

Index

- admission
 - admission of investments 54, 55, 61, 104
 - admission guarantees 24
 - admission phase 24
 - admission rules 23
- agriculture 2, 7, 16, 26, 27, 37, 53, 54, 56, 59, 60, 69, 107, 111, 112, 114, 134, 189, 203, 206, 211
- ASEAN
 - ASEAN Charter 2, 4, 5
 - ASEAN Community 3, 5, 6, 15, 20, 45, 50
 - ASEAN Declaration 2
 - ASEAN Economic Community (AEC) 3, 4, 5, 6, 15, 16, 26, 45, 47, 48, 49, 51, 209, 248
 - ASEAN Economic Community Blueprint 2015 248
 - ASEAN Economic Community Blueprint 2025 6, 15, 248
 - ASEAN Free Trade Area 2, 45, 165
 - ASEAN Investment Agreement 6
 - ASEAN Investment Area 7, 47, 48, 138, 209
 - ASEAN Investment Guarantee Agreement 47, 48, 67
 - ASEAN Political-Security Community 3, 5
 - ASEAN Socio-Cultural Community 3, 5, 6
 - ASEAN Trade in Goods Agreement (ATIGA) 2, 25, 45–46
 - Association of Southeast Asian Nations 1, 31, 93, 182, 209
 - Bali Accord 2
 - Bali Concord 2, 3, 4
 - Bangkok Declaration 2
 - Australia 20, 22, 27, 28, 31, 33, 34, 38–41, 48, 89, 101, 103, 125, 134, 154, 155, 175, 176, 181, 182, 186, 187, 197
 - balance of payment 109, 128, 131, 132
 - barriers 7, 16, 24, 46, 48, 67, 86, 137, 138, 163
 - best practices 2, 3, 7, 9, 37, 115, 157, 192, 209, 230
 - bilateral investment treaties (BIT) 6, 13, 14, 23–25, 29, 30–36, 68, 73–77, 79, 81, 85, 86, 88–90, 93–96, 98–104, 116–120, 123, 140–124, 151, 154, 155, 157, 161, 174–176, 191
 - biotechnology 54, 103
 - Brunei 1, 17–19, 21, 26, 31, 33, 34, 39, 54, 56, 58, 61, 62, 81, 101, 102, 113, 114, 136, 173, 176, 181, 182, 209, 216
 - Brunei Economic Development Board 56
 - Cambodia 1, 17, 21, 26, 33–35, 51, 54, 56–58, 61, 81, 101–103, 122, 131, 136, 173, 175, 176, 182, 209, 214
 - CEPT-AFTA 2, 45
 - China 1, 2, 31, 33, 34, 48, 98, 100–103, 120, 124, 144, 145, 154–156, 175, 176, 181, 182, 189, 193, 197, 199
 - commercial presence 21, 28, 47, 183, 184, 186, 191, 212
 - compensation 7, 9, 37, 50–52, 63, 103, 112, 116, 123–129, 133, 135, 152, 166, 168, 174, 183, 185–188, 196, 207, 219, 221, 222, 236
 - compulsory licenses 37, 128, 222
 - confidential information 109, 160, 195, 197, 212
 - covered investor 80

- cross-border 15, 21, 50, 74–76, 203
 customary law 83, 118–120
- deceptive and fraudulent practices, 141–143, 224
- defence
 and security 58
 counter claim 168, 235
 of necessity 168
 public health, morals 60
- denial of benefits 82, 156, 157, 199
- development gaps 5, 17
- Dialogue Partners 9, 18, 182, 192, 204
- Directorate of Investment and Company Administration 57
- Dispute Resolution
 Alternative Dispute Resolutions 162
 Alternative Dispute Settlement 37
 Appointing Authority 167, 168
 Arbitration 8, 9, 29, 67, 75, 80, 89, 99, 100, 105, 118, 119, 129, 135, 149–151, 155, 161–177, 189, 204, 208, 219, 231–241
 Arbitral Tribunal 71, 84, 88, 96, 99, 119, 121, 125, 128
 Arbitrator 79, 89, 98, 126, 151, 161, 163, 163, 167, 168, 204, 208, 234, 236, 237
 conciliation 8, 9, 37, 67, 163, 167, 170, 174, 204, 208, 232
 costs 171, 172, 236, 237, 240
 counter claim 168
 disputing and non-disputing member state 168, 170
 domestic court 8, 9, 29, 67, 161–163, 167, 168, 174, 208
 expert reports 238
 dispute settlement 8, 9, 22, 37, 38, 54, 67, 80, 90, 92, 98–100, 161, 162, 165, 166, 173, 181, 190, 191, 204, 235
 domestic industry 51
 due diligence 122
- Economic Development Board of Singapore 57
- economic growth 2, 5, 16
- Economic Transformation Program, 59
- emerging economies 13, 40
- enquiry point 8, 138, 227
- equitable economic development, 9, 16
- European Union (EU) 1, 36, 40, 102, 181
- exclusive jurisdiction 72
- expropriation 7, 26, 37, 50, 52, 58, 102–105, 116, 124–129, 133, 142, 166, 170, 183, 187, 189, 203, 207, 221, 222, 238, 246, 247
 indirect expropriation 52, 124–127
- facilitation 4, 8, 23, 27, 28, 37, 46, 51, 57, 72, 205, 210, 229, 241
- fair and equitable treatment 7, 9, 37, 97, 100, 101, 115–121, 184, 187, 188, 190, 204, 218
- FDI 13–15, 17, 20–27, 37, 48, 49, 53, 54, 56, 58, 61, 85, 133, 156, 177, 205
- financial crisis 14, 17, 68, 131
- fishery 7, 37, 69, 107, 109, 112, 203, 206, 211
- foreign ownership 58, 59, 61, 110
- forestry 7, 16, 37, 53, 56, 69, 107, 112, 114, 203, 206, 211
- Forging Ahead Together 5, 6, 15, 248
- forward-looking 49
- free flow of goods, services and investment 4, 45
- free transfer of funds 7, 187–189
- freer flow of capital 4, 15, 209
- full protection and security 7, 52, 101, 117–123, 184, 188, 190, 204, 207, 218, 219
- general exceptions 97, 107, 140, 142, 143, 145
- geographical scope 71, 72
- global economy 3, 9, 15, 19, 205
- global supply chain 3
- global value chain 16, 21, 53
- good governance 3, 16, 28
- grievance mechanisms 54
- harmonisation 23
- highly competitive economic region 9, 16
- ICSID 33, 151, 161, 164, 167, 169, 172, 190, 231, 233, 234, 240

- ICSID Additional Facility Rule 167, 172, 231, 234, 241
- incentives 54, 55, 58, 62, 63, 77, 110
- India 1, 31, 33, 35, 38, 40, 48, 93, 94, 101–103, 110, 174–176, 181
- Indonesia 1, 2, 17, 21, 26, 31, 33–35, 54, 57, 58, 61, 77, 78, 81, 86, 89, 95, 102–105, 131–136, 142, 153, 157, 170, 174–176, 182, 209, 216
- Badan Koordinasi Penanaman Modal 57, 95
- international investment agreements 13, 22, 23, 49, 51, 54, 101, 115, 186, 204
- international law 3, 29, 40, 72, 83, 89–91, 101, 116, 118–121, 152, 162, 168, 184, 188, 236, 239
- International Monetary Fund 131, 132, 213
- investment
- covered investment 8, 75, 77, 83, 85, 91, 97, 117, 120, 123, 139, 166, 184, 185, 193, 212, 218, 221, 227, 233, 235, 236, 246
 - efficiency seeking 6, 14, 17, 21, 25, 28, 46, 53
 - market seeking investments 6, 14, 17, 53
- investment flows 23, 48, 190
- investment hub 6, 17, 67
- investment rule-making 13, 29, 32, 33, 25, 40, 89, 91, 174
- investment treaties 25, 30, 35, 36, 40, 41, 54, 80, 89, 116, 142, 143, 145, 175, 177
- investors
- ASEAN investors 8, 27, 68, 82, 83, 85, 91, 94, 95, 121, 162–164, 167
 - covered investor 80
 - domestic investor 54, 84–88, 162
 - foreign investor 13, 28, 29, 33, 51, 52, 54, 56, 58–62, 64, 68, 69, 74, 77, 83–85, 87–92, 95, 98, 104, 106, 111, 113–115, 119, 123, 125, 12, 135, 140, 149, 150, 152, 157, 158, 161, 173, 184, 186, 190, 206
- Japan 1, 31, 33, 34, 36, 38, 39, 41, 73, 102, 103, 120, 176, 181
- Korea 1, 31, 33–36, 38, 39, 41, 48, 73, 101–103, 120, 175, 176, 181, 182, 190, 197–199
- Kuala Lumpur Regional Centre for Arbitration 164, 167, 170
- Lao PDR 1, 17, 21, 26, 33, 34, 41, 51, 54, 57, 59, 62, 69, 75, 81, 89, 90, 102, 103, 106, 113, 131, 136, 173, 175, 176, 182, 191, 209, 214, 230
- legal risk 27, 133, 134
- liberalisation 7, 9, 20, 23, 24, 32, 37–39, 46, 51, 52, 54, 58, 67–70, 72, 86, 94, 112, 113, 137, 165, 181, 183, 187–190, 199, 203, 204, 210, 211, 241, 243
- like circumstances 85, 87, 88, 90, 92, 94, 96, 97, 193, 214, 215
- Malaysia 1, 2, 17–21, 26, 31, 33–35, 39, 41, 54, 55, 57, 59, 62, 77, 79, 81, 102, 103, 112, 113, 131, 134, 136, 140, 157, 163, 170, 173, 175, 176, 181, 182, 187–189, 209, 216
- manufacturing 14, 18, 22, 27, 37, 46, 50, 53, 56–58, 60, 62, 69, 86, 106, 107, 110, 112, 114, 123, 142, 203, 206, 211
- market access 23, 24, 48, 54, 61, 68, 86, 183, 187, 188
- mediation 8, 9, 67, 163, 165, 170, 174, 204, 208
- mining and quarrying 7, 37, 69, 107, 112, 206, 211
- Modification of Commitments 37
- Most Favoured Nation (MFN) 8, 9, 32, 35, 41, 52, 71, 83–86, 88–101, 105, 107, 112, 168, 188, 189–191, 193, 195, 197–199
- movement of business persons 4, 5
- Myanmar 1, 17–21, 26, 33, 34, 51, 55, 57, 59, 62, 68, 81, 101, 102, 114, 131, 132, 134, 156, 169, 173, 175, 176, 181, 182, 209, 214
- NAFTA 13, 40, 41, 84–88, 92, 96, 97, 104, 105, 118–121, 125
- national security 59, 60, 149–152

- national treatment 8, 23, 24, 52, 56, 60, 83–84, 86, 88–91, 95, 96, 103, 104, 143, 184, 185, 187–191, 214, 217, 221, 226–227
- natural resource seeking investments 6, 53
- Negative List 52, 56, 185, 187, 188, 190
- New Zealand 27, 31, 33–35, 38, 39, 41, 48, 102, 124, 134, 176, 181, 182, 186, 187
- non-discrimination 8, 24, 83, 85–89, 91, 93, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113, 197, 203
- OECD 14, 17, 21, 22, 55, 59, 89, 126, 138, 204
- performance requirement 8, 39, 52, 78, 83, 104, 105–107, 112, 183, 187, 181, 195, 205, 206, 216
- Philippines, The 1, 5, 15, 17–21, 26, 31, 33, 34, 41, 55, 57, 60, 62, 79, 81, 102, 103, 111, 113, 122, 131, 136, 173, 175, 176, 182, 209, 216, 233
- political risks 25–27, 133–135
- Portfolio investment 14, 51, 74, 79, 132
- post-establishment 9, 183, 184, 190, 198
- pre-establishment 9, 183, 184, 190, 198
- preferential trade agreements (PTA) 6, 25, 30
- progressive liberalisation 7, 52, 68, 190, 203, 210
- promotion 3, 16, 37, 38, 48, 49, 51, 54, 57, 58, 72, 137, 140, 205, 210, 228, 229, 241
- protection 3, 7, 9, 16, 22, 23, 25, 27, 36–39, 48, 51, 52, 54, 59, 60, 63, 67, 68, 72, 75, 77, 80, 81, 86, 87, 94, 98, 100, 101, 107, 109, 155–157, 161–163, 165, 167, 181–185, 187–192, 196, 203, 204, 207, 210, 213, 218, 220, 224, 225, 235, 241
- public international law 83, 168, 236
- public order 141, 142, 149, 152, 224
- Regional Comprehensive Economic Partnership (RCEP) 3, 14, 36, 38, 39
- reservations 7, 51, 56, 70, 97, 105, 111, 140, 185, 186, 191, 206, 217, 218
- restrictions 7, 28, 54, 55, 59–61, 63, 67–69, 103–106, 109–112, 132, 133, 136, 137, 141–143, 146, 147, 150, 151, 186, 187, 204, 220, 223, 225
- rules of law 121
- Schedules 184–186, 188, 189
- senior management 8, 83, 103, 166, 190, 191, 195, 203, 206, 216
- services 4, 7, 15, 16, 19, 21, 22, 24–27, 37, 45, 46, 49, 50, 53, 55, 59, 60, 68, 69, 74–77, 104, 107, 112, 113, 134, 136, 170, 182–184, 186–189, 203, 206, 209, 211, 213, 215, 230
- Singapore 1, 2, 4, 15, 17–21, 26, 21, 33–35, 39, 40, 55, 57, 60, 62, 63, 81, 102, 103, 113, 124, 125, 131, 136–138, 142, 156, 170, 176, 181, 182, 186, 187, 209, 216
- single market and production base 4, 9, 16, 48, 162
- small and medium enterprise (SME) 5, 16, 17, 52, 60, 229
- Southeast Asia 2, 4, 14, 17, 21, 22, 31, 93
- standard of comparison 84, 95, 97
- standard of treatment 84, 87, 105, 117, 119, 120, 121, 184, 188
- strategic asset seeking investments 6, 53
- subrogation 9, 131, 133, 134, 222
- substantial business 8, 156
- taxation measure 141, 170, 171, 212, 237, 238
- technology transfer 14, 104, 105
- temporal application, 71
- territory 46, 47, 49, 72, 73, 80, 81, 85, 86, 90, 102, 103, 123, 127, 129, 135, 137, 142, 170, 172, 183, 185, 207, 210–212, 214–216, 219, 226, 228, 237, 241

- Thailand 1, 2, 18, 19, 23, 24, 30, 36, 39, 40, 48, 66, 69, 72, 75, 89, 114, 115, 117, 118, 119, 139, 152, 158, 164, 168, 169, 196, 199, 202, 203, 213
Board of Investment 69, 75
third country investors 8, 83, 106
TPP 14, 25, 30, 36, 39–41, 92, 120, 155
trade and investment 3, 4, 17, 20, 22, 32, 39, 56, 88, 103
transfer of funds 7, 9, 128, 129, 133, 181, 187, 188, 189, 207
transparency 8, 16, 27, 28, 37, 46, 118, 119, 121, 131, 137–139, 183, 185–187, 189–191, 210
treaty shopping 37, 154, 156
- UNCITRAL, 75, 76, 80, 84, 86, 101, 117–119, 122, 123, 161, 162, 164, 167, 169, 172, 231, 234
- Vienna Convention on the Law of
Treaties 147, 150
- Vietnam 1, 17–21, 24, 26, 33–35, 39, 41, 58, 69, 61, 63, 81, 86, 102, 103, 114, 131, 137, 170, 173, 175, 176, 182, 209, 214
- World Trade Organization (WTO) 33, 46, 214, 230
GATT, 104, 107–111, 142–148
TRIMs Agreement, 52, 104, 106–111, 216