

INDEX

- ad hoc internalisation, 23, 314, 316, 323, 326
 - India, 46, 49, 57
 - Indonesia, 73, 74
 - Myanmar, 143
 - Thailand, 247, 253
 - Viet Nam, 288
- ad hoc v. consistent internalisation, 23
- admission of foreign investment, 135, 146, 152, 153, 239
- alcohol labelling requirements
 - Thailand, 254–5
 - see also* public health measures
- Amco v. Indonesia*, 83–4
- arbitrary treatment, protection against, 1
- Arbitration Act (South Korea), 113
- Arbitration Act (Thailand), 249–53
- arbitration of state contracts, 249–53
- ASEAN Agreement for the Promotion and Protection of Investments
 - Indonesia, 85
- ASEAN Comprehensive Investment Agreement (ACIA)
 - Indonesia, 70
 - Myanmar, 143
 - Viet Nam, 265, 270, 274
- ASEAN Investment Guarantee Agreement
 - Viet Nam, 270
- ASEAN Plus Agreements
 - Indonesia, 70
 - Viet Nam, 271
- Asia-Pacific Economic Cooperation (APEC), 171, 251
- Association of Southeast Asian Nations (ASEAN)
 - Singapore, 171
 - Thailand, 235
 - Viet Nam, 270, 294, 298
- awareness of investment treaty obligations, 10, 237, 313–14
 - Indonesia, 74–5, 91
 - Myanmar, 132–3, 139, 145, 148, 149–52, 153
 - Singapore, 166, 186, 197
 - Sri Lanka, 204, 225
 - Thailand, 238, 243, 306
- Badan Koordinasi Penanaman Modal (BKPM) (Indonesia), 67, 69, 70–2, 81–2, 94, 306
- bilateral investment treaties (BITs), 302
 - India, 38
 - Indonesia, 68–9, 70
 - Myanmar, 137
 - Singapore, 171, 172
 - South Korea, 96, 97, 125
 - Sri Lanka, 210
 - Thailand, 235, 241
 - Viet Nam, 264, 270
- Board of Investment of Sri Lanka (BOI), 204, 208–9, 210
- breaches of IIAs, 1, 2, 311–12
 - India, 45
 - Indonesia
 - Amco v. Indonesia*, 83–4
 - Cemex v. Indonesia*, 85
 - Myanmar, 148
 - Singapore, 189
 - South Korea, 119
 - KORUS FTA, 116
 - Sri Lanka, 305, 325
 - Thailand, 245, 251, 259

- bureaucratic culture, 320
 - Myanmar, 151–2
 - see also* public administration and internalisation
- capacity building, 32
 - India, 55–8, 60
 - Indonesia, 87, 93
 - Myanmar, 149
 - South Korea, 111–13
 - Thailand, 252
 - Viet Nam, 287, 306
- Cemex v. Indonesia*, 85
- Central Bank of Sri Lanka
 - oil hedging agreements (2007–08), 217–18
 - RUEUA Act, 222–3
- Centre-State Investment Agreement (CSIA) (India), 58–60, 307, 317
- Ceylon Petroleum Corporation (CPC)
 - oil hedging agreements, 215–19
- Churchill Mining v. Indonesia*, 87–90
- Commercial Hub Regulation (Sri Lanka), 209
- commitment to the international rule of law, 319–20
 - Indonesia, 319
 - Myanmar, 319
 - Singapore, 167, 173, 304, 328
 - Sri Lanka, 319
- Committee for Reviewing India's International Investment Agreements, 53–5
- Committee on the Protection of International Investment (Thailand), 238, 258
- compensation for losses, 147, 224, 230, 256, 273
- compliance with international treaty obligations
 - international context
 - arbitral claims, 35
 - conclusion of treaties, 34–5
 - national context, 32–4
 - public administration context
 - bureaucratic culture, 28–30
 - policy strategy, 28
 - regulatory capacity, 30–2
 - Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), 172, 265, 271, 272, 279
 - Conclusion Procedure and Implementation of Commercial Treaties Act 2012 (South Korea), 105–6
 - negotiation process, 108
 - trade treaty conclusion plan, 107
 - conflict of laws, 147, 277, 281, 285, 328
 - consistency of internalisation processes, 23
 - constitutional protection of IIAs, 226, 320
 - South Korea, 104
 - Sri Lanka, 207–9, 305
 - Thailand, 242
 - 2007 Constitution, 241–2
 - 2017 Constitution, 242–3
 - Viet Nam, 278, 279, 282
 - consultation processes and obligations, 20
 - Singapore, 178, 180–2, 194–5
 - South Korea, 194–5
 - Thailand, 239–41
 - Viet Nam, 286
 - corporate social responsibility, 274
 - corruption, impact of, 32, 93, 223, 231–2, 291
 - judicial corruption, 160–1
 - customary international law
 - minimum standard of treatment, 52, 268
 - Customs Ordinance and the Exchange Control Act (Sri Lanka), 209
 - decentralised governance, 313, 317–18, 327
 - decision-making, 26–7, 183–96, 206
 - administrative measures, 26, 152–3
 - impact of IIAs
 - Myanmar, 152–3
 - internalisation of international obligations, 24–7
 - judicial decisions, 26
 - legislative measures, 26
 - local government decision-making
 - Viet Nam, 274–6, 287–9, 298

- decision-making (cont.)
 - spill-over effects of IIAs, 1–5, 7, 11, 228–30, 323–4
 - India, 65–6
 - Indonesia, 67–8
 - Myanmar, 147–8
 - Singapore, 203
 - Sri Lanka, 205, 232–4
 - Viet Nam, 294, 298
- democratic accountability, 105, 132, 242
- denial of benefits clauses, 247
- Devas v. India*, 41–2
- diffusion of knowledge, 46, 111–12, 150, 246, 298, 304, 316, 325
 - see also* informational internalisation processes
- Directorate of Investment and Company Administration (DICA) (Myanmar), 135–6
 - decision-making, 152–3
 - treaty negotiation, 137
- discrimination, protection against, 1, 185, 188, 286
 - see also* fair and equitable treatment (FET); most favoured nation (MFN); national treatment provisions
- discriminatory treatment cases
 - Shin Dong Baig* dispute, 276
- dispute settlement mechanisms, 1
 - Indonesia, 78, 80
 - expropriation, protection from, 78
 - investment treaty arbitrations, 6–7
 - Myanmar
 - grievance mechanisms, 154–7
 - Sri Lanka, 206
 - Thailand, 256–8
 - ad hoc dispute management, 259–60
 - Committee on the Protection of International Investment, 258, 260–1
 - see also* grievance mechanisms; Investor State Dispute Settlement (ISDS) claims
- domestic politics and internalisation, 32–4
- double taxation, 276
- dualism
 - Myanmar, 141, 160
 - Singapore, 199
 - Viet Nam, 281
- empirical legal scholarship approach, 4, 11, 16–18, 130–1, 299
- environmental protection, 31, 52, 142, 147, 159, 186, 214, 224, 232, 279, 283
- European Free Trade Association (EFTA), 189
- executive internalisation of IIAs, 26
 - Myanmar, 164
 - Singapore, 175–8, 192
- expropriation, protection against, 1
 - Germany-Sri Lanka BIT, 216, 222
 - India, 51
 - Indonesia, 78–9
 - Newmont v. Indonesia*, 90
 - Thailand, 244
 - Viet Nam, 269, 270
- factors affecting internalisation
 - international context, 301, 312, 326–7
 - arbitral claims, 35
 - conclusion of IIAs, 34–5
 - Singapore, 172–4
 - national context, 32–4, 301, 313, 327–8
 - Indonesia, 93
 - Singapore, 172, 173, 202
 - public administration context, 172, 301, 313, 328–9
 - bureaucratic culture, 28–30
 - policy strategy, 28
 - regulatory capacity, 30–2
 - Singapore, 174–5, 202
- fair and equitable treatment (FET), 1–3
 - India, 51
 - Indonesia, 90
 - Singapore, 188
 - Sri Lanka, 216, 219
 - Thailand, 244, 247
 - Viet Nam, 270, 275

- foreign direct investment (FDI)
 - impact of IIAs, 4
 - India, 48
 - Indonesia, 77
 - Singapore, 171
 - Sri Lanka, 211, 222
 - Thailand, 235, 251
 - Viet Nam, 264
- Foreign Exchange Management Act 2012 (India), 47
- Foreign Investment Ombudsman (FIO) (South Korea), 116–19
- foreign investor licences
 - India, 47
 - cancellation on grounds of public policy, 51
 - FET standard, 51–2
 - Indonesia, 69
 - Myanmar, 147, 148, 155
 - Viet Nam, 268
- Foreign Investors Aftercare Office (FIAO) (South Korea), 117
- formal v. informal processes of internalisation, 23–4
- Framework Agreement for ASEAN Investment Area
 - Viet Nam, 270
- free trade agreements (FTAs)
 - EFTA, 189
 - India, 38
 - Singapore, 172
 - negotiation processes, 182–3
 - South Korea, 96, 97, 99, 125
 - Conclusion Procedure and Implementation of Commerce Treaties Act, 105–8
 - negotiation processes, 105, 108
 - Viet Nam, 264, 271
- Freeport Newmont v. Indonesia*, 90–1
- global administrative law, 14–15, 18
- good governance, 11, 15, 163
 - Sri Lanka, 205, 233
- government stability, 315–17, 320, 327, 328
- grievance mechanisms
 - Central Administrative Court (Thailand), 257
 - Foreign Investors Aftercare Office (South Korea), 117–19
 - Investor Grievance Mechanism (Myanmar), 155–7, 163, 309, 324
 - Law on Complaints (Viet Nam). *see* Law on Complaints (Viet Nam)
 - see also* dispute settlement mechanisms
- handbooks and guidelines, 19, 23, 24, 111–12, 122, 125, 164, 290, 306, 314
 - see also* informational internalisation processes
- home states, 158, 159, 165, 273–4
- host states
 - benefits of IIAs, 1–2, 5, 17, 311, 323–4
- ICSID Convention
 - Indonesia, 69, 79–80
 - Amco v. Indonesia*, 83–4
 - Newmont v. Indonesia*, 90, 94
 - Rafat Ali Rizvi v. Indonesia*, 86
 - South Korea, 96
 - Sri Lanka, 205
- identity of parties, 314–15, 327
- implementation of IIAs
 - ‘internalisation’ distinguished, 9–10
 - Myanmar, 140
 - South Korea
 - Conclusion Procedure and Implementation of Commerce Treaties Act, 105–8
 - Viet Nam, 279–81
- incentives
 - compliance with international treaty obligations, 6, 12, 52, 59, 128, 275, 283–4
- increasing use of IIAs, 1, 38
- India, 38
 - academic community
 - awareness of IIAs, 63
 - civil society organisations
 - awareness of IIAs, 64
 - Devas v. India*, 41–2
 - executive, 50
 - informational internalisation, 50–8

- India (cont.)
 - monitoring internalisation measures, 58–60
 - remedial internalisation measures, 60–3
 - informational internalisation
 - ad hoc procedures and mechanisms, 49
 - capacity building of government lawyers, 55–8
 - Committee for Reviewing India's International Investment Agreements, 53–5
 - International Investment Agreements Between India and other Countries, 51–3
 - legislative, 46–9
 - legislative
 - awareness of IIAs, 43–6
 - informational internalisation, 46–9
 - Model BIT, 42–3, 46, 54–5, 63
 - monitoring internalisation
 - Centre-State Investment Agreement, 58–60
 - executive, 58–60
 - remedial internalisation measures
 - executive, 60
 - High Level Committee on Arbitration, 61
 - Indian Model BIT 2016, 63
 - institutional dispute mechanisms, 61–3
 - inter-ministerial group, 61
 - International Law Adviser, 61
 - spill-over effects of IIAs, 65–6
 - White Industries v. India*, 40–5, 48–9
 - Indian Arbitration and Conciliation Act 1996, 48
 - indirect expropriation, 90, 105, 188, 278
 - Indonesia, 67–8
 - ad hoc internalisation measures, 73–5
 - Amco v. Indonesia*, 83–4
 - Cemex v. Indonesia*, 85
 - Churchill Mining v. Indonesia*, 87–90
 - executive
 - internalisation measures, 76
 - ICSID Convention, 69
 - IIA developments, 68–70
 - informational internalisation measures, 73
 - Investment Law 2007, 76–8
 - expropriation, 79
 - ISDS, 79–81
 - lack of internalisation, 92
 - bureaucratic culture, 93–4
 - public administration, 92
 - regulatory capacity, 92–3
 - legislative internalisation measures, 75
 - Investment Law 2007, 76–8
 - Newmont v. Indonesia*, 90–1
 - Rafat Ali Rizvi v. Indonesia*, 85–6
 - termination of BITs, 69
 - Treaties Law 2000, 71
 - treaty negotiation, 71–2
 - treaty ratification, 72–3
 - informational internalisation
 - processes, 19, 301, 326
 - India, 50
 - capacity building of government lawyers, 55–8
 - Committee for Reviewing India's International Investment Agreements, 53–5
 - Ministry of Commerce and Industry's paper, 51–3
 - Indonesia, 72–5
 - Myanmar, 153–4
 - Singapore
 - concerns, 186
 - trade advisories, 184
 - training programmes, 184
 - South Korea
 - capacity building of government lawyers, 113
 - dissemination and training within government, 111–12
 - law reform, 121–2
 - legislation support service, 112–13
 - Thailand, 237, 246–7
 - Viet Nam, 287–8
 - training programmes, 289–90
 - interest groups, 33, 313
 - Sri Lanka, 231–2, 232

- internalisation, 8–9
 - ad hoc internalisation, 23, 314, 316, 323, 326
 - India, 46, 49, 57
 - Indonesia, 73, 74
 - Myanmar, 143
 - Thailand, 247, 253
 - Viet Nam, 288
- ad hoc v. consistent internalisation, 23
- consistency of internalisation processes, 23
- empirical legal scholarship
 - approach, 4, 11, 16–18, 130–1, 299
- executive internalisation of IIAs, 26
 - Myanmar, 164
 - Singapore, 175–8, 192
- ‘implementation’ distinguished, 9–10
- informational internalisation
 - processes. *see* informational internalisation processes
- ‘internalisation’ defined, 8–9
- ‘implementation’ distinguished, 9–10
- internalisation as an institutional matter, 10–11, 68, 92
- internalisation post ISDS, 305–6
 - informational mechanisms, 306–7
 - monitoring mechanisms, 307–8
 - remedial mechanisms, 308–10
- internalisation post treaty adoption but pre-ISDS, 303–5
- law and development approach, 11, 15–16, 27
- legislative internalisation of IIAs, 318–19, 327
 - Myanmar, 141–8
 - Singapore, 196–9
 - South Korea, 112–13
 - Viet Nam, 279
- liberal international approach, 11, 12–14
 - bureaucratic culture, 28–30
 - global administrative law, 14–15
- local government
 - internalisation measures, lack of, 287–9
- monitoring internalisation
 - processes. *see* monitoring internalisation processes
- remedial internalisation processes
 - see* remedial internalisation processes
- specific v. adapted processes of internalisation, 21–3
- typology of internalisation
 - processes, 7, 18–19
 - ad hoc v. consistent processes, 23
 - cross-cutting characteristics, 21–3, 23–4, 301
 - formal v. informal processes, 23–4
 - informational processes, 19
 - monitoring processes, 20–1
 - remedial processes, 21
 - specific v. adapted processes, 21–3
- International Affairs Division (IAD) (Singapore), 176
- International Affairs Division at AGC (Singapore), 186–90
- International Centre for Settlement of Investment Disputes (ICSID). *see* ICSID Convention
- International Investment Agreements Between India and other Countries, 51–3
- International Trade Cluster (ITC) (Singapore), 175
- Investment Law 2007 (Indonesia), 76–7
 - foreign investment, 77
 - lack of internalisation, 78–82
 - state obligations under IIAs, 77–8
- investment treaty arbitrations, 6–7, 56, 91, 157, 260
- Investor Grievance Mechanism (Myanmar), 155, 163, 324
- Investor State Dispute Settlement (ISDS) claims, 302, 313–14, 325, 327
- India, 39–40
 - Devas v. India*, 41–2
 - White Industries v. India*, 40–1

- Investor State (cont.)
 - Indonesia
 - arbitration clauses, 80
 - ICSID Convention, 79–80
 - Myanmar, 129–30
 - South Korea, 96–7, 125
 - Thailand, 263
 - Viet Nam, 270, 274–6, 295–7
- investor-state arbitration
 - Indonesia, 89, 94
 - Myanmar, 154, 157, 162
 - Singapore, 201
 - South Korea, 105
 - Sri Lanka, 211, 213
 - Thailand, 260
 - Viet Nam, 274–6
- judicial internalisation of IIAs, 26
 - Myanmar, 159–62
 - Singapore, 199–201
 - Thailand, 258
 - Viet Nam, 290–1
- knowledge of IIAs, 131–2, 134, 136, 138–40, 149, 151, 168, 287, 313
- Korea. *see* South Korea
- Korea Trade-Investment Promotion Agency, 117, 309
- Korean Commercial Arbitration Board (KCAB), 113
- labour standards, 147, 279
- lack of personnel and expertise, 31, 55–8, 144, 251, 285
- Land (Restriction on Alienation) Act (Sri Lanka), 209
- Law Commission of India (LCI)
 - draft Model BIT, 54–5
 - reform of arbitration law, 40, 48–9
- Law on Administrative Procedures (Viet Nam), 292–3, 298
- Law on Complaints (Viet Nam), 292–3, 294, 298, 309
- Law on Conclusion, Accession to and Implementation of Treaties (Viet Nam), 281
- Law on Enterprises (Viet Nam), 286
- Law on Investment (Viet Nam), 282–4, 287
- Law on Legislative Making 2011 (Indonesia), 75
- Law on Promulgation of Legal Documents (Viet Nam), 284–6
- Law on Treaties (Viet Nam), 276, 280, 282
- legal review of decisions or actions, 21
- legislative internalisation of IIAs, 318–19, 327
 - Myanmar, 141–8
 - Singapore, 196–9
 - South Korea, 112–13
 - Viet Nam, 279
- legislative measures triggering investment claims, 7, 26
- liberalisation of investment obligations, 140, 143, 152, 181, 198, 239
- liberalisation of the economy, 211, 283
- liberalisation of trade, 100, 181
- local government
 - internalisation measures, lack of, 287–9
- local government decision-making
 - Viet Nam, 274–6, 298
 - Law on Investment, 287–9
- market access, 43, 109, 283–4
- Ministry of Commerce (Thailand), 239
- Ministry of Commerce and Industry (India)
 - International Investment Agreements Between India and other Countries, 51–3
- Ministry of Foreign Affairs (Thailand), 239
- Ministry of Trade, Industry and Energy (MOTIE) (South Korea), 100–1
- Model BITs
 - India, 42, 46, 53–5, 63, 138, 311, 319
 - Indonesia, 73–4, 93, 311
 - Myanmar, 137
 - Sri Lanka, 214, 231
- monitoring internalisation processes, 20–1, 301
 - India, 50

- Centre-State Investment Agreement, 58–60
- Myanmar, 153–4
- Singapore
 - International Affairs Division at AGC, 186–90
 - legislative proposals, 190–1
 - notice of investment claims, 192–3
 - tobacco plain packaging, 193–6
- South Korea, 113–14
 - law reform, 122–3
 - notice and comment procedures, 115–16
 - regulatory impact analysis, 114–15
- Sri Lanka, 213–14
- Thailand, 237, 248
 - alcohol labelling requirements, 254–5
- Arbitration Act amendments, 249–53
- sugar taxes, 255–6
- Tobacco Control Law, 253–4
- Viet Nam
 - Law on Promulgation of Legal Documents, 284–6
- most favoured nation (MFN)
 - India, 52
 - Indonesia, 78
 - Thailand, 247
 - Viet Nam, 270
- Multilateral Investment Guarantee Agency (MIGA), 211
- Myanmar, 127–29
 - awareness of IIAs, 132, 149–52
 - Directorate of Investment and Company Administration, 135–6
 - environmental protection, 159
 - executive internalisation of IIAs, 148–9
 - awareness of IIAs, 149–52
 - spill-over effects of international treaties, 152–3
 - government capacity, 132, 148–9
 - informational internalisation measures, 140
 - absence of, 153–4
 - Investor Grievance Mechanism, 155, 163, 324
 - investor-State arbitration, 157
 - ISDS claims, 129
 - judicial internalisation of IIAs, 159–62
 - legislative internalisation of IIAs
 - lack of legal capacity, 142–4
 - Legislative Vetting and Translation Department, 144–5
 - Myanmar Investment Law 2016, 146–8
 - parliamentary committees, 145
 - monitoring internalisation measures
 - absence of, 153–4
 - Myanmar Investment Commission, 135
 - Myanmar Investment Law 2016, 135
 - dispute management, 154–7
 - tobacco labelling requirements, 158
 - transition from military to quasi-civilian rule, 129
 - treaty implementation, 140
 - treaty negotiation, 137
 - government knowledge, 138–40
 - other government agencies, 138–9
 - Union Attorney General's Office, 136
- Myanmar Investment Commission (MIC), 135
- Myanmar Investment Grievance Mechanism, 309
- Myanmar Investment Law 2016, 146
 - conflict of laws, 147–8
 - fair and equitable treatment, 146–7
- National Assembly Research Centre (NARS) (South Korea), 112–13
- national treatment provisions
 - Singapore, 189
 - Thailand, 247
 - Viet Nam, 270, 276, 283
- nationalisation, 79, 222
 - see also* expropriation, protection against

- negotiating IIAs, 315
 - Indonesia, 70–2
 - Myanmar, 137
 - government knowledge, 138–40
 - Singapore, 180
 - intra-governmental consultations, 180–2
 - negotiation teams, 182–3
 - South Korea
 - FTAs, 105, 108–9
 - Office of the Minister for Trade, 100
 - Sri Lanka, 206, 210
 - Port City agreement, 224–5
 - Thailand, 239–41
 - Viet Nam, 273, 276–9
- Newmont v. Indonesia*, 90–1
- notice and comment procedures, 115–16, 308
- notices of claim, 192–3, 195, 196
- Office of the Minister for Trade (MOFA) (South Korea), 100
- ombudspersons, 21
 - South Korea, 97, 110, 116–19, 309, 314
- oversight, 320, 328
 - Myanmar, 133, 145, 319
 - parliamentary oversight in
 - Thailand, 238, 241, 242–3, 262
 - Singapore, 198
 - Viet Nam, 287
- Permanent Court of Arbitration, 56
- personnel policy, 321
- policy strategy, 28
- Port City project (Sri Lanka), 205, 223–5, 225
- public administration and
 - internalisation, 301
 - bureaucratic culture, 28–30
 - policy strategy, 28
 - regulatory capacity, 30–2
- public health measures, 1, 128, 142, 199, 283
- public participation
 - South Korea, 103, 105, 106, 108
 - Viet Nam, 286
- purpose of IIAs, 1
 - Rafat Ali Rizvi v. Indonesia*, 85–6
 - ‘rational choice’ theory of the state, 6, 12
- Regional Comprehensive Economic Partnership (RCEP), 172, 235, 262, 271, 272, 279
- Regulation on International Investment Dispute Prevention and Response 2019 (South Korea), 119–21, 310
 - informational internalisation processes, 121–2
 - monitoring internalisation processes, 122–3
 - remedial internalisation processes, 123–4
- regulatory capacity
 - internalisation of investment treaty obligations, 6, 30–2, 92, 93, 174, 203, 207, 231, 300, 301, 313, 320, 321–2, 328
 - see also* capacity building
- regulatory chill
 - Myanmar, 128, 130, 164
 - Singapore, 195, 203
 - South Korea, 111
- regulatory impact assessments (RIAs), 20, 23, 24
 - South Korea, 114–15
 - Sri Lanka, 214
- regulatory infrastructure
 - regulatory compliance, impact on, 27, 31
- White Industries v. India*, 40–1
- remedial internalisation processes, 21, 301
- India, 50
 - Indian Model BIT 2016, 63
 - institutional mechanisms for managing BIT disputes, 61–3
 - inter-ministerial committee, 61
 - International Law Adviser, 61
- South Korea, 116
 - Foreign Investment Ombudsman, 116–19
 - law reform, 123–4
- Sri Lanka, 214
- Thailand, 237, 243–5, 263

- Committee on the Protection of International Investment, 258
- dispute management, 259–61
- dispute prevention, 256–8
- Viet Nam, 291–2
 - administrative reconsideration, 292–4
 - judicial review, 292–4
- renegotiation of IIAs
 - India, 54
 - Indonesia, 70, 73, 310–11
 - South Korea, 109, 112
 - Sri Lanka, 215, 223–5, 227
 - see also* termination of IIAs
- repatriation of capitals and profits
 - Viet Nam, 269, 270
- Revival of Underperforming
 - Enterprises or Underutilized Assets (RUEUA) Act 2011 (Sri Lanka), 205, 219–20, 225
- Central Bank, 222–3
- parliamentary proceedings, 221–2
- special determination of the
 - Supreme Court, 221
- rights of shareholders to bring claims, 220, 246
- rule of law thesis, 2–6, 34–5, 299
 - assumptions, 300
 - scepticism, 6–7, 130–1, 162–5, 300, 325
- spill-over effects of IIAs, 3, 11, 16, 67, 205, 233, 294, 298, 299, 323–4, 329
- scope of IIAs, 1
- Singapore, 201–3
 - awareness of IIAs, 166, 171
 - commitment to international rule of law, 167
 - executive internalisation measures
 - general and informal nature, 178–9
 - informational internalisation processes, 184–6
 - ministries and agencies, 175–8
 - treaty negotiation, 179–83
 - factors affecting internalisation
 - international rule of law, respect for, 173
 - parliamentary system, 173
 - public administration, 174–5
 - informational internalisation
 - processes
 - limited awareness of investment treaty obligations, 186
 - trade advisories, 184
 - training programmes, 184–5
 - international trade and investment, 171–2
 - intra-governmental consultations, 180–2
 - judicial internalisation measures, 199–201
 - legislative internalisation measures, 196–9
 - monitoring internalisation
 - measures
 - International Affairs Division at AGC, 186–90
 - notice of investment claims, 192–3
 - tobacco packaging, 193–6
 - types of rules and decisions
 - monitored, 190–1
 - remedial internalisation processes, 186–90
 - treaty negotiation, 179–80
 - composition of negotiating teams, 182–3
 - intra-governmental
 - consultations, 180–2
- Singapore International Arbitration Centre (SIAC), 171
- South Korea
 - awareness of IIAs, 108–9
 - distributed governance, 99–100
 - ICSID Convention, 96
 - IIAs, 97–8, 99
 - implementation of IIAs, 109–10, 125–6
 - informational internalisation
 - measures
 - capacity building of government lawyers, 113
 - executive, 111–12

- South Korea (cont.)
 - handbooks and guidelines, 121–2
 - legislative, 112–13
- ISDS claims, 97, 125
- Ministry of Trade, Industry and Energy, 100–3
- monitoring internalisation
 - measures, 113–14
 - Dispute Response Team, 122–3
 - notice and comment procedures, 115–16
 - regulatory impact analysis, 114–15
- Office of the Minister for Trade, 100
- remediation internalisation
 - measures
 - dispute prevention and management, 123–4
 - Foreign Investment Ombudsman, 116–19
- treaty negotiation, 103
 - Conclusion Procedure and Implementation of Commercial Treaties Act, 105–8
 - internalisation, 108–9
 - pre-2003, 104
- specific v. adapted processes of
 - internalisation, 21–3
- spill-over effects of IIAs, 1–5, 7, 11, 323–4
 - India, 65–6
 - Myanmar, 147–8
 - Singapore, 203
 - Sri Lanka, 205, 232–4
 - Viet Nam, 294, 298
- Sri Lanka
 - arbitral awards, impact of, 230–1
 - awareness of IIA obligations, 205, 228
 - influence on decision-making, 228–30
 - Board of Investment Act, 209
 - Central Bank investigations
 - oil hedging agreements (2007–08), 217–18
 - RUEUA Act, 222–3
 - claims by foreign investors, 226–7
 - constitutional protection of IIAs, 207–9, 226
 - Customs Ordinance and the Exchange Control Act, 209
 - foreign direct investment, 211–12
 - ICSID Convention, 211
 - informational internalisation
 - measures, 213
 - interest groups, impact of, 231–2
 - international investment
 - obligations, 210–11
 - investor-state disputes, 211
 - judicial internalisation of IIAs
 - oil hedging agreements (2007–08), 216–17
 - RUEUA Act, 221
 - Land (Restriction on Alienation) Act, 209
 - legislative internalisation of IIAs
 - oil hedging agreements (2007–08), 218–19
 - RUEUA Act, 221–2
 - monitoring internalisation
 - measures, 213
 - Multilateral Investment Guarantee Agency, 211
 - oil hedging agreements (2007–08), 215–19
 - Port City project, 223–5
 - remedial internalisation measures, 214
 - RUEUA Act, 219–23
 - spill-over effects of IIAs, 205, 232–4
 - Strategic Development Projects Act, 209
 - Supreme Court of Sri Lanka
 - oil hedging agreements (2007–08), 216–17
 - RUEUA Act, 221
 - treaty negotiation, 210
 - Port City project, 224–5
- state as a unified entity, 11–14, 25–7, 315
- Strategic Development Projects Act (Sri Lanka), 209
- sugar taxes, 255–6
 - see also* public health measures
- superiority of international treaties, principle of, 281, 282, 320
- Systemic Investment Response Mechanism (Viet Nam), 309

- taxation claims, 275
 - ConocoPhillips v. Viet Nam*, 275
- technical expertise
 - regulatory compliance, impact on, 31
- termination of IIAs, 310
 - India, 42–3, 310, 319
 - Indonesia, 69, 68–70, 73, 93, 94, 310
 - see also* renegotiation of IIAs
- Thailand
 - 2007 Constitution, 241–2
 - 2017 Constitution, 242–3
 - awareness of IIAs, 262–3
 - Board of Investment of Thailand, 239
 - Foreign Business Act, 239
 - informational internalisation
 - processes, 246–7
 - international investment, 235–7
 - Ministry of Commerce, 239
 - Ministry of Foreign Affairs, 239
 - monitoring internalisation
 - processes, 248
 - alcohol labelling requirements, 254–5
 - Arbitration Act (2010 Amendment), 249–53
 - sugar tax, 255–6
 - Tobacco Products Control Act, 253–4
 - remedial internalisation processes
 - dispute management, 259–61
 - dispute prevention, 256–8
 - renewed approach, 261–2
 - treaty negotiation, 239–41
 - Walter Bau* case, 243–5
- tobacco control
 - Myanmar, 158
 - Singapore, 193–6
 - Thailand, 253–4
 - see also* public health measures
- Tobacco Products Control Act (TPCA) (Thailand), 253–4
- traditional international law approach
 - to internalisation, 11–12, 27
- training and workshops
 - capacity building, 31, 56, 111–12, 150
 - India, 55–8
 - Indonesia, 73–5
 - regulatory compliance, impact on
 - Viet Nam, 306
 - Singapore, 184–5
 - South Korea, 111–12
 - Thailand, 237
 - Viet Nam, 289–90
- transfer of funds, 52, 139, 239, 247
- transparency
 - Myanmar, 309
 - South Korea, 103
 - Conclusion Procedure and Implementation of Commerce Treaties Act, 105–8, 125
 - Viet Nam, 286, 294
- travaux préparatoires, 68
 - Indonesia's legislative process, 76, 89, 91
 - Investment Law 2007, 81
- treaty negotiation
 - Indonesia, 71–2
 - Myanmar, 137
 - Directorate of Investment and Company Administration, 137
 - government knowledge, 138–40
 - other government agencies, 138–9
 - Singapore
 - composition of negotiating teams, 182–3
 - executive internalisation
 - measures, 179–80
 - intra-governmental consultations, 180–2
 - South Korea, 103, 108–9
 - Conclusion Procedure and Implementation of Commercial Treaties Act, 105–8
 - pre-2003, 104
 - Sri Lanka, 210
 - Port City project, 224–5
 - Thailand, 239–41
- treaty ratification, 10, 327
 - ICSID Ratification Act, 81
 - India, 58
 - Indonesia, 72–3
 - Singapore, 180, 196
 - South Korea, 104
 - Thailand, 242

- TRIPs Agreement, 254
- typology of internalisation processes, 7, 18–19
 - cross-cutting characteristics, 301
 - ad hoc v. consistent processes, 23
 - formal v. informal processes, 23–4
 - specific v. adapted processes, 21–3
- informational processes, 19
- monitoring processes, 20–1
- remedial processes, 21
- UNCITRAL Rules, 86
- UNCITRAL tribunal
 - Indonesia, 94
 - al-Warraq v. Indonesia*, 86
- UNCTAD, 93, 138, 307
- UNDP, 289, 307
- Union Attorney General's Office (UAGO) (Myanmar), 136, 152–3
- Viet Nam
 - BITs, 269–70
 - Doi Moi policy, 268–9
 - foreign investment
 - communist era, 267–8
 - socialist-oriented market economy, 268–9
 - FTAs, 270–2
 - informational internalisation
 - training and workshops, 289–90
 - international investment, 264–5
 - investor-state disputes
 - discrimination, 276
 - land allocation cases, 274–5
 - local government incentive schemes, 275–6
 - judicial internalisation, 290–1
 - Law on Complaints, 292–4
 - Law on Conclusion, Accession to and Implementation of Treaties, 281
 - Law on Investment, 282–4
 - Law on Promulgation of Legal Documents, 284
 - monitoring new laws and regulations, 284–5
 - transparency and public participation, 286
 - Law on Treaties, 276, 280, 282
 - local decision-making
 - absence of internalisation measures, 287–9
 - monitoring mechanisms in the legislative process
 - Law on Promulgation of Legal Documents, 284–6
 - remedial internalisation processes, 291–2
 - administrative reconsideration, 292–4
 - investor-state dispute prevention and management, 295–7
 - superiority of international treaties, 282
 - treaty adoption, 279
 - treaty implementation, 279–81
 - treaty negotiation, 273–4, 276–9
- Walter Bau* case, 237, 243–5, 262, 310
- White Industries v. India*, 40–1, 44–6, 310, 322
- World Bank, 307
 - Multilateral Investment Guarantee Agency, 211
 - Systemic Investment Response Mechanism, 297
 - Worldwide Governance Indicators, 175
- WTO obligations, 254