

**10<sup>th</sup> Asian Law Institute Conference**  
**Bangalore, 23-24 May 2013**

**Towards a Rules-based ASEAN:  
The Protocol to the ASEAN Charter  
on Dispute Settlement Mechanisms**

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# Introduction



**1** *Process towards the Protocol*

**2** *Procedures and Mechanisms*

**3** *Compliance*

**4** *Unresolved Disputes*

**5** *Conclusion*

# Introduction

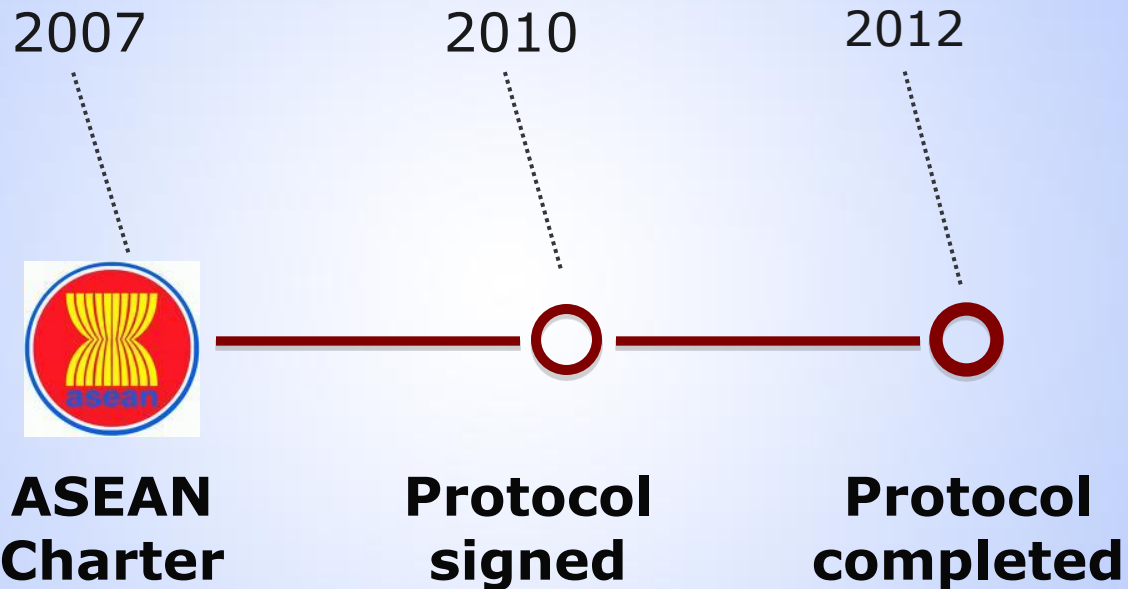


# Process towards the Protocol

## 2007 ASEAN Charter – Chapter VII

Disputes	Settlement Mechanisms
Relating to an instrument that has specific dispute settlement mechanisms	Mechanism provided for in that instrument
Arising from ASEAN economic agreements	Protocol on Enhanced Dispute Settlement Mechanisms
Not relating to ASEAN instruments	Treaty on Amity and Cooperation
Relating to the ASEAN Charter and instruments that do not have DSM	"Appropriate mechanisms, including arbitration", to be established

# Process towards the Protocol



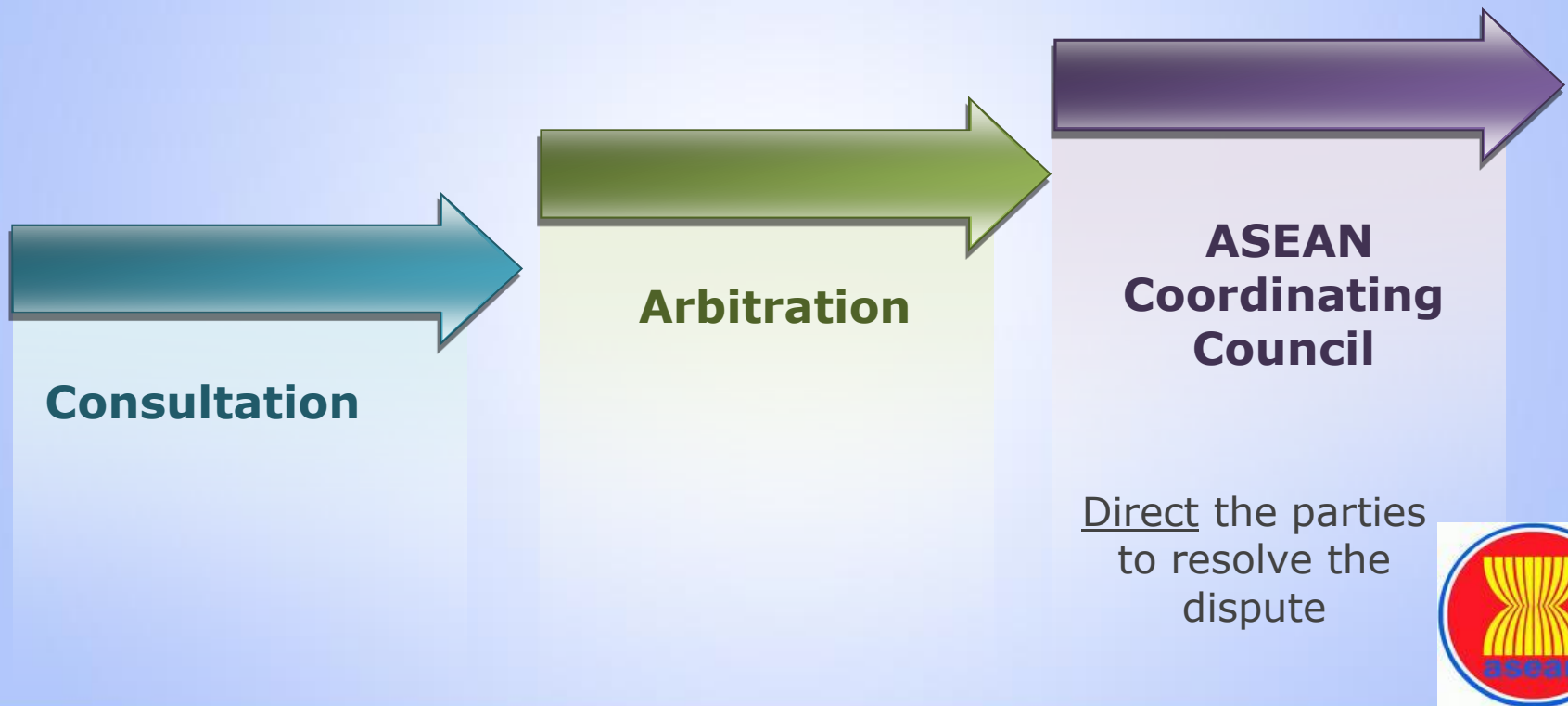
# Scope of Application

## Disputes

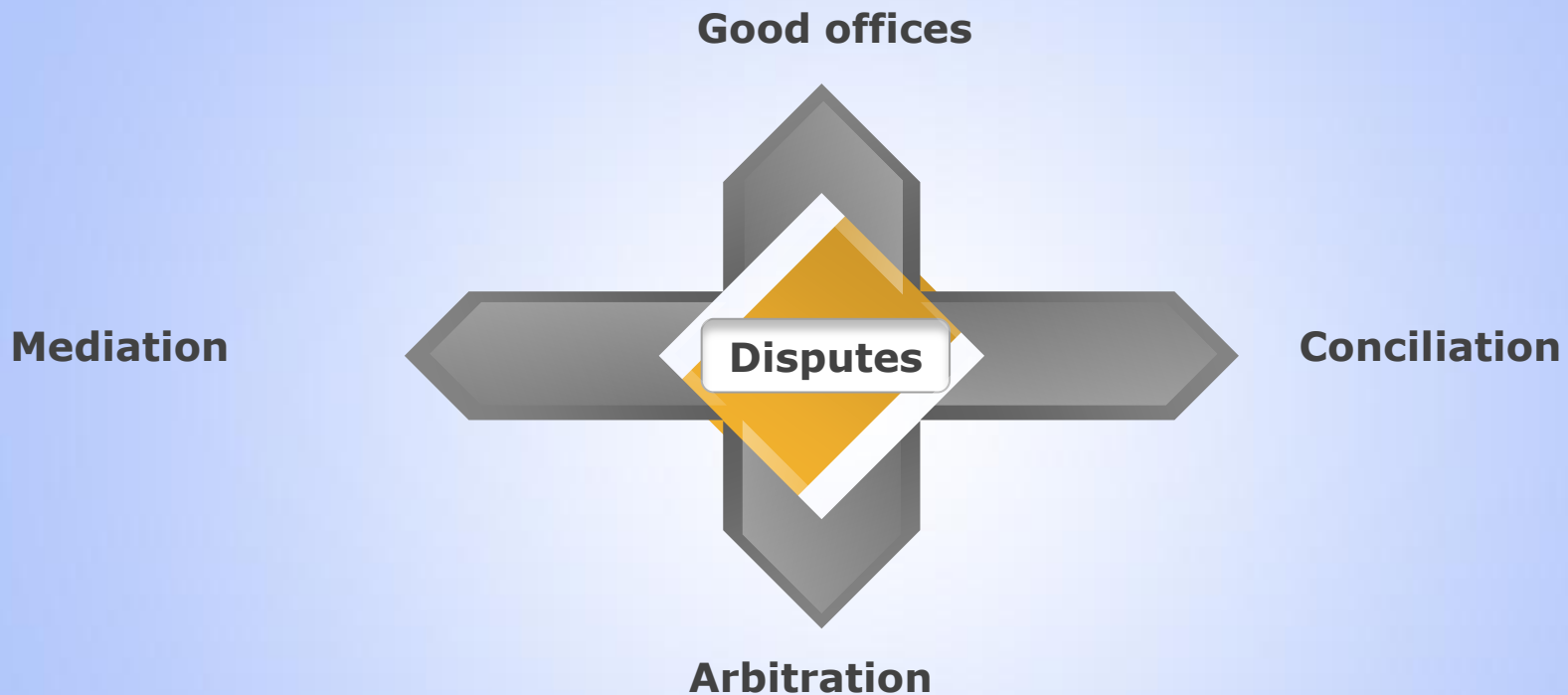


ASEAN instruments means any instrument which is concluded by Member States, as ASEAN Member States, in written form, that gives rise to their respective rights and obligations in accordance with international law.

# Dispute Settlement Procedure

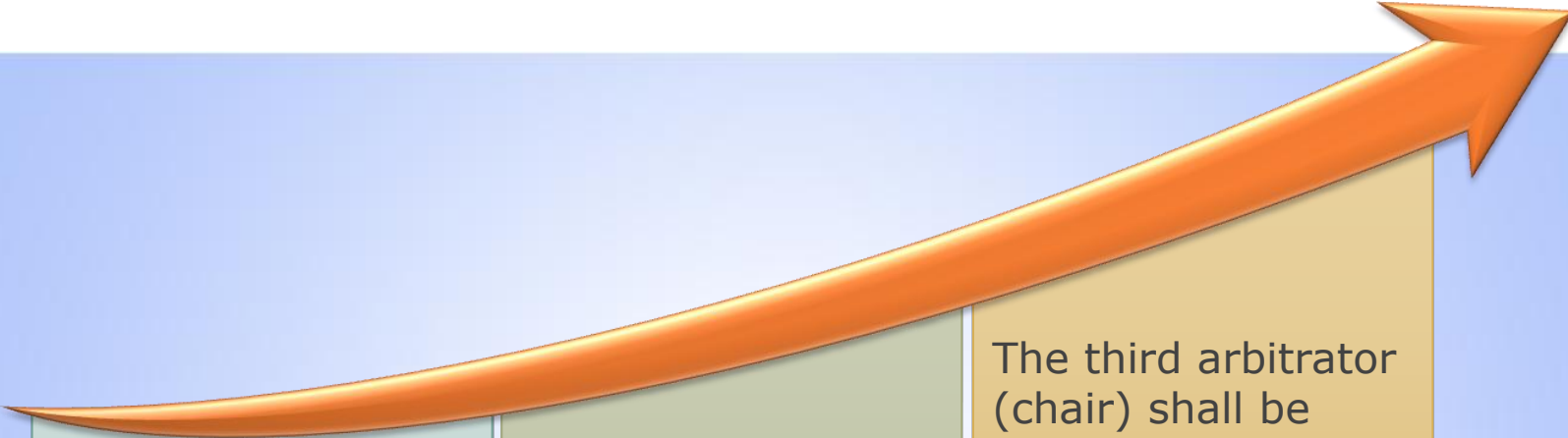


# Dispute settlement mechanisms





# Establishment of Arbitral Tribunal



Each party shall appoint one arbitrator.

**First arbitrator**

If one party fails to appoint its arbitrator, the second arbitrator shall be appointed by the ASEAN Secretary-General.

**Second arbitrator**

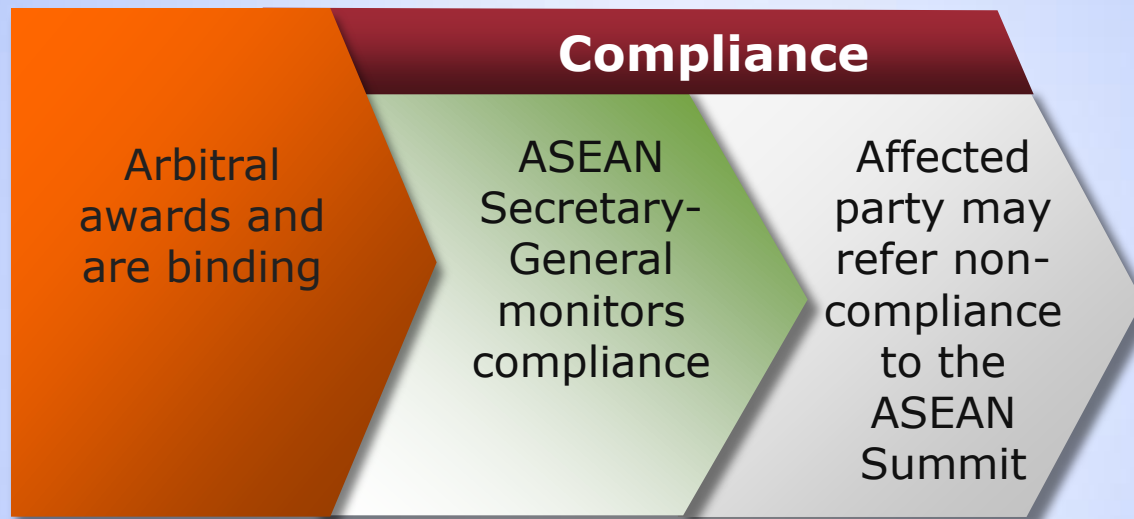
The third arbitrator (chair) shall be appointed by agreement between the two parties or by the Chair of the ASEAN Coordinating Council.

**Third arbitrator**

# Arbitral Proceedings



# Enforcement and Compliance

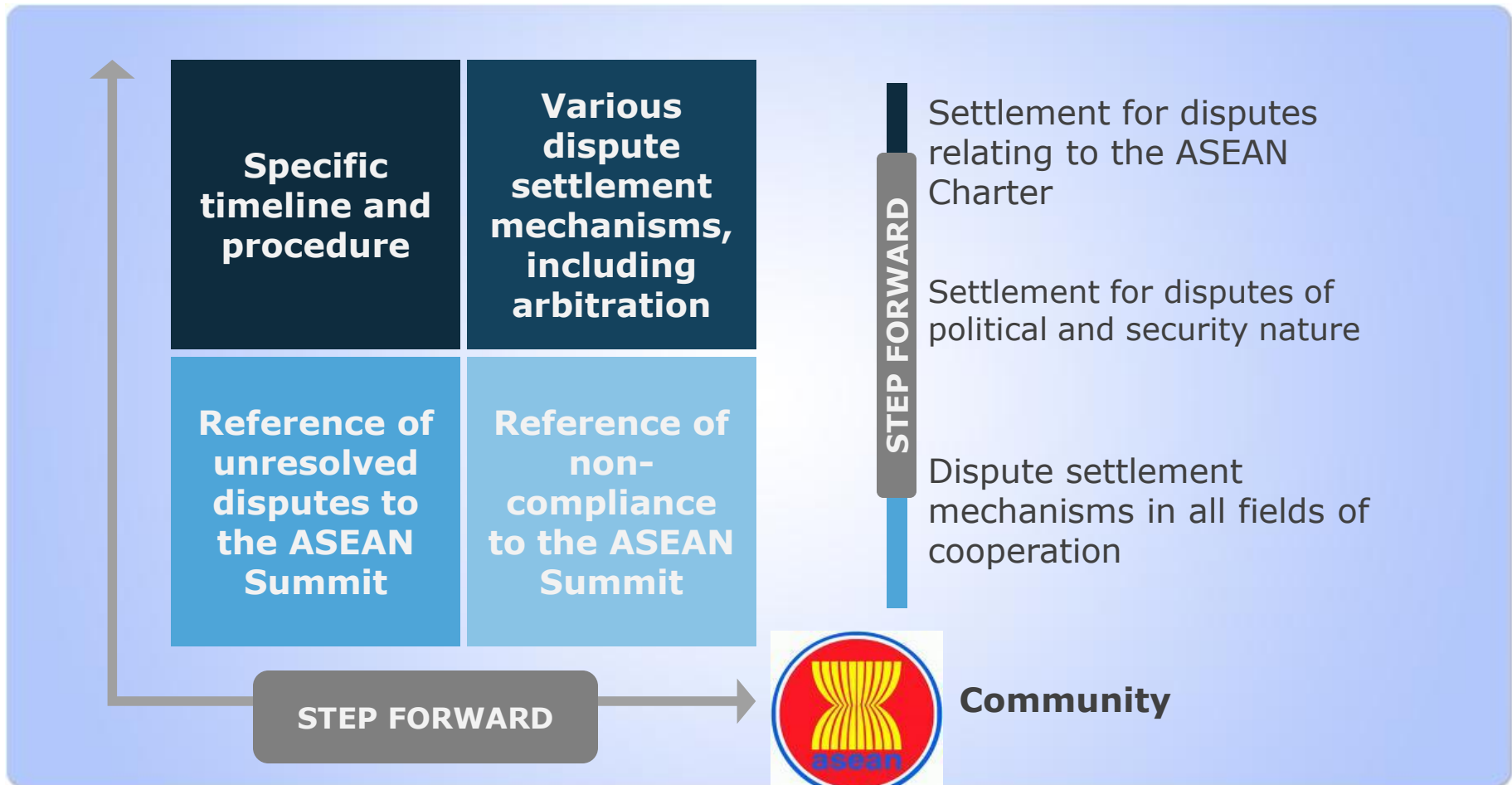


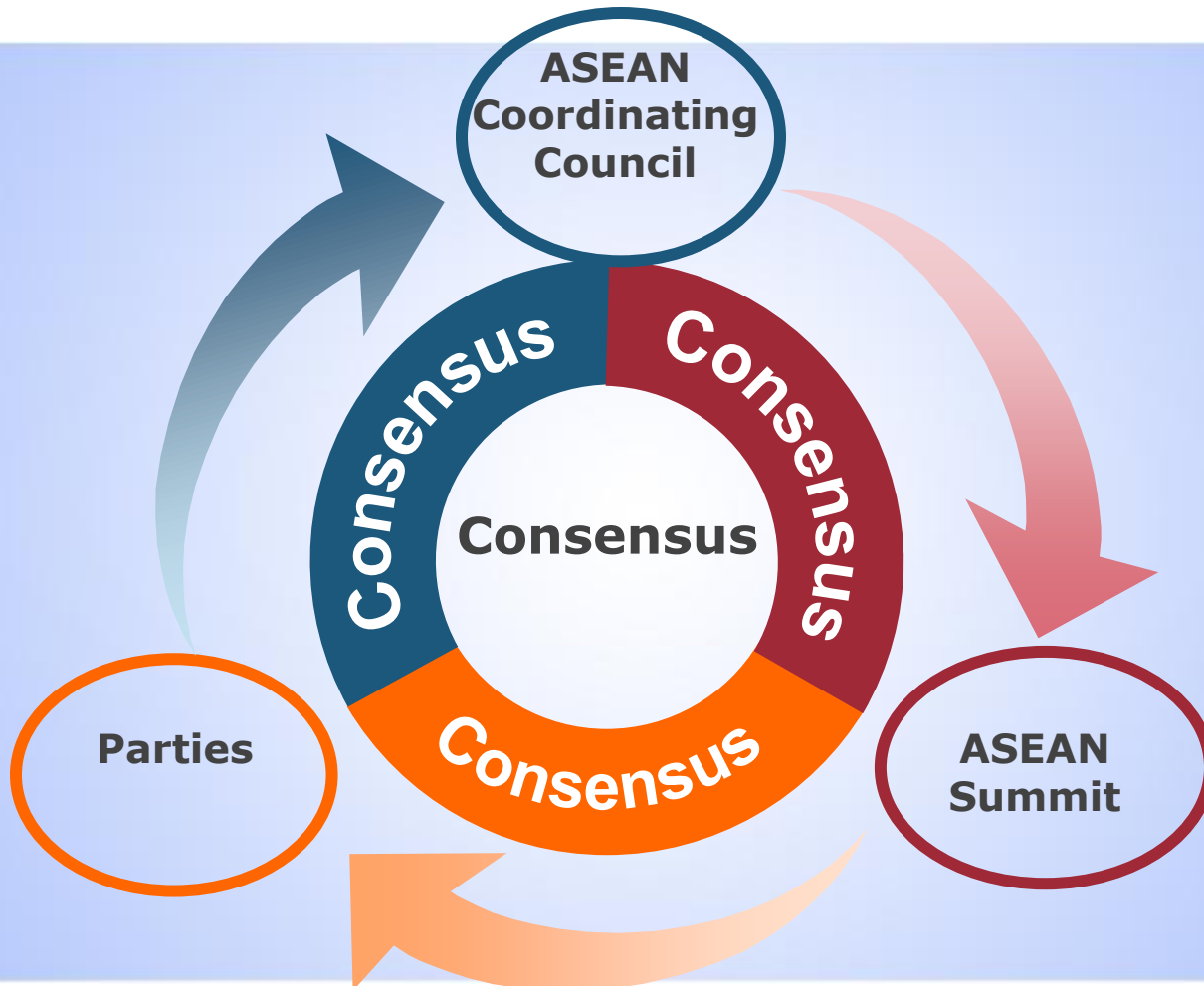
# Unresolved Disputes

**Unresolved Disputes**

**Referred by  
parties  
(through ACC)**

**ASEAN Summit**





# Conclusion

**Majority  
Vote**

**Reverse  
Consensus**

**Consensus -**

**Thank you!**

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