

**THE EVOLUTION OF CHINESE
INTERNATIONAL INVESTMENT
AGREEMENTS AND THEIR POTENTIAL
IMPACTS ON HUMAN RIGHTS PROTECTIONS
FOR THE “BELT AND ROAD INITIATIVE”
COUNTRIES**

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ABSTRACT

Since 2013, China has been laying the groundwork for its Belt and Road Initiative (hereinafter “BRI”), with the aim of enhancing economic and political ties with other developing countries. Inasmuch as the political and business environments differ considerably among BRI countries and hence present a high level of operational risk, China has recently announced that the time is ripe to sign or renew its international investment agreements (hereinafter “IIAs”) with these countries in order to protect Chinese investments and interests. This announcement presents various problems. Of particular concern is how “reforming” or “renewing” IIAs between China and BRI countries might directly or indirectly constrain host states’ policy space and hinder their ability to meet their international legal obligations as mandated by human rights treaties they have ratified.

In light of these developments, this research argues that, particularly since international investment law and human rights law increasingly intersect, Chinese IIAs should not undermine host

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states' obligations to protect, respect, and fulfill human rights under international human rights treaties. With this theoretical framework in mind, this research adopts a dual empirical research strategy involving both content analysis and factor analysis. Thus, it begins by analyzing the variation, evolution, and mutual correlation of the contents of Chinese IIAs, especially for provisions with the potential to impact host states' human rights conditions—thus addressing a gap in the existing research on Chinese IIAs. This portion of the research was conducted using quantitative content analysis of 120 Chinese IIAs, together with factor analysis aimed at understanding the correlations between and among the selected factors and the prevalence of human rights-friendly provisions in Chinese IIAs.

Built upon the data collected and analyzed above, this research argues that China has an urgent need to make its IIAs “friendlier” to human rights in order to genuinely create the “win-win” cooperation proclaimed under BRI. This research further suggests several principles and suggested options for future negotiations between China and BRI countries that could better balance the need for attracting foreign capital flow with that of preserving host states' rights to protect human rights conditions.

KEYWORDS: *Belt and Road Initiative, One Belt One Road Initiative, international investment agreement, human rights protection, China*