

**Dispute Settlement Body Meeting  
(26 April 2024)**

**Hong Kong, China's Statements**

**Item 2. United States – Origin Marking Requirement (Hong Kong, China)  
(DS597)**

- Thank you Chair and good morning colleagues.
- As a friend of the system, Hong Kong, China (HKC) sees it important to uphold the rules-based multilateral trading system. Ever since the US lodged an appeal against the DS597 panel findings, HKC has made clear repeatedly our readiness to have the case heard by an Appellate Body. However, the US have repeatedly abused the procedure of the DSB to challenge the panel findings and smear HKC. For the record, this is the 10<sup>th</sup> time the US singles out DS597 on the agenda of a regular DSB meeting.
- While we have heard from the US stating on various occasions that they are keen to improve the efficiency of the WTO and prioritise the DS reform in this respect, what we see yet again at DSB meetings is the exact opposite. The intended purposes of the DSB meetings are facilitating resolution of trade disputes, and enforcement of Members' rights and obligations under the WTO covered agreements. Using DSB meetings to stage one's monthly smear campaign of another WTO Member is an abuse of the WTO rules and a wanton use of other Members' time.
- We would like to stress that each and every jurisdiction has an inherent right to enact laws to safeguard its national security. Many countries have enacted a host of national security laws based on their own national security risks and needs. The Safeguarding National Security Ordinance is to discharge Hong Kong's long overdue constitutional duty under the Basic Law to enact laws on its own to safeguard national security.
- The Ordinance, which fully aligns with the principles of international laws and practices, will better protect us from genuine threats to national security in the increasingly intricate geopolitics of our time. It is not any different in purpose and in substance from the national security legislation of many WTO Members in this room.

- Human rights in Hong Kong have always been robustly guaranteed constitutionally by the Constitution and the Basic Law. Both the National Security Law and the Safeguarding National Security Ordinance also clearly stipulate that human rights shall be respected and protected in safeguarding national security in the HKSAR, and that the rights and freedoms, including the freedoms of speech, of the press, of publication, of association, of assembly, of procession and of demonstration, that Hong Kong residents enjoy under the Basic Law and the provisions of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong, shall be protected in accordance with the law.
- Nonetheless, just as the case with other places in the world, such rights and freedoms are not absolute. The ICCPR also expressly states that some of them may be subject to restrictions as prescribed by law that are necessary for protection of national security, public safety, public order or the rights and freedoms of others, etc.
- Chair, I would like to point out that the panel of DS597, as well as the panels of DS544, DS552, DS556 and DS564 have all dismissed the US' claim that interpretation of Article XXI of the GATT 1994 is entirely self-judging. It is not up to the US to replace the panel's interpretation and application of the WTO agreements with its own. Instead, a Member who objects to a panel report should allow the case be heard by the Appellate Body. And regrettably, the Appellate Body has been made defunct singlehandedly by the US.
- This repeated abuse of the DSB meetings is objectionable as it reflects the total disregard of the rules-based dispute settlement system in the WTO.
- Thank you Chair.

## **Item 6.      Facilitator of the Dispute Settlement Reform Process**

- Thank you Chair for your update and efforts in securing a stellar leader for us on this very important issue. HKC welcomes Ambassador Canabady's appointment as the DS reform Facilitator and we have full confidence in her leadership, as demonstrated in the successful reinvigoration of the Work Programme on E-commerce last year.
- With only eight months left before 2024 ends, we must keep up the momentum post-MC13 by setting a clear roadmap for finalising this important task, and we are pleased to learn that Ambassador Canabady would present a workplan and a timetable for the formal process at the next GC meeting.
- We look forward to participating in next week's consultation to be led by Ambassador Canabady and working with all members on next steps and identify priority issues for future discussions.
- Thank you Chair.

**Item 7. Appellate Body Appointments: Proposal by Afghanistan; Angola; Antigua and Barbuda; Argentina; Australia; Bangladesh; Benin; Plurinational State of Bolivia; Botswana; Brazil; Brunei Darussalam; Burkina Faso; Burundi; Cabo Verde; Cambodia; Cameroon; Canada; Central African Republic; Chad; Chile; China; Colombia; Congo; Costa Rica; Côte D’Ivoire; Cuba; Democratic Republic of Congo; Djibouti; Dominica; Dominican Republic; Ecuador; Egypt; El Salvador; Eswatini; The European Union; Gabon; The Gambia; Ghana; Guatemala; Guinea; Guinea-Bissau; Honduras; Hong Kong, China; Iceland; India; Indonesia; Israel; Kazakhstan; Kenya; Republic of Korea; Lao People's Democratic Republic; Lesotho; Liechtenstein; Madagascar; Malawi; Malaysia; Maldives; Mali; Mauritania; Mauritius; Mexico; Republic of Moldova; Morocco; Mozambique; Myanmar; Namibia; Nepal; New Zealand; Nicaragua; Niger; Nigeria; North Macedonia; Norway; Pakistan; Panama; Paraguay; Peru; The Philippines; Qatar; Russian Federation; Rwanda; Saint Kitts and Nevis; Saint Lucia; Senegal; Seychelles; Sierra Leone; Singapore; South Africa; Switzerland; The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Tanzania; Thailand; Togo; Tunisia; Türkiye; Uganda; Ukraine; United Kingdom; Uruguay; The Bolivarian Republic of Venezuela; Viet Nam; Zambia; and Zimbabwe (WT/DSB/W/609/REV.26)**

- Thank you Chair. We support the statement made by Colombia on behalf of all co-sponsors including HKC and would like to join others to express our grave concerns about the Appellate Body impasse. We reiterate the importance and urgency of a fully and well-functioning two-tiered dispute settlement system to serve the interest of all WTO Members.
- Thank you Chair.

**Hong Kong Economic and Trade Office in Geneva  
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