

Report

**ELSA Moot Court Competition on WTO
Law**



2007-2008

elsa

The European Law Students' Association

PARTNERS OF THE EMC²



PUBLISHING PARTNER OF THE EMC²



SPONSORS OF THE EMC²



WHITE & CASE

BAKER & MCKENZIE

Foreword

From 29th April to 4th May 2008 the Final Oral Round of the sixth edition of the ELSA Moot Court Competition on WTO Law (EMC²) took place in Geneva. All the Preliminary Rounds and the two Semi Finals took place at the Centre de l'Espérance, while the Grand Final was held at the honorable Centre William Rappard, where the Headquarters of the World Trade Organization is situated.

16 teams from all over the world were participating in the Final Oral Round this year. These qualified through 6 different Regional Rounds, and through the International Written Round. The two ELSA Regional Rounds were held in Hungary and Romania, and the four non-ELSA Regional Rounds in Taiwan, Australia, Dominican Republic and the USA.

I would like to send a sincere thank you to everyone that has been involved in the EMC² this year. First and most important, I want to thank my faithful International Organising Committee member Mr. Koen Klootwijk for his indefatigable work over this year. I want to thank my board for their work and support, and of course the Academic Supervisors; Mrs. Letizia Raschella-Sergi, Ms. Ieva Zebryte and Ms. Laura Nielsen.

Another great thank you goes to this year's Case Drafter Ms. Shin-yi Péng, National Tsing Hua University, Taiwan.

Furthermore, I would like to thank the partners, sponsors and supporters of the EMC² for their continued encouragement and involvement:

University of Barcelona
The World Trade Institute
Cameron May
O'Connor and Company – European Lawyers
Sidley Austin LLP
White & Case
Baker & McKenzie

A thank you also to ELSA International's Corporate Partners: **C'M'S** and **Deloitte**.

Finally I would like to thank the WTO for housing the Grand Final at the WTO headquarters, and for their technical support throughout the development of the competition, from its inception in 2003 and up until today.

Astrid Sollie Skårdalsmo
Vice President Academic Activities
ELSA International

TABLE OF CONTENTS

FOREWORD.....	ERROR! BOOKMARK NOT DEFINED.
1. GENERAL BACKGROUND	5
A. INTRODUCTION.....	5
B. STRUCTURE OF THE COMPETITION	5
2. THE SELECTION ROUNDS	6
A. NATIONAL ROUNDS.....	7
1. HUNGARY	7
2. NORWAY.....	8
3. UKRAINE	8
B. REGIONAL ROUNDS.....	9
1. THE FIRST ELSA REGIONAL ROUND OF THE EMC ² 2007/2008.....	9
2. THE SECOND ELSA REGIONAL ROUND OF THE EMC ² 2007/2008	12
3. THE NON-ELSA SOUTH EAST ASIAN & PACIFIC REGIONAL ROUND OF THE EMC ² 2007/2008	Error! Bookmark not defined.5
4. THE NON-ELSA ASIA REGIONAL ROUND OF THE EMC ² 2006/2007	19
5. THE NON-ELSA NORTH AMERICAN REGIONAL ROUND OF THE EMC ² 2007/2008	Error! Bookmark not defined.3
6. THE NON-ELSA LATIN AMERICAN REGIONAL ROUND OF THE EMC ² 2007/2008	Error! Bookmark not defined.5
C. INTERNATIONAL WRITTEN ROUND.....	ERROR! BOOKMARK NOT DEFINED.
3. THE FINAL ORAL ROUND	ERROR! BOOKMARK NOT DEFINED.
4. AWARDS	30
A. RANKING OF THE 16 PARTICIPATING TEAMS AFTER THE PRELIMINARY ROUNDS.....	31
B. BEST ORATORS OF THE PRELIMINARY ROUNDS RANKING	32
5. APPRECIATION.....	ERROR! BOOKMARK NOT DEFINED.
A. ADVISORY BOARD AND JUDGES' POOL OF THE ELSA MOOT COURT COMPETITION ON WTO LAW	36
B. SPONSORS OF THE EMC ² 2007/2008	ERROR! BOOKMARK NOT DEFINED.
C. ACADEMIC SUPERVISORS FOR THE EMC ² 2007/2008	ERROR! BOOKMARK NOT DEFINED.
D. MEMBERS OF THE INTERNATIONAL ORGANISING COMMITTEE	ERROR! BOOKMARK NOT DEFINED.

1. GENERAL BACKGROUND

A. INTRODUCTION

The European Law Students' Association, ELSA, is an international, independent, non-political, and non-profit-making organisation comprised and run by law students and young lawyers. Founded in 1981 ELSA is today the world's largest independent law students' association and is present in more than 200 law faculties in 35 countries across Europe with a membership in excess of 30,000 students and young lawyers.

ELSA's main purpose is to contribute to legal education, to foster mutual understanding and to promote social responsibility amongst law students and young lawyers. It does this by providing opportunities for their members to learn about other cultures and legal systems through critical dialogue and scientific co-operation. ELSA has been involved in legal education in Europe for more than 25 years, and Moot Court Competitions for most of this time. However, ELSA considered that it would be more beneficial to develop this experience into an international moot court competition aimed at contributing towards the development of law students worldwide.

ELSA chose WTO Law as the basis for its international moot court competition due to the growth in global trade since the 1990's and the necessity to provide security and stability to those involved in such trade through regulations. The World Trade Organization, which was established in 1995 and based on the old GATT Agreement, aims at creating a system for efficient regulation of international trade. Although the WTO as an organization and its Agreements has created controversies, the present structure and regulations will promote and enhance international trade for years to come.

B. STRUCTURE OF THE COMPETITION

The Case for this year's edition of the EMC² was issued on 3rd September 2007 with teams required to register for participation by the 15th November 2007. Only one team per law faculty or law school was allowed to participate in the Competition.

The EMC² consists of two different Selection Rounds where teams can qualify for the Final Oral Round, which is held in Geneva, Switzerland. These are respectively the Oral Regional Rounds, and the International Written Round.

Teams from regions where there was a Regional Round organized, qualified through that one, whilst teams from regions where there was no Regional Round qualified for the Final Oral Round through the International Written Round. Before entering either a Regional Round or the International Written Round, every team had to submit their Written Submissions for both the complainant and the respondent party of the EMC² Case. Documents were submitted to ELSA International by the 14th January 2008.

ELSA National Groups were also given the opportunity to organise National Rounds of the EMC². The winning teams from the National Rounds were then allocated to the two ELSA Regional Rounds in Europe.

The Preliminary Rounds and the Semi Finals of the Final Oral Round of the EMC² was held at the Centre de L'Esperance, and the Grand Final took place at the WTO headquarters.

This year only one team qualified through the International Written Round, whilst another 15 through the six Regional Rounds around the world.

At the Final Oral Round, 16 teams pleaded against each other twice during the Preliminary Rounds – once as complainant and once as respondent. The four best ranked teams from the Preliminary Rounds progressed to the Elimination Rounds, Semi-Finals, where each team pleads only once, and the two

winners progress to the Grand Final. The winner of the Grand Final is the Winner of the ELSA Moot Court Competition on WTO Law 2007/2008.

2. THE SELECTION ROUNDS

The Selection Rounds were organized as follows:

ELSA National Rounds were organized by ELSA Hungary, ELSA Norway and ELSA Ukraine, with one team, the Winners, per National Round qualifying for the ELSA Regional Rounds held in Pécs, Hungary and Cluj-Napoca, Romania.

The First ELSA Regional Round was organised by the Local Group of ELSA Pécs and the National Group of ELSA Hungary. The Second ELSA Regional Round was organised by the Local Group of ELSA Cluj-Napoca and held in Cluj-Napoca, Romania.

The non-ELSA South-East Asia & Pacific Regional Round (*Australia, Brunei, New Zealand, Papua New Guinea, Fiji, Samoa, Singapore, Solomon Islands, Malaysia, Indonesia, Cambodia, Thailand, Tonga, Vanuatu, Vietnam and Laos*) was organised by the Institute for International Trade (IIT) -University of Adelaide and held in Adelaide, Australia.

The non-ELSA Asia Regional Round (*Bhutan, Hong Kong, India, Japan Macau, Mongolia, Myanmar, Nepal, People's Republic of China, the Philippines, South Korea, and Taiwan*) was organised by National Taiwan University – Asian Centre for WTO and Health Law and Policy (ACWHLP) and held in Taipei, Taiwan.

The non-ELSA Latin American Regional Round (*Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, México, Nicaragua, Panama, Paraguay, Perú, República Dominicana, Saint Kitts and Nevis, Saint Lucia, Saint Vincent & the Grenadines, Suriname, Trinidad and Tobago, Uruguay, Venezuela, and other Latin-American and Caribbean states Governments of which are WTO members*) was organised by COLADIC-DR (Dominican Republic Chapter of COLADIC) and took place in Santo Domingo, Dominican Republic.

Finally, the International Written Round, organised by ELSA International, was designed to select teams from WTO Member and Observer States from areas not covered by the Regional Rounds.

A. NATIONAL ROUNDS

Since the first Edition of the EMC², ELSA International has encouraged ELSA Groups to host National Rounds in order to ensure an “ELSA” international participation in the competition. Consequently, several Local and National Groups in ELSA organise National Rounds. The winning teams from the three National Rounds qualified to participate in the two Regional Rounds held in Europe.

The three National Rounds were held in:

- Hungary
- Norway
- Ukraine

The following is a short summary of the National Rounds:

1. HUNGARY

In 2008 ELSA Hungary was honored to organise the National Round as well as the Regional Round of the ELSA Moot Court Competition on WTO law. The local group that organizes the national round rotates among the local groups in Hungary. In 2008 National Round took place in Budapest on 15-16 February hosted by ELSA Budapest in collaboration with ELSA Hungary. We had the possibility to host the competition in the most prestigious palace hall in Hungary called Festetics Palace. On the first day of the event, the participants and the judges attended a welcome dinner. The second day started with an official opening ceremony. Dean of Pazmany Peter Catholic University Faculty of Law and Political Sciences, addressed a welcome speech to the participants and their coach as well as the organizers and expressed his appreciation towards the participants, because of the effort they made in order to participate in an international Moot Court Competition.

Three teams entered to the contest in order to be the winner team, which qualified for the Regional Round and represented Hungary in the Regional Round in Cluj Napoca. The team members prepared a lot for the competition and plead their arguments successfully in front of the Panel. The team of University of Szeged Law Faculty won the National Round.

The Panel consisted of 3 members. Dr. Andras Hanak is a practicing attorney at law, he is a solid member of the Panel from year to year in our National Round, the rest of the Panel are academics in the field of international law from the Pazmany Peter Catholic University Faculty of Law: Dr. Pál Béla Szilágyi and Dr. Balázs Fekete.

The fundraising of the event was successful; ELSA Budapest was given some moral and financial support from the Student Union of Eotvos Lorand Science University Faculty of Law, and Allan and Overy Law Firm.

2. NORWAY

Norway has three law faculties, each of which organise their own moot court competition with different cases each year. A record number of teams participated this year. The winning team from each Local Moot Court Competition is invited to participate in the Norwegian National Round of the ELSA Moot Court Competition, organized by ELSA Norway.

The winners from each law faculty met in the National Round of the EMC² in Bergen on the 7th of February, 2008. A change from earlier years was that the National Round was compressed into a one-day event, rather than two days as in previous years. This resulted in massive turnout amongst the student body, with the final watched by some 300+ students.

A one-day seminar on WTO law was held in conjunction with the competition, where a large national law firm schooled students on problems related to the case.

The winning team was celebrated at a banquet that same evening in the traditional ELSA way, with speeches made by the OC, ELSA Norway as well as some faculty and judges.

All in all, the competition was a great success.

3. UKRAINE

On the 8th and 10th of February 2008 ELSA Ukraine hosted the second Ukrainian National (Oral) Round of the EMC². The National Round was organised by the Local Group of ELSA Kyiv together with ELSA members from another LGs and the pleading rounds took place in the premises of Institute of International Relations of the Taras Shevchenko National University of Kyiv and in the conference hall of hotel "Ukraine" in the centre of Kyiv (semi-finals and final).

This year the competition has the general partner – prominent law firm "Spenser&Kauffmann", who organized reception for all the participants.

Teams from nine law faculties and seven higher educational institutions were represented in the competition. All participants showed a high level of preparation and ability to argue their position convincingly. The winning teams represented both Ukraine and ELSA Ukraine in the ELSA Regional Round held in Cluj-Napoca, Romania from 13th to 18th March, 2008.

The Panel consisted of experienced specialists in WTO Law, both lecturers from the higher educational institutions and practicing lawyers from prominent legal companies. All judges received diplomas for judging during the reception after the competition.

The participants enjoyed the competition in itself and were celebrated with a fine social programme.

B. REGIONAL ROUNDS

In accordance with the ELSA International Council Decision (Budva, October 2003), ELSA desires the EMC² to become an international moot court competition assisting law students around the globe in becoming professionally skilled and internationally minded. The EMC² is open to registered teams from law faculties (or business faculties that include the teaching of law) from WTO Member or Observer States within one of the six Regional Rounds, or to registered teams from law faculties (or business faculties that include the teaching of law) from countries who have National Groups of ELSA.

Below, you will find brief reports by the Academic Supervisors or the IOC representatives from the Regional Rounds organised for the EMC² 2007/2008.

1. THE FIRST ELSA REGIONAL ROUND OF THE EMC² 2007/2008

The 1st ELSA Regional Round took place in Pécs, Hungary from 6th to 9th March 2008. Both teams and panelists were welcomed and taken to their respective hotels by a hardworking group of girls forming the Organising Committee, lead by Mr. Robert Dezso, Head of the Regional Organising Committee.

All the pleadings took place at the honorable University of Pécs. The 20 Preliminary Rounds were held over two days with five sessions a day, where the rounds were held two at a time. The two Semi Finals and the Hungary Regional Round Grand Final all took place on Saturday, before and after lunch respectively. The Preliminary Rounds were organised two at the time, and with five sessions per

Academic Quality

Panelists

There were six panelists present in Hungary, all of them very experienced, both within the area of trade and WTO law and as judges in previous editions of the EMC².

Since there were six judges, and each session requires 3 judges, all the judges were judging every session. The panels changed from session to session, so the same panel never judged twice. Considering the amount of judging, especially in the two first days, the judges did a fantastic job both in directing and motivating the teams to develop their pleading skills over the days when the Regional Round took place.

A big thank you to the six panelists in the 1st ELSA Regional Round:

Dr. Natalia Bayurova,

Dr. Roberto Rios Herran

Dr. Bugge Thorbjørn Daniel

Dr. Arthur Appleton,

Mr. Lothar Ebring

Dr. Szakály Zsolt

Timekeepers

On the evening before the Regional Rounds started, we had a session on timekeeping, in which the timekeepers got to know rules and procedures for timekeeping, and to ask questions as they learned how to timekeep.

In the first two days the same four girls were doing timekeeping in all sessions, and there was absolutely nothing to object to concerning the timekeeping, neither these two days nor on the last day with Semi Finals and RR Grand Final. They all did a very good job.

Written Submissions

Most of the judges present had also been scoring written submissions at an earlier stage, and to a large extent the written scores were determining the placement of the teams in the Preliminary Rounds. There were some problems after the Preliminary Rounds, because some of the judges, others than those present in Hungary, had not yet sent their scores. This prevented the representative of the International Organising Committee from finalizing the scores and announce to the teams which of them would proceed to the Semi Finals, and also to the Final Oral Round in Geneva. In the end, with the help of the judges present, the situation was resolved and late in the evening the teams were given the news of the ranking of the Preliminary Rounds.

Participants

There were 10 teams present at the Regional Round in Hungary. These teams came from Belgium, Romania, United Kingdom, Norway and Spain. The participants were on several occasions praised by the judges for their efforts and hard work. They also made a great contribution to the social part of the Regional Round, as they made an effort not only to plead, but also to enjoy the stay in Hungary otherwise.

Awards

There was given awards to the winning team and to the best oralist of the Regional Round in Hungary.

The ranking was as follows:

Preliminary Rounds

- 1st ranked: Team 006 – Katholieke Universiteit Leuven
- 2nd ranked: Team 026 – Universitetet i Oslo
- 3rd ranked: Team 047 – London School of Economics
- 4th ranked: Team 062 – Universitat de Barcelona
- 5th ranked: Team 039 – University of Bucharest
- 6th ranked: Team 044 – Peter Andrei University
- 7th ranked: Team 052 – University of Westminster
- 8th ranked: Team 061 – Universidad Ramon Llull
- 9th ranked: Team 019 – Kings College London
- 10th ranked: Team 008 – Universitatea Alexandru Ioan Cuza

Elimination Rounds

- Semi Final 1:
Team 006 (complainant) vs. Team 062 (respondent). Winner: Team 006
- Semi Final 2:
Team 047 (complainant) vs. Team 026 (respondent). Winner: Team 047

- Regional Round Grand Final:
Team 047 (complainant) vs. Team 006 (respondent). Winner: Team 006

Awards

- Winner: team 006 – Katholieke Universiteit leuven, Belgium

- Best Oralist of Preliminary Rounds: Ms. Linda Poppe, team 006.

Concluding remarks

The overall impression was that the organizers did a great job. Everything from welcome packages to hotels to meals and parties was very well done, and throughout the event the organisers showed several times that they were completely in control of the situation. The only thing that caused some problems was that after the Preliminary Rounds there were still some Written Submission scores lacking, which delayed the announcing of the semi finalists several hours. Else from this, the Regional Round in Hungary was a success, both from an academic and an organisational point of view.

Astrid Sollie Skårdalsmo
Vice President Academic Activities
ELSA International

2. THE SECOND ELSA REGIONAL ROUND OF THE EMC² 2007/2008

The ELSA Regional Round of Romania took place from Thursday the 13th to Tuesday the 18th of March.

Firstly, my compliments to the Regional Organising Committee of the ELSA Regional Round in Romania. Their smooth organisation of this regional event of ELSA International was a great support for the academic programme of the EMC².

It was obvious that this was the second time that a Regional Round was organised in Cluj-Napoca. The head of the Regional Organising Committee (ROC), Dina Tanco, as well as most of the rest of the ROC, were involved in the organisation of last year's Regional Round in Romania and they used their experiences to run a perfect organisation. Impressive was that beside the core ROC, who worked around the clock in the months before the competition to make it possible, the organisation was supported by approximately 40 volunteers of ELSA Cluj-Napoca, of which each and everyone knew exactly what they needed to do.

This luxurious amount of human capital made it possible that every panellist and every team had one or two 'babysitters', the contact person who knew where the team or panellist had to be at what time. Besides that, everybody was picked up from the airport, so the only thing the teams needed to worry about was the competition itself. These services ensured a relaxed stay during this ELSA Regional Round. On top of that, there was the possibility to join ELSA Cluj-Napoca in an extensive social programme. An option which was taken by most participants and judges to their full satisfaction.

Academic quality

Panellists

The Panel of the ELSA Regional Round in Romania consisted of an excellent mix of international and national specialists. Because there were only six panellists and every panel was composed of three persons, every panellist had to attend every round, as there were two rounds in every session. This situation demanded a lot of the panellists, but they did a tremendous job.

The majority of the panellists already had experience with being in an EMC² Panel, either in previous Regional Rounds or Final Oral Rounds. This situation caused a high quality evaluation of the teams.

Overall the participants and the ROC were very proud of the professionalism and investment in the competition of the panellists, which ensured a high quality academic event.

Timekeepers

The ROC took care of six devoted ELSA members, who wanted to volunteer to do the timekeeping of the pleadings. In case of emergency, there were also a couple of volunteers 'on call', but fortunately there was no need for them. Before the event, the timekeepers already received information and various trainings and the day before the competition started we had a detailed briefing about the methodology.

Although the rules and manuals for timekeeping are quite complicated for persons who do the timekeeping for the first time, they did their job to everybody's satisfaction.

Participants

Nine European teams, composed of approximately 70 students, competed against each other in the Romanian Regional Round. The participating team came from universities from Denmark, Finland, Germany, Hungary, Italy, Russia, Switzerland and Ukraine. The level of the teams was great, their dedication to the event can only be praised. And outside the pleading rooms, the teams together also made the social programme a great success.

Awards

The award-winning teams received both a certificate and a plaque from the ROC, during an award ceremony, which included a high quality dinner and a performance of a traditional Romanian dance group.

The ranking was as follows:

Preliminary rounds:

- 1st ranked team 016 – Martin Luther University Halle-Wittenberg, Germany
- 2nd ranked team 023 – Graduate Institute of International Studies, Switzerland
- 3rd ranked team 001 – University of Copenhagen, Denmark
- 4th ranked team 009 – Ivan Franko Lviv National University, Ukraine
- 5th ranked team 030 – University of Helsinki, Finland
- 6th ranked team 031 – Saint-Petersburg State University, Russia
- 7th ranked team 053 – Università Degli Studi di Padova, Italy
- 8th ranked team 007 – National Taras Shevchenko University, Ukraine
- 9th ranked team 057 – University of Szeged, Hungary

Elimination Rounds

- Semi-final 1:
team 016 (respondent) vs. team 001 (complainant). Winner: team 016
- Semi-final 2:
team 023 (complainant) vs. team 009 (respondent). Winner: team 023
- Grand final:
team 023 (complainant) vs. team 016 (respondent). Winner: team 016

Awards

- Winner: team 016 – Martin Luther University Halle-Wittenberg, Germany
- Runner-up: team 023 – Graduate Institute of International Studies, Switzerland
- Best orator of the Preliminary rounds: team 001, Ms. Quaisarah Mulk
- Best orator of the Elimination Rounds: team 023, Mr. Dominique Boucsein
- Overall best Written Submission: team 016 – Martin Luther University Halle-Wittenberg, Germany

Concluding remarks

From the moment I set foot in Cluj-Napoca, I was impressed by the hard work and enthusiastic spirit of the organisers and all volunteers involved in the competition. This ensured a very good sphere during the whole event and made everything go very smooth. Both the teams and the panellists were very well taken

care of, as also was I, as a member of the International Organising Committee. I hereby would like to thank the ROC for their outstanding work and achievements. Furthermore, a special thanks goes out to all participants and panellists, without whose efforts this great event wouldn't have been possible.

Koen Klootwijk
Member of the International Organising Committee
ELSA Moot Court Competition on WTO law (2007 – 2008)

3. THE NON-ELSA SOUTH EAST ASIAN & PACIFIC REGIONAL ROUND

A) SEA&P Regional Round Organiser

For the fourth year, the Institute for International Trade (IIT) – University of Adelaide was the SEA&P Regional Round Organiser and former WTO Deputy-Director General and IIT Executive Director, Mr Andrew Stoler was the Regional Round Administrator (RRA).

Once again, the Institute for International Trade did an outstanding job of organising the competition, which was held from the 12th to 15th March, in Adelaide, Australia. All official events were held in the prestigious Oaks Plaza Pier Hotel, commencing with the Official Welcome Reception, which was held in the Sol Bar, where participants had the opportunity to socialise with each other and the EMC² Panelists.

B) Academic Quality of the SEA&P RR

i) Panelists

In 2008, a number of the SEA&P ‘Panelist Alumni’ returned to participate in the oral pleading sessions. All the Panelists for the event were qualified WTO lawyers, economists, academics and trade policy specialists. In fact, a number of the Panelist Alumni are also former WTO diplomats or Secretarial staff – securing these individuals was a wonderful achievement by IIT for the EMC². Several of the Panelists had also been involved in the actual WTO cases referred to in the Case of the EMC² 2007-2008.

All Panelists were given one complainant and one respondent Written Submission, so they could gauge the student’s arguments. One randomly selected complainant and respondent Written Submissions were sent to all Panelists for their perusal with a strong warning that participants were likely to have developed their arguments in the two interim months between tendering the documents and presenting oral arguments. At the conclusion of the event all Panelist confirmed that reading these documents had little effect as the students had indeed developed their pleadings in the interim.

Our sincere thanks to all our Panelists for their enthusiasm, dedication and at times, probing questions. Their participation made the SEA&P RR a wonderful experience for the participants and an outstanding academic event.

The 2007-2008 SEA&P Regional Round Panelist were:

- *Ms Victoria Donaldson – WTO Appellate Body Secretariat (and Visiting WTO Fellow – Institute for International Trade);*
- *Emeritus Professor Mary Hiscock – Bond University (Inaugural SEAP Regional Round Administrator);*
- *Mr David Morgan – Australian Department of Foreign Affairs (Director Economic Analytical Unit);*
- *Ms Melissa Kelly – Australian Department of Foreign Affairs (Services Trade and Negotiations Section - Office of Trade Negotiations);*
- *Ms Kerrie Burmeister – Australian Department of Foreign Affairs (Services Trade and Negotiations Section - Office of Trade Negotiations);*
- *Mr Graeme Thomson – Graeme Thomson and Associates (former officer Australian Department of Foreign Affairs - Senior Australian Trade Negotiator - Office of Trade Negotiations); and*
- *Mr Andrew Stoler – Executive Director Institute for International Trade – University of Adelaide (former WTO Deputy Director-General responsible for Dispute Settlement))*

ii) Oral Pleading Sessions

All the Preliminary Round oral pleading sessions were conducted consecutively due to panelist and room availability. The Preliminary Rounds were judged by Mr David Morgan, Mr Graeme Thomson, Ms Melisa Kelly and Emeritus Professor Mary Hiscock, with the chair rotating for each session. The Panelists were extremely mindful of the EMC² Rules and managed to keep all oralists and teams on track with their timing. Mr Morgan stressed to the competitors that time management was not only crucial for the FOR competition but also assisted students with refining their pleadings, for their future careers.

For the SEAP RR Grand Final, the panel was joined by Ms Victoria Donaldson and Mr Andrew Stoler. Given Ms Donaldson expertise as Senior Counsellor in the WTO Appellate Body Secretariat, she was invited and agreed to chair the session. The Grand Final Panel only granted competitors an additional five minutes each to submit their arguments and were duly impressed with the student's advocacy skills.

iii) Timekeepers

The Panels were assisted with time management by the Asia-Pacific Academic Supervisor who acted as Timekeepers for all the oral pleadings sessions, utilizing the new Rules format for presentations. In addition the Timekeeper provided each Panel Chair with additional information regarding any breaches of the Rules of the EMC². Furthermore, the Asia-Pacific Academic Supervisor monitored all sessions, allocated Panelist to hearings, managed the assessment sheets and any breaches of the EMC² Rules as well as answered competitors and Panelist questions.

iv) Written Submissions

As per the Rules of the EMC², the 2007-2008 SEA&P RR Written Submissions were judged by two WTO legal experts. Ms Kerrie Burmeister (Australian Department of Foreign Affairs) and the Asia-Pacific Academic Supervisor, Mrs Letizia Raschella-Sergi (Institute for International Trade - University of Adelaide). Ms Burmeister, who is DFAT's Telecommunications specialist, was very impressed with the quality of the submissions, especially as all competitors were undergraduate students, and allocated almost perfect marks to the winning Written Submission.

The Asia-Pacific Academic Supervisor briefed the oral Panelist, during the Panelist Briefing session, in relation to arguments put forward by teams in their Written Submissions, as of the 15th January 2008. It was anticipated, and realized, that the teams would progress from their Written Submission pleadings by the time they orally pleaded.

v) Academic Conference

In-keeping with ELSA International's objective to promote education, an academic conference was held in conjunction with the competition and a very interesting paper was presented:

- Ms Victoria Donaldson (*WTO Appellate Body Secretariat and Visiting WTO Fellow, Institute for International Trade*) – *Doha Development Round – State of Play*

At the conclusion of the Academic Conference, Ms Melissa Kelly from the Australian Department of Foreign Affairs and Trade, spoke to the competitors about the graduate recruitment process and competitors were encouraged to apply for trade law or policy graduate positions and recommended to highlight their EMC² experience.

C) SEA&P RR Participant Teams

Three Australian and one New Zealand university participated in the 2007-2008 SEA&P Regional Round. This was the third year that teams from outside of Australia participated in the regional competition. We received numerous enquiries from universities in the South East Asian region to participate, but due to lack of trade expertise in these countries many universities expressed that they would be unable to field a

team until the 2009 competition – we look forward to a much expanded SEA&P RR competition next year.

From an academic and practitioner perspective the quality of the 2007-2008 EMC² teams was outstanding. It was obvious that extensive preparation had taken place, especially bearing in mind that there is limited access to WTO law specialists throughout the region and the complicated scope of this year's Case. Furthermore, some of the Panelists also stated that all the teams had extensively improved their knowledge and understanding of the issues, as well as the procedural aspects and form during the competition.

Congratulations to all the SEA&P Regional Round teams on their performances!

D) SEA&P RR Sponsors and Awards

Once again, in 2007-2008 the Australian Department of Foreign Affairs and Trade (DFAT) for the fourth year generously provided two oral panelists and paid all its staff's expenses to attend the competition. Mr David Morgan, Ms Melissa Kelly represented DFAT and judged both the Preliminary and Elimination Rounds.

In 2007-2008 the SEA&P RR continued its relationship with its minor sponsor, Rymill Wines of Coonawarra – one of Australia's premier wine growing regions. Rymill Wine's have since 2001 produced an EMC² Cabernet Sauvignon, Merlot and Cabernet France vintage. We were extremely fortunate that Rymill provide us with one bottle for each judge as a gift. In addition, Rymill agreed to sponsor the Final Oral Round.

Participants were awarded certificates, whilst Panellists and Sponsors received thank you certificates and gifts of the EMC² wine at the official SEA&P RR Presentation Dinner, which was held after the Grand Final on Saturday, 15th March at the Oaks Plaza Pier Hotel, Glenelg. Participants, panellists and supporters enjoyed themselves into the late hours of the night as the stress of three days of competition ebb with the flow of good Australian wine.

i) Preliminary Round Rankings

At the conclusion of the Preliminary Rounds the top four teams were ranked as follows:

- *1st ranked: Team 014 - University of Melbourne, Australia*
- *2nd ranked: Team 012 – Victoria University, Wellington, New Zealand*
- *3rd ranked: Team 020 – University of Adelaide*
- *4th ranked: Team 056 – University of Victoria, Australia*

ii) Elimination Round Teams

The following teams were assigned to the following pleading sessions:

- *Grand Final: Team 014 vs. Team 012 = Winner Team 012*

iii) Awards

In 2007-2008 the Winners were presented with the new Perpetual Trophy generously donated by the Institute for International Trade – University of Adelaide. This trophy bears the name of all past SEA&P RR winners. The following teams and individuals also received trophies and certificates generously donated by the Institute for International Trade – University of Adelaide:

- *Winner: Team 012*
- *Runner-up: Team 014*

- *Best Orator Preliminary Round: Team 012 (Mr Daniel Watterson)*
- *2nd Placed Oralists Preliminary Round: Team 012 (Ms Amelia Keene)*
- *3rd Placed Oralists Preliminary Round: Team 012 (Mr Stephen Whittington)*
- *Best Orator of Elimination Round: Team 012 (Mr Stephen Whittington)*
- *Best Complainant Written Submission: Team 014*
- *Best Respondent Written Submission: Team 014*
- *Best Overall Written Submissions: Team 014*

The winner of the SEA&P Regional Round received automatic qualification to the Final Oral Round (FOR) in Geneva. The FOR was held at the Centre de l'Esperance and the World Trade Organization in Geneva, Switzerland from 29th April to 4th May 2008. The SEA&P Regional Round was represented by Team 012, *Victoria University, Wellington, New Zealand*

E) Asia-Pacific Academic Supervisor's concluding Remarks

Once again the SEA&P Regional Round was a truly successful event, albeit only four teams participated in 2007-2008.. We anticipate that this number will increase in 2008-2009 due to the fact that a number of professors who were on sabbatical in 2008 will be back on deck.

Sincerest congratulations to Mr Andrew Stoler and Ms Marie Gutsche for the professionally organised event and making the participants, panelist and sponsors welcome. I look forward to working again with Institute of International Trade again for the 2008-2009 SEA&P RR.

Mrs Letizia Raschella-Sergi
Asia-Pacific Academic Supervisor
ELSA Moot Court Competition (EMC²) on WTO Law

4. THE NON-ELSA ASIA REGIONAL ROUND

A) ASIA Regional Round Organiser

For the third year, National Taiwan University's Asian Centre for WTO and International Health Law and Policy (ACWH) was appointed the Regional Round Organiser (RRO), and Professor Chang-Fa Lo, former Dean of the College of Law (NTU) was appointed as Regional Round Administrator (RRA). Professor Lo was once again secured a number of WTO experts to participate in this professionally organised competition. The ASIA Regional Round was held from 5th to 8th March, in Taipei, Taiwan at the GIS Convention Centre.

B) Academic Quality of the ASIA RR

i) Panelists

The individuals chosen to judge the ASIA Regional Round were all qualified WTO practitioners and academics. Professor (Dr) Gabrielle Marceau – Counsellor – Cabinet of the Director General of the WTO, was due to take part in the semi-finals and Grand Final, but unfortunately due to a last minute issue arising at the WTO, she was unable to attend the competition.

A number of the Panelists stated that they had thoroughly enjoyed the experience of judging and especially assisting young law students from their region to develop their analytical and advocacy skills. Similar to other regional rounds, many of the 'Panelist Alumni' took part in both the 2006 and 2007 Asia Regional Round.

The 2007-2008 Case, Clarifications and the Bench Memorandum was authored by ASIA RR 'Panellist Alumni', Professor Shin-yi Péng – Institute of Law for Science & Technology, National Tsing Hua University, Taiwan. The ASIA RR was fortunate to have Professor Péng judge the two semi finals and the grand final.

Some Panelists indicated that they would like to read the participants' Written Submissions. A randomly selected complainant and respondent Written Submission were sent to all Panelists. All commented that the participants had indeed developed their pleadings since tendering their documents.

Our sincere thanks to all our Panelists for their enthusiasm, dedication and at times, highly complex questions. Their participation made the ASIA Regional Round a wonderful experience for the participants and an event which is likely to attract many teams for the region in the future:

- *Ms Jen-ni Yang – Deputy Chief Representative - Multilateral Trade Affairs, Bureau of Foreign Trade, Ministry of Economic Affairs, Taiwan*
- *Mr Chern-chyi Chen – Negotiator (Rules & Legal Affairs) - Multilateral Trade Affairs, Bureau of Foreign Trade, Ministry of Economic Affairs, Taiwan*
- *Professor (Dr) Shin-yi Péng – Director Institute of Law for Science & Technology, National Tsing Hua University, Taiwan*
- *Professor Peter Malanczuk – Peking University – School of Transnational Law, Hong Kong*
- *Ms Joyce C. Fan – Partner, Lee & Li Attorneys at Law, Taiwan*
- *Mr Pi-jan Wu – Adjunct Associate Professor Soochow University School of Law and Senior International Economic Law Counsel, Chien Yeh Law Offices., Taiwan*
- *Mr Chi-His Chao – Assistant Professor National Taiwan University College of Law and Senior International Law Counsellor, Chien Yeh Law Offices, Taiwan*
- *Mr Wellington Y. Liu – Partner, Tsai & Tsai Law Firm, Taiwan*

ii) Oral Pleading Sessions

The Preliminary Round pleading sessions were conducted concurrently over two days. Professor Peter Malanczuk kindly agreed to Chair all the Preliminary Round sessions as well as the Grand Final session, thereby lending a consistency to the process. All Panellist were mindful of the EMC² Rules and only permitted oralists to run over time if they were answering the Panel's questions. Participants were reminded of the importance of time management, paced oral submissions and the fact that for all participants in the Asia Regional Round that English was not their first language (for either participants and most of the panellist) – hence articulation of arguments was crucial.

iii) Timekeepers

The Panels were assisted with time management by members of the Asia RRO Secretariat who acted as Timekeepers for all the pleadings sessions. Timers were utilised and this made it easier to record each oralists' pleading time as well as the overall team pleading time. In addition, they provided the Panel Chair with additional information regarding any breaches of the time rules. Furthermore, the Asia-Pacific Academic Supervisor monitored all sessions, allocated Panelist to hearings, managed the assessment sheets and any breaches of the EMC² Rules as well as answered competitors and Panelist questions.

iv) Written Submissions

For the third year, Professor Shin-yi Péng and the Asia-Pacific Academic Supervisor, Mrs Letizia Raschella-Sergi (Institute for International Trade - University of Adelaide) judged all the Written Submissions. The Asia-Pacific Academic Supervisor also briefed the Panelist, during the Panelist's Briefing session, in relation to arguments put forward by teams in their Written Submissions, as of the 14th January 2008. As experienced in other regional rounds the teams progressed from their Written Submission pleadings by the time they orally pleaded in Taipei.

v) Academic Conference

In-keeping with ELSA International's objective to promote education, a one day academic conference was held on Friday, 7th March. Professor Lo originally invited Professor Marceau and Professor Péng to present papers. However as mentioned previously, Professor Marceau was unable to attend the event. The event was well attended by competitors, legal academics and representatives of the Taiwanese Government:

- Professor Shin-yi Péng – *How much Time is Reasonable? Decisions under Article 21.3(c) of the DSU.*

C) ASIA RR Participating Teams

Six teams from Taiwan, Japan, India and Hong Kong registered for the Asia Regional Round competition. With WTO experts such as Ms Jen-ni Yang, Professor Malanczuk and the Case Author, Professor Péng, not only was the students knowledge of WTO tested, but also their understanding of the global Telecommunications market and the engineering components which were relative to the legal arguments. All panellist commented on the superior advocacy skills displayed.

Congratulations to all the ASIA RR teams on their performance at the competition!

D) ASIA RR Sponsors and Awards

Professor Chang-Fa Lo is to be congratulated for securing Taiwan's major trade law firms in to sponsor the Asia RR. Such sponsorship ensured that quality judges would participate as well as providing certificates for all the participants and panelists and magnificent trophies for the winners.

Participants were awarded their trophies and certificates whilst panellist received thank you certificates at the official ASIA Regional Round Presentation Dinner - which was held after the Grand Final on Saturday 8th March at the prestigious Westin Taipei Hotel – a truly magnificent venue for an auspicious occasion.

At the conclusion of the Preliminary Rounds the top four teams were ranked as follows:

- *1st ranked: Team 010 – National Taiwan University, Taiwan*
- *2nd ranked: Team 015 – Gujarat National Law University, India*
- *3rd ranked: Team 002 – University of Hong Kong, Hong Kong*
- *4th ranked: Team 011 – National Chiao Tung University, Taiwan*

i) Elimination Round Teams

As per Rule 5.5.3, when two teams from the same country advance to the Semi Finals of a regional round, such teams must be paired against one another. Consequently teams were assigned to the following pleading sessions:

- *Semi-Finalists 1: Team 010 (ranked 1st) vs. Team 011 (ranked 4th) = Winner Team 010*
- *Semi-Finalists 2: Team 015 (ranked 2nd) vs. Team 002 (ranked 3rd) = Winner Team 002*
- *Grand Final: Team 010 vs. Team 002 = Winner Team 002*

The decision by the Grand Final Panelist was not unanimous and only one point separated the winner and the runner-up.

ii) Awards

The following teams and individuals received trophies and certificates generously donated by all the sponsors of the ASIA RR:

- *Winner: Team 002*
- *Runner-up: Team 010*
- *Best Orator Preliminary Round: Team 033 (Mr Von Ryan Ferrera – Yokohama National University, Japan)*
- *2nd Placed Oralist Preliminary Round: Team 010 (Mr Ding Jin – National Taiwan University, Taiwan)*
- *3rd Placed Oralist Preliminary Round: Team 002 (Ms Xu Hnichao Sally – University of Hong Kong, Hong Kong) and Team 015 (Mr Gajjala Srinivasa Kartikeya - Gujarat National Law University, India)*
- *Best Orator of Elimination Round: Team 002 (Ms Yue-Wei (Grace) Leung – University of Hong Kong, Hong Kong)*
- *Best Complainant Written Submission: Team 010*
- *Best Respondent Written Submission: Team 011*
- *Best Overall Written Submissions: Team 011*

E) Academic Supervisor's concluding Remarks

The third Asia RR was a highly successful event, Professor Chang-fa Lo and his 2007-2008 Regional Round Coordinator, Ms Jia-huey (Frances) Lin and Assistances, Ms Yi-chen (Cecila) Wu and Ms Yu-shan Kao are to be sincerely congratulated for the professional organization of the moot court competition.

All participants were provided with a folder pack containing the event information and welcome gifts. Participants, panelist and sponsors were attended to with efficiency, courtesy and professionalism

ACWH arranged for professional designers to brand the event and produced various promotional material including; event programs, acrylic document case; banners, posters, event name tags; place table tags as well as wonderful participation certificates. It is suggested that the EMC² follows ACWH's lead and instigate a brand marketing campaign to raise the profile of the competition and the marketability to employers of all participants.

The organization of the ASIA Regional Round continues to push the standard of the EMC² for all Regional Round Organisers – my sincerest congratulations to Professor Lo on an outstanding event and I very much look forward to working with him and his new team in 2009!

Mrs Letizia Raschella-Sergi
Asia-Pacific Academic Supervisor
ELSA Moot Court Competition (EMC²) on WTO Law

5. THE NON-ELSA NORTH AMERICAN REGIONAL ROUND

The North American Regional Round of the EMC² was a long awaited event which was a result of relentless efforts of Georgetown University Ph.D. students who were members of the said University's EMC² team in the previous year. Despite administrative hurdles which had to be overcome and due to enthusiastic support of WTO law academia and professionals in the USA, the round finally took place in March 4-7, 2008.

The round was formally organised by the Society for Advancement of the North American Regional Round (NARR) in cooperation with the International Law Institute (ILI) in Washington D.C and took place at Georgetown University Law Center. A total of six teams took part with the teams from Duke University and Georgetown University going forward to the FOR in Geneva.

It was clear from the outset that the individual responsible for the organisation, Mr. Zeeshan Hafeez had spent a very significant amount of time and energy on the event. Similarly, the ILI made repeated reassurances that they were both willing and committed to being ELSA's partner in the future for the NARR and asked me to convey that message to ELSA.

The venue for the oral pleadings at Georgetown University Law Center was first-class, just as the small handful of people enthusiastically helping Zeeshan Hafeez went out of their way to attend the needs and comfort of the teams and judges, including by shuttling the teams back and forth between their hotel in Virginia and the law center, picking people up at the airport, etc. Similarly, the organisers were fully aware of the applicable rules for the competition, including as regards time-keeping and the like.

However, some important hick-ups eventually became apparent. The number of confirmed judges fell far short of what was needed. In some instances this was entirely beyond the control of the organiser e.g. as one confirmed judge simply failed to show up and could not be reached, just as another judge had fallen ill. In other instances, the organisers appeared to have relied too much on judges from – or with – affiliations with Georgetown Law Center who for obvious reasons could not serve as judges. This resulted in a last-minute scramble to round up judges and the situation was – to a large extent – only saved by the willingness of Mr. John Magnus to dedicate considerable time himself and to find other judges with moment's notice.

Another issue, which emerged at a late stage, was the fact that organisers did not receive all the written submission grades in time for the competition. This meant that the acting academic supervisor – and international judges - had no choice but to grade several submissions with too little time. This also led to a major delaying in announcing to the teams who would be in the semi finals.

While the NARR was completed without any complaints from the teams, there were several panels, which had only two judges, just as the final panel had only three.

The ranking of the Preliminary Rounds was as follows:

- 1st ranked: Team 003 – University of Ottawa, Faculty of Law (Common law)
- 2nd ranked: Team 036 – Georgetown University, Law Center
- 3rd ranked: Team 040 - Duke University School of Law
- 4th ranked: Team 035 – Valparaiso University, School of Law
- 5th ranked: Team 043 – Howard University School of Law
- 6th ranked: Team 045 - University of Kansas, School of Law

Elimination Rounds

- Semi-Final 1
Team 040 (complainant) vs. Team 003 (respondent). Winner: Team 040
- Semi Final 2
Team 036 (complainant) vs. Team 035 (respondent). Winner: Team 036
- Grand Final
Team 040 (complainant) vs. team 036 (respondent). Winner: Team 040

6. THE NON-ELSA LATIN AMERICAN REGIONAL ROUND

Latin American Regional Round of the ELSA Moot Court Competition on WTO law (the LARR) took place in March 10-14, 2008, at Santo Domingo, Dominican Republic. The round was organised by the Dominican Republic chapter of COLADIC with the venue at the Catholic University. A total of five teams took part, and the teams from the University of Los Andes and the National University Law School of Mexico moved forward to the FOR in Geneva.

The organisers (led by Ms. Paola Pelletier) had spent considerable time and energy in arranging the LARR. The ROC stayed in contact with the IOC and the Academic Supervisor throughout the year. Appropriate timing in fundraising attempts and proper understanding of what are the event requirements for a regional round of an international moot court yielded commendable results.

This year the LARR received the sponsor attention it deserved all along. Inter-American Development Bank has contributed support in funds for event administration purposes, travel expenses and arrangement of the conference, and the European Commission's TradeCom Facility Programme fully sponsored renowned European WTO law experts to act as panelists. WTO has continued its role as an overall Technical Supporter of the EMC² and has delegated its counsels to act as panelists at the LARR.

However, it must be noted that the organisers were not fluent in the EMC² rules. The issue of "practice applicable in other moot courts" arose once in a while not only during the LARR event but also throughout the year (during preparations). Unfortunately, during the event there were also instances where the time-keepers simply did not know the applicable rules, for example indicated the time in a completely different manner than required. This must be prevented in the future.

However, still a number of hick-ups occurred during the LARR event. During the opening ceremony the names of all participating universities were read out. Also, punctuality was an issue which requires significant improvement. The international judges were often left waiting for 30 minutes before being picked up in the morning, no sessions started on time, and the final was delayed for approximately one hour with all judges present, but the teams yet to arrive. In terms of the competition itself the facilities at the university left much to be desired. With the a/c on, no one could hear what was being said, and with the a/c off the humidity and heat became a real issue. Similarly, there was a lot of noise from students in the hall-ways, the cafeteria, and music being played which clearly affected the performance of some teams. Should there be organised a Regional Round in Santo Domingo in the future, serious discussions about an alternative venue should take place.

As regards panelists, the organisers had done a very good job of ensuring that the right number of local panelists was available. However, several of them asked no questions, and one in particular (on the final panel) asked questions which no one (including fellow panelists) could understand, thereby also eating into the teams' allocated time.

Ranking.

The ranking of the Preliminary Rounds was as follows:

- 1st ranked: Team 038 – Pontificia Universidad Javeriana
- 2nd ranked: Team 042 – University of Los Andes
- 3rd ranked: Team 054 - Federal University of Minas Gerais

- 4th ranked: Team 032 – National University of Mexico
- 5th ranked: Team 049 – Universidad del Rosario

Elimination Rounds

- Semi-Final 1
Team 032 (complainant) vs. Team 054 (respondent). Winner: Team 032
- Semi Final 2
Team 042 (complainant) vs. Team 038 (respondent). Winner: Team 042
- Grand Final
Team 032 (complainant) vs. team 042 (respondent). Winner: Team 042

Ieva Zebryte

Academic Supervisor for The Americas

July 14th, 2008

(prepared based on the report by Stefan Amarasinha (Brussels, 6 April 2008), acting Academic Supervisor at the LARR event)

C. INTERNATIONAL WRITTEN ROUND

A) International Written Round Organiser

Finally, the International Written Round, organised by ELSA International, was designed to select teams from WTO Member and Observer States not covered by either the National or Regional Rounds.

B) Academic Quality of the International Written Round

The quality of the documents was equivalent to teams entering via the oral selection rounds. The team who entered the EMC² competition via this mechanism did not have the benefit of orally testing their legal pleadings in front of a panel until the Final Oral Round in Geneva.

Congratulations to all the teams who participated in the competition through the International Written Round!

C) IWR Participant Teams

In 2008 two teams registered for the International Written Round, and one was chosen to proceed to the Final Oral Round. The reason for the small number of teams in the International Written Round is most likely that this year there was a new Regional Round in North America, where a lot of the teams registered for the International Written Round the last few years.

D) IWR Awards

i) Written Submissions Rankings

One team automatically qualified for the Final Oral Round in Geneva.

- 1st ranked: Team 018 – Belarusian State University, Faculty of Law
- 2nd ranked: Team 041 – Belarusian State University, Faculty of Law

ii) Awards

Overall Best Written Submissions of the International Written Round:

- Team 018 – Belarusian State University, Faculty of Law

Best Complainant Written Submission - International Written Round:

- Team 018 – Belarusian State University, Faculty of Law

Best Respondent Written Submission - International Written Round:

- Team 018 – Belarusian State University, Faculty of Law

E) Concluding Remarks

In the ELSA International Council Decision (Budva, October 2003) it was decided that the International Written Round shall continue to be scaled down with new oral selection rounds being established in various regions. This year a sixth Regional Round was organized in North America, and this dramatically decreased the number of teams in the International Written Round. Most likely this tendency will continue

next year, which means that in a couple of years, or maybe even next year, the International Written Round will be removed as a Selection Round for the EMC².

Sincerely,
Ms. Astrid Sollie Skårdalsmo
Vice President Academic Activities
ELSA International

3. THE FINAL ORAL ROUND

PARTICIPANTS OF THE FINAL ORAL ROUND

1st ELSA Regional Round in Pécs, Hungary

Team 026 - Universitetet i Oslo, Norway

Team 006 - Katholieke Universiteit Leuven, Belgium

Team 047 - London School of Economics, United Kingdom

Team 062 - Facultat de Dret de la Universitat de Barcelona, Spain

2nd ELSA Regional Round in Cluj-Napoca, Romania

Team 016 - Martin Luther University Halle-Wittenberg, Germany

Team 023 - HEI - The Graduate Institute of International Studies, Switzerland

Team 009 - Ivan Franko Lviv National University, Ukraine

Team 001 - University of Copenhagen, Denmark

International Written Round

Team 018 - Belarusian State University, Belarus

Non-ELSA Asia Regional Round in Taiwan

Team 010 - National Taiwan University, China

Team 002 - University of Hong Kong, China

Non-ELSA South East Asia & Pacific Regional Round in Adelaide, Australia

Team 012 - Victoria University of Wellington, Law School, New Zealand

Latin American Regional Round in Santo Domingo, Dominican Republic

Team 032 - Universidad Nacional Autónoma de México, Mexico

Team 042 - Universidad de Los Andes, Facultad de Derecho, Colombia

North American Regional Round in Washington DC, USA

Team 036 - Georgetown University, Law Center, USA

Team 040 - Duke University School of Law, USA

In total 16 teams qualified for the Final Oral Round in Geneva.

4. AWARDS

Winner EMC² 2006/2007 – IELPO Award and World Trade Institute Award

- *Team 042 – University of Los Andes, Columbia*

Runner-up EMC² 2006/2007 – Professor Claus-Dieter Ehlermann Award

- *Team 010 – National Taiwan University, China*

Other Semi-Finalists:

- *Team 006 – Katholieke Universiteit Leuven, Belgium*
- *Team 016 – Martin Luther University Halle-Wittenberg, Germany*

Best Orator of the Preliminary Rounds – Cameron May Award

- *Mr. Ding Jing - Team 010 – National Taiwan University, China*

Best Orator of the Elimination Rounds

- *Mr. Santiago Wills Valderama - Team 042 – University of Los Andes, Columbia*

Overall Best Written Submissions of the International Written Round – ELSA Award

- *Team 018 – Belarusian State University, Faculty of International Relations, Belarus*

Best Complainant Written Submission of the International Written Round – ELSA Award

- *Team 018 – Belarusian State University, Faculty of International Relations, Belarus*

Best Respondent Written Submission of the International Written Round – ELSA Award

- *Team 018 – Belarusian State University, Faculty of International Relations, Belarus*

Overall Best Written Submissions - Final Oral Round - WTO Award:

- *Team 016 – Martin Luther University Halle-Wittenberg, Germany*

Best Complainant Written Submission - Professor Gabrielle Marceau Award:

- *Team 016 – Martin Luther University Halle-Wittenberg, Germany*

Best Respondent Written Submission - Valerie Hughes Award:

A. RANKING OF THE 18 PARTICIPATING TEAMS AFTER THE PRELIMINARY ROUNDS

TEAM CODE	Total Complainant Oral Pleading Score	Total Respondent Oral Pleading Score	Overall Oral Pleading Team Score	70% of Overall Oral Pleading Team Score	30% of Overall Written Submission Scores	Total of Oral Pleading Score (70%) & Written Submission Score (30%)
006	255,00	284,00	539,00	377,30	99,55	476,85
010	236,00	281,00	517,00	361,90	100,45	462,35
042	252,00	254,00	506,00	354,20	101,55	455,75
016	244,00	247,00	491,00	343,70	108,75	452,45
036	244,00	245,00	489,00	342,30	97,45	439,75
002	228,00	268,00	496,00	347,20	89,50	436,70
062	245,00	227,00	472,00	330,40	100,20	430,60
040	246,00	236,00	482,00	337,40	87,85	425,25
012	262,00	216,00	478,00	334,60	89,15	423,75
047	229,00	235,00	464,00	324,80	93,00	417,80
023	222,00	204,00	426,00	298,20	102,15	400,35
001	224,00	219,00	443,00	310,10	81,75	391,85
032	240,00	181,00	421,00	294,70	96,90	391,60
026	215,00	215,00	430,00	301,00	89,20	390,20

018	211,00	173,00	384,00	268,80	86,10	354,90
009	204,00	178,00	382,00	267,40	87,00	354,40

The Total Complainant and Respondent Oral Pleading Score is the overall team score from each of the three panelists, added together.

The Overall Oral Pleading Team Score is the Total Complainant Oral Pleading Score and the Total Respondent Oral Pleading Score added together.

Each member of the Panel could assign a maximum score of 100 points: 0-50 being poor, 51-64 being average, 65-84 being good, and 85-100 being excellent. The scores given by each of the Panelists would then be added together.

Therefore, the maximum score for each oral argument any Team presented was 300 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 600 points could have been received by one Team throughout the Preliminary Rounds.

B. BEST ORATORS OF THE PRELIMINARY ROUNDS RANKING

COMPETITOR NAMES	Team number	Total Score for Complainant Presentation	Total Score for Respondent Presentation	Overall Score for Complainant & Respondent Presentation
Ding Jing	010	244,00	286,00	530,00
Destiny Deas	040	259,00	247,00	506,00
Xu Huichao (Sally)	002	241,00	262,00	503,00
Nick Austin	036	247,00	251,00	498,00
Tonje Drevland	026	238,00	247,00	485,00
Christian Vidal	036	246,00	237,00	483,00
Nicolas Lamp	047	231,00	246,00	477,00
Stephen Whittington	012	266,00	210,00	476,00

Daniel Watterson	012	255,00	215,00	470,00
Yam Hon Ching (Ivy)	002	217,00	251,00	468,00
Wan-Yu Chen	010	206,00	260,00	466,00
Emma Meersohn	001	246,00	219,00	465,00
Qaisarah Mulk	001	212,00	246,00	458,00
Martin Luttichau	026	210,00	248,00	458,00
Marta Tsvengrosh	009	265,00	189,00	454,00
Nataliya Maletska	009	246,00	198,00	444,00
Maryia Jahorava	018	228,00	206,00	434,00
Lema Abawi	001	195,00	204,00	399,00
Taras Dmukhorsky	009	234,00	157,00	391,00
Tage Skoghøy	026	203,00	181,00	384,00
Elena Kumashova	018	208,00	175,00	383,00
Amber Jordan	040	156,00	179,00	335,00
Linds Poppe	006	0,00	286,00	286,00
Tsai-Ping Tang	010	0,00	281,00	281,00
Nyago Joseph Kaliuli	006	0,00	269,00	269,00
Tom Horder	012	267,00	0,00	267,00
Juan Pablo Moya	042	0,00	258,00	258,00
Leung Yue Wai (Grace)	002	0,00	257,00	257,00

Aritha Wickramasinghe	047	0,00	257,00	257,00
Alexandra Hafliger	023	256,00	0,00	256,00
Julie Vandeloo	006	253,00	0,00	253,00
Anna Stansky	016	251,00	0,00	251,00
Santiago Valderrama	042	251,00	0,00	251,00
Jose Torres	042	0,00	250,00	250,00
Charlotte Van Haute	006	244,00	0,00	244,00
Marcel Muchter	016	240,00	0,00	240,00
David Chiang	040	0,00	240,00	240,00
Mateo Ferrero	042	240,00	0,00	240,00
Jennifer Hamaoui	062	0,00	240,00	240,00
Caterina Luciani	023	0,00	239,00	239,00
Adrian Verdegay	062	239,00	0,00	239,00
Anna Sethe	016	0,00	236,00	236,00
Vera Coughlan	047	230,00	0,00	230,00
Gaston Gilabert	062	230,00	0,00	230,00
Hanu-Jurgan Hass	016	0,00	229,00	229,00
Luis Castellui	062	0,00	228,00	228,00
Elizabeth Rubio	032	226,00	0,00	226,00
Daniela Altamirano	032	226,00	0,00	226,00

Wei-Jen Chen	010	216,00	0,00	216,00
Chim Ting Cheong (Carter)	002	213,00	0,00	213,00
Kathryn Ilczyszyn	047	0,00	213,00	213,00
Amelia Keene	012	0,00	205,00	205,00
Dominic Boucsein	023	204,00	0,00	204,00
Ryan Mellske	040	200,00	0,00	200,00
Fatine Lemachatti	023	0,00	192,00	192,00
Maria Garcia	032	0,00	181,00	181,00
Jaime Pinzon	032	0,00	178,00	178,00

Please note: According to the Rules of EMC², an orator had to plead twice during the Preliminary Rounds – once as Complainant and once as Respondent to qualify for the Best Orator of the Preliminary Round Awards.

The Total Score for Complainant Presentation is the *individual* score from each of the three judges, added together.

The Total Score for Respondent Presentation is the *individual* score from each of the three judges, added together.

Individual performance of the Teams members was assessed based on the same general criteria as the performance of the Teams' oral pleadings. The Panelists 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 100 points: 0-50 being poor, 51-64 being average, 65-84 being good, and 85-100 being excellent per Team member for an individual performance.

5. APPRECIATION

A. 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.

They consult with the IOC, promote the Competition commissioning their own reputation, and overall supporting the EMC² however they can. ELSA and the IOC are extremely humbled by such devotion and attention to the Competition.

Ms. Kerry Allbeury (WTO Legal Affairs Division, Switzerland)

Mr. Stefan Amarasinha (European Commission Directorate-General for Trade, Belgium)

Dr. Arthur Appleton (Appleton Luff, Switzerland)

Ms. Vassiliki Avgoustidi (Gide Loyrette Nouel, Belgium)

Prof. Luiz Olavo Baptista (WTO Appellate Body Member, Brazil)

Prof. (Dr.) Carl Baudenbacher (University of St Gallen and President of the EFTA Court, Switzerland)

Ms. Natalia Bayurova (White & Case, Russia)

Mr. Georg Berrisch (Covington & Burling, Belgium)

Dr. Jan Bohanes (Sidley Austin Geneva, Switzerland)

Prof. Peter Van Den Bossche (University of Maastricht, the Netherlands)

Prof. Jacques Bourgeois (WilmerHale, Belgium)

Dr. Marco Bronckers (WilmerHale, Belgium)

Mr. Matt Bushehri (International Trade Law Institute, Spain)

Mr. Jorge Castro (WTO Legal Affairs Division, Switzerland)

Prof. Thomas Cottier (University of Berne, WTI, Switzerland)

Ms. Victoria Donaldson (WTO Appellate Body Secretariat, Switzerland)

Prof. Piet Eeckhout (King's College London, United Kingdom)

Prof. Claus-Dieter Ehlermann (WilmerHale, Belgium)

Mr. Lothar Ehring (European Commission Directorate-General for Trade, Belgium)

Prof. Frank Emmert (Indiana University School of Law, USA)

Prof. Mary Footer (University of Nottingham, United Kingdom)

Mr. Todd J. Friedbacher (Sidley Austin, Switzerland)

Dr. David A. Gantz (The University of Arizona, Rogers College of Law, USA)

Ms. Pettina Gappah (Advisory Centre on the WTO Law, Switzerland)

Mr. Folkert Graafisma (Vermulst Waer & Verhaeghe, Belgium)

Prof. Heinz Hauser (University of St. Gallen, Switzerland)

Prof. Robert Howse (Michigan University, USA)

Ms. Valerie Hughes (Gowlings Law Firm, Ottawa, Canada)

Mr. Alejandro Jara (WTO Deputy Director-General, Switzerland)

Mr. Payman Jassim (White & Case Geneva, Switzerland)

Ms. Aegyung Jung (WTO Legal Affairs Division, Switzerland)

Mr. Sufian Jusuh (World Trade Institute, University of Berne, Switzerland)

Prof. Christine Breining- Kaufmann (University of Zurich, Switzerland)

Mr. Pierre Latrille (WTO Trade in Services Division, Switzerland)

Prof. Margret Liang (WTO Consultant, Ministry of Foreign Affairs, Singapore)

Prof. Chang-fa Lo (Executive Director, Asian Centre for WTO Law & International Health Policy, Taiwan)

Mr. David Luff (Appleton Luff, Belgium)

Prof. (Dr.) Gabrielle Marceau (University of Geneva and WTO Director-General's Cabinet, Switzerland)

Mr. Philip Marsden (The British Institute of International and Comparative Law, United Kingdom)

Dr. James H. Mathis (University of Amsterdam, the Netherlands)

Prof. Mitsuo Matsushita (University of Tokyo, Japan)

Ms. Teisha Mattison (WTO Institute for Training and Technical Cooperation, Switzerland)

Prof. Petros Mavroidis (University of Neuchatel, Switzerland)

Ms. Natalie McNelis (WilmerHale, Belgium)

Mr. Niall Meagher (Advisory Centre on WTO Law, Switzerland)

Dr. Andrew Mitchell (University of Melbourne, Australia)

Prof. Elisabetta Montaguti (European Commission Legal Service, Belgium)

Mr. Peter Morrison (WTO Trade in Services Division, Switzerland)

Dr. Laura Nielsen (University of Copenhagen, Denmark)

Mr. Hunter Nottage (Advisory Centre on WTO Law, Switzerland)

Mr. Bernard O'Connor (O'Connor and Company – European Lawyers, Belgium)

Ms. Barbara Oliveira (WTO Institute for Training and Technical Cooperation, Switzerland)

Mr. Serge Pannatier (Baker & McKenzie, Switzerland)

Prof. Joost Pauwelyn (Graduate Institute of International Studies Geneva, Switzerland)

Mrs. Maria J. Pereyra-Friedrichsen (WTO Legal Affairs Division, Switzerland)

Dr. Christian Pitschas (WTI Advisors, Switzerland)

Mrs. Letizia Raschella-Sergi (Institute for International Trade—University of Adelaide, Australia)

Ms Jan Yves Remy (WTO Appellate Body Secretariat, Switzerland)

Dr. Roberto Rios-Herran (Richardson Rios Olechowski International Lawyers, Poland)

Ms. Edna Ramírez Robles (Visiting Research, Institute for International Economic Law, Georgetown University, USA)

Prof. Giorgio Sacerdoti (WTO Appellate Body Member, Italy)

Ms Tatjana Sachse (Sidley Austin, Switzerland)

Mr. Iain Sandford (Minter Ellison, Australia)

Mr. Hannes Schloemann (WTI Advisors, Switzerland)

Dr. Soren Schonberg (European Commission Directorate-General for Trade, Belgium)

Ms Yulia S. Selivanova (Energy Charter Secretariat, Belgium)

Mr. Andreas Sennekamp (WTO Appellate Body Secretariat, Switzerland)

Mr. Andrew Stoler (Executive Director for Institute for International Trade – University of Adelaide, Australia)

Prof. Christian Tietje (University of Halle, Germany)

Mr. Raul Torres (WTO Development Division, Switzerland)

Prof. Joel Trachtman (Tufts University, USA)

Ms Lee Tuthill (WTO Trade in Services Division, Switzerland)

Mr. Arun Venkataraman (The United States Trade Representative, USA)

Dr. Tania Voon (University of Melbourne, Australia)

Mrs. Jayashree Watal (WTO Intellectual Property Division, Switzerland)

Mr. Jasper Wauters (White & Case, Switzerland)

Prof. Rolf Weber (University of Zurich, Switzerland)

Prof. Jan Wouters (Katholieke Universiteit Leuven, Belgium)

Ms. Ruta Zarnauskaite (European Commission Directorate-General for Trade, Belgium)

Mr. Jorge A. Huerta Goldman (Mission of Mexico to the WTO, Switzerland)

Dr. Bugge Daniel (University of Southern Denmark, Denmark)

Mr. Pablo Bentes (WTO Appellate Body Secretariat, Switzerland)

Mr. Werner Zdouc (Director, WTO Appellate Body Secretariat, Switzerland)

B. SPONSORS OF THE EMC² 2007/2008

EMC² Partner

University of Barcelona - IELPO

The University of Barcelona's new **Masters of Law in International Economic Law and Policy (LL.M. IELPO)** features 33 weeks of learning from many of the most renowned experts drawn from leading law and economics faculties, international organisations, and research centres around the world. The IELPO LLM will prove attractive to students with a background in law, economics and/or international relations and whose professional interests include international legal practice, economic diplomacy, public sector consulting as well as careers in leading regional and international organizations.

University of Barcelona is the youngest Partner of the competition and has supported the competition by giving a monetary contribution as well as with the IELPO Awards for the Winning Team (100 hours of the LLM programme) and a prize for the runner up (60 hours of the LLM programme).

World Trade Institute

The World Trade Institute (WTI) is a centre of advanced studies and a forum for interdisciplinary research and teaching in international trade law and economics, fostering interaction between students and professionals, and allowing researchers and practitioners to pool their expertise.

WTI has supported the EMC² 2007/2008 by giving a monetary contribution as well as providing WTI summer courses as prizes to the EMC² Winning team members.

EMC² Publishing Partner

Cameron May

Cameron May is a publishing company specialising in International Trade, Criminal and Environmental Law. Founded in 1992, Cameron May is considered by experts in the field to be the leading publisher of material on the legal implications of the World Trade Organisation. They have a particular expertise in the nexus between trade and environment.

They are the publishers of the journals: International Trade Law Reports, China Trade Law and Practice, International Criminal Law Reports all of which are leaders in their fields.

Cameron May has supported the EMC² 2007/2008 by giving a monetary contribution as well as by donating books as prizes for the participants of the competition.

EMC² Sponsors

O'Connor and Company – European Lawyers

O'Connor and Company – European Lawyers is one of the few independent law firms specialising in EC and International Trade Law in Brussels. The areas of practice of the firm are competition and trade with an important emphasis on regulatory law and litigation.

O'Connor and Company has supported the EMC² 2007/2008 by providing a monetary contribution.

Sidley Austin LLP

With over 1,600 lawyers and 15 offices in Europe, North America and Asia, Sidley Austin LLP is one of the world's largest law firms. Sidley combines practical experience, in-depth knowledge and a commitment to the highest quality to provide a broad range of legal services to meet the needs of their clients. Sidley Austin LLP has supported the EMC² 2006/2007 by providing a monetary contribution and judges for the competition.

White & Case LLP

White & Case is a global law firm with over 2,000 lawyers working in a unique network of offices in 23 countries across Europe, the Middle East, Africa, Asia and the Americas. International practice is the foundation of their firm, and their clients include public and privately held commercial businesses and financial institutions, governments and state-owned entities, industry and trade associations and NGOs. White & Case has supported the EMC² 2007/2008 by providing a monetary contribution and judges for the competition.

Baker & McKenzie

Baker & McKenzie is one of the world's largest law firms with more than 3,500 lawyers and 70 offices in 38 countries worldwide. Baker & McKenzie has been helping companies thrive in international commerce for more than half a century. Nearly 200 lawyers in its Global International/Commercial Practice Group make sure Baker & McKenzie's knowledge is current and the skills relevant, reliable and deep. Baker & McKenzie supported the EMC² 2007/2008 by providing a monetary contribution and judges for the competition.

C. ACADEMIC SUPERVISORS FOR THE EMC² 2006/2007

We would also like to thank our Academic Supervisors for all the help they have provided us during the year we worked on the Organising of the EMC². Without their help, we would not have managed to conduct this wonderful event:

Ms. Ieva Zebryte - EMC² - Academic Supervisor for the Americas

Mrs. Letizia Raschella-Sergi - EMC² Academic Supervisor for Asia-Pacific

Dr. Laura Nielsen - EMC² Academic Supervisor for Europe and Africa

D. MEMBERS OF THE INTERNATIONAL ORGANISING COMMITTEE

Last of all, a word of thanks should be given to all those ELSA Members who helped organise the event and turn the EMC² into a point of pride for the whole network:

Ms. Astrid Sollie Skårdalsmo

Mr. Koen Klootwijk

Mr. Matthias Stauffacher

Ms. Lavinia Micallef

Mr. Daniel Azzopardi

Prof. Enis Mehmet Burdurlu

Ms. Delia Orabona

Mr. João Thiago Rocha Ferreira

Mr. Morten Rydningen

Mr. Zeeshan Hafez

Ms. Dina Tanco

Ms. Sandra Gruber

Ms. Katarzyna Karpiuk

Ms. Maria Moguilnaia

Ms. Anna Ziemnicka

Ms. Susana Aléson