

ASIAN TREATY-MAKERS AND INVESTMENT TREATY ARBITRATION: NEGOTIATING WITH A WARY EYE

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ABSTRACT

The recent increase in bilateral investment treaties and free trade agreements entered into by Asian states has exposed them to increased commitments to foreign investors and the risk of investor-state arbitration. The rise in such arbitrations elsewhere has led to a considerable body of arbitral case law. This article examines the trend of such increased exposure of Asian states, salient issues that have emerged in arbitration case law and lessons for Asian treaty-makers and their legal advisors.

KEYWORDS: BITs, FTAs, investor-State arbitration, dispute settlement, Asia

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