

Thesis Title : Trade and Economic Dispute Settlement Procedure under the Asean

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## ABTRACT

This thesis is initiated with the main purpose to study on the development of ASEAN economic cooperation, including their dispute settlement procedure, as to understand their general principles, its scope and stage of development, pros and cons, as well as its legal implementation. This is in order to be used as a guideline for our analysis, recommendations, and improvement of ASEAN dispute settlement mechanism in economic cooperation in the future.

According to the study, it is found that the result shows that during the initial stage of implementation of the dispute settlement, ASEAN had no clear and absolute procedure to deal with disputes arisen among their members. The relevant provisions regulated were de facto merely a framework on the basis of UN (United Nations) Charter on peacekeeping and ASEAN Way that is likely to focus on rounds of talk and social dialogue rather than a decisive obligation. Soon as ASEAN Charter was latterly completed, with its recognition as their constitution, its general structure and legal framework became clearer as to enhance ASEAN capability to accomplish the goal and consensus they have previously agreed. Notwithstanding the ASEAN Charter that works in support as its legal basis, because ASEAN members are likely tending to have a culture of “Agree First and Talk After”, this may cause ASEAN to encounter the same difficulties and obstacles they might have experienced before. While on the part of the Charter and its protocols themselves, there are also some

problems needed to be fixed. Instead of assisting ASEAN to be put forward and to be more recognized by global community, these will hence become a barrier to ASEAN as the cooperation lacks of efficiency and notability that all the parties originally expected.

In order to upgrade and make the ASEAN dispute settlement procedure, especially in economic and trade, to become efficient and more applicable, ASEAN is therefore needed to amend and revise their dispute settlement provisions in the ASEAN Charter and ASEAN Protocol on Enhanced Dispute Settlement Mechanism 2004 to be more in support and beneficial to the ASEAN members for any disputes may have in the future. This will not only be in line with the dispute settlement policy as ASEAN aims to be but it is also a peaceful means of dispute settlement on the ASEAN Way and their unique culture that will maintain their great relationship and bound of cooperation in latter time.

