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## US to propose settlement in gaming dispute next week

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by Patricia Campbell

A settlement proposal due by the end of the month could put an end to the five-year trade battle over Internet gaming between Antigua and Barbuda and the United States.

According to Mark Mendel, Antigua and Barbuda's attorney in its World Trade Organisation (WTO) dispute, the US is scheduled to put forward a proposal for the settlement of both aspects of the trade dispute by next Monday.

Mendel indicated that Antigua and Barbuda is adopting a wait and see approach to the proposal.

"I am assuming that if they are going to be good to their word, that they will have a proposal. It will be either a proposal or no proposal by the end of the month," Mendel told the Antigua Sun yesterday.



Mendel revealed that despite the controversial US\$21 million in sanctions against the US awarded by a WTO Dispute Settlement Body arbitrator last December, the pending proposal is expected to address aspects of the trade dispute which dealt with the United States' failure to comply with the WTO's ruling on access for Internet gaming operators.

It will also address the second aspect of the trade conflict, which stems from Antigua and Barbuda's claim for compensation as the US seeks to withdraw from its commitment to provide market access to the sector under the WTO General Agreement on Trade in Services (GATS).

"Any settlement that we would do would be comprehensive. It would take in everything.

"They are (two separate issues) if we have to litigate them, but if we can settle something then it should all be settled in one go," Mendel explained.

He indicated that the parties are not bound by the decision of the arbitrator if they come to a bilateral agreement.

"Between the two of yourselves, you can settle anything," he said.

In response to a query from the SUN, Mendel said that Antigua and Barbuda has not put forward a proposal or guideline suggesting what it feels would be a reasonable settlement that it would be willing to accept:

"We're just going to see what they come up with and then re-evaluate. We have no idea what they're thinking."

Earlier this year, Antigua and Barbuda filed a notice at the WTO requesting arbitration on the issue of the US declaration that it is withdrawing from its GATS commitment to allow trade access in respect of remote gaming.

Antigua and Barbuda was one of several countries which filed claims for compensation after the US stated this intention, but Mendel claimed in a previous interview with the SUN that the US had stopped efforts to negotiate on the issue in December 2007.

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