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Perspectives of Stakeholders on Dispute Settlement Mechanisms in Trade Agreements

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APEC Workshop on

Current Trends on Dispute Settlement Mechanisms in Trade Agreements

Perspectives of Stakeholders on Dispute Settlement Mechanisms in Trade Agreements

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Background: Why do we need to discuss this?

1. Rules-based trade dispute settlement is needed.
2. Rules-based trade dispute settlement is in danger.
3. What other trade dispute settlement options do we have?

Dispute Settlement Mechanisms in Trade Agreements

- ▶ WTO dispute settlement
 - ▶ Two-stage: Panels and AB
 - ▶ MPIA/ad hoc arbitration
 - ▶ One-stage: Panels without AB
- ▶ FTA dispute settlement
- ▶ Trade dispute management/prevention
 - ▶ Consultations and cooperation in trade agreements
 - ▶ Trade “arrangements” “frameworks”
- ▶ Options are many and diverse.

Evolving Nature of Recent Trade Disputes

- ▶ Non-trade concerns
 - ▶ Sustainability
 - ▶ Geopolitical/security concerns
- ▶ Lacuna?
 - ▶ Rule interpretation and application
 - ▶ Rule making
- ▶ Trade remedy disputes
 - ▶ Facts-intensive
- ▶ Disputes are many and **diverse**.

Conclusions (or more questions)

- ▶ Rules-based dispute settlement is needed.
- ▶ Rules-based dispute settlement is in danger.
- ▶ Dispute settlement mechanisms
 - ▶ More options
- ▶ Disputes
 - ▶ More diverse