich University (Switzerland)	Preliminary Rounds of FOR 2005
<b>Mr. Raul Torres</b> Rules Division, WTO Secretariat	Preliminary Rounds of FOR 2005

Most of the above EMC<sup>2</sup> judges served on the Panels of the International Written Round (2003, 2004 and 2005) and undertook tedious work of assessing and grading the written memorials of the EMC<sup>2</sup> teams. Their vast contribution to the quality and day-to-day operations of the Competition is immensely appreciated by the IOC and surely, by the participants.

## **PACIFIC REGIONAL ROUND 16<sup>TH</sup> TO 19<sup>TH</sup> OF FEBRUARY 2005**

In accordance with the ELSA International Council Decision (Budva, October 2003), ELSA desires the EMC<sup>2</sup> to become an international moot court competition assisting law students around the globe in becoming professionally skilled and internationally minded. The EMC<sup>2</sup> is open to registered teams of law faculties (or business faculties that include the teaching of law) from WTO Member States within one of the six non-ELSA Regional Rounds. The 2005 Pacific Regional Round ("PRR") of the EMC<sup>2</sup> was extended to include teams from WTO Member States: Australia, New Zealand, Fiji, Papa New Guinea and Taiwan.

In keeping with ELSA's desire to foster relationships with institutions involved in international trade law, The Institute for International Business, Economics & Law (IIBE&L) - The University of Adelaide, was appointed as the 2005 PRR Organiser and worked in-conjunction with the ELSA appointed Asia-Pacific Academic Supervisor. IIBE&L commenced operations in January 2003 and is dedicated to providing practical support for those who work in international trade whether they are in the private sector, government or in international intergovernmental organizations. IIBE&L is headed by the former Deputy Director-General of the World Trade Organization, Mr Andrew Stoler, whose responsibilities at the WTO (1999-2002) included dispute settlement, legal affairs and liaison with the WTO Standing Appellate Body. Mr Stoler, who judged the PRR Grand Final, said:

"When I was at the WTO, I had direct access to the dispute settlement system and its workings and it is truly the jewel in the WTO's crown. The system is becoming ever more sophisticated and it is important for young lawyers to start early in building their understanding of how the WTO's DSU operates. I can think of no better way to encourage the building of the appropriate legal skills than through this moot court competition. We are very grateful here at the Institute to have the honour of hosting this year's regional competition in February and I am very much looking forward to being involved in any way that I can."

Universities from Australia and Taiwan participated in the PRR and the specific arrangement for the Round was based on the (4) teams who attended the event. In order for all teams to receive maximum benefit from the available WTO expert judges, special dispensation was sought from the IOC to allow an additional Preliminary Round, rather than Elimination Rounds and a Final. A draw was provided by the IOC and each team pleaded three times (two teams pleaded complainant twice and two teams pleaded responded twice). Only the highest score awarded for Complainant and Respondent per team was used to rank teams. The two highest scoring teams proceed to the PRR Grand Final.

The PRR followed ELSA's practice and included an academic component to the competition. Mr Peter Pederson, Counsellor, Council and Trade Negotiations Division WTO Secretariat and IIBE&L Visiting Fellow, presented the 'Current State-of-Play of the Doha Round Negotiations' and also discussed WTO career pathways. In addition, Mr Pedersen judged the PRR Grand Final.

Each panel for the PRR Preliminary Rounds included a trade lawyer, economist and trade diplomat. Judge alumnus: Ms Robyn Burnett (former DFAT diplomat and international trade law academic) and Mr David Morgan (former Director of Trade & Environment DFAT - *on*

leave) were joined by Mr Graeme Thomson, (former DFAT Chief International Trade Negotiator) and Mr Patrick (former Ambassador and Australia's Permanent Representative to the GATT 1983-86) in the Preliminary Rounds.

Asia-Pacific law firm, Minter Ellison, as the PRR's major sponsor provided three WTO experts: Mr Siva Somasundram (former Singapore trade diplomat to the WTO and Chair of the WTO Working Party on GATS) and Ms Catherine Button (Agriculture, SPS/TBT law expert) judged the Preliminaries, whilst Mr Scott Gallacher (former NZ trade diplomats to the WTO and WTO Panellist) was the Grand Final Panel chairperson. Minter's generously paid all expenses for their staff to participate, as well as provided the competition trophies.

DFAT also provided an oral judge, trade lawyer Ms Patricia Hewitson from the WTO Trade Law Branch and generously paid all expenses. Ms Hewitson judged a Preliminary Round and the Grand Final.

Mr Gavin Goh (former DFAT Legal Advisor, WTO Enforcement Branch) generously agreed to be a PRR Memorial judge. Special mention is required for Mr David Morgan, who in addition to judging the Preliminary Rounds, generously judged the Grand Final and the Memorials.

The competition was held at the National Wine Centre, which is now part of the University of Adelaide's campus. Given that South Australia's largest trade export good is wine, it was appropriate that the PRR was held at this venue.

### **Preliminary Rounds - National Wine Centre of Australia - The University of Adelaide**

*WTO Conference - Broughton Room - 10:00 am*

'Current State-of-Play of the Doha Round Negotiations' presented by Mr Peter Pedersen

*Round 1 - Thursday 17 February - 2:30 pm*

Group 1: Complainant: 040 vs Respondent 042 (Broughton Room)

Group 2: Complainant 041 vs Respondent 044 (de Castella Room)

*Round 2 - Friday, 18 February - 10:00 am*

Group 1: Complainant: 042 vs Respondent 044 (Broughton Room)

Group 2: Complainant 041 vs Respondent 040 (de Castella Room)

*Round 3 - Friday 18 February - 2:30 pm*

Group 1: Complainant: 044 vs Respondent 040 (Broughton Room)

Group 2: Complainant 042 vs Respondent 041 (de Castella Room)

Grand Final - University Council Chamber - The University of Adelaide

*Saturday, 19 February 2005 - 2.00 pm*

Complainant: 041 vs Respondent: 402

### **Awards:**

Winner - Team 041 - University Technology Sydney

Runner Up - Team 042 - Bond University

Best Oralist Preliminary Round: Mr Jonathan Tyne - Team 041

Best Oralist Grand Final: Mr Jonathan Tyne - Team 041

Best Complainant Memorial: Team 040 - University of New South Wales

Best Respondent Memorial: Team 041 - University Technology Sydney

Best Overall Memorial: Team 040 - University of New South Wales

Teams 041 and 42 as the Winner and Runner-up of the PRR qualified for the FOR of the EMC<sup>2</sup> 2004/2005.

## **LATIN AMERICAN REGIONAL ROUND 21<sup>ST</sup> TO 22<sup>ND</sup> OF FEBRUARY 2005**

The EMC<sup>2</sup> Regional Round in Latin America (the LRR) was organised in co-operation with COLADIC-The Latin American Council of International and Comparative Law. COLADIC since its foundation in Mexico city in 1994 has been working in the academic field promoting and encouraging the analysis and research of international and comparative law. COLADIC's mission is to approach the study and investigation of law by developing innovative and dynamic academic activities to effectively contribute to legal education. COLADIC is represented by National and Local Groups in 9 countries across Latin America and the Caribbean: Argentina, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Panama, Dominican Republic and Venezuela.

Enclosed there is the schedule for the final Oral Rounds of the LRR. The specific arrangement of the rounds was based especially in the number of teams (5). Consequently it resulted inconsistent to celebrate more rounds than the stipulated in the referred schedule in order to cut the teams gradually from 5, to 4, and finally 2, as it was explained in the LRR Rules. The IOC granted a waiver from the requirement to have Regional Round oral pleading sessions mimicking the Final Oral Round Preliminary Rounds. The Teams presented their arguments in two rounds, complainant and respondent, respectively during the sessions celebrated on Monday the 21<sup>st</sup> of February. From these rounds, two teams were selected as Semi Finalists, and presented their arguments as one of the parties on Tuesday.

COLADIC obtained funds for the approximate sum of US\$4,200. The funds were distributed to cover the costs of the organization (i.e. marketing, award celebration, materials, etc.) Due to the few funds obtained, many expenses had to be eliminated from the original budget proposed by the OC; as an example of this case we had to cut the transportation of international judges from their location to the Dominican Republic. Many contacts were made with international judges; nevertheless, it resulted economically impossible for us to cover the travel expenses involved. Hence, we had only the local judges participating in the LRR. The LRR judges were well known personalities in the Dominican Republic. Among them we had practicing lawyers, law professors, representative from the Government institutions, and court of appeal judges.

Four (4) teams participated in this First Edition of the LRR, representing different universities from Brazil, Ecuador, Mexico and the Dominican Republic. The Preliminary Rounds took place on the 21<sup>st</sup> at the Pontificia Universidad Católica Madre y Maestra (PUCMM). From the Preliminary Rounds two teams were honoured to participate in the LRR Final Round, and ultimately in the Final Oral Round to be held in Geneva-Switzerland in April, 2005. The two winners of the Latin-American Regional Round (LRR) of the ELSA Moot Court Competition on WTO law (EMC<sup>2</sup>) held in Santo Domingo, Dominican Republic were Teams 004 and 045.

Teams 045 and 004, participated in the LRR Final Round that took place in one of the Court Rooms of the former building of our Supreme Court Of Justice on 22<sup>nd</sup> of February. On the same date we celebrated the Ceremony were Team 045, representing the Instituto Tecnológico Autónomo Mexicano (ITAM), and Team 004, representing the Universidade Federal do Rio Grande do Sul (UFRGS), were awarded as Winner and Runner Up, respectively.

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**ORAL ROUNDS SCHEDULE**

ELSA Moot Court Competition on WTO Law (EMC<sup>2</sup>)

Santo Domingo, Dominican Republic

February 21<sup>th</sup> and 22<sup>th</sup>, 2005

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**MONDAY FEBRUARY 21<sup>st</sup>, 2005**

**PRELIMINARY ROUNDS- Venue: Pontificia Universidad Católica Madre y Maestra**

9:00	<u>Round 1A: Room AO1</u> Complainant: Team 047 Respondent: Team 045  <u>Round 1B: Room AO2</u> Complainant: Team 046 Respondent: Team 017
10:40	Deliberations and feed backs to teams
	<u>Round 2A: Room AO1</u> Complainant: Team 004 Respondent: Team 046  <u>Round 2B: Room AO2</u> Complainant: Team 017 Respondent: Team 047
12:40	Deliberations and feed backs to teams
13:00-15:00	Lunch Break
15:30	Round 3: Room AO1 Complainant: Team 045 Respondent: Team 004
17:10	Deliberations and feed backs to teams

**TUESDAY FEBRUARY 22<sup>nd</sup>, 2005**

**FINAL ROUND- Venue: former building of Supreme Court Of Justice**

15:30	Round 3: Room AO1 Complainant: Team 045 Respondent: Team 004
17:10	Deliberations and feed backs to teams