

Protection of Chinese Enterprises' Overseas Investments Under Bilateral Investment Treaties Under the Belt and Road Initiative

Authors : Bo Sun, Ni Zhong

Abstract : Bilateral investment treaties have played a role in the construction of the Belt and Road, providing institutional protection for Chinese companies' overseas investments. However, such treaties between China and countries along the Belt and Road were signed in the 1980s and 1990s, and their provisions are outdated and insufficiently detailed to provide adequate legal protection for Chinese investors when they initiate investment arbitration against host countries. By studying cases involving China in international investment arbitration, this paper suggests that China should pay attention to further clarifying the identity of "investors", the scope of disputes that can be submitted to arbitration, and the concept of "indirect expropriation" when updating bilateral investment treaties in the future, in order to reduce the risk of losing cases for Chinese investors.

Keywords : belt and road, bilateral investment agreement, investment arbitration, indirect expropriation

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