

court") briefs in disputes. Amicus briefs have been admitted in several WTO cases:

- *United States – Shrimp Turtle*: In this highly controversial 1998 decision, the Appellate Body ruled that panels had the right to accept unsolicited information from non-governmental sources, and to accord it whatever weight was appropriate. The Appellate Body noted that Dispute Settlement Understanding (DSU) Article 13 allowed panels to "seek information," and concluded that this provided panels with the discretionary authority to accept and consider any information or advice submitted to them, whether requested or not.
- *United States – British Steel*: In this May 2000 decision, the Appellate Body determined that it too had the authority to receive and consider amicus briefs from non-governmental sources, where it found it "pertinent and useful to do so." The Appellate Body based this on the broad authority given it by the DSU to adopt procedural rules.
- On November 7, 2000, the Appellate Body Division decided, in the context of Canada's appeal of a decision upholding a French ban on asbestos imports in the *Canada – Asbestos* case, to establish a procedure to allow CSOs and others to seek to submit amicus briefs to the Appellate Body.

These actions by the WTO's Dispute Settlement Body (DSB) were warmly welcomed within the CSO community, which interpreted them as acknowledging the importance of civil society participation and the value that such participation could bring to the process. By the same token, these actions were highly controversial within the WTO membership; indeed, a special meeting of the WTO General Council was convened to review the procedure that the Appellate Body had established to allow CSOs to request permission to submit briefs.

That the DSB was "pushing the envelope" with these moves, and especially the latter two, is fairly clear, as they represented