

Marco Molina



Marco Molina is a trilingual (English, French, Spanish) international trade and investment lawyer with almost 3 decades of experience in international law, negotiations, mediation and adjudication.

His career began at the Guatemalan Ministry of Economy in 1996, as a member of the first team dedicated to investment matters, where he played a pivotal role in negotiating Bilateral Investment Treaties (BITs) and advising foreign investors interested in establishing themselves in Guatemala. He also served as dispute settlement negotiator and legal advisor to the Trade Directorate, overseeing the negotiation of investor-State and State-State dispute settlement mechanisms within Free Trade Agreements. His alma mater, *Universidad Rafael Landívar*, and *Universidad del Istmo* invited him to design and deliver trailblazing courses on trade law and negotiations in Guatemala City.

From 2001 to 2004, he advised the Guatemalan Chamber of Industry, the Association of Pharmaceutical Producers, the Association of Agrochemical Producers and the Commission of Exporters of Apparel and Textiles on trade negotiations and legal issues. He also had a private practice in Guatemala City, focusing on administrative, commercial, intellectual property, government procurement, investment and constitutional law.

He joined the Permanent Mission of Guatemala to the WTO as Legal Counsellor, in 2004; and was promoted to Deputy Permanent Representative (DPR) in 2008, a tenure he held until February 2024. As DPR, he led the substantive work and management of the Mission and represented Guatemala in multilateral negotiations. He also provided strategic advice to the Government on dispute settlement at the WTO, regional trade agreements, and ICSID, demonstrating his ability to handle highly sensitive and complex, fact-intense matters with efficacy.

In the realm of international litigation, he has participated in over 50 disputes at the WTO, in addition to bilateral and regional disputes, as lead lawyer, Government representative, and adjudicator (panelist), where he has showcased strong organizational and persuasion skills. His diverse professional background and extensive experience make him a trusted and knowledgeable negotiator, litigant, and adjudicator, capable of quickly adapting to any national and international setting.

Recognized for his expertise, WTO Members nominated him by acclamation to serve as the Facilitator of the Dispute Settlement Reform Process. He introduced the interest-based approach to WTO negotiations, which resulted in significantly advancing the discussions and presenting a draft text in one year. The basis of this work was his research on other dispute settlement proceedings to draw

inspiration for the WTO, particularly in the development of alternative dispute resolution mechanisms, such as ICSID, UNCITRAL, and many other dispute settlement mechanisms in FTAs.

He holds a law degree from Universidad Rafael Landívar (Guatemala City, Guatemala) and a Master's in International Studies, specializing in International Law, from the Graduate Institute of International and Development Studies (Geneva, Switzerland). He holds dual nationality, Guatemalan and Swiss, and is married with two children.

PROFESSIONAL EXPERIENCE

Independent Consultant

MOLINA & ASSOCIATES, 2025
Geneva, Switzerland

With almost 30 years of experience and a vast global network, he provides tailored services to companies, governments, and trade associations. His expertise spans a wide range of areas, including offering strategic advice to navigate complex domestic and international regulations; assisting micro, small, medium, and large enterprises in overcoming regulatory challenges; conducting specialized training programs; and representing clients in international litigation.

Minister Counsellor and Deputy Permanent Representative of Guatemala to the WTO

PERMANENT MISSION OF GUATEMALA TO THE WTO, 2008-2024
Geneva, Switzerland

Led the substantive work and management of the Mission, representing Guatemala in various committees and negotiations on rules such as antidumping, safeguards, and subsidies, and the WTO Dispute Settlement Body, as well as other international organizations including WIPO, UNCTAD, WHO, and ILO. Prepared legal opinions on WTO law and related issues, engaging in consultations with the private sector to formulate negotiation positions and ensure compliance with WTO Agreements. Additionally, managed external communications with Government entities, negotiating groups, the WTO Secretariat, and the media. Coordinated technical assistance initiatives, including capacity-building programs for government officials and seminars for the private sector and universities. Nominated by acclamation by WTO Members, served as Facilitator for the Dispute Settlement Reform negotiation at the WTO, a crucial process for the Organization, where proved leadership, convening, and negotiating skills. During this period, represented Guatemala as the lead lawyer in important cases at the WTO and regional trade agreements. Also advised the Government of Guatemala on specific legal issues concerning investor-State dispute settlement and served as an adjudicator (panelist) at the WTO in highly sensitive and complex cases.

Legal Counsellor

PERMANENT MISSION OF GUATEMALA TO THE WTO, 2004-2008
Geneva, Switzerland

Represented Guatemala in WTO Committees and negotiations on antidumping, safeguards, and subsidies, as well as in dispute settlement, intellectual property, regional trade agreements, rules of origin, and the negotiations on bananas between the European Communities and Latin American countries. Delivered legal opinions on WTO law, implementation-related issues, bilateral agreements, and other trade-related matters. Additionally, led consultations with the private sector to formulate negotiating positions and coordinated the implementation of WTO agreements and dispute settlement proceedings.

PROFESSIONAL EXPERIENCE

Executive Director

ASSOCIATION OF MANUFACTURERS OF AGROCHEMICAL PRODUCTS, 2001-2004

ASSOCIATION OF MANUFACTURERS OF PHARMACEUTICAL PRODUCTS, 2001-2004

Guatemala City, Guatemala

Represented the interests of Guatemalan agrochemical and pharmaceutical manufacturers, drafted legal opinions on issues related to these sectors, particularly on intellectual property and test data protection, and lobbied the Guatemalan Congress, civil society, and other government agencies to advance the sectors' interests. Designed legal and advocacy strategies to improve the business environment, served as a spokesperson, coordinated communications with media, government entities, and civil society, and participated in public events to advance the industry's position.

Trade and Legal Advisor

COMMISSION OF EXPORTERS OF APPAREL AND TEXTILES (VESTEX), 2002

ASSOCIATION OF EXPORTERS OF NON-TRADITIONAL PRODUCTS (AGEXPORT), 2002

Guatemala City, Guatemala

Designed strategies tailored to non-traditional agricultural and manufactured products, including the textile and apparel industry, for the negotiations of a Free Trade Agreement between Canada and Central America and the negotiations between the United States and Central America (CAFTA-RD). Crafted effective advocacy approaches to address key issues such as agriculture, market access, and rules of origin. Additionally, provided specialized legal opinions on various trade-related matters and coordinated consultations with exporters in Guatemala and Central America.

Partner

MOLINA & ASOCIADOS - LAW FIRM, 2000-2004

Guatemala City, Guatemala

Participated in national litigation and arbitration, and advised private clients on trade, commercial, civil, administrative, intellectual property, constitutional, government procurement and investment law.

Trade Negotiator and Legal Advisor

MINISTRY OF ECONOMIC AFFAIRS - TRADE NEGOTIATIONS DIRECTORATE, 1997-2000

Guatemala City, Guatemala

Negotiated dispute settlement provisions in bilateral investment treaties (BITs) and bilateral and regional negotiations of Free Trade Agreements (FTAs) and conducted legal reviews of finalized agreements before their acceptance by Ministers. Provided legal opinions on investment and trade-related matters to the Minister of Economic Affairs and the Deputy Minister of Trade and Economic Integration, and organized consultations with the private sector to develop negotiating positions.

Technical Coordinator

MINISTRY OF ECONOMIC AFFAIRS - ONE-STOP WINDOW FOR INVESTMENT, 1996-1997

Guatemala City, Guatemala

Contributed to set up the first government office responsible for investment-related issues. Negotiated Bilateral Investment Treaties (BITs) and advised investors from a wide variety of sectors, interested in establishing operations in Guatemala.

WTO DISPUTE SETTLEMENT EXPERIENCE

Represented Guatemala in the following disputes:

As Complaining Party:

- *Mexico — Anti-Dumping Duties on Steel Pipes and Tubes from Guatemala (DS331)*
- *China — Grants, Loans and Other Incentives (DS390)*
- *Dominican Republic — Safeguard Measures on Imports of Polypropylene Bags and Tubular Fabric (DS416)*
- *Peru – Additional Duty on Imports of Certain Agricultural Products (DS457)*
- *India – Measures Concerning Sugar and Sugarcane (DS581)*

As Third Party:

- *Brazil — Measures Affecting Imports of Retreaded Tyres (DS332)*
- *Colombia — Indicative Prices and Restrictions on Ports of Entry (DS366)*
- *United States — Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products (DS381)*
- *United States — Certain Country of Origin Labelling (COOL) Requirements (DS384, DS386)*
- *United States — Certain Measures Affecting Imports of Poultry from China (DS392)*
- *United States — Measures Affecting the Production and Sale of Clove Cigarettes (DS406)*
- *China — Certain Measures Affecting Electronic Payment Services (DS413)*
- *Dominican Republic — Safeguard Measures on Imports of Polypropylene Bags and Tubular Fabric (DS415, DS417, DS418)*
- *India – Measures Concerning the Importation of Certain Agricultural Products from the United States (DS430)*
- *Australia – Certain Measures Concerning Trademarks and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging (DS434)*
- *Australia – Certain Measures concerning Trademarks, Geographical Indications and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging (DS435, DS458, DS467)*
- *Argentina – Measures Affecting the Importation of Goods (DS438, DS444, DS445)*
- *Australia – Certain Measures concerning Trademarks, Geographical Indications and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging (DS441)*
- *Argentina – Measures Relating to Trade in Goods and Services (DS453)*
- *Colombia – Measures Relating to the Importation of Textiles, Apparel and Footwear (DS461)*
- *European Union – Measures on Atlanto-Scandian Herring (DS469).*
- *Korea – Import Bans, and Testing and Certification Requirements for Radionuclides (DS495)*
- *Colombia – Measures Concerning Imported Spirits (DS502)*

WTO DISPUTE SETTLEMENT EXPERIENCE

- *China – Domestic Support for Agricultural Producers (DS511)*
- *China – Tariff Rate Quotas for Certain Agricultural Products (DS517)*
- *United Arab Emirates – Measures Relating to Trade in Goods and Services, and Trade-Related Aspects of Intellectual Property Rights (DS526)*
- *United States – Certain Measures on Steel and Aluminium Products (China) (DS544)*
- *United States – Certain Measures on Steel and Aluminium Products (India) (DS547)*
- *United States – Certain Measures on Steel and Aluminium Products (European Union) (DS548)*
- *United States – Certain Measures on Steel and Aluminium Products (Canada) (DS550)*
- *United States – Certain Measures on Steel and Aluminium Products (Mexico) (DS551)*
- *United States – Certain Measures on Steel and Aluminium Products (Norway) (DS552)*
- *United States – Certain Measures on Steel and Aluminium Products (Russian Federation) (DS554)*
- *United States – Certain Measures on Steel and Aluminium Products (Switzerland) (DS556)*
- *Canada – Additional Duties on Certain Products from the United States (DS557)*
- *China – Additional Duties on Certain Products from the United States (DS558)*
- *European Union – Additional Duties on Certain Products from the United States (DS559)*
- *Mexico – Additional Duties on Certain Products from the United States (DS560)*
- *Turkey – Additional Duties on Certain Products from the United States (DS561)*
- *United States – Certain Measures on Steel and Aluminium Products (Turkey) (DS564)*
- *India – Measures Concerning Sugar and Sugarcane (Brazil) (DS579)*
- *India – Measures Concerning Sugar and Sugarcane (Australia) (DS580)*

PANELIST IN WTO DISPUTE SETTLEMENT, AGREED BY THE PARTIES

- *India - Certain Measures Relating to Solar Cells and Solar Modules (DS456)*
- *European Union and its Member States — Certain Measures Relating to the Energy Sector (DS476)*
- *Australia – Anti-Dumping Measures on A4 Copy Paper (DS529)*
- *European Union - Safeguard Measures on Certain Steel Products (DS595)*
- *China – Anti-Dumping and Countervailing Duty Measures on Wine from Australia (DS602)*

CENTRAL AMERICAN DISPUTE SETTLEMENT EXPERIENCE

Represented Guatemala in the following disputes, as complaining party:

- *Costa Rica – Diversas resoluciones emitidas por el servicio nacional de aduanas y sentencia del Tribunal Aduanero.*
- *El Salvador - Cláusula provisional de modificación del arancel centroamericano de importación sobre ciertos productos.*

CAFTA-RD DISPUTE SETTLEMENT EXPERIENCE

Represented Guatemala in the following disputes, as defending party:

- *Guatemala – Issues relating to the obligations under Article 16.2.1(a) of the CAFTA-DR.*

ACADEMIC EXPERIENCE

Associate Professor – Trade Negotiations

UNIVERSIDAD RAFAEL LANDÍVAR - FACULTAD DE CIENCIAS ECONÓMICAS, 2002-2003
Guatemala City, Guatemala

Associate Professor – International Trade Law

UNIVERSIDAD DEL ISTMO - FACULTAD DE CIENCIAS ECONÓMICAS, 2002
Guatemala City, Guatemala

SECTORAL EXPERIENCE

Dispute settlement, international law; investment law; WTO Law; Central American Law; regional trade agreements; trade remedies (antidumping, subsidies and safeguards); trade in goods; technical barriers to trade; rules of origin; customs valuation; sanitary and phytosanitary measures; intellectual property; government procurement; health and trade; labour and trade; climate change.

EDUCATION AND PROFESSIONAL QUALIFICATIONS

Master in International Studies, Specialization in International Law

GRADUATE INSTITUTE OF INTERNATIONAL AND DEVELOPMENT STUDIES, 2006-2008
Geneva, Switzerland

Licenciado en Ciencias Jurídicas y Sociales (Licence in Law and Social Sciences)

UNIVERSIDAD RAFAEL LANDÍVAR - FACULTAD DE DERECHO, 1995-2001
Guatemala City, Guatemala

Abogado (Attorney)

UNIVERSIDAD RAFAEL LANDÍVAR - FACULTAD DE DERECHO, 1995-2001
Guatemala City, Guatemala

Notario Público (Public Notary)

UNIVERSIDAD RAFAEL LANDÍVAR - FACULTAD DE DERECHO, 1995-2001
Guatemala City, Guatemala

LANGUAGES

- Spanish (mother tongue)
- English (full proficiency)
- French (full proficiency)
- German (beginner)

PUBLICATIONS

- *"Litigating WTO Disputes in Spanish or French"; Global Trade and Customs Journal; Vol. 16, No. 10, 2021 (co-author: Tatiana Yanguas).*
- *"Practical Aspects of WTO Litigation"; Edited by Marco Tulio Molina Tejeda; Global Trade Law Series, Vol. 54, Kluwer Law International, 2020.*
- *"The Review of the WTO Dispute Settlement Process"; Global Trade and Customs Journal; Vol. 6, No.7 8, August 2011 (co-author: Fernando Piérola).*
- *"Assessing the Importance of the Definitions of 'Product under Consideration' and 'Like Product' in Antidumping Investigations"; Global Trade and Customs Journal; Vol. 6, No. 3, March 2011.*
- *"Assessing the Importance of the Definitions of 'Product Under Consideration' and 'Like Product' in Anti-Dumping Investigations", IHEID, Geneva, 2008.*
- *"Perspectivas de Guatemala en la OMC"; Revista AGEXPORT; Guatemala, September 2008.*
- *"La Propiedad Intelectual y el Acceso a Medicamentos en el Marco del CAFTA", Centroamérica en la Economía del Siglo XXI, December, 2003 (co-author: Josefita Pardo De León).*
- *"Aplicación del Sistema de Solución de Diferencias en el Marco de la Organización Mundial del Comercio: La Experiencia de Guatemala en la Controversia Guatemala-Investigación Antidumping sobre el Cemento Portland Procedente de México", URL, Guatemala, 2001.*

MEMBERSHIP IN PROFESSIONAL SOCIETIES

Active Member

COLEGIO DE ABOGADOS DE GUATEMALA (GUATEMALAN BAR ASSOCIATION), 2001-PRESENT
Guatemala City, Guatemala

HONORARY POSITIONS

Member of the Steering Committee of the Trade and Labour Programme

WORLD ECONOMIC FORUM, 2023-2024
Geneva, Switzerland

Vice-Chair of the General Assembly

ADVISORY CENTRE ON WTO LAW, 2014 – 2024
Geneva, Switzerland