

アジアにおける ビジネスのソフトインフラとしての 法の支配と最近の動向

2020年1月29日

アジア・ビジネスロー・フォーラム設立記念

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香港司法祝典



A proper understanding of the concept of justice, the administration of justice in Hong Kong and the duties and responsibilities of judges will enable anyone to comprehend and appreciate the value of the rule of law. These components of the rule of law, in particular the independence of the judiciary, are all referred to and clearly guaranteed under the Basic Law.

In the discharge of their responsibilities, judges look only to the letter of the law and to the spirit of the law, and nothing else.

香港司法祝典

- 最高裁長官 法の支配
- 司法長官 仲裁奨励
- バリスター祝辞 少数者弁護
- ソリシター祝辞 表現の自由の行きすぎ

FDIの奨励（腐敗防止）

Najib to initiate contempt proceedings against anti corruption commission commissioner



Former prime minister of Malaysia, Datuk Seri Najib Razak (left) and commissioner of the Malaysian Anti-Corruption Commission (MACC), Latheefa Koya.

FDIの奨励（腐敗防止）

■ マレーシア

マハティール政権下での
腐敗取締委員会 (Anti-
Corruption Commission)

■ 香港

腐敗防止独立委員会
(Independent Commission
Against Corruption)により
アジアでの先進国に

行政腐敗の参入障壁

The Bigger Problem Behind Cambodia's Building Collapses

The recent spate of incidents raises a broader concern about safety standards in the country.

行政腐敗の参入障壁

- ホテル崩壊

行政腐敗が原因か？

- 不明瞭な外資規制

大阪サミット原則6

司法の競争

香港・シンガポール・カナダ

- マレーバ・インジャンクション
- 破産管財人承認

仲裁振興によるFDI招致 (第一三共事件)

- 2016 April
シンガポール仲裁判断 (\$ 4.6b.)
- 2018 January
インドデリー高裁仲裁判断 執行承認
- 2018 April
シンガポール取消申立 棄却

仲裁振興によるFDI招致 (第一三共事件)



Singh brothers—Malvinder (left) and Shivinder. Daiichi Sankyo is seeking enforcement of the 2016 arbitration award related to its Ranbaxy acquisition in 2008. (HT)

Daiichi-Ranbaxy arbitration case: Find a way to pay up, SC tells Singh brothers

“It is not about individual honour, but it doesn’t look good for the country’s honour. You were the flag-bearers of the pharmacare industry and it doesn’t look good that you are appearing in court....”

越境紛争解決へ

■ 仲裁

- 裁判所の代替
フォーラム
- 準拠法・仲裁地・
仲裁機関 合意へ

■ 投資協定仲裁

- マレーシアBIT
自国仲裁機関明記
- 一帯一路の紛争解決

越境紛争解決へ


Despite the enormous financial resources China has pledged for the OBOR initiative, it is not yet clear how much investment protection will be available to OBOR investors. [56] This is an important issue for OBOR investors because infrastructure projects present heightened investment risks. These projects are characterised by complex structures and arrangements, and they involve payments of large sums of money over an extended period of time, often in countries that are politically or economically unstable.

As implementation of the OBOR initiative unfolds, it is likely that investment disputes relating to it will also arise.

ディスカッション

- ABLFの活用を考える -

- PPPのフォーラムとして
 - 法整備
 - 腐敗防止
 - 公正司法
 - 仲裁・調停
 - 投資協定仲裁



ご清聴ありがとうございました