

Mr Justice DAVID UNTERHALTER

CURRICULUM VITAE

CHAMBERS

Justice of the High Court
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NATIONALITY

South African / Maltese

EDUCATION

BA (Cantab) MA(Cantab) LLB (Wits) BCL (Oxon)

PRACTICE AT THE BAR

1990 - 2017 Called to the Bar as an Advocate of the Supreme Court of South Africa
and member of the Johannesburg Bar

2002 Conferment of Silk

2009 - 2017 Called to the English Bar, member Monckton Chambers

ARBITRATION APPOINTMENTS

The Arbitration Foundation of Southern Africa

Comprehensive Economic & Trade Agreement (CETA)

International Chamber of Commerce (ICC)

International Centre for Settlement of Investment Disputes (ICSID):-

- Standard Chartered Bank (Hong Kong) Ltd v United Republic of Tanzania (Tribunal Member)
- Maria Lazareva v State of Kuwait (President)
- Nationale-Nederlanden Holdinvest B.V. et al v the Argentine Republic (President)
- Sapec, S.A. v Kingdom of Spain (President)

Permanent Court of Arbitration (PCA)

- Nord Stream 2 AG v The European Union (Tribunal Member)

China-Africa Joint Arbitration Centre (CAJAC)

Shanghai International Arbitration Centre (SHIAC)

Department for International Trade – UK FTA Arbitration Panel

JUDICIAL EXPERIENCE

- Member of the Appellate Body, World Trade Organisation (2007- 2013)
- Chairman of the Appellate Body, World Trade Organisation (2010– 2011)
- Acting Judge of the High Court of South Africa (various appointments) (2003 – 2017)
- Appointed Justice of the High Court of South Africa (2018 to date)
- Acting Justice of the Competition Appeal Court (2018 to date)
- Acting Justice of the Supreme Court of Appeal 2020 (June – November 2020; 1 December 2020 – 30 September 2021)

WORLD TRADE ORGANISATION

Appointed to serve on Panels of the WTO (2003 to 2006) and as a member of the Appellate Body (2007 – 2013), and as Chairman of the Appellate Body (2010 – 2011). In 2019 he was appointed as an arbitrator to WTO dispute settlement.

In the course of his appointments to the WTO he was a member of the Panels and the Appellate Body in the following cases:

Panels:

Appointed to the following Panels of the WTO prior to his appointment on the Appellate Body and rendered decisions in the following cases:

2003 DS244 United States – Sunset Review of Anti-Dumping duties on corrosion-resistant carbon steel flat products from Japan.

2004 DS281 United States – Anti-dumping measures on cement from Mexico

2005 DS322 United States – measures relating to Zeroing and sunset reviews (“Zeroing”)(Chairman)

2006 DS317 United States – Measures affecting trade in large civil aircraft.

Appellate Body Cases:

These cases may be found at <https://www.wto.org>

| AB case no. | Doc symbol | Case title |
|--|---|--|
| AB-2007-1 | WT/DS268/AB/RW | <i>United States – Sunset Reviews of Anti-Dumping Measures on Oil Country Tubular Goods from Argentina – Recourse to Article 21.5 of the DSU by Argentina</i> |
| AB-2007-2 | WT/DS207/AB/RW | <i>Chile – Price Band System and Safeguard Measures Relating to Certain Agricultural Products – Recourse to Article 21.5 of the DSU by Argentina</i> |
| AB-2007-3 | WT/DS336/AB/R and Corr.1 | <i>Japan – Countervailing Duties on Dynamic Random Access Memories from Korea</i> |
| AB-2007-4 | WT/DS332/AB/R | <i>Brazil – Measures Affecting Imports of Retreaded Tyres</i> |
| AB-2008-1 | WT/DS344/AB/R | <i>United States – Final Anti-Dumping Measures on Stainless Steel from Mexico</i> |
| AB-2008-2 | WT/DS267/AB/RW | <i>United States – Subsidies on Upland Cotton – Recourse to Article 21.5 of the DSU by Brazil</i> |
| AB-2008-4 | WT/DS343/AB/R WT/DS345/AB/R | <i>United States – Measures Relating to Shrimp from Thailand</i> <i>United States – Customs Bond Directive for Merchandise Subject to Anti-Dumping/ Countervailing Duties</i> |
| AB-2008-5 | WT/DS320/AB/R | <i>United States – Continued Suspension of Obligations in the EC – Hormones Dispute</i> |
| AB-2008-6 | WT/DS321/AB/R | <i>Canada – Continued Suspension of Obligations in the EC – Hormones Dispute</i> |
| AB-2008-7 | WT/DS360/AB/R | <i>India – Additional and Extra-Additional Duties on Imports from the United States</i> |
| AB-2008-8 | WT/DS27/AB/RW2/EC U | <i>European Communities – Regime for the Importation, Sale and Distribution of Bananas – Second Recourse to Article 21.5 of the DSU by Ecuador</i> |
| AB-2008-9 | WT/DS27/AB/RW/USA | <i>European Communities – Regime for the Importation, Sale and Distribution of Bananas – Recourse to Article 21.5 of the DSU by the United States</i> |
| AB-2008-10 <i>3 reports in 1 document</i> | WT/DS339/AB/R WT/DS340/AB/R WT/DS342/AB/R | <i>China – Measures Affecting Imports of Automobile Parts</i> |
| AB-2008-11 | WT/DS350/AB/R | <i>United States – Continued Existence and Application of Zeroing Methodology</i> |
| AB-2009-1 | WT/DS294/AB/RW and Corr.1 | <i>United States – Laws, Regulations and Methodology for Calculating Dumping Margins (“Zeroing”) – Recourse to Article 21.5 of the DSU by the European Communities</i> |
| AB-2009-2 | WT/DS322/AB/RW | <i>United States – Measures Relating to Zeroing and Sunset Reviews – Recourse to Article 21.5 of the DSU by Japan</i> |
| AB-2009-3 | WT/DS363/AB/R | <i>China – Measures Affecting Trading Rights and Distribution Services for Certain Publications and Audiovisual Entertainment Products,</i> |
| AB-2010-1 | WT/DS316/AB/R | <i>European Communities and Certain Member States – Measures Affecting Trade in Large Civil Aircraft</i> |

| AB case no. | Doc symbol | Case title |
|---|---|--|
| AB-2010-2 | WT/DS367/AB/R | <i>Australia – Measures Affecting the Importation of Apples from New Zealand</i> |
| AB-2010-3 | WT/DS379/AB/R | <i>United States – Definitive Anti-Dumping and Countervailing Duties on Certain Products from China</i> |
| AB-2011-1 | WT/DS371/AB/R | <i>Thailand – Customs and Fiscal Measures on Cigarettes from the Philippines</i> |
| AB-2011-2 | WT/DS397/AB/R | <i>European Communities – Definitive Anti-Dumping Measures on Certain Iron or Steel Fasteners from China</i> |
| AB-2011-3 | WT/DS353/AB/R | <i>United States – Measures Affecting Trade in Large Civil Aircraft (Second Complaint)</i> |
| AB-2011-4 | WT/DS399/AB/R | <i>United States – Measures Affecting Imports of Certain Passenger Vehicle and Light Truck Tyres from China</i> |
| AB-2011-5 <i>3 reports in 1 document</i> | WT/DS394/AB/R WT/DS395/AB/R WT/DS398/AB/R | <i>China – Measures Related to the Exportation of Various Raw Materials</i> |
| AB-2011-6 <i>2 reports in 1 document</i> | WT/DS396/AB/R WT/DS403/AB/R | <i>Philippines – Taxes on Distilled Spirits</i> |
| AB-2012-1 | WT/DS406/AB/R | <i>United States – Measures Affecting the Production and Sale of Clove Cigarettes</i> |
| AB-2012-2 | WT/DS381/AB/R | <i>United States – Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products</i> |
| AB-2012-3 <i>2 reports in 1 document</i> | WT/DS384/AB/R WT/DS386/AB/R | <i>United States – Certain Country of Origin Labelling (COOL) Requirements</i> |
| AB-2012-4 | WT/DS414/AB/R | <i>China – Countervailing and Anti-Dumping Duties on Grain Oriented Flat-Rolled Electrical Steel from the United States</i> |
| AB-2013-1 <i>2 reports in 1 document</i> | WT/DS412/AB/R WT/DS426/AB/R | <i>Canada – Certain Measures Affecting the Renewable Energy Generation Sector</i> <i>Canada – Measures Relating to the Feed-in Tariff Program</i> |

ACADEMIC APPOINTMENTS

Lecturer in Law, University College, Oxford

Professor of Law, University of the Witwatersrand and University of Cape Town

Visiting Professor, Columbia Law School, New York; University College, London; and National University of Singapore.

PRACTICE AREAS

Areas of practice centred upon: commercial law and public international economic law, competition and regulatory law; constitutional and administrative law.