

ASEAN COMPREHENSIVE INVESTMENT AGREEMENT AS A MODEL FOR BEST PRACTICES IN ASIA PACIFIC IIA (and for domestic law)

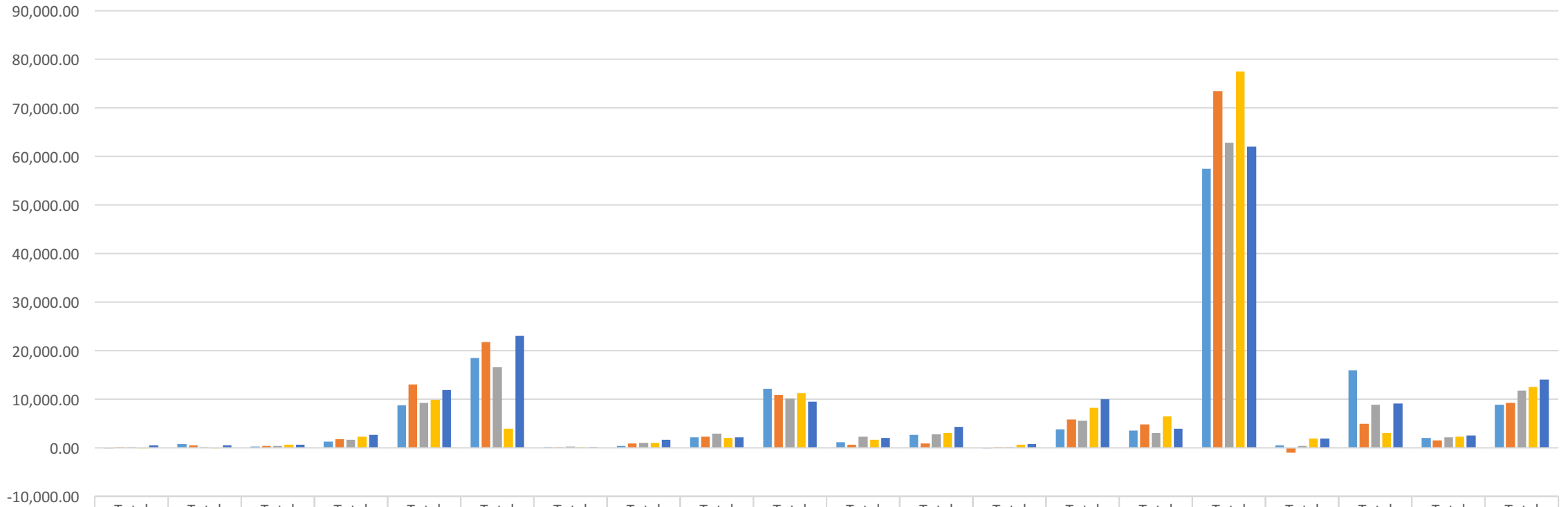
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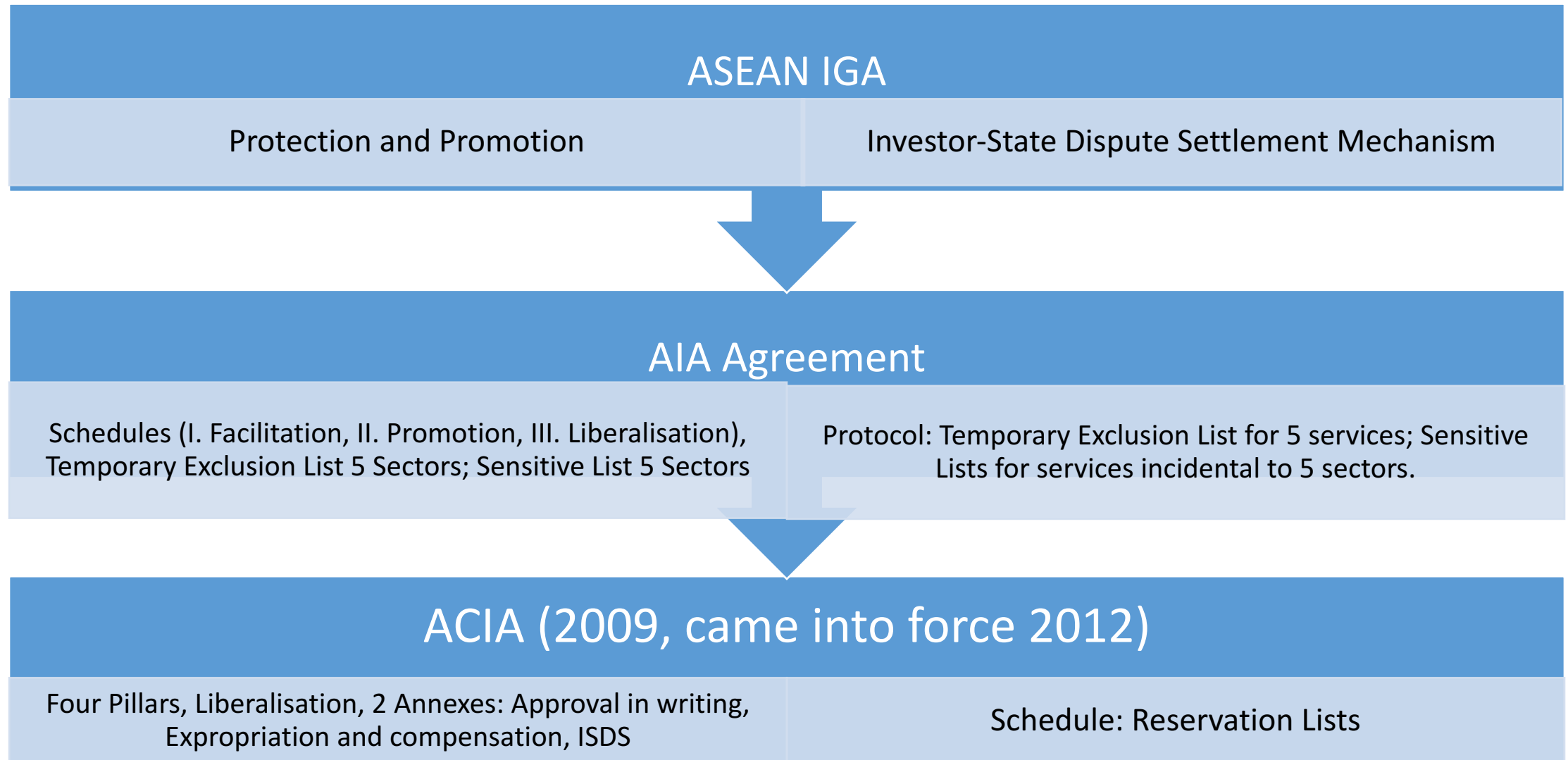
8th Meeting of the Asia-Pacific Foreign Direct Investment (FDI) Network United Nations Conference Centre,
Bangkok, Thailand 25-26 September 2018

ASEAN FDI INFLOW 2013-2017



	Total ASEAN [00]	Total countries [99]	Total ASEAN [00]	Total countries [99]	Total ASEAN [00]	Total countries [99]	Total ASEAN [00]	Total countries [99]	Total ASEAN [00]	Total countries [99]	Total ASEAN [00]	Total countries [99]	Total ASEAN [00]	Total countries [99]	Total ASEAN [00]	Total countries [99]	Total ASEAN [00]	Total countries [99]	Total ASEAN [00]	Total countries [99]
	Brunei Darussalam		Cambodia		Indonesia		Lao PDR		Malaysia		Myanmar		Philippines		Singapore		Thailand		Viet Nam	
■ 2013	-57.98	725.47	298.85	1,274.90	8,721.11	18,443.8	104.61	426.67	2,150.03	12,107.0	1,186.80	2,620.90	-41.71	3,859.79	3,523.00	57,452.4	528.21	15,935.9	2,078.59	8,900.00
■ 2014	141.20	568.18	372.48	1,726.53	13,083.7	21,810.4	137.94	913.24	2,283.98	10,875.3	683.62	946.22	137.10	5,814.57	4,868.50	73,472.4	-940.73	4,975.46	1,547.08	9,200.08
■ 2015	86.65	171.32	425.41	1,700.97	9,228.63	16,642.1	221.83	1,079.15	2,931.35	10,179.9	2,230.65	2,824.48	57.30	5,639.16	3,041.00	62,747.1	433.60	8,927.58	2,153.46	11,800.0
■ 2016	-64.66	-150.44	635.77	2,279.67	9,907.49	3,920.65	196.64	1,075.69	2,098.71	11,290.2	1,682.89	2,989.48	608.26	8,279.55	6,519.40	77,456.2	1,958.84	3,063.24	2,306.61	12,600.0
■ 2017	535.27	460.15	603.49	2,732.15	11,873.4	23,063.6	171.16	1,695.38	2,165.88	9,447.21	2,090.62	4,340.74	718.70	10,049.3	3,957.80	62,016.7	1,913.26	9,100.91	2,531.17	14,099.9

The ASEAN Comprehensive Investment Agreement (ACIA)



ACIA's Modernisation of ASEAN IIA

Liberalisation	Protection	Facilitation	Promotion
Wide Definition of ASEAN Investors	Bring in international best practices on investment protections	Transparency	Joint Promotion of ASEAN as a single investment destination
Liberalisation of 5+5 sectors and further liberalisation	Define the application of "indirect expropriation"	Working together towards information system (e.g. www.investasean.org)	e.g. ASEAN Investment Forum in Frankfurt 2016, 2017.
National Treatment and MFN and Liberalisation of Performance Requirement, SMD	Innovation in dispute settlement – qualification of arbitrators; period of finding "out-of-court" resolution" Denial of benefits	Harmonisation (ACIA is a tool for creeping harmonization e.g. Myanmar Investment Law, Lao Private Investment Law, Timor Leste Private Investment Law)	Issue: Cost, organization, needs joint and consistent effort

ACIA Compared to UNCTAD IIA Reform Action Menu

Reform Header	ACIA
Investment for Sustainable Development	Refer to dynamic and social and economic development
Policy Coherence	ACIA as a whole can act as model for policy coherence (see Myanmar Investment Law 2016 and Timor Leste Private Investment Law 2017)
Public Governance and Institutions and dynamic	Transparency in investment rules
Balanced rights and obligations	Investors have access to protections and ISDS but need to show causation for damage. National laws addresses rights of investors
Right to Regulate	General exception, security exceptions, balance of payment exceptions
Openness to investment	Liberalisation provisions with Reservation List (more room for this)
Investment Protection and Treatment	Provided for
Investment Promotion and Facilitation	Provided for
Corporate Governance and Responsibility	Not directly addressed. National Laws address responsible business issue
International Cooperation	

Terima kasih

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