

## ONLINE DIGEST\*

### Chapter 7 Public Interest Limitations on Foreign Investors' Protection

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#### 7.1 Limitations Applying to IIAs

➤ IIAs and other treaties

- \* Argentine Republic–Japan BIT (2018)

Available at:

<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5799/download>

- \* Argentine Republic–State of Qatar BIT (2016)

Available at:

<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5383/download>

- \* Australia–Hong Kong Special Administrative Region of the People's Republic of China Investment Agreement (2019)

Available at:

<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5830/download>

- \* Australia–Oriental Republic of Uruguay BIT (2019)

Available at:

<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5853/download>

- \* Canada–Hong Kong Special Administrative Region of the People's Republic of China BIT (2016)

Available at:

<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5094/download>

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\* The textbook analyses a number of selected international investment agreements (IIAs), awards and other materials that illustrate the rules and practices of international investment law and arbitration as well as the nuances and differences that they display. To enable readers to use all these materials easily and swiftly and to have a holistic view of them, the on-line digest compiles them for each chapter and section; it also provides an internet link to access each of these materials.

- \* Canada–Mongolia BIT (2016)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5373/download>
- \* Canada–Republic of Serbia BIT (2014)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/3152/download>
- \* Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) (2018)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5672/download>
- \* Comprehensive Economic and Trade Agreement (CETA) (2016)  
Available at:  
[http://trade.ec.europa.eu/doclib/docs/2014/september/tradoc\\_152806.pdf](http://trade.ec.europa.eu/doclib/docs/2014/september/tradoc_152806.pdf)
- \* Federal Republic of Nigeria–Republic of Singapore BIT (2016)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5410/download>
- \* Federative Republic of Brazil–United Arab Emirates BIT (2019)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5855/download>
- \* General Agreement on Tariffs and Trade (1947)  
Available at:  
[https://www.wto.org/english/docs\\_e/legal\\_e/gatt47.pdf](https://www.wto.org/english/docs_e/legal_e/gatt47.pdf)
- \* Hong Kong Special Administrative Region of the People’s Republic of China–ASEAN Agreement on Investment (2017)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5655/download>
- \* Hong Kong Special Administrative Region of the People’s Republic of China–Republic of Chile BIT (2016)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5413/download>
- \* Japan–Republic of Mozambique BIT (2013)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/3114/download>

- \* Kingdom of Morocco–Federal Republic of Nigeria BIT (2016)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5409/download>
- \* People's Republic of China, Mainland–Hong Kong China Special Administrative Region Closer Economic Partnership Arrangement (2017)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5580/download>
- \* Republic of Belarus–India BIT (2018)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5724/download>
- \* Republic of Colombia–United Arab Emirates BIT (2017)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5728/download>
- \* Republic of Korea–Republics of Central America FTA (2018)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5670/download>
- \* Republic of Rwanda–Republic of Turkey BIT (2016)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5415/download>
- \* Republic of Rwanda–United Arab Emirates BIT (2017)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5722/download>
- \* Republic of Singapore–Democratic Socialist Republic of Sri Lanka FTA (2018)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5768/download>
- \* Republic of Singapore–Islamic Republic of Iran BIT (2016)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5694/download>
- \* Republic of Turkey–Kingdom of Cambodia BIT (2018)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5833/download>

- \* Slovak Republic–Islamic Republic of Iran BIT (2016)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/3601/download>
- \* State of Israel–Japan BIT (2017)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5849/download>
- \* State of Israel–Ukraine BIT (2010)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5470/download>
- \* Swiss Confederation–Georgia BIT (2014)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/4814/download>
- \* United States of America–Argentine Republic BIT (1991)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/127/download>
- \* Vienna Convention on the Law of Treaties (1969)  
Available at:  
<https://treaties.un.org/doc/publication/unts/volume%201155/volume-1155-i-18232-english.pdf>

➤ Awards, decisions, judgments and opinions

- \* *Case Concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America)* (Merits), Judgment of 27 June 1986  
Available at:  
<https://www.icj-cij.org/files/case-related/70/070-19860627-JUD-01-00-EN.pdf>
- \* *Continental Casualty Company v The Argentine Republic* (ICSID Case No ARB/03/9) - Award (5 September 2008)  
Available at:  
<https://www.italaw.com/sites/default/files/case-documents/ita0228.pdf>
- \* *CMS Gas Transmission Company v The Argentine Republic* (ICSID Case No ARB/01/8) - Award (12 May 2005)  
Available at:  
[http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C4/DC504\\_En.pdf](http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C4/DC504_En.pdf)

- \* *El Paso Energy International Company v The Argentine Republic* (ICSID Case No ARB/03/15) - Award (31 October 2011)  
Available at:  
<https://www.italaw.com/sites/default/files/case-documents/ita0270.pdf>
- \* *Enron Corporation and Ponderosa Assets, L.P. v Argentine Republic* (ICSID Case No ARB/01/3) - Award (22 May 2007)  
Available at:  
<https://www.italaw.com/sites/default/files/case-documents/ita0293.pdf>
- \* *LG&E Energy Corp., LG&E Capital Corp., LG&E International Inc. v Argentine Republic* (ICSID Case No ARB/02/1) - Decision on Liability (3 October 2006)  
Available at:  
[http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C208/DC627\\_En.pdf](http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C208/DC627_En.pdf)
- \* *Sempra Energy International v Argentine Republic* (ICSID Case No ARB/02/16) - Award (28 September 2007)  
Available at:  
[http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C8/DC694\\_En.pdf](http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C8/DC694_En.pdf)
- \* *Sempra Energy International v Argentine Republic* (ICSID Case No ARB/02/16) - Decision on the Argentine Republic's Application for Annulment of the Award (29 June 2010)  
Available at:  
[http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C8/DC1550\\_En.pdf](http://icsidfiles.worldbank.org/icsid/ICSIDBLOBS/OnlineAwards/C8/DC1550_En.pdf)

## 7.2 Limitations Applying to Specific IIA Provisions

### ➤ [IIAs and other treaties](#)

- \* Argentine Republic–State of Qatar BIT (2016)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5383/download>
- \* Articles of Agreement of the International Monetary Fund (1944)  
Available at:  
<https://www.imf.org/external/pubs/ft/aa/pdf/aa.pdf>
- \* Canada–Hashemite Kingdom of Jordan BIT (2009)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/617/download>

- \* Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) (2018)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5672/download>
- \* Comprehensive Economic and Trade Agreement (CETA) (2016)  
Available at:  
[http://trade.ec.europa.eu/doclib/docs/2014/september/tradoc\\_152806.pdf](http://trade.ec.europa.eu/doclib/docs/2014/september/tradoc_152806.pdf)
- \* Federal Republic of Ethiopia–Republic of France BIT (2003)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/1163/download>
- \* Federal Republic of Nigeria–Republic of Singapore BIT (2016)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5410/download>
- \* Federative Republic of Brazil–United Arab Emirates BIT (2019)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5855/download>
- \* General Agreement on Tariffs and Trade (1947)  
Available at:  
[https://www.wto.org/english/docs\\_e/legal\\_e/gatt47.pdf](https://www.wto.org/english/docs_e/legal_e/gatt47.pdf)
- \* Georgia–Republic of Latvia BIT (2005)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/1322/download>
- \* Hong Kong Special Administrative Region of the People’s Republic of China–ASEAN Agreement on Investment (2017)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5655/download>
- \* Hong Kong Special Administrative Region of the People’s Republic of China–Republic of Chile BIT (2016)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5413/download>
- \* Islamic Republic of Pakistan–Kingdom of Bahrain BIT (2014)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5443/download>

- \* Japan–Republic of Kenya BIT (2016)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5374/download>
- \* Japan–Sultanate of Oman BIT (2015)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/3481/download>
- \* Kingdom of Morocco–Federal Republic of Nigeria BIT (2016)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5409/download>
- \* People’s Republic of China, Mainland–Hong Kong China Special Administrative Region Closer Economic Partnership Arrangement (2017)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5580/download>
- \* Republic of Belarus–India BIT (2018)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5724/download>
- \* Republic of Congo–Republic of Mauritius BIT (2010)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/813/download>
- \* Republic of Korea–Republics of Central America FTA (2018)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5670/download>
- \* Republic of Rwanda–Kingdom of Morocco BIT (2016)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5417/download>
- \* Republic of Rwanda–Republic of Turkey BIT (2016)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5415/download>
- \* Republic of Rwanda–United Arab Emirates BIT (2017)  
Available at:  
<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5722/download>

- \* Slovak Republic–Islamic Republic of Iran BIT (2016)

Available at:

<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/3601/download>

- \* Swiss Confederation–Republic of Trinidad and Tobago BIT (2010)

Available at:

<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/3043/download>

- \* United Arab Emirates–United Mexican States BIT (2016)

Available at:

<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/5359/download>

➤ Other instruments and documents

- \* Indian Model Bilateral Investment Treaty (2015)

Available at:

<https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/3560/download>

- \* United States Model Bilateral Investment Treaty (2004)

Available at:

<https://ustr.gov/sites/default/files/U.S.%20model%20BIT.pdf>