

**APPOINTMENT OF APPELLATE BODY MEMBERS  
STATEMENT BY THE CHAIRMAN OF THE  
DISPUTE SETTLEMENT BODY  
12 MARCH 2001**

On 10 December this year the contracts of three of the present members of the Appellate Body will expire. The three members who will conclude their terms are: Claus-Dieter Ehlermann; Florentino Feliciano and Julio Lacarté-Muro.

You will recall that under Article 17.3 of the Dispute Settlement Understanding "... The Appellate Body shall comprise persons of recognized authority, with demonstrated expertise in law, international trade and the subject-matter of the covered agreements generally. They shall be unaffiliated with any government. The Appellate Body membership shall be broadly representative of the membership in the WTO...".

Procedures for the selection of Appellate Body members are set out in the decision of the Dispute Settlement Body of 10 February 1995. The appointments are made by the DSB. A joint proposal is put to the DSB, after appropriate consultations, by a selection committee comprising the Director-General, the Chair of the DSB, the Chairs of the General, Goods, Services and TRIPs Councils. Suggestions for candidates can be forwarded by delegations to the Director-General.

With the termination of the three Appellate Body members' terms on 10 December, a time-frame needs to be decided upon for the commencement and conclusion of the selection process. Factors to be taken into account in this connection include the northern summer break in August, and also the fact that the WTO Ministerial in Qatar is to be held in November. It is probably fair to assume that, after the summer break, considerable time will be devoted by delegations to preparations for the Ministerial. In addition, were the decision of the DSB on the appointments to be made after the November Ministerial, there would be little more than three weeks before the expiry of the existing three contracts. This would put considerable pressure on signing of the new contracts, on the reasonable time necessary to familiarize the new members with Appellate Body procedures, and on allowing for a smooth transition.

On this basis, therefore, I would like to propose to you for consideration at our next regular DSB meeting that we adopt the following 15 week time-frame for the appointment of the three new members of the Appellate Body:

- Invitation to forward nominations to the Director-General from 17 April 2001, with the deadline for nominations closing on 15 June 2001.
- Start of the Selection Committee's work on 22 June 2001.
- Possible decision by the DSB on the appointees on approximately 27 July 2001.

This timetable would hopefully allow for a well-ordered appointment process allowing the Appellate Body to operate effectively and with a smooth changeover from 11 December 2001.

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