

Sustainable Development in International Investment Law:
Treaties and Arbitral Practice

Duurzame ontwikkeling in het internationale investeringsrecht:
Verdragen en arbitrale praktijk

Thesis

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I was born and raised in a remote village in Nanyang city, Henan Province, China. When I was in primary school, every time when a teacher mentioned PhDs or returnees (Chinese who have studied abroad and returned to China), I could see the sparkle in their eyes. By then, I have started dreaming about getting a PhD in a foreign land, fantasizing about my bright future. When I was in high school, my adopted family asked me to drop school, because, according to them, “it’s no use for a girl to get education.” I did not think so. I left the village and continued pursuing my dream. Now, I am 30 and finishing my PhD project in the Netherlands. Looking back, I am overwhelmed with gratitude for all the help I have received from countless individuals and institutions. I cannot imagine how I could complete this journey without their generous support.

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Table of Contents

Acknowledgements	I
List of Abbreviations	IV
Figures and Tables	VI
Chapter 1 Introduction	1
Chapter 2 Sustainable Development in International Law	2
Chapter 3 Sustainable Development in International Investment Agreements	3
Chapter 4 Sustainable Development in Investor-State Arbitration Cases: An Overview	4
Chapter 5 Sustainable Development in ISA Cases: Have Investors been Held Accountable for Their Conduct?	5
Chapter 6 Sustainable Development in ISA Cases: Host States' Regulatory Space for the Environmental and Social Policy Objectives	6
Chapter 7 Conclusion and Recommendations	7
Selected Bibliography	8
Annexes	33
Annex 1. Distribution of BITs with SDPs by Economy	33
Annex 2. BITs with sustainable development provisions	33
Annex 3. Reference to different sustainable development considerations in BITs	33
Annex 4. TIPs with sustainable development provisions	33
Annex 5.1 Treaty-based ISA cases with sustainable development implications (SD as States' defence/counterclaim)	33
Annex 5.2 Treaty-based ISA cases with sustainable development implications (Investors accusing States of breaching SD obligations)	33
Annex 6. Legality requirement	33
Summary	34
Samenvatting	35

List of Abbreviations

BITs	Bilateral Investment Treaties
BLEU	Belgium-Luxembourg Economic Union
CETA	EU-Canada Comprehensive Economic and Trade Agreement
CPTPP	The Comprehensive and Progressive Trans-Pacific Partnership Agreement
CSR	Corporate Social Responsibility
EPAs	Economic Partnership Agreements
ECT	Energy Charter Treaty
ECtHR	European Court of Human Rights
EIA	Environmental Impact Assessment
FTAs	Free Trade Agreements
FET	Fair and Equitable treatment
FPS	Full Protection and Security
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
IIL	International Investment Law
IAs	International Investment Agreements
ISDS	Investor-State Dispute Settlement
ISA	Investor-State Arbitration
ICS	Investment Court System
ICSID	International Centre for Settlement of Investment Disputes
ICJ	International Court of Justice
IISD	International Institute for Sustainable Development
ILA	International Law Association
ILC	International Law Commission
ILO	International Labour Organisation
ITLOS	International Tribunal for the Law of the Sea
MST	Minimum Standard of Treatment
MFN	Most Favoured Nation Treatment
NT	National Treatment
NAFTA	North American Free Trade Agreement

OECD	Organisation for Economic Co-operation and Development
PCA	Permanent Court of Arbitration
PRs	Performance Requirements
PPRs	Prohibition of Performance Requirements
RITs	Regional Investment Treaties
RCEP	Regional Comprehensive Economic Partnership
RBC	Responsible Business Conduct
SD	Sustainable Development
SDGs	Sustainable Development Goals
SDPs	Sustainable Development Provisions
TIPs	Treaties with Investment Provisions
UNCTAD	United Nations Conference on Trade and Development
USMCA	United States-Mexico-Canada Agreement
UNCITRAL	United Nations Commission on International Trade Law
UNESCO	The United Nations Educational, Scientific and Cultural Organisation
VCLT	Vienna Convention on the Law of Treaties
WTO	World Trade Organization

Figures and Tables

Chapter 1 Introduction

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Chapter 2 Sustainable Development in International Law

[under embargo for commercial publication]

Chapter 3 Sustainable Development in International Investment Agreements

[under embargo for commercial publication]

Chapter 4 Sustainable Development in Investor-State Arbitration Cases: An Overview

[under embargo for commercial publication]

Chapter 5 Sustainable Development in ISA Cases: Have Investors been Held Accountable for Their Conduct?

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**Chapter 6 Sustainable Development in ISA Cases: Host States'
Regulatory Space for the Environmental and Social Policy Objectives**
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Chapter 7 Conclusion and Recommendations

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Annexes

[under embargo for commercial publication]

Annex 1. Distribution of BITs with SDPs by Economy

Annex 2. BITs with sustainable development provisions

Annex 3. Reference to different sustainable development considerations in BITs

Annex 4. TIPs with sustainable development provisions

Annex 5.1 Treaty-based ISA cases with sustainable development implications (SD as States' defence/counterclaim)

Annex 5.2 Treaty-based ISA cases with sustainable development implications (Investors accusing States of breaching SD obligations)

Annex 6. Legality requirement

Summary

[under embargo for commercial publication]

Samenvatting

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Curriculum vitae

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Short bio	
Hongwei Dang is a legal practitioner with both Chinese and European education backgrounds. Her research interests focus on international investment law, international dispute settlement, and information security law. She gained her Master of Laws degree at Zhongnan University of Economics and Law on international law. She holds Legal Professional Qualification Certificate in China. She is a legal intern at ICSID. She is now also a digital committee member of CyberArb, an international legal & tech team focusing on the interaction between cybersecurity and international arbitration/ADR.	
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Master of Laws - School of Law, Zhongnan University of Economics and Law	2014-2017
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Digital Committee Member - CyberArb	2021-
Judicial Assistant - Intellectual Property Tribunal, Shenzhen Baoan District People's Court	2016
Research Assistant - Faculty of Law, Zhongnan University of Economics and Law	2015-2016
Prizes and awards	
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Awardee of National Scholarship for PhDs - China Scholarship Council	2017
Publications	
The Role of the Precautionary Principle in Investment Arbitration: Did It Manage to Justify the Host States' Cautious Approach on Environmental and Climate Change Issues? Transnational Dispute Management Journal	2022
Online Arbitration & Cybersecurity in China. China Justice Observer, Sep 15, 2022 (Co-author Joel Evans), https://www.chinajusticeobserver.com/a/online-arbitration-cybersecurity-in-china	2022
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Hongwei Dang

Description	Organizer	EC
Required		
EGSL - Academic Writing in English (2017)		5.00
EGSL - Research Lab (2017)		10.00
EGSL - Writing Clinic (2017)		5.00
EGSL - Review Day (2017)		0.00
EGSL - Lunch Lectures 1 (2017)		0.00
EGSL - Lunch Lectures 2 (2017)		0.00
EGSL - Managing your PhD (2018)		3.00
EGSL - Poster Presentation (2018)		0.00
EGSL - Academic Integrity & Responsible Research (2019)		1.00
Presentations (2019)		0.00
Presentations (2020)		0.00
Total EC		----- + 24.00