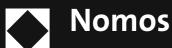
Patrick Abel

International Investor Obligations

Towards Individual International Responsibility for the Public Interest in International Investment Law



Beiträge zum ausländischen öffentlichen Recht und Völkerrecht

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Patrick Abel

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Preface and Acknowledgments

International investment law represents one of the branches of international law in which individuals - natural persons and companies - play a key role both in substantive law and in dispute settlement. Many observers criticise the field to be overly investor-friendly. Do investors enjoy international rights without corresponding obligations? As I started to research the interplay of investment law and human rights in 2015, I came to realise that there is a pattern in investment law theory and practice which answers this question to the negative. In a diffuse, decentral development, investor rights and obligations increasingly go hand in hand. This book aims at comprehensively analysing how international investor obligations have incrementally begun to develop in investment law and how we may situate this finding in the broader debate about the status of individuals in international law. It is a revised version of my doctoral dissertation which I submitted to the Faculty of Law of the University of Göttingen in 2018 and which I defended in 2021. The book takes into account scholarly writing and arbitral jurisprudence until the end of 2021.

Above all, I would like to express my gratitude to *Professor Dr. Peter-Tobias Stoll* who supervised my dissertation. His support and guidance have made this book possible. I am particularly grateful for three fascinating, challenging and inspiring years of working for him as a PhD research fellow at the Institute of International and European Law between 2015 and 2018. I would also like to thank *Judge Professor Dr. Andreas Paulus* for many valuable discussions in Göttingen and Karlsruhe and for his critical and helpful comments as second examiner of my dissertation.

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Patrick Abel

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List of Abbreviations

ACHR American Convention on Human Rights
AfrCHPR African Charter on Human and Peoples' Rights

AU African Union

BIT Bilateral Investment Treaty

COMESA Common Market for Eastern and Southern Africa

CPTPP Comprehensive and Progressive Agreement for Trans-Pacific Part-

nership

CSR Corporate Social Responsibility

ECHR European Convention on Human Rights
ECOWAS Economic Community of West African States

ECtHR European Court of Human Rights
EIA Environmental Impact Assessment

EU European Union

FET Fair and Equitable Treatment

FTA Free Trade Agreement

IACtHR Inter-American Court of Human Rights

IBRD International Bank for Reconstruction and Development ICCPR International Covenant on Civil and Political Rights

ICESCR International Covenant on Economic, Social and Cultural Rights

ICI International Court of Justice

ICSID International Centre for the Settlement of Investment Disputes

IFC International Finance Corporation
IHL International Humanitarian Law
IIA International Investment Agreement

IISD International Institute for Sustainable Development

ILC International Law Commission
ILO International Labour Organisation
IMF International Monetary Fund
IMT International Military Tribunal
ISDS Investor-State Dispute Settlement

MFN Most-Favoured-Nation

List of Abbreviations

MIGA Multilateral Investment Guarantee Agency

NGO Non-Governmental Organisation PCA Permanent Court of Arbitration

PCIJ Permanent Court of International Justice
SADC Southern African Development Community

TPP Trans-Pacific Partnership

UDHR Universal Declaration of Human Rights

UN United Nations

UNCITRAL United Nations Commission on International Trade Law

UNCommHR United Nations Commission on Human Rights

UNGA United Nations General Assembly
UNSC United Nations Security Council

VCLT Vienna Convention on the Law of Treaties

WTO World Trade Organisation