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Verbatim Report

[VERBATIM REPORT]

STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE

TREATY/AGREEMENT

PROTOCOL OF ACCESSION TO ACWL

ENTITY: Ministry of Foreign Affairs & External Trade
VENUE: Big Committee Room (East Wing)
DATE: Fri day, 8th May, 2026

VERBATIM REPORT OF THE MEETING OF THE STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE HELD AT THE COMMITTEE ROOM (EAST WING), PARLIAMENT PRECINCTS, GOVERNMENT BUILDINGS, ON FRIDAY, 8TH MAY, 2026, AT 9.02 A.M.

Present

- | | | | | |
|-----|-------------------------|---|--------------------|--------------------------|
| (1) | Hon. L.S. Qereqeretabua | - | Chairperson | |
| (2) | Hon. R.R. Sharma | - | Deputy Chairperson | |
| (3) | Hon. P.K. Ravunawa | - | Member | (4) Hon. I. Tuiwailevu - |
| | | | Member | |
| (5) | Hon. T.R. Matasawalevu | - | Member | |
| (6) | Hon. V. Lal | - | Member | |

Interviewee/Submittee: Ministry of Foreign Affairs and External Trade In Attendance:

- | | | | |
|-----|---------------------------|---|----------------------|
| (1) | Ms. Deepika Singh | - | Director Trade |
| (2) | Mr. Robakeibau Nayacalevu | - | Trade Policy Officer |
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MADAM CHAIRPERSON.- Good morning, honourable Members, and the Team from the Ministry of Foreign Affairs and External Trade. We would like you to underline for us why Fiji should sign the Agreement.

MS. D. SINGH.- First of all, good morning and *bula vinaka*, Madam Chairperson and honourable Members of the Committee. Thank you for the opportunity to appear before this Standing Committee and presenting on our proposed accession to the Advisory Centre on the World Trade Organization (WTO) Law (ACWL). We have prepared a presentation. I hope it is not too long, but just bear with me, because it has been very thoughtfully prepared in order for the Committee to understand the full breadth of what this proposal entails and why we are proposing for this accession.

Before we get into the substance, let me briefly orient the Committee on what we will be covering in this presentation throughout. This particular slide actually maps out 10 sections of today's presentation, and I would like to take a brief moment to walk you through the logic of how we have structured this and the flow is very deliberate.

We will begin with the context, and then we look at the architecture of the World Trade Organization's Agreements themselves, because to understand ACWL's value, the Committee needs to appreciate the entire breadth and complexity of the trade legal system that Fiji is part of, as one of the 166 member-countries of the WTO. From there, we will turn to the challenge and then go into the introduction of the WTO itself.

We will then make the case, specifically for Fiji in terms of why we are proposing this accession, and from there, we have also looked at some case studies of real WTO disputes where developing countries, like Fiji, had taken dispute settlement cases to the Dispute Settlement Understanding (DSU) with the support of ACWL, and had successfully defended their trade interests against major economic powers. We will close with the risk of not acting in terms of acceding and the strategic alignment with Fiji's national interest and, hence, the Ministry's recommendation on this accession. Before I turn to the ACWL specifically, I want to establish the foundation, because understanding why we should accede to ACWL requires the understanding of why WTO matters to

Fiji in the first place.

The WTO was established on 1st January, 1995. It replaced the older system of General Agreement on Tariffs and Trade (GATT), which had governed international trade since 1947, and this is the aftermath of World War II. Why we have always remembered this aspect is because GATT was actually created to create that strong dependability amongst member-countries so that they would depend on each other for economic reasons and, hence, would not go to war. It was a peace project also, apart from it just being a trading institute.

The WTO's founding purpose was very clear and deliberate - it was to create a permanent rules-based multilateral trading system that ensured that global trade flows very smoothly, there is predictability and as free as possible without any barriers. Most critically, it was to give all countries – regardless of size and economic power – the legal and forcible rights in international trade. The last phrase that you see on the top banner talks about legally enforceable rights, which is very important because with the WTO system, Fiji has legal rights that need to be defended and enforced.

Fiji, of course, is not a late comer to the system – the WTO. We had joined this as one of the founding members in 1996. For nearly 30 years now, Fiji has been bound by and entitled to the full framework of the WTO rights and obligations. We participate in the WTO councils, the committees, the negotiations across goods, services and intellectual property rights, and we have also helped shape the system as much as possible in accordance with our own resources and capabilities. It was designed specifically to serve countries like us, to give us equal footing. If you look at the third column, we have outlined what the WTO actually protects for Fiji, as a Small Island Developing State, with limited resources and capabilities, obviously.

The first important principle in the WTO is the Special and Differential Treatment (SDT). This is a WTO rule which is specifically designed for developing countries and Least Developing Countries (LDCs), which gives us longer transition periods, special safeguards, technical assistance or capacity building to meet certain commitments, and this is very important for us. If there are any negotiations or agreements agreed to, we embed those SDT provisions so that we have longer time periods to comply with those commitments.

The second is it provides predictability in terms of market access. When we talk about market access, it is how you export goods to another country. The rules need to be predictable so that for exporters, the rules of the game do not change on a daily basis. You know exactly how much tariff you are going to pay and what licences you need to submit to the other country, for example, Australia. It provides that predictability because under the obligations of transparency for WTO, if your trade rules change, for example, if Fiji was changing certain licensing requirements or import conditions, we need to officially notify our WTO members. That is how we keep the predictable environment operating effectively.

The third one is, obviously, the dispute settlement process. This is very important because every WTO member, regardless of what size, have the legal right to challenge trade violations. Fiji can, in principle, for example, take the European Union or the United States of America or Australia or any other major economic power, to the WTO panel. This is an extraordinary right, because the right to demand accountability from the world's largest economies under internationally binding legal framework, is very important.

The last one is trade policy predictability. Again, WTO rules also create a stable and transparent environment for Fiji's exports, and this is very important for a small country like ours. Fiji has held these rights for nearly 30 years. The question that we have now started to ask is whether Fiji has the practical capacity to use them, not just fulfil our obligations, but demand our rights to be also upheld. That is where Fiji's accession to the ACWL becomes strategically important.

Madam Chairperson, this slide helps to just simplify what is often misunderstood about the legal structure of the WTO. I will not go into the details. This is just provided to give you a pictorial oversight of how the WTO is not governed by a single agreement. It has a very highly complex legal system, made up of numerous agreements, which covers goods, services, intellectual property rights, customs, subsidies, standards, dispute settlement, fisheries, and many, many other areas which are now coming into the WTO international trade space. We believe there are around 20 core legal to 30 core legal instruments, and navigating these agreements increasingly requires specialised legal trade expertise.

Again, without going too much into the details, this is just the trade in goods aspect. It is the largest component of the WTO legal architecture which includes disciplines, such as agriculturerelated disciplines, fisheries, subsidies, technical barriers to trade, and sanitary and phytosanitary measures, which is, obviously, administered by the Biosecurity Authority of Fiji in our country or any other agriculture-equivalent agencies. We have things like anti-dumping laws, customs procedures and trade facilitation. This is, again, increasingly being introduced every 2 years or 20 years, however long it actually takes. These directly affect Fiji's trade, whether exports or imports. We need to comply with all these sets of rules and regulations because we are members of the WTO.

Building on this overview of the WTO and the WTO agreements, it is important to situate Fiji's engagement with the broader global trading environment in which these rules operate. As I have mentioned, Fiji is a small, open and highly trade-dependent economy, and our growth in the export sector relies on a stable and predictable rules-based trading system so that the rules of the game do not change on a daily basis.

However, that system is becoming increasingly complex and legally demanding. We are seeing a number of key shifts - global protectionism is rising, we have seen recently what has been happening with the US and other countries, and with the increased use of tariff and non-tariff barriers. At the same time, there are also new environment-related trade measures that are being introduced, such as Carbon Border Adjustment Mechanism (CBAM). The EU has recently also in talks with a number of countries about introducing deforestation regulations and other emerging issues that are being intersected with trade and introducing also new compliance and legal challenges for all our exports.

In parallel, we have product standards, particularly sanitary and phytosanitary and technical requirements. They are also becoming increasingly very stringent, and these are directly affecting our exports such as agriculture, fisheries and even niche products, like *kava*. The agreement related to the technical barriers of trade actually deals with things such as, the way you label your product, what goes in your labelling and what size the labelling should be. These are very complex architecture that everyday exporters have to navigate. There are very real and current challenges that, we, as policy makers and trade negotiators, also face on a daily basis and have to deal with in terms of whenever we liaise with trade partners.

The WTO agreements grant every member, whether it is United States or Fiji, equal rights under its rules. However, this is more on paper – we are equals but this is a very different reality. On one side, you see wealthy trading nations that have dedicated in-house WTO legal teams who are specialised trade lawyers, and they have staff in Geneva Missions with specialised trade skills, and they budget millions annually for external WTO councils. They have years of accumulated case experience because they often go to dispute settlement related hearings. They can strategically choose whether and when to initiate disputes and how to defend themselves. Just for the record, Fiji has never been taken to dispute so far, and we have never pursued any dispute settlement with any of the other trading partners. However, this is for now.

On the other side, Small Island Developing States (SIDS) like Fiji, that have limited or no specialised WTO legal staff, our Geneva Mission actually handles all multilateral work across all institutions that are in Geneva, from human rights to ILO to WHO to ITU to WTO (I might be missing a few), so the option then that becomes available to us is engaging a private WTO law firm which costs between 300 Swiss francs to 700 Swiss francs per hour. If you convert this into Fijian, it is multiplied by three.

If a single WTO dispute can cost around \$1 million Swiss francs to \$2.5 million Swiss francs, or sometimes even more depending on how long it takes and how complicated the case is, without the legal support and we react late, we accept the outcomes that are actually shaped by others and our negotiation leverage becomes fundamentally weaker. This is simply the reason or the reality that small economies face in these multilateral settings. We often become rule takers then shaping most of the rules.

Having outlined these challenges, the next question is; how do developing countries, like Fiji, effectively protect and exercise their WTO rights within the scope of this complex legal system of the WTO? This is where the ACWL was created specifically, to address this imbalance. The ACWL gives Fiji access to the same quality of legal expertise as the world's largest trading nations at a fraction of the cost. If you see the Agreement establishing the ACWL, the very first preamble of the Agreement – the first paragraph – talks about this imbalance and why the ACWL was created.

The ACWL is an independent inter-governmental organisation which was established back in 2001 and is headquartered or based in Geneva. Importantly, while it works closely with the WTO system, it is separate and independent from the WTO. The ACWL was also created to address the fundamental imbalance that global countries face in the global trading system.

Although all WTO members formally have equal rights and obligations, not all countries have equal capacity to defend them. Large economies can afford specialised trade lawyers and litigation teams, but many of us cannot do that. The ACWL's responsibility or main ambition is to bridge that gap by providing developing countries with affordable legal advice, WTO dispute settlement support, and provide capacity building and training for officials so that they build the capacity within those countries and institutions so that in future, we are able to use our own officials to navigate this complex legal landscape.

In terms of governance, the ACWL is overseen by a General Assembly, which comprises of all members in least developed countries and developed countries. I think there are 20 members of developed countries, and then there are also around 42 or 43 developing countries who are members at the moment. That is what makes the General Council.

Then the ACWL also has a Management Board, which includes representation from developed country members, developing countries and, again, the least developed countries. The balance structure is important because it ensures that the interests and perspectives of developing countries remain central to the institution's work and the direction that they are taking.

In terms of day-to-day operations, they appoint an Executive Director who has a team of legal and specialised trade lawyers or experts, who are also based in Geneva. It is not a very big team, but they have a lot of resources in terms of that. In terms of financing, the ACWL operates through a combination of an Endowment Fund. They charge dispute settlement fees, which is much more subsidised, and they also get contributions from developed country members.

I think, recently, two of the developed country members, the UK and Germany, contributed around \$1 million to this Fund to keep it sustainable and running. This financial structure is significant because it allows the organisation to provide legal services to the developing countries at very heavily subsidised rates, compared to if we have to go to a commercial international law firm.

We are briefly and capturing how the accession process happens. It has two sides. It is explaining who is entitled to accede and how, and on the right, it shows about the picture of a onetime financial contribution and what this looks like for each category of country.

The first pathway is for developing countries, such as Fiji. We can become a member of the ACWL. All we need to do is sign the Protocol of Accession and make a one-time contribution to ACWL's Endowment Fund, and that is it. We then become a member. Fortunately for us, Australia and New Zealand have jointly offered to take care of this one-time accession fee, which is 43,000 Swiss francs. They have also offered this to the other Pacific WTO member-countries and recently, Samoa has acceded. This offer was made during the 13th Ministerial Conference of the WTO.

The second pathway is for LDCs that are already WTO members. They have an automatic entitlement to the ACWL and do not need to go through the same process as developing countries. They neither need to accede nor provide any contribution. Simply, they just have to request for the service.

One of the other things I wanted to also mention is that Fiji is explicitly named in the annex of the Agreement establishing the ACWL in the original treaty, which was signed in 1999. I think the drafters of that Agreement had actually anticipated that Fiji might, in future, join this platform. It made it an even important point.

I will turn to the contribution table (slide) to explain what it means. The ACWL divides developing countries into three categories – A, B, and C. Based on each country's share of world trade and Gross National Product (GNP) per capita, they have divided those countries. That actually determines the one-time contribution and that countries that fall in these categories, need to pay, and the fees also which they will have to pay if they have to employ the dispute settlement support.

Fiji falls into Category C, which consists of countries with less than 0.15 percent of world trade, making our contribution of 43,000 Swiss francs. I think it used to be a bit higher but in 2024, the ACWL General Assembly made a specific decision where all small and vulnerable economies which fall in Category C, to pay a further reduced amount for accession. It used to be around 60,000 Swiss francs.

We also wanted to show in practical terms the types of work that ACWL does, which we can relate to. Of course, at its core, it provides at least six key services that directly strengthen our ability to operate in the global trading system.

First is the legal expert for WTO-related advice, and this is provided free of charge. This means that before we introduce, for example, any domestic regulation that intersects with trade or enter into any trade negotiations or take a position in Geneva during the Ministry of Conferences, we can go to WTO and ask legal analysis or alignment in terms of WTO obligations, and they would provide this free of cost. Without this membership, the same advice, if we had to go to a private counsel, would have charged us 20,000 Swiss francs or 50,000 Swiss francs, depending on how complicated their advice was.

It also provides free dispute legal assessment. This is before you go into a dispute. If Fiji, before it decides to commit to a costly litigation, we could go to ACWL and they would provide us with legal evaluation of a particular case at no cost and help us determine whether or not to pursue that dispute and if they are actually justified it. It also then provides us, naturally, with the dispute settlement representation. If Fiji was taken to dispute settlement, they would represent us and ACWL would actually subsidise the legal expertise who are working on these cases.

The other aspect, which is also very important, is again, capacity building and training. This means they will provide free WTO low-cost trainings in Geneva, technical workshops, and provide nine-months secondment programmes where Fijian officials could work directly alongside WTO lawyers on actual live cases and help build lasting in-house expertise as well.

Overall, it is a very cost-efficient system, and it reduces our reliance on external counsel. Instead of relying on commercial lawyers, since we are members, if we were to look at a particular advisory, the cost would be as low as 162 Swiss francs per hour if there was no formal dispute work.

The slide shows practical terms, the day-to-day advice, we, as government, could reach out to the ACWL and ask in terms of managing trade policy and protecting our market access. For example, we can seek advice on whether a proposed domestic regulation is consistent with

WTO obligations before it is enacted and before someone takes us to dispute. It is a very proactive way of engaging with them. We thought it would be also important to outline the mandate limits of the ACWL. It provides services exclusively to developing and least developing countries only but developed countries cannot access their services.

We are capturing why Fiji specifically needs this. Every small economy faces this challenge, but Fiji faces them in ways that are very specific and immediate. Last year, the WTO Fisheries Subsidies Agreement entered into force in September 2025. It is a landmark – new obligation – and its disciplines are quite new. Governments are trying to understand its implementation-wise, what the obligations are, how does it impact commercial fisheries industries, et cetera. It gives us an opportunity to access the advice from ACWL in terms of how we navigate this.

We have also new and upcoming challenges that we hear on a daily basis from our exporters whenever they reach out to us or we have meetings with them on the changes to the regulations in terms of even things like packaging, tariff classification and environmental standards being introduced. These are some of the questions we can go to the ACWL with.

One of the examples that we wanted to also provide that hits home is also the kava sector, which faces a number of regulatory barriers around the world. Most of the countries globally, including the European Union, have placed bans on kava, and this emanated out of the 2000 or 2001 ban which Germany had introduced. In essence, it will also help us navigate this particular question in terms of whether or not the countries that have banned kava access are legitimate, and how do they comply with the WTO settings.

In terms of negotiations, if Fiji is participating in certain multilateral trade talks, we can get quality legal analysis of the negotiation positions. I think at one point in time, even though we were not members, we were in a negotiation setting for an agreement which was called the Agreement on Climate Change, Trade and Sustainability. At that point in time, Costa Rica was a member, and they reached out to ACWL to get an advice whether the setting of that Agreement was WTO compliant. They issued pages of legal analysis and advice in terms of what it means. These are some of the examples on how we can utilise ACWL to our advantage.

In terms of the financial case for accession, I believe the numbers on this slide make the most compelling argument of why we should accede. If you look at the four headline figures on the top of the slide, legal advice as an ACWL member - zero cost, it does not cost us anything. If we went for the dispute settlement rate, Fiji, as a category C member, charges would be around 162 Swiss francs per hour. Compare that to an outside setting, to a commercial or private firm – 300 Swiss francs to 700 Swiss francs. The cost saving angle is also there. In terms of the various other types of WTO opinion, WTO consultations, panel

proceedings, even the appellate body proceedings, right to the full-blown dispute settlement, there is a significant amount of cost differential and benefit that Fiji can get out of this accession.

As I had been mentioning, the training part is also very important because it is provided free of charge. The only cost we had, at this point in time, was the accession cost, which had also been covered by Australia and New Zealand, so we have zero cost for accession.

We thought to show some examples of how the ACWL has delivered results for small countries. We had looked at a few case studies. We thought these were interesting. The first one is the case study of Antigua and Barbuda, which took the United States to dispute. This was a dispute on gambling services. It was one of the very well-known examples in the WTO system. So, Antigua and Barbuda is actually a very small country and has around a population of 100,000 people, so they have extremely limited resources. They took the US to dispute over restriction on cross-border gambling and betting services.

The case challenged the US measures that effectively blocked Antigua's based online gambling operators from accessing the US market. Despite commitments made by the US at WTO, under the GATTs, that they would liberalise this service and despite the enormous asymmetry in the size and the legal capacity of both countries, Antigua was able to secure a ruling that the US has, indeed, violated the WTO obligations. While the enforcement was complex, the legal finding itself was quite a landmark decision, because it confirmed that even the world's largest economies are bound by WTO commitments, therefore, they need to uphold and be accountable for these obligations.

The second case study was Guatemala versus Peru. This was more on agricultural duties, where Guatemala had challenged Peru over additional duties, which were imposed on agricultural imports into the country. Peru had introduced a price-based import duty that had affected agricultural products, and Guatemala had argued that these measures were not consistent with WTO.

What is important in this case was the level of legal engagement. Guatemala had relied on ACWL support throughout the entire process – from the initial consultation stage to the panel proceedings to the litigation stage. Obviously, they also had favourable findings where Peru's measures were also found to be inconsistent with WTO obligations.

The final case study that we thought is also a good example of how the ACWL was utilised was the Brazil versus Canada – aircraft subsidies case. This is one of the other most strategically important subsidy disputes in the history of WTO where Brazil had challenged Canada's support to its regional aircraft industry. It had argued that it constituted prohibited export

subsidies under the WTO law. The ACWL lawyers actually supported Brazil, and they navigated this very complex subsidy case. The WTO found that Canada's subsidy arrangements were inconsistent and had, therefore, directed them to remedy that issue. Those are some of the cases that we thought to bring to the attention.

On the risk of acceding or not acceding, let me take a moment to also explain what happens if Fiji does not accede. Firstly, it means limited capacity to challenge unfair trade measures, and we deal with this on a daily basis. If a trading partner imposes restrictions on Fiji's exports, our rights under the WTO still exist, but without access to specialised legal support, we would struggle to enforce them in practice.

Secondly, it means delayed and weaker responses. The processes at WTO are very timebound and very procedural, so when a dispute settlement consultation is actually initiated, they are time-bound strict restrictions in terms of when the responses happen, when the complainant response is prepared, or within what timeline the respondent needs to come back. It is very strict in terms of timeline. So, without any legal support, Fiji is responding late or inadequately, which can also weaken our position from the very outset of a dispute, if we were taken to a dispute.

It also leads to continuous and escalating external costs. Every trade-related legal issue, whether it is a policy question, a market access concern, a regulatory change, or even in terms of training, would require external training facilitators or legal counsel, which they cost exorbitantly. Over time, the cost builds, and these are recurring costs with no lasting institutional capacity, as opposed to being a member of ACWL who would with us.

It also reduces meaningful participation of Fiji in the WTO processes. Countries without the legal capacity tend to participate more passively. They attend meetings, observe outcomes and respond to decisions, but they rarely shape the outcomes, which is what we want to do, and this is what Fiji has been aspiring and working towards.

It also would weaken our negotiation position because these negotiations are highly legal in nature. We need to understand the legal text, we need to then interpret it, and then we also need to mainstream what we want into the legal language. It is not as easy as saying that we want this, that, that. We need to incorporate it very strategically into the text of the agreement, which then becomes a binding obligation that parties comply with.

Lastly, this is a very important and practical point, that we forego the zero-cost opportunity for accession that is currently available to us. This window is available to us until 30th June, this year. If this opportunity is not taken now, it may remain unavailable in the future. We might, again, look at this in another 20 years' time and in between that, we might be taken to

dispute, or we might want to take someone to dispute, and we may not have the ability to defend ourselves or justify our rationale at the dispute settlement.

In simple terms, every year without the ACWL membership is a year where Fiji's trade interests are less protected than they could be. It is a year without access to high-quality legal advice when we need it and it is also a year without building the in-house expertise that strengthens our long-term trade capacity.

In terms of the strategic dimension, because the ACWL accession is more than just a financial or a legal decision for us at this point in time, it is a strategic one. There are, at least, seven ways in which the ACWL accession aligns with Fiji's national priorities in terms of protecting and growing Fiji's export, and strengthening our role in the multilateral trading institutions, together with building our resilience and self-reliance on our government resources and advancing Fiji's interests as a SIDS.

I want to also offer the Committee three ways to think about this decision. One is to think of it as a preventative investment, like an insurance. The value of ACWL membership is greatest when you need it the most because when a dispute arises, when a trading partner acts unfairly, and when a market closes down to us, the cost of membership becomes more important because right now, our accession cost is zero. The cost of not having it would potentially be millions, even in terms of the legal support.

We are also thinking of this in terms of building capacity in-house, because we will use the ACWL training programmes to build generations of this capacity amongst Fiji and WTO lawyers, within the Government, or even for economists. This institutional knowledge is permanent. It outlasts any individual official and continues to serve Fiji for decades, and we are not paying for the service, most importantly, in terms of training.

We are also thinking of this as an accession of our economic sovereignty. Accession to the ACWL is Fiji's declaration that we intend to participate fully in the international trading system, not as a passive rule-taker, but as legally empowered and active participants who understand our rights and are prepared to use them in order to defend our interests.

With that, Madam Chairperson, we are happy to conclude our presentation. Any questions, you can refer to my colleague, Mr. Nayacalevu.

HON. P.K. RAVUNAWA.- If we do not, through the legal process, you did not mention any penalty or things like that. In the process of going through the dispute resolution and all that, does it go through a court system or just legal advice?

MS. D. SINGH.- In terms of penalty, do you mean if we do not accede?

HON. P.K. RAVUNAWA.- In case, if we do not abide by any of the

MS. D. SINGH.- The main purpose of its establishment is to uphold the rights and obligations of members of WTO. If there is a legally binding treaty that we are a member of, the general understanding is that if you are a member, you have signed on to it, you need to comply, because that would then also resonate with other countries. For example, what the US is doing, they are legally bound by those rules. If they say, “No, we choose not to comply”, then where does it leave the rest of us? It is a very balanced and a fair platform whereby if you are wrong, you need to implement those corrective measures. You are given the opportunity or after the WTO dispute ruling, you are given the corrective measures in terms of what you need to do. You need to remove that particular regulation or make it more amenable to your commitment.

In terms of your second question, where does it go? The WTO has a Dispute Settlement Unit and under that, there is an appellate body structure also. It is also a pipeline of disputes. There are good officers, conciliation and consultations.

The very last resort is the dispute settlement when both parties are not able to agree on a common ground to not go to dispute. It is the very last. The WTO has its own Dispute Settlement Unit (DSU), which is very active, but at this point in time, the US has blocked the appointment of the new dispute settlement lawyers. It is also going through its challenges, but over the lifespan of the WTO, it has been one of the most active international court systems, even more active than the ICJ in terms of the number of rulings and disputes that have been taken to the DSU.

HON. P.K. RAVUNAWA.- You mentioned about the labelling of products. When you go to supermarket shelves now, you see Chinese food products that no one understands. So we must have failed somewhere along the line. Will this resolve that?

MS. D. SINGH.- There are multiple layers to that as well.

HON. P.K. RAVUNAWA.- Our local people will have to abide and enforce it locally?

MS. D. SINGH.- Absolutely.

HON. P.K. RAVUNAWA.- Madam, about the kava that is now in the process, what about marijuana? Can we go through the process as well as a commodity for Fiji?

MS. D. SINGH.- With commodities like marijuana, I think there is other special

HON. P.K. RAVUNAWA.- Yes, because they would already have a depository of scientific evidence and things like that, where we can access it.

MS. D. SINGH.- I think in terms of these other approvals, I remember with the former Ministry, we were having this discussion on medical cannabis. So, there are some layers of approvals that Fiji needs to actually go through to have an industry of that level, and that is outside WTO. The WTO usually administers legally traded commodities. If there was an instance in the future – marijuana – obviously, because this is traded medical cannabis and all these things, it depends on how the country approaches the legal procedures of enacting its domestic laws also to control it and trade it globally.

For the labelling one, I just wanted to also relate to it. The WTO has technical barriers to Trade Agreement, which is one of the agreements that administers how goods are traded.

Individually, respective countries also domesticate it in terms of their regulations. In Fiji's sense, we have the Food Safety Regulations, which is under the Ministry of Health's Food Unit. Under that, it is very clearly pronounced that labelling needs to be in English so that it is understood.

The problem where there is a disconnect is enforcement. The capability of enforcement needs to be there because once, at the border, those products, first of all, should not be entering our market if the labelling is not accurate, because this is the same that Fiji goes through for any other countries that we export to. For example, if we export to Australia, if we put it in some language that they do not understand, it is not in compliance with their labelling requirements, and they will not allow entry of it. They will ask the exporter to change the labelling. Similarly, in our instance, I think we have the laws and regulations, but the enforcement is where we either lack the capacity or the technical knowledge to implement.

HON. V. LAL.- We are a member, though we have not signed, do we have this access to the training programme in terms of capacity?

MS. D. SINGH.- Yes. The ACWL will provide more legal type of training, a secondment related opportunity as well, but as a WTO member, we still have access to lots of trainings which we disseminate to all the other Government agencies. We send Ministry of Agriculture or BAF, depending on what Treaty it is about. If it is SPS, we send it to Ministry of Agriculture, and those are usually fully funded by either the developed member countries or under specialised training programmes, such as the one at Singapore - the SCE training programme and they run

WTO agreements trainings as well. Even the Office of the Solicitor-General go to Geneva for threemonthly trainings on trade policy and the Ministry of Agriculture did a nine-month internship also at PIFS.

It is very important that apart from the Ministry of Trade, all the other sectorial Ministries also understand these laws and regulations because they administer at the end of the day. Those laws sit with them, and they administer, depending on what product or service is being traded. We even send our Customs Officials for training.

HON. P.K. RAVUNAWA.- They are least developed countries, and Fiji is a developing country.

MS. D. SINGH.- I think this is the World Bank classification that they rely on.

MADAM CHAIRPERSON.- It is interesting though because while the Government is trying to increase our level of World Bank rating, we want to be a middle to high income and it comes at a cost, for example, when it comes to climate funding access, we will get less and less help the higher up the ladder we go.

HON. V. LAL.- So it is good to remain a developing country.

(Laughter)

HON. V. LAL.- There is nothing to lose, but we are going to gain a lot.

MADAM CHAIRPERSON.- Well, if someone does challenge us, takes us to the WTO, then we will have a lot to lose because then, we will have to pay for a lawyer.

HON. V. LAL.- Do we have any trade qualified lawyers here to deal with trade disputes?

MS. D. SINGH.- No. Usually, we will go to the Office of the Solicitor-General and then they will involve us in the process because they are also not specialised trade lawyers, but since they have law background, we work together, We will bring the trade expertise, they will bring the law expertise.

Even in negotiations, this is how we handle it. We will get the Office of the Solicitor-General to tag along with us in terms of the legal alignment with our domestic commitments, laws and

regulations, and then we bring the trade and economic angle to say this is how we want it captured in the agreement. That is how we have been working together. However, the merits are to have – in future – trade lawyers as much as possible. It is also very difficult because they then get pouched.

MADAM CHAIRPERSON.- Thank you so much for your input today. We just really wanted to hear from the experts. The meeting is closed.

The Committee adjourned at 10.00 a.m.

Written Response

WHY FIJI SHOULD ACCEDE TO THE **Advisory Centre on WTO Law** (ACWL)

Presentation to the Standing Committee on Foreign Affairs and Defence | 8 May | 2026

"In a rules-based system, rights are only meaningful if Members have the capacity to understand and enforce them."



Ministry of Foreign Affairs and External Trade

PRESENTATION OUTLINE



Fiji & the WTO

Slide 3

Why the WTO was established (1995) · Fiji as a founding member (1996) · Protections for Small Island Developing States



The Challenge Fiji Faces

Slides 6–7

Rising protectionism, CBAM, SPS, fisheries disciplines · The gap between having WTO rights and having the capacity to use them



What the ACWL Does for Fiji

Slides 11–12

Free legal advice · Dispute settlement representation · Training · Practical examples of real advisory requests



The Financial Case

Slide 14

Cost comparison: ACWL rates vs commercial counsel · Up to CHF 2M+ saved per dispute · CHF 0 accession cost funded by Australia & NZ



Risks of Not Acceding

Slide 16

Limited legal capacity · Delayed responses · Costly external dependence · Reduced WTO participation · Loss of a zero-cost opportunity



The WTO Legal Framework

Slides 4–5

Architecture of ~20–30 WTO agreements · Goods, Services, IP, DSU · ~13 GATT instruments directly affecting Fiji's exports



About the ACWL

Slides 8–10

What it is · Independence from WTO · Governance · Financing · Who is entitled · Accession process and contribution tiers



Why Fiji Specifically Needs This

Slide 13

Fisheries, agriculture, CBAM exposure, Fiji Water, kava market access · Direct links between Fiji's trade profile and ACWL services



Case Studies: Proof It Works

Slide 15

Antigua & Barbuda vs US · Guatemala vs Peru · Brazil vs Canada · How developing countries win with ACWL support



Strategic Alignment & Recommendation

Slide 17

Alignment with Fiji's national priorities · Preventative investment · Capacity-building · Ministry's formal recommendation to Parliament

FIJI, THE WTO & THE RULES-BASED TRADING SYSTEM

Why the WTO was established · Fiji as a founding member · Protections for Small Island Developing States



WHY WAS THE WTO ESTABLISHED IN 1995?

The World Trade Organisation was established on 1 January 1995 to replace the GATT (1947) and create a permanent, rules-based multilateral trading system. Its core purpose: to ensure that global trade flows as smoothly, predictably and freely as possible — and to give all countries, regardless of size or economic power, legally enforceable rights in international trade.



The WTO's Core Mandate

Rules-Based Trade

Establishes binding rules preventing arbitrary trade barriers — tariffs, quotas, subsidies and unfair practices.

Dispute Settlement

Provides a legally binding dispute settlement system allowing all Members to challenge unfair trade measures.

Non-Discrimination

MFN and National Treatment principles ensure all WTO Members are treated equally — no country can be singled out.

Transparency

Members must notify trade measures, ensuring predictability and enabling all countries to plan their trade policy.



Fiji — A WTO Founding Member

Member since 14 January 1996

Fiji joined the WTO at its inception, making Fiji one of the original founding members of the rules-based multilateral trading system.

Nearly 30 years of membership

Fiji has been bound by — and entitled to — WTO rights and obligations for close to three decades.

Active WTO participant

Fiji participates in WTO Councils, Committees, and negotiations across goods, services, and IP — shaping global trade rules.

Named in ACWL Agreement

Fiji is explicitly listed by name in Annex II of the ACWL Agreement as a Category C eligible member — our participation was anticipated.



WTO Protections for Fiji as a SIDS

Special & Differential Treatment

WTO rules include S&DT provisions giving developing countries and SIDS longer transition periods, greater flexibility, and special safeguards.

Market Access Rights

WTO bindings lock in trading partners' tariff commitments — preventing them from suddenly raising barriers against Fiji's exports.

Dispute Settlement Access

Every WTO Member — regardless of size — has the legal right to challenge trade violations. Fiji can take the EU, US or any major power to a WTO panel.

Trade Policy Predictability

WTO rules create a stable, predictable environment for Fiji's trade — essential for a small, trade-dependent island economy.

THE WTO LEGAL FRAMEWORK: ARCHITECTURE OF AGREEMENTS

The Marrakesh Agreement (1994) · ~20–30 core legal instruments · Goods · Services · IP · Disputes · Newer Agreements



The WTO does not have a single fixed number of 'agreements.' The WTO legal framework is a package of multilateral agreements, annexes, plurilateral agreements, protocols, ministerial decisions, and subsequent negotiated agreements — all sitting under the Marrakesh Agreement Establishing the WTO (1994). In practical terms, there are roughly 20–30 core legal instruments.

1



Goods Agreements

~13 major GATT-related agreements

Agriculture · SPS · TBT · Subsidies · Anti-Dumping · Customs Valuation · Safeguards · Rules of Origin · Import Licensing · Trade Facilitation + others

2



Services Agreement

General Agreement on Trade in Services

The GATS governs international trade in services across four modes of supply — covering banking, tourism, telecoms, professional services, and more.

3



Intellectual Property

Agreement on Trade-Related Aspects of IP

TRIPS establishes minimum standards for copyright, trademarks, patents, geographical indications, industrial designs, and enforcement.

4



Dispute Settlement

Dispute Settlement Understanding (DSU)

Governs all WTO dispute settlement procedures — from consultations and panels through to Appellate Body proceedings and implementation.

5



Trade Policy Review

Trade Policy Review Mechanism (TPRM)

Provides for regular peer review of WTO Members' trade policies — promoting transparency and enabling Members to understand each other's trade regimes.

6



Plurilateral & Newer Agreements

Joined by some WTO Members only

Government Procurement Agreement (GPA) · Agreement on Fisheries Subsidies (2022) — directly relevant to Fiji's tuna and EEZ interests.

The ACWL provides free legal advice and dispute settlement support across **ALL** of these WTO agreements — for Fiji as a Category C Member.

WTO GOODS AGREEMENTS: ~13 INSTRUMENTS UNDER THE GATT

- 1 **Agreement on Agriculture**
Sugar, kava, ginger, copra — WTO disciplines on subsidies & market access protect Fiji's export markets.
 - 2 **SPS Agreement**
Sanitary & Phytosanitary Measures — governs whether health/safety standards on Fiji's food exports are WTO-consistent.
 - 3 **TBT Agreement**
Technical Barriers to Trade — protects Fiji against discriminatory packaging, labelling or product standards.
 - 4 **Subsidies & Countervailing Measures**
Protects Fiji's exporters from being undercut by subsidised foreign competitors; governs countervailing duties.
 - 5 **Anti-Dumping Agreement**
Governs investigations into dumped exports — Fiji may face or bring anti-dumping cases affecting its exports.
 - 6 **Customs Valuation Agreement**
Ensures trading partners cannot artificially inflate customs values on Fiji's goods to impose higher effective tariffs.
 - 7 **Safeguards Agreement**
Governs emergency import restrictions — Fiji can invoke safeguards and must defend against them in partner markets.
 - 8 **Rules of Origin Agreement**
Determines which country's goods qualify for preferential tariffs — critical for Fiji's market access arrangements.
 - 9 **Import Licensing Agreement**
Ensures import licences are not used as hidden trade barriers against Fiji's goods in overseas markets.
 - 10 **Trade Facilitation Agreement**
Reduces customs red tape at borders — directly benefits Fiji's exporters dealing with lengthy customs procedures.
 - 11 **Preshipment Inspection Agreement**
Governs use of inspection agencies — protects Fiji from discriminatory or abusive pre-shipment requirements.
 - 12 **Government Procurement Agreement (GPA)**
Plurilateral — open access to government procurement markets for Members. Fiji not currently party.
 - 13 **Agreement on Fisheries Subsidies (2022)**
NEW — directly relevant to Fiji's tuna industry. Disciplines harmful fishing subsidies; Fiji must comply and can benefit.
- Each of these agreements creates rights and obligations for Fiji. The ACWL provides expert advice on all of them — free for Members.

THE CHANGING GLOBAL TRADE ENVIRONMENT

Rising protectionism · Unilateral measures · New trade barriers · Increased legal complexity



"Fiji is operating in an increasingly complex and uncertain global trading environment. We are seeing rising protectionism, unilateral tariffs, environmental trade measures, stricter standards, and increased use of trade remedies. For small vulnerable economies like Fiji, understanding and defending our rights within the WTO system is becoming more important than ever."



Rising Protectionism

Major economies increasingly resorting to unilateral tariffs and non-tariff barriers. Global trade rules are being tested as never before.



Carbon Border Adjustments

The EU's Carbon Border Adjustment Mechanism (CBAM) and similar measures directly affect Fiji's export competitiveness and require WTO legal analysis.



Stricter SPS & TBT Standards

Sanitary, phytosanitary and technical barriers targeting agricultural, fisheries and food products — Fiji's key exports — are proliferating.



Trade Remedy Investigations

Anti-dumping, countervailing duty, and safeguard investigations by trading partners can severely disrupt Fiji's export markets with little warning.



Fisheries Subsidies Disciplines

New WTO fisheries disciplines are legally complex. Pacific Island countries need legal interpretation to ensure compliance and protect their interests.



Preference Erosion

As MFN tariffs fall globally, Fiji's preferential market access is eroding. WTO legal tools are essential for managing this transition.

THE PROBLEM: RIGHTS WITHOUT CAPACITY

WEALTHY TRADING NATIONS

- ✓ Dedicated in-house WTO legal teams
- ✓ Permanent Geneva missions staffed with trade lawyers
- ✓ Millions budgeted annually for external WTO counsel
- ✓ Years of accumulated case experience
- ✓ Strategic capacity to initiate AND defend disputes
- ✓ Institutional memory and negotiating leverage

VS

SMALL ISLAND DEVELOPING STATES

- Limited or no specialist WTO legal staff
- Small Geneva missions handling all multilateral work
- Commercial WTO counsel costs CHF 300–700/hour
- Single dispute can cost CHF 1M–2.5M+
- Reactive — unable to plan dispute strategy
- Reduced negotiating leverage and voice

The ACWL was created specifically to bridge this gap — giving Fiji access to the same quality of legal expertise as the world's largest trading nations.

ABOUT THE ACWL

What it is · Independence · Mission · Governance · Financing



WHAT IS THE ACWL?

- ✓ Independent intergovernmental organisation — separate from the WTO
- ✓ Established in 2001 · Based in Geneva, Switzerland
- ✓ Provides free legal advice, dispute settlement support, and training to developing countries and LDCs
- ✓ Ensures WTO legal benefits are shared equally among all Members
- ✓ Holds a seat agreement with Switzerland — equivalent privileges and immunities to other intergovernmental organisations

"By ensuring the legal benefits of the WTO are shared among all Members, the ACWL contributes to the effectiveness of the WTO legal system." — WTO DG Pascal Lamy, 2011

GOVERNANCE & FINANCING



General Assembly

Representatives of all Members + LDCs. Oversees ACWL functions, monitors finances, adopts annual budget.



Management Board

6 persons: 3 from developing country Members, 2 from developed country Members, 1 from LDCs. Plus Executive Director (ex officio).



Executive Director

Manages day-to-day operations. Represents the ACWL externally.



Financing

Endowment Fund revenues + dispute settlement fees + voluntary contributions from developed country Members.

12 developed country Members · 45 developing country Members · 43 LDCs entitled

ACCESSION PROCESS



DEVELOPING COUNTRY MEMBERS

Accede by signing a Protocol of Accession and making a one-time contribution to the Endowment Fund. Entitled to all three ACWL services.



LEAST-DEVELOPED COUNTRIES (LDCs)

Automatically entitled to all ACWL services — no accession required, no contribution needed. Examples: Solomon Islands, Vanuatu (until 2020), Samoa (until 2014).

FJI — Category C (named in Annex II of the Agreement)

Fiji must accede as a Member — it is not an LDC. Contribution: CHF 43,000 (post-Feb 2024 rate). Funded by Australia & New Zealand.

ONE-TIME ENDOWMENT FUND CONTRIBUTIONS

Category (share of world trade & GNP per capita)	Contribution (CHF)
Category A (> 1.5% world trade or High Income)	486,000
Category B (0.15%–1.5% or Upper Middle Income)	162,000
Category C (< 0.15% of world trade)	43,000



ACWL General Assembly Decision (February 2024): All Small and Vulnerable Economies (SVEs) are now treated as Category C for accession purposes. Fiji's contribution: CHF 43,000.

WHAT THE ACWL DOES — IN PRACTICAL TERMS FOR FIJI



Expert WTO Legal Advice — FREE

Immediate expert opinions on whether any foreign trade measure may violate WTO rules. Before signing a treaty, before introducing domestic legislation, before entering negotiations — free advice.



Training for Fiji's Officials — FREE

Annual WTO law courses, workshops, and a 9-month secondment programme in Geneva — all free for Members. Builds lasting in-house trade law expertise across the Ministry and wider government.



Defending Against Unfair Measures

When a trading partner targets Fijian goods with anti-dumping duties, countervailing measures, or SPS restrictions, the ACWL provides immediate legal analysis and response strategy.



Dispute Settlement Representation

Full legal representation if Fiji needs to challenge a trading partner's unfair measure — or defend itself. From first consultation through to the Appellate Body, at heavily subsidised rates.



Pre-Dispute Legal Assessment

Before committing to expensive litigation, the ACWL assesses the chances of prevailing. Initial evaluation is provided free of charge — fees only accrue if formal proceedings begin.



Reducing Dependence on Costly Counsel

Without ACWL membership, Fiji pays CHF 300–700/hr for private WTO legal advice. The ACWL reduces that to zero for legal advice and CHF 162/hr for dispute representation.

LEGAL ADVICE: PRACTICAL EXAMPLES & SCOPE OF MANDATE

Real questions answered by the ACWL - Mandate boundaries

EXAMPLES OF LEGAL ADVICE REQUESTS



Is Member A's new environmental law relating to deforestation WTO-consistent?



My government is considering an import restriction to foster the domestic industry. Is it WTO-consistent?



Fisheries subsidies: What are the legal consequences of proposed language on notifications of forced labour?



What are the differences between WTO Decisions and Declarations?



What are my notification requirements under the Agreement on Technical Barriers to Trade (TBT Agreement)?



The ACWL can assess the chances of prevailing in a dispute settlement proceeding and advise on the range of legal claims available.



MANDATE LIMITS



Only to developing countries and LDCs — not to developed countries, NGOs, or private entities



Legal advice only — cannot advise on negotiating strategies or political matters



WTO law only — cannot advise on issues arising exclusively under non-WTO law



May advise on legal implications of negotiating proposals and how to incorporate them into WTO law



Technical Expertise Trust Fund: Finances part of expert costs needed for legal opinions or dispute preparation. Category C Members: 60% covered - Category B: 40% - Category A: 20% - LDCs: 90%.

WHY FIJI SPECIFICALLY NEEDS THE ACWL

Fiji's key sectors are directly exposed to WTO-regulated trade measures

As a small open economy heavily dependent on trade, Fiji is particularly vulnerable to external trade measures over which we have little control. Access to specialised WTO legal expertise strengthens Fiji's ability to respond proactively rather than reactively.



Fisheries & Seafood Exports

New WTO Fisheries Subsidies Agreement creates complex legal obligations. ACWL advice essential for compliance and for protecting Fiji's fishing rights against subsidised competitors.



Agricultural Exports & CBAM

EU Carbon Border Adjustment Mechanism and tightening SPS standards threaten Fiji's sugar, ginger, kava and agricultural export markets. ACWL can assess WTO-consistency.



Fiji Water & Beverage Exports

Bottled water exports face evolving packaging regulations, tariff reclassifications and environmental standards. ACWL advice protects against discriminatory treatment.



Kava Market Access

Kava faces regulatory barriers in key markets. ACWL can assess whether health/safety standards applied to kava are WTO-consistent and advise on dispute options.



Trade Remedy Investigations

If Fijian exporters face anti-dumping or safeguard investigations, ACWL provides immediate representation — a process that can derail export industries without legal support.



WTO Negotiations & PACER Plus/PICTA/MSG

ACWL ensures Fiji's positions in WTO multilateral negotiations and regional agreements are legally sound and consistent with our rights and obligations under WTO law.

THE FINANCIAL CASE: ACWL MEMBERSHIP vs COMMERCIAL COUNSEL

The most compelling argument — world-class WTO legal services at a fraction of commercial cost

CHF 0

Legal advice cost
as ACWL Member

CHF 162/hr

Dispute support rate
(Category C)

CHF 300–700

Private law firm rate
per hour

Up to CHF 2M+

Saved on a single
full WTO dispute

WTO Dispute Stage	Fiji as ACWL Member (Category C)	Without ACWL (Commercial Counsel)	Indicative Saving
Initial Legal Advice on WTO Law	FREE	CHF 20,000–50,000+	Full cost avoided
WTO Consultations	CHF 23,814	CHF 150,000–300,000	Over CHF 125,000
WTO Panel Proceedings	CHF 71,928	CHF 500,000–1.5 million	Potentially over CHF 1M
WTO Appellate Body Proceedings	CHF 42,606	CHF 250,000–750,000	Hundreds of thousands
Full WTO Dispute (Consultations+Panel+Appeal)	CHF 138,348	CHF 1M – 2.5 million+	Potentially over CHF 2M
Third Party Participation	CHF 24,786	CHF 100,000–300,000	Major savings
Training for Fiji Officials	Included FREE	Separate external costs	Institutional savings
Ongoing Legal Opinions on Trade Measures	Free ongoing advice	Hourly commercial fees	Continuous annual savings

Rates based on ACWL Annex IV fee schedule. Commercial estimates based on WTO specialist law firm market rates. ★ Highlighted rows show highest-impact scenarios for Fiji.

PROOF THAT IT WORKS: CASE STUDIES

Real examples of developing countries successfully defending trade rights with ACWL support

01



Antigua & Barbuda vs United States

US – Cross-Border Gambling Services (DS285)

A tiny Caribbean island — population under 100,000 — successfully brought and partly won a WTO dispute against the United States. With specialist legal support, Antigua proved the US violated WTO services commitments.

02



Guatemala vs Peru

Peru – Agricultural Products (DS457)

The ACWL represented Guatemala in a successful challenge against Peru's agricultural import duties. Guatemala used ACWL legal support at every stage of the proceedings, from consultations through the panel phase.

03



Brazil vs Canada

Brazil – Aircraft Subsidies (Canada – Regional Aircraft)

One of the most strategically important subsidy disputes in WTO history. Brazil, with ACWL support, challenged Canada's export subsidies to Bombardier's regional aircraft industry. The WTO found Canada's subsidy arrangements were inconsistent with the Agreement on Subsidies and Countervailing Measures.

THE RISKS OF NOT ACCEDING TO THE ACWL



"In a rules-based system, rights are only meaningful if Members have the practical capacity to understand and enforce them. Without that capacity, Fiji's WTO membership is incomplete."



Limited Capacity to Challenge Unfair Measures

If a trading partner imposes illegal barriers on Fiji's exports, without ACWL support we lack the legal resources to mount an effective WTO challenge. Our rights exist — but are unenforceable in practice.



Delayed and Reactive Responses

WTO disputes have strict timelines — as little as 30 days to respond to a consultation request. Without standing legal support, Fiji can only react late and inadequately, compromising our legal position.



Continuous Dependence on Costly External Consultants

Every WTO legal question Fiji faces requires engaging external counsel at CHF 300–700/hr. Over time, this accumulates into millions spent — with no institutional capacity built.



Reduced Participation in WTO Processes

Without legal expertise, Fiji participates passively in WTO negotiations and dispute proceedings. We accept outcomes shaped by others rather than actively advancing our national interests.



Weaker Negotiating Leverage

Countries that understand WTO law better extract better outcomes in trade negotiations. Fiji's lack of specialist legal capacity leaves us at a systematic disadvantage in bilateral and multilateral trade talks.



Loss of a Zero-Cost Opportunity

Australia and New Zealand have offered to fund Fiji's CHF 43,000 contribution. This window may not remain open indefinitely. Failing to act now forgoes the benefits of membership at no cost to Fiji.

Every year without ACWL membership is a year Fiji's trade interests are underprotected — and a year of foregone free legal advice and training.

STRATEGIC ALIGNMENT: ACWL AND FIJI'S NATIONAL INTERESTS

Accession is preventative · capacity-building · economically prudent · and strategically sound



ALIGNED WITH FIJI'S NATIONAL PRIORITIES

- ✓ Protecting and growing Fiji's export economy
- ✓ Strengthening Fiji's role in multilateral institutions
- ✓ Building resilient and self-reliant government institutions
- ✓ Advancing Fiji's interests as a Small Island Developing State
- ✓ Demonstrating Pacific leadership on rules-based trade
- ✓ Reducing vulnerability to external economic shocks
- ✓ Supporting Fiji's long-term economic sovereignty

THREE WAYS TO FRAME ACCESSION



Preventative Investment

Like insurance, the value of ACWL membership is greatest when you need it most. Joining before a dispute arises means Fiji is prepared — not scrambling — when a trade crisis hits. The cost is zero at accession.



Capacity-Building Commitment

ACWL training programs build a generation of Fijian WTO lawyers within government. This institutional knowledge is permanent — it outlasts any single dispute and continues to serve Fiji for decades.



Economic Sovereignty

Accession is an assertion of Fiji's right to fully participate in the international trading system — not as a passive rule-taker, but as an active, legally empowered rule-maker and rule-enforcer.

| V I N A K A |

Questions & Discussion

Additional Information

**Ministry of Finance Written Response – Standing Committee on Foreign
Affairs and Defence**

Agreement Establishing the Advisory Centre on WTO Law, 2001

We wish to advise that the Ministry of Finance (MoF) had earlier provided its comments on Fiji's proposed accession to the Advisory Centre on WTO Law through our Memorandum dated 17 February 2026 to the Ministry of Foreign Affairs and External Trade (*attached*).

The ACWL is an international organisation established to provide legal advice, technical support and dispute settlement assistance to developing and least developed countries in relation to WTO agreements and trade-related matters.

Fiji's participation in the ACWL may provide several potential benefits, particularly in strengthening the country's capacity to manage increasingly complex international trade issues.

- i. Membership would provide Fiji with access to specialised legal and technical expertise on WTO matters at significantly reduced cost compared to engaging private international legal firms, particularly in relation to trade disputes and negotiations involving WTO obligations.
- ii. Participation may also support Fiji's broader trade and economic objectives by improving understanding of WTO rules, strengthening institutional capacity, and assisting Government officials in trade negotiations, compliance, and policy development as Fiji continues to expand its regional and international trade engagement.

- iii. The arrangement would also provide access to training, advisory services, and technical assistance that may strengthen Fiji's overall trade governance and policy capability.

However, while the proposal presents potential strategic benefits, there are also other considerations that warrant attention:

- iv. As a Category C member under the Small and Vulnerable Economies category, Fiji's accession contribution is CHF43,000 (approximately FJD100,000), which the Governments of Australia and New Zealand have offered to fully meet as a one-time contribution. However, there may be future financial implications should Fiji's status change over time, including possible increases in contribution requirements if Fiji graduates to Developing Country status.
- v. Fiji will need to ensure that adequate institutional and technical capacity exists within relevant Ministries and agencies to effectively utilise the advisory and legal support available under the arrangement.
- vi. Participation in the ACWL does not remove Fiji's obligations under WTO agreements, nor does it guarantee favourable outcomes in trade disputes. Rather, the arrangement primarily provides access to technical and legal support to better protect Fiji's interests within the multilateral trading system.
- vii. It should also be clearly understood that Fiji's accession should not impede or limit Fiji's sovereign right to initiate or defend any WTO dispute against any member state, irrespective of any donor relationship with the ACWL.
- viii. Furthermore, as Fiji's economic status develops over time, Fiji may eventually graduate to Developing Country status, which may result in increased contribution requirements in the future.

Overall, the Ministry considers that the proposal may provide long-term strategic value to Fiji, particularly in strengthening trade governance and access to

specialised legal expertise. However, the expected utilisation, future financial implications, and institutional readiness should continue to be carefully assessed to ensure value for money and alignment with national priorities.

