

CENTRE FOR INTERNATIONAL LAW

Seminar

CIL

22 November 2012, Thursday, 4.00PM – 5.30PM

**Executive Seminar Room, Level 3, Block B, NUS Bukit Timah Campus
469 Bukit Timah Road, Singapore 259756**

THE ENHANCED DISPUTE SETTLEMENT MECHANISM OF ASEAN:

A Discussion in Light of 2015 and of the WTO Experience



Paolo R. Vergano

Paolo R. Vergano is a partner in the firm, where he deals mainly with international trade (i.e., general EU and WTO law, dispute settlement and trade negotiation in the areas of agriculture and services). Paolo is admitted in Belgium and is a member of the Brussels Bar ("A" list).

Paolo graduated at the School of Law of the University of Torino, Italy (1995) and holds a Master's degree in International Business and Trade Law from the University of Fordham's School of Law in New York, USA (1997). Prior to that, he had obtained an Erasmus Diploma at the University of Limburg in Maastricht, the Netherlands (1994) and a Diplôme Supérieur de Droit Comparé at the Faculté Internationale de Droit Comparé in Strasbourg, France (1996).

Paolo started his trade career in 1995 and has worked in Washington, DC and Brussels, Belgium. He has been involved in a variety of projects on EU and WTO law and procedures, doing extensive work on international trade issues such as market access questions, sanitary and phytosanitary standards, technical barriers to trade, customs regulations, rules of origin determinations, preferential tariff arrangements and duty suspension procedures. In particular, he has so far been actively involved in seven WTO dispute settlement procedures (at consultations, Panel and Appellate Body level), has advised many countries and private interests in WTO accessions and trade negotiations, and has participated in a variety of EU, DFID, USAID, World Bank, ITC and WTO trade-related technical assistance projects. He is currently advising Governments and private operators on agricultural and services negotiations (in the postal, energy and financial services sectors) in the multilateral, regional and bilateral contexts.

INTRODUCTION

Mr Paolo R. Vergano's presentation will focus on the importance of the dispute settlement system of the ASEAN Economic Community, on a number of jurisdictional and institutional issues that inform its establishment and functioning, on the overview of this ASEAN dispute settlement mechanism and its procedures, and on a number of comparative assessments vis-à-vis the WTO dispute settlement system, which is the legal model that has inspired the drafters of the 2004 ASEAN Protocol on Enhanced Dispute Settlement Mechanism (EDSM).

The background to the EDSM system and to Mr. Vergano's presentation is the creation of the ASEAN Economic Community (AEC) as a single market and production base between ASEAN Member States, with a free flow of goods, services, investment and a freer flow of capital, and an area of equitable economic development and reduced poverty and disparities. The completion of the AEC was initially intended for 2020, but was later accelerated to 2015. In this light, the existence of a reliable, effective and efficient ASEAN dispute settlement mechanism, in order to secure compliance with and enforcement of contracted obligations and commitments within the region, stands as a prerequisite for achieving an AEC that is truly rules-based, reliable, predictable and the bed-rock of a well-functioning and well-integrated ASEAN internal market and regional economy.

The existence of a reliable and credible system for the prompt resolution of economic disputes is also functional for the ASEAN region to keep attracting investments and to establish the AEC as a competitive free trade area. The presentation will also try to answer the question of why ASEAN Member States keep referring economic disputes to the WTO, including when challenging measures of other ASEAN Member States, while they are reluctant to litigate within ASEAN and to make full use of the EDSM.

FREE ADMISSION Please register by emailing Ms Geraldine Ng at cilnwfa@nus.edu.sg

ABOUT THE CENTRE FOR INTERNATIONAL LAW (CIL)

The Centre for International Law (CIL) is based at the Bukit Timah campus of the National University of Singapore. CIL's mission is to enable Singapore and the Asia-Pacific region to play a more significant role in the promotion and development of international law and policy. The Centre's aim is to become the region's intellectual hub and thought leader for research on and teaching of international law and policy. The Director of CIL is Associate Professor Robert C Beckman and the Deputy Director is Dr Navin Raj. For more information, please visit the CIL website at <http://www.cil.nus.edu.sg> or email: cil.info@nus.edu.sg