

Article XX: Domestic Judicial Enforcement of the Rights of Investors

1. Each Party shall provide investors of the other Parties access to an impartial judicial system with authority to enforce the rights of investors established under this Agreement.
2. The judicial system that each Party makes available to investors of the other Parties shall have the following basic features:
 - a) Independence of Courts: The courts and the judges thereof shall be independent of, and not influenced in their decisions by, the head of state, the executive and administrative officials of the government, the legislature, the political parties, and private entities or individuals.
 - b) Powers of the courts: The courts shall have the power to--
 - i) Review the legality of any executive or administrative action, formal or informal, that an investor of a Party asserts is contrary to this Agreement or related domestic law,
 - ii) Declare such action invalid,
 - iii) Award damages that provide full compensation to the investor for injury caused by the violation, and
 - iv) Enjoin further violations (except that full compensation may be awarded in lieu of injunctive relief).
 - c) Judicial Procedure: The courts shall ensure that--
 - i) Procedures for the enforcement of investors' rights are fair and equitable, are neither unnecessarily complicated nor costly, and do not entail unreasonable time limits or unwarranted delays,

ii) An investor of a Party has access to information regarding the executive or administrative action that the investor asserts affects its investment, including the reason for such action and any other information that bears upon the issues in the judicial proceeding, and

iii) An investor of a Party receives copies of all submissions (including evidence) filed with the court by the other parties in a judicial proceeding and an opportunity to respond to such evidence and arguments.

d) Judicial Decisions: In the adjudication of investment disputes, the courts shall issue written opinions that contain--

i) findings of fact based upon the principle that each party to a dispute has the burden of proving by a preponderance of the evidence the facts relied on to support its claim or defense, and

ii) a reasoned justification--one that relates the facts found to the law--of the decision in each case.

e) Appellate Review [To be described]