

## 論文要旨説明書

報告論文のタイトル：“Fairness” in the Trade and Investment Agreements

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論文要旨（800 字から 1200 字、英文の場合は 300 から 450 語）

This paper/presentation is a preliminary research on “fairness” in the Trade and Investment Agreements.

“Free and Fair” trade is what has been aimed for as a collective endeavor of global society. World Trade Organization, WTO, is to create an environment for “open, fair and undistorted competition”, in which rules, elements of “trade without discrimination”, “free trade”, and “promoting fair competition” are embedded.

With the stagnation of WTO negotiations, more Free Trade Agreements, FTAs, have been created in the world. Political leaders of countries including Prime Minister Abe of Japan often comments upon signing and/or concluding FTAs, that the agreements, the “fair” rules, would contribute in creating “free and fair” trade environment. Furthermore, the talk between the United States and Japan on trade issues which started in 2018, was initially named as “Free, Fair and Reciprocal trade talks” .

What to consider as “fair” is generally ambiguous, subjective and may be different by the situations and the actors. Nonetheless, the word “fair” is often used in the trade and investment relevant scenes. The fairness issue is one of the critical agendas in international economic law as well as the trade and investment relevant rules.

The paper/presentation identifies that the concepts of “equitable” and “reciprocal” are (two of) the keys to analyze “fairness” . The paper/presentation mainly focuses on investment relevant agreements and examines 1) the rules of multilateral/bilateral agreements on trade and investment that had been agreed to see how “equitable” and “reciprocal” are evolved, and 2) how those two concepts had been used in the act of countries, in another words, how they were used as instruments to justify the acts of countries, and 3) how the available schemes could/could not deal with such acts by the countries. For 2), the paper/presentation mainly uses the case of the United States.

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