

UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

UNCTAD



MULTI-YEAR EXPERT MEETING ON TRADE, SERVICES AND DEVELOPMENT
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**Assuring Coherence in Regulation and Trade:
Institutional Arrangements for Doing So**

SESSION # 5



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Ashley C. BROWN
Executive Director, Harvard Electricity Policy Group
Harvard Kennedy School
Harvard University

Assuring Coherence in Regulation and Trade: Institutional Arrangements for Doing So

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Trade Framework

- Rules and Principles Must Be Articulated in Binding Trade Agreement(s)
- Means of Adjudicating Disputes, if Different from Normal Adjudicative Mechanisms, Must Be Set Forth in the Agreement

Regulatory Framework

- Statutes and Rules Must Be Fully Articulated
- Must Provide for a Transparent Adjudicative Process for Rendering Decisions
- Parties Who Believe Trade Issues Are Present in a Pending Matter Should Have Opportunity/Obligation to Raise Them in Regulatory Decision Making Process
 - Regulator Should Have Opportunity to Reconcile Trade and Regulatory Conflicts

Resolving Regulation vs. Trade Agreement Disputes: The Options

- A. Adjudicatory Processes (e.g. U.S.)
- B. Cabinet Level Decision Maker (e.g. CAMEX Brazil)
- C. Arbitration / Mediation
- D. Processes Mandated by Treaty or WTO
- E. Judicial Appeals