

INVESTOR-STATE DISPUTE SETTLEMENT PROVISION IN THE CROSS-STRAIT BIT: POSSIBLE ENHANCEMENT IN ITS OPERATION

*Tiffany Ting Sun**

ABSTRACT

Given the trend of signing bilateral investment treaties, the Cross-Strait Investment Protection and Promotion Agreement (hereinafter "Cross-Strait BIA") entered into force in August 2012. This article provides an introduction to Art. 13 (Settlement of Disputes Between an Investor and the Host Party), which is followed by analysis on the issue from various perspectives. Three focuses for possible enhancement in Article 13's operation are included. The non-binding force of five dispute settlement channels are also provided, and the final issue is in regard to the involvement of a third-party neutral. Given the knowledge on modern BITs, the practices by the two sides across the Taiwan Strait, and the past disputes between cross-strait relations, the article puts forwards ideas on how to facilitate future operation of Art. 13.

KEYWORDS: *Cross-Strait Bilateral Investment Agreement, bilateral investment treaties, bilateral investment agreement, BIT, BIA, investor-state*

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