## **Contents**

## **Abbreviations**

Executive summary		
1	Introduction	7
1.1	Case selection	13
1.2	Methodological approach	14
2	International investment agreements and national investment law	17
2.1	The global diffusion of IIAs	18
2.2	IIA and host-country policy space	22
2.3	IIAs and national law	24
2.3.1	Definitions	28
2.3.2	Admission	29
2.3.3	Treatment of investors and investments	30
2.3.4	Non-discrimination	30
2.3.5	Protection of investments	33
2.3.6	Expropriation	33
2.3.7	Transfer of funds	34
2.3.8	Entry and sojourn of personnel	35
2.3.9	Dispute settlement	35
2.3.10	Investment facilitation and promotion	36
2.3.11	Investor obligations	37
2.3.12	Scope and exceptions	38
3	Indonesia's investment policy	39
3.1	Indonesia's economic context and foreign investment	41

3.2	Indonesian international investment policy	47
3.2.1	Indonesian IIAs	47
3.2.2	Investor-state dispute settlement in Indonesia	57
3.3	Indonesian national investment policy	60
3.3.1	Economic policy strategy and investment-related laws	62
3.3.2	Investment-specific laws and regulations	64
3.4	Indonesia's international vis-à-vis domestic investment law	78
3.4.1	Definitions	78
3.4.2	Admission	81
3.4.3	Treatment of investors and investments	85
3.4.4	Non-discrimination	86
3.4.5	Protection of investments	90
3.4.6	Expropriation	92
3.4.7	Transfer of funds	94
3.4.8	Entry and sojourn of personnel	96
3.4.9	Dispute settlement	99
3.4.10	Investment facilitation and promotion	105
3.4.11	Investor obligations	109
3.4.12	Scope and exceptions	112
3.5	Recent Indonesian measures affecting investment	117
3.6	Policy coordination of international commitments with	
	national law	126
3.6.1	Inter-ministerial coordination	127
3.6.2	Stakeholder consultations	132
4	What can be learnt from the Indonesian experience?	135
4.1	A matter of complexity	135
4.2	Direction of interaction	137
4.3	Governance mechanisms matter	139
4.4	Enhancing policy space	142

5	Beyond the Indonesian case: general conclusions and	
	recommendations	145

**Bibliography**