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ASEAN'S EVOLVING LEGAL AND INSTITUTIONAL FRAMEWORK

Date/Time: **Wednesday, May 21, 2008; 8:30 a.m.-10:00 a.m.**

MODERATOR

Pek Koon Heng, *Course Chair for the Insular Southeast Asia Advanced Area Studies program at the Foreign Studies Institute, United States Department of State; Assistant Professor at the School of International Service at American University*



Pek Koon Heng is Assistant Professor at the School of International Service. She is the Coordinator for Asia in the Comparative and Regional Studies division, Coordinator for Southeast Asia at the Center for Asian Studies, and Program Director of the Globalization in Southeast Asia summer semester course in Malaysia.

Pek Koon is also the Course Chair for the Insular Southeast Asia Advanced Area Studies program at the Foreign Studies Institute, United States Department of State. She has previously taught at Hull University in England, the National University of Malaysia and Temple University Japan. She was also Visiting Professor at Peking University, and Visiting Fellow at both the Institute of Southeast Asian Studies in Singapore and the Institute of Security and International Studies in Bangkok.

Her areas of specializations are international relations, comparative politics and political economy in Southeast Asia. She is currently conducting research on nation building, ethnic relations and identity politics in Malaysia. Her recent publications include chapters on *The Mahathir Generation and Nation-Building in Malaysia: Political, Economic and Socio-Cultural Dynamics* (Reflections: the Mahathir Years, John Hopkins University, 2004); *The Chinese in the Malaysian Political System* and *The Chinese Business Community in Peninsular Malaysia* (The Chinese in Malaysia, Oxford University Press, 2000); and *Malaysia* (The Encyclopedia of the Chinese Overseas, Chinese Heritage Centre, Singapore, 1998.)

PANELISTS



Amelia Porges *Counsel, Sidley Austin LLP*

Amelia Porges focuses her practice on international trade, regulatory and market access issues, advising businesses, trade associations and governments on using trade and investment rules to solve market access problems and resolve disputes. She has argued before WTO and GATT panels and the WTO Appellate Body, and has advised governments and businesses in WTO disputes and international negotiations. In this work she draws on her 20 years of experience with the Office of the U.S. Trade Representative (USTR), the World Trade Organization (WTO) and the General Agreement on Tariffs and Trade (GATT).



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She has extensive experience on trade in digital content industries and the Internet, advising governments, associations and clients in the business software, entertainment software, and online music industries on WTO and bilateral market access issues including trade issues with China. Her other areas of focus include market access for financial and other services, tariffs and customs issues, agricultural trade, regulatory and environmental trade issues, regional trade negotiations, and trade legislation. She is also active in treaty-based investment arbitration. Other industries she has worked with include professional services, sweeteners, processed food, chemicals, metals, forest products, textiles and apparel, semiconductors, distilled spirits, pharmaceuticals, aquaculture products, and many others.

As the Senior Counsel for Dispute Settlement and head of enforcement at USTR, Ms. Porges briefed and argued WTO cases before dispute settlement panels and the Appellate Body and guided U.S. WTO litigation efforts in over 120 government-to-government disputes. At USTR, she advised negotiators and drafted trade agreements involving trade with Japan, tariff negotiations with Europe, regulatory trade problems, agriculture and government procurement. She drafted the Japan-U.S. agreements on beef and citrus liberalization and on trade in automobiles, and the first U.S. proposal for a General Agreement on Trade in Services. From 1990 to 1994 during the Uruguay Round trade negotiations, Ms. Porges served as Senior Legal Officer and Counsellor for Legal Affairs at the GATT Secretariat in Geneva, advising on trade disputes, negotiations and drafting of the WTO Agreement.

Ms. Porges teaches WTO law at the Johns Hopkins University School of Advanced International Studies. She is a Commissioner of the Japan-U.S. Friendship Commission and a U.S. representative in the US-Japan Conference on Cultural and Educational Interchange. She is listed by *Who's Who of Trade and Customs Lawyers*, the *Chambers USA Guide to America's Leading Business Lawyers*, *Chambers Global Guide to the World's Leading Lawyers*, and *Who's Who in America*.



Sungjoon Cho, *Assistant Professor of Law, Chicago-Kent College of Law*

Professor Sungjoon Cho, an authority on international economic law, joined the Chicago-Kent faculty in 2003 and teaches courses in international law, international trade law, international business transactions and comparative law. He earned his LL.B. from Seoul National University in 1989, his M.P.A. degree from Seoul National University in 1994 and his LL.M. in international economic law from the University of Michigan Law School in 1997. In 2002, he received his S.J.D. degree from Harvard Law School.

Professor Cho has held appointments as a Clark Byse Fellow at Harvard Law School, a Research Fellow with Harvard Law School's East Asian Legal Studies Program, and an Emil Noël Fellow at New York University Law School. He has taught at the University of San Diego (Summer Program in Mexico), the Institute of European Studies of Macau, Catholic University of Lublin (Poland), and KDI School of Public Policy and Management (Korea).

Professor Cho has written numerous books and articles on international economic law, including *Toward a New Economic Constitution: Judicial Disciplines on Trade Politics*, 42 *Wake Forest Law Review* 167 (2007); [The Law of the World Trade Organization through Cases](#) (2006) (co-authored with Joseph H. H. Weiler); *A Quest for WTO's Legitimacy*, 4 *World Trade Review* 391 (2005); *A Bridge Too Far: The Fall of the Fifth WTO Ministerial Conference in Cancún and the Future of Trade Constitution*, 7 *Journal of*

International Economic Law 219 (2004); and *Free Markets and Social Regulation: A Reform Agenda of the Global Trading System* (Kluwer Law International 2003). Professor Cho is a regular contributor to the *International Economic Law and Policy Blog*.

Professor Cho's works and comments have been cited by the U.S. Department of Commerce, the Law Library of Congress, Voice of America, United Press International (UPI), *The Embassy*, *Joong-Ang Daily* (Korea) and *Mae-Kyung Economic Daily* (Korea). His writings also appear frequently in the international news media, including the *Financial Times* and *e-Daily*.

From 1994 to 1996, before coming to the United States, Professor Cho represented the government of the Republic of Korea in negotiations under the World Trade Organization (WTO) and the Organization for Economic Cooperation and Development (OECD). He is a member of the bar of the state of New York.



Michael Ewing-Chow, *Associate Professor, National University of Singapore*

Michael Ewing-Chow specialises in corporate law and world trade law. He has a First Class Honours degree from the Faculty of Law, National University of Singapore (NUS) where he received the Allen & Gledhill Scholarship and Kwa Gek Choo Scholarship. He also took prizes in Company Law, Banking Law and Jurisprudence. In 1994, he was fortunate to be a part of the student team that represented NUS and won the Jessup International Law Competition.

After graduation, he worked in the corporate department of Allen & Gledhill before rejoining NUS where he was awarded the NUS-Overseas Graduate Scholarship to pursue a postgraduate degree at Harvard Law School.

Upon returning from Harvard, he, with some colleagues, started the first World Trade Law course at NUS and became involved in negotiations for Singapore's early free trade agreements (FTAs). He has been a consultant to Singapore Ministry of Trade and Industry, the Ministry of Foreign Affairs and the Ministry of Finance as well as the World Bank and the WTO. Michael has also been involved in the building of trade law capacity of government officials in Asia and Latin America.

On the corporate side, he has also assisted the Company Law Reform and Frameworks Committee which was tasked in 2001 with a major overhaul of corporate law in Singapore. In 2008, he was also appointed to a Working Group of the Steering Committee for the review of the Singapore Companies Act.

He has written and published articles on corporate governance, trade law and investment law with a particular focus on FTAs. He has been an editor of the Singapore Year Book of International Law (SYBIL) and its predecessor, the Singapore Journal of International and Comparative Law (SJICL) as well as the Singapore Law Reports (Reissue) series.

He volunteers his time with various Non-Governmental Organisations (NGOs) such as the United Nations Development Fund for Women (UNIFEM) Singapore and is a co-founder of aidha, an NGO which provides financial education and microfinance opportunities for domestic migrant workers and for which he was awarded the NUS BINGO Social Entrepreneur of the Year Award 2007. Michael was also awarded in 2007 the Teaching Excellence Award.



Edmund W. Sim, *Partner, Hunton & Williams LLP-Singapore*

Edmund Sim's internationally recognized practice focuses on trade remedies (including antidumping and countervailing duties), Section 301, safeguards, customs, foreign investment, intellectual property, antitrust, competition and other issues. He has participated in over 140 trade remedy proceedings involving products from semiconductors to shrimps and economies as diverse as China, Japan, Taiwan, Hong Kong, Malaysia, Singapore, Indonesia, India, Thailand, the Philippines, Vietnam, Korea, Sri Lanka, Bangladesh, Canada, Brazil, Colombia, Mexico, Ecuador, South

Africa, Turkey, Russia, Ukraine, the United Arab Emirates, Turkey, the United States and the European Union.

Based in Singapore, Mr. Sim represents exporters and governments in international trade disputes between Asia and Latin America, Canada, Africa, Europe and the United States, and within Asia itself. Mr. Sim has provided assistance to government trade ministries in China, Thailand, Malaysia, Singapore, Oman, the Philippines and Indonesia in the implementation of antidumping and countervailing duty laws, rules of origin, free trade agreements, and investment laws. Much of this work involves application of the WTO agreements. Mr. Sim has participated in dispute resolution proceedings under the WTO, GATT, NAFTA and U.S.-Canada Free Trade Agreement. He has also participated in U.S. antitrust investigations involving the extraterritorial application of U.S. unfair competition law to Southeast Asian companies and governments. Mr. Sim has also represented companies in dealing with the economic integration of the ASEAN economies through the ASEAN Free Trade Agreement, the ASEAN Investment Area and the ASEAN Industrial Cooperation Scheme. Mr. Sim regularly provides advice to major Japanese, American and European multinational corporations regarding developments in ASEAN.

Mr. Sim frequently speaks on international trade issues to corporate and university audiences and has provided commentary on trade issues to news sources such as the *Wall Street Journal*, *New York Times*, *International Herald Tribune*, *Washington Post*, *USA Today*, *Straits Times*, *South China Morning Post*, *Hong Kong Standard*, *Bangkok Post*, *Channel News Asia*, *People's Daily*, *Reuters*, *AFX*, *Bloomberg*, *BBC* and *CNBC*.

Robert Michael Tene, *First Secretary of Political Affairs, Embassy of Indonesia*

Mr. Robert Michael Tene is the 1st Secretary (Political) at the Embassy of Indonesia in Washington DC and has assumed his post since November 2005. Prior to that assignment, he was the Deputy Director of ASEAN Political Cooperation at the Indonesian Department of Foreign Affairs in Jakarta. In that capacity he was a member of the Indonesian delegation to the various ASEAN meetings at Senior Officials, Ministerial as well as Summit levels. He was also actively involved in various ASEAN negotiations such as on the establishment of the ASEAN Communities, the Plan of Actions for the ASEAN Security Community, the East Asia Summit etc.

Mr. Tene holds a Bachelor Degree on Economics from the Faculty of Economics, University of Indonesia, Jakarta and a Master Degree on Public Administration from the National Graduate Institute for Policy Studies, Tokyo, Japan.