

RANGE FAR YOUR EYE OVER LONG VISTAS: AN ASSESSMENT OF THE CROSS-STRAIT BILATERAL INVESTMENT PROTECTION AND PROMOTION AGREEMENT

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ABSTRACT

This paper assesses the Cross-Strait Bilateral Investment Protection and Promotion Agreement (“BIA”) concluded by Mainland China and Taiwan on August 9, 2012 from three aspects: the scope of application, investment treatment, and dispute resolution mechanism. In each aspect, it compares the BIA with current Mainland and Taiwan laws. It argues that the BIA clarifies ambiguities and fills the gaps of the exiting regional investment laws. Moreover, the BIA responds to Taiwan investors’ special pleadings, such as personal safety and dispute resolution mechanism. It also details the problems of the BIA and discusses the challenges for implementation.

KEYWORDS: *Bilateral Investment Agreement, Cross-strait, Promotion, Protection, ECFA*

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