

Penerapan national treatment dan fair and equitable treatment dalam penyelesaian sengketa perdagangan dan investasi nafta (studi kasus wto case on mexico soft drink dan cargill inc melawan meksiko icsid) = The application of national treatment and fair and equitable treatment in dispute settlement on trade and investment of nafta case study wto case on mexico soft drink tax and cargill v mexico icsid

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Abstrak

ABSTRAK

Kerjasama ekonomi antar negara yang melibatkan perdagangan dan investasi didalamnya akan semakin meningkat. Salah satu pemicu meningkatnya pengaturan perdagangan dan investasi dalam satu perjanjian internasional adalah munculnya NAFTA pada tahun 1993. Ketentuan NAFTA menimbulkan konsekuensi hukum kepada Host State yakni untuk melaksanakan prinsip non-diskriminasi. Dalam Kasus penerapan pajak produk HFCS, Meksiko melakukan tindakan yang tidak konsisten dengan NAFTA terkait ketentuan National Treatment dan Fair and Equitable Treatment (FET). Berdasarkan tindakan tersebut maka muncul sengketa di bidang perdagangan dan investasi dalam kasus yang sama. Kasus ini akan menjadi suatu pembelajaran yang menarik dalam melakukan kerjasama antar negara di bidang ekonomi.

ABSTRACT

Economic Partnership between countries that involved to trade and investment will be increase more. One of the trigger of many agreement that carried trade and investment in it was appears of NAFTA on January 1st 1994. The content of NAFTA caused legal obligation to the Party especially Host State to applied the nondiscrimination principle. In the application of HFCS tax, Mexico did inconsistent action to the NAFTA which are to National Treatment obligation and Fair and Equitable Treatment (FET) obligation. Based on Mexico's action, that arise conflict both in trade and investment. This case would be interesting lesson in doing economic partnership between countries.