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**UNITED STATES – MEASURES AFFECTING THE CROSS-BORDER SUPPLY  
OF GAMBLING AND BETTING SERVICES**

**COMMUNICATION FROM ANTIGUA AND BARBUDA**

The following communication is circulated at the request of the delegation of Antigua and Barbuda.

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STATEMENT

Antigua and Barbuda

DISPUTE SETTLEMENT BODY - WORLD TRADE ORGANIZATION

Mr Chairman:

Pursuant to Article 21.6 of the DSU, the delegation of Antigua and Barbuda has requested that this item be placed on the agenda for today's meeting of the DSB.

Our request relates to our attempt to keep the DSB updated on progress in the implementation of the DSB's decision in WT/DS 285.

The delegation of Antigua and Barbuda, as the original party to the dispute, has so far not seen substantial progress on compliance by the United States with the DSB's decision.

Nor have we seen substantial progress by the United States in achieving a settlement with Antigua and Barbuda.

Given the long period of time which has elapsed, and the fact that the United States has settled with other countries that have been third parties in the case, it is worthy of the DSB's attention that this matter remains outstanding.

Mr Chairman:

This matter is now ten years old, and the lack of progress in the case is a very disappointing reality for Antigua and Barbuda.

The long campaign conducted by the United States authorities to shut down the online gaming industry in Antigua and Barbuda has borne bitter fruit.

An industry that was once the second largest employer in Antigua and Barbuda, employing over 5% of the population, now lies in ruin.

Thousands have been made jobless, and many thriving companies have collapsed, due to actions that this body has ruled to be contrary to world trade rules.

Antigua and Barbuda, the fifteenth smallest economy in the world, has been asked to wait and to be patient while the world's largest economy makes up its mind on compliance or settlement.

While the delegation of Antigua and Barbuda understands that trade disputes sometimes take a long time to be resolved, we are of the view that in the circumstances of this case, delay has put the economy of Antigua and Barbuda under a dark cloud.

The negative consequences of this protracted impasse are very real for Antigua and Barbuda. The destruction of the second largest economic sector, together with the effects of the economic recession now gripping the world economy, are an existential threat for the economy of Antigua and Barbuda.

It should be clear that further delay is not an option for Antigua and Barbuda, nor should it be an option for the DSB.

The delegation of Antigua and Barbuda believes that delay, on the scale that we have seen in this case, constitutes an undermining of the very system we are tasked to preserve, and is a systemic threat to the healthy operation of the DSB.

Mr Chairman:

It is not a secret that WT/DS 285 is regarded as a test case for those member states seeking to determine whether the DSU can deliver practical and timely benefits for small and vulnerable economies.

Of course, for the largest economy in the world, delay of a decade or more in the resolution of this trade dispute is a mere nuisance.

For the DSB, the delegation of Antigua and Barbuda would like to believe that this protracted delay is extremely worrisome.

At some point, the delegation of Antigua and Barbuda believes that the DSB will tire of hearing how all the good faith efforts of the United States to reach a settlement with Antigua and Barbuda have come to nought.

At some point, the DSB will realize that the cost to the United States of settling with Antigua and Barbuda could not be what is standing in the way of a final settlement.

Nor could it be that the 'unrealistic demands' of the world's fifteenth smallest economy have placed an onerous burden on the United States.

Our delegation therefore calls on the United States to explain why it is not yet in a position to honour the decision of the DSB, or to reach an agreed settlement with Antigua and Barbuda.

Mr Chairman:

After more than five years of patient negotiation, Antigua and Barbuda has come reluctantly to the view that only utilization of the authorization for cross-retaliation received from the DSB on 28<sup>th</sup> January will move this matter forward.

As a party to all the major international conventions that protect the rights of IP stakeholders, Antigua and Barbuda sees this trade remedy as having far-reaching effects that may not necessarily be able to be contained.

In fact, we suspect that once that Rubicon has been crossed, all the King's horses and all the King's men may not be able to put Humpty-Dumpty back together again.

So, before we set our foot to that path, we appeal to the United States to make one last effort at bringing its complex bureaucratic structure to a decision that will avoid unpredictable consequences.

The delegation of Antigua and Barbuda also appeals to the DSB to realize that justice delayed is justice denied; and urges closer attention to the systemic issues that surround this case that threaten the health of the system the WTO has for the resolution of trade disputes.

Thank you.

26<sup>th</sup> March 2013  
Geneva

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