

The Giorgio Sacerdoti/Florentino Feliciano Collection of WTO Appellate Body Papers (1995- 2009)

Inaugural event

WTI

Bern, 22 May 2023

Ladies and gentlemen,

A warm welcome to all of you, on-site and online, to this important event to mark the inauguration of the Giorgio Sacerdoti/Florentino Feliciano Collection of WTO Appellate Body Papers.

This is a proud moment for the World Trade Institute as it is now the custodian of a truly unique collection of documents on a courageous and, for a long time, successful, but now sadly aborted experiment with the rule of law in international trade relations. The WTI considers it important to preserve the documents in this Collection for future generations of scholars, who may be interested in consulting these documents, access to which is subject to a number of restrictions due to the confidential nature of some of them.

The Sacerdoti/Feliciano Collection consists of 196 binders of documents relating to the work of the Appellate Body between 1995 and 2009 and is made up of the personal archives of two prominent

former Appellate Body members: Prof. em. Giorgio Sacerdoti and Justice Florentino Feliciano.

Justice Feliciano served on the Appellate Body from 1995 to 2001. Before joining the Appellate Body, Feliciano was a Senior Associate Justice of the Supreme Court of the Philippines. Before becoming a Supreme Court justice, he was, for more than 20 years, a senior partner in one of the Philippines' top law firms. He studied at the University of the Philippines and at Yale University and also taught at both universities. Before and after serving on the Appellate Body, he was an arbitrator in many international trade, investment and commercial disputes. I had the privilege to work for him as an Appellate Body staff lawyer, and while very demanding, he was the best mentor one could wish for. Sadly, Justice Feliciano passed away in 2015.

Prof. Sacerdoti served on the Appellate Body from 2001 to 2009. He has been, since 1986, a professor of International Law and European Law at one of Europe's best universities, Bocconi University in Milan. Before joining the Appellate Body, Sacerdoti was, among many other things, Vice-Chairman of the OECD Working Group on Bribery in International Business Transactions and was one of the drafters of the OECD Anticorruption Convention of 1997. Sacerdoti has often served, and continues to serve, as arbitrator in international commercial and investment disputes. He studied at the University of Milan and at the Columbia Law School in New York. I never had the pleasure of working for Prof. Sacerdoti since he joined the Appellate Body a few months after I left the

Appellate Body Secretariat, but I was very proud to be his successor as European Appellate Body Member, and was very happy to take over his apartment in Geneva at the end of 2009.

To mark the inauguration of the Sacerdoti/Feliciano Collection, Prof. Sacerdoti agreed to share with us some thoughts on the demise of the Appellate Body and the difficult position of binding international arbitration in times of geo-political fragmentation. Following his address, there will be an opportunity to ask questions and engage in a discussion on the future of WTO appellate review.

Subsequently, we will proceed to officially unlock the room in which the Collection is kept, after which we will conclude this inaugural event with drinks, to which all those present on-site are cordially invited. However, first things first, and it is with much pleasure and anticipation that I now give the floor to Prof. Sacerdoti.