

The African Union calls for the submission of applications of qualified Seychellois Citizens, to the Indicative List of Panelist for the AfCFTA Dispute Settlement Body.

**Background:**

On 30 May 2019, after the deposit of the 22nd instrument of ratification, the Agreement Establishing the African Continental Free Trade Area (“Agreement Establishing the AfCFTA”) entered into force. Upon the entry into force of the Agreement, the Protocol on the Rules and Procedures on the Settlement of Disputes, and its Annexes (“Protocol on Dispute Settlement”) also entered into force as an integral part of the Agreement Establishing the AfCFTA.

On 1 January 2021, following the decision of the 30th Extraordinary Session of the Assembly of Heads of State and Government held virtually on 5 December 2020, official trading commenced under the Agreement. The start of trading inevitably raised the prospect of disagreements or disputes over the implementation of the rights and obligations of State Parties under the Agreement Establishing the AfCFTA.

The Protocol on Dispute Settlement sets out a clearly defined mechanism for the resolution of trade disputes. Article 5 establishes a Dispute Settlement Body (the “DSB”) as the supreme organ with the mandate for the surveillance of implementation of rulings and recommendations of panels and the Appellate Body. Article 9 of the Protocol provides for panels to adjudicate disputes where an amicable resolution to a dispute has not been achieved through consultations, while Article 20 requires the DSB to establish an Appellate Body as a tribunal of final instance.

**Function of the DSB Panel:**

Where a dispute arises over the implementation of any of the rights and obligations set out in the Agreement Establishing the AfCFTA, the disputing parties are required, under the Protocol on Dispute Settlement, to enter into consultations with a view to finding an amicable solution to the dispute. If the disputing parties are unable to resolve the dispute amicably through consultations, the Protocol on Dispute Settlement gives the complaining party the option to approach the DSB to

request the establishment of a panel so that the dispute is resolved through adjudication. Article 12 of the Protocol on Dispute Settlement states that the principal function of a panel is to:

- assist the DSB in discharging its responsibilities under the Agreement Establishing the AfCFTA. Panels do this by making an objective assessment of the facts of the case and the applicability of the relevant provisions of the Agreement, as well as by making findings to assist the DSB in making recommendations and rulings.
- Panels examine complaints and make assessments over compliance,
- Panels determine whether the DSB should make recommendations and rulings on implementation.

### **Criteria for Nominations to the Indicative List of Panelists:**

The Protocol on Dispute Settlement gives some guidance as to the kind of individuals that are to be included in the Indicative List. Article 10(3) of the Protocol provides that the individuals nominated to the Indicative List:

- **are required to have expertise in law, international trade, other matters covered by the Agreement or the resolution of disputes under international agreement;**
- **shall be chosen strictly on the basis of objectivity, reliability and sound judgment; and**
- **shall be impartial, independent of, and not be affiliated to or take instructions from any Party.**

### **Target Group:**

- Government officials and experts in specific aspects of trade law, trade policy or economics;
- Academics and university lecturers specialising in international trade law or international economic law more broadly;
- Academics and university lecturers specialising in trade policy and economics;
- Lawyers in private practice specialising in various aspects of trade law, particularly those who are experts in trade remedies, that is, those engaged in the areas of anti-dumping, safeguards and countervailing investigations.
- Magistrates or judges with international experience in international arbitration or international law.

**Required Documents:**

Participants are required to submit detailed Curriculum Vitae (CVs) outlining qualifications, employment history and areas of expertise.

**Disclaimer**

It should be emphasised that inclusion of individuals in the Indicative List is no guarantee that the persons will inevitably be selected to be panelists. Ultimately, it is up to the disputing parties to compose their panels. Where parties are unable to agree on panel composition, the Protocol on Dispute Settlement gives the Secretary-General the authority to compose panels.

**Deadline for submission of Applications**

Submit application to the Department of Affairs by 11<sup>th</sup> March 2022 on the following details:

**Mr. Rodney Sinon**

**Desk officer for African Union**

**Email: [RSinon@mfa.gov.sc](mailto:RSinon@mfa.gov.sc)**

**Tel: 4283500**

**Department of Foreign Affairs**

**Note: Two successful panelist will be chosen to represent each member state of the African Union.**