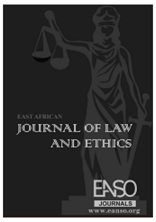

East African Journal of Law and Ethics
eajle.eanso.org
Volume 8, Issue 1, 2025
Print ISSN: 2707-532X| Online ISSN: 2707-5338
Title DOI: https://doi.org/10.37284/2707-5338

EAST AFRICAN NATURE & SCIENCE ORGANIZATION

Original Article

A Comparative Study of China's Bilateral Investment Treaties (BITs) with Selected Eastern African Countries: Gaps, Outdated Frameworks, and Modern Developments

Abdu Mohamedali Osman[1] & Maham Zahoor[1]*

[1] Xiamen University, P. O. Box; 361005 Fujian Province, China.
[*] Author's Email: rogers.barigayomwe@kiu.ac.ug

Article DOI: https://doi.org/10.37284/eajle.8.1.2851

Date Published:

09 April 2025

Keywords:

China-Tanzania BIT, China-Ethiopia BIT, Investment Promotion and Protection, Legal Safeguards, Public Interests, Sino-Eritrean Investment.

ABSTRACT

It has been a while since Chinese investors established their dominant presence in Africa. Despite this, most Sino-African BITs are often criticised for failing to strike a balance between promoting Chinese investments and protecting public interests. Thus, this research examines the sufficiency of the existing international legal protections available to Chinese investors in Eritrea, Ethiopia and Tanzania. In doing so, it employs a qualitative research method that is primarily dependent on a comparative legal analysis and thus analyses the China-Tanzania and China-Ethiopia BITs by comparing them with each other and with other more recent BITs. At the same time, it makes a thematic analysis, using the manner in which these BITs define "investment" and "investor", the favourable treatments they offer, the "regulatory space" and indirect expropriation regime they establish, the ISDS mechanisms they provide access to, and their commitment to safeguard public interests as guiding parameters. It also examines the potential adverse impacts of the absence of a BIT between Eritrea and China on their investment relations. The findings reveal that the legal protections available to Chinese investors vary significantly between the selected countries- from nothing in Eritrea to weak in Ethiopia and to relatively robust and comprehensive in Tanzania. The Sino-Ethiopian investment relationship is governed by an old BIT that has many limitations, making the available legal protections weak. In contrast, the Sino-Tanzanian investment relationship operates under a modern BIT designed to strike a balance between attracting Chinese investment and safeguarding Tanzania's broader public interests, resulting in comprehensive and robust legal protections. Hence, this research recommends the conclusion of a BIT between Eritrea and China, a replacement (renegotiation) of the China-Ethiopia BIT, and a revision of the China-Tanzania BIT so that environmental concerns, human rights issues, and social development notions, including corporate social responsibility, are addressed adequately. It, in particular, calls Eritrea and Ethiopia to draw lessons from the China-Tanzania BIT, and thereby create a legal environment conducive to Chinese investors while at the same time ensuring that their domestic investors are not chocked and the natural environment and other public interests are not jeopardised.

Article DOI: https://doi.org/10.37284/eajle.8.1.2851

APA CITATION

Osman, A. M. & Zahoor, M. (2025). A Comparative Study of China's Bilateral Investment Treaties (BITs) with Selected Eastern African Countries: Gaps, Outdated Frameworks, and Modern Developments. *East African Journal of Law and Ethics, 8*(1), 114-129. https://doi.org/10.37284/eajle.8.1.2851

CHICAGO CITATION

Osman, Abdu Mohamedali and Maham Zahoor. 2025. "A Comparative Study of China's Bilateral Investment Treaties (BITs) with Selected Eastern African Countries: Gaps, Outdated Frameworks, and Modern Developments." *East African Journal of Law and Ethics* 8 (1), 114-129. https://doi.org/10.37284/eajle.8.1.2851.

HARVARD CITATION

Osman, A. M. & Zahoor, M. (2025) "A Comparative Study of China's Bilateral Investment Treaties (BITs) with Selected Eastern African Countries: Gaps, Outdated Frameworks, and Modern Developments" *East African Journal of Law and Ethics*, 8(1), pp. 114-129. doi: 10.37284/eajle.8.1.2851.

IEEE CITATION

A. M., Osman & M., Zahoor "A Comparative Study of China's Bilateral Investment Treaties (BITs) with Selected Eastern African Countries: Gaps, Outdated Frameworks, and Modern Developments.", *EAJLE*, vol. 8, no. 1, pp. 114-129, Apr. 2025.

MLA CITATION

Osman, Abdu Mohamedali & Maham Zahoor. "A Comparative Study of China's Bilateral Investment Treaties (BITs) with Selected Eastern African Countries: Gaps, Outdated Frameworks, and Modern Developments." *East African Journal of Law and Ethics*, Vol. 8, no. 1, Apr. 2025, pp. 114-129, doi:10.37284/eajle.8.1.2851.

INTRODUCTION

China's unparalleled economic growth has resulted in massive overseas Chinese investments (Ross & Fleming, 2022). Africa, a continent rich in natural resources and labour but poor in capital and technology, has since long become an attractive investment destination for Chinese investors (Zhang, 2022). The major contributing factors to this scenario are the Chinese culture of doing business, the friendly political relationship between Chinese and African governments, and the relative weakness of the US's influence on the continent (Freddy & Bijukumar, 2024). In 2022, for example, China's FDI to Africa reached US$1.8 billion, surpassing the amount invested by the United States (Freddy & Bijukumar). Furthermore, China has concluded many bilateral investment treaties (BITs) with African countries (Beri & Nubong, 2021), but some of these BITs are outdated. Moreover, no BITs exist between China and certain African countries, despite significant investment relations.

Although the Sino-African investment relationship has been the subject of extensive studies (Ofosu & Sarpong, 2022), there is a lack of sufficient literature that examines existing levels of protection and promotion for Chinese investments in East Africa. Therefore, this research intends to fill this gap and examine the available legal environment for protecting and promoting Chinese investments in Eritrea, Ethiopia and Tanzania. However, this study is restricted to assessing the existing levels of international protection. Thus, it does not analyse the protection and promotion measures outlined in the domestic laws of the selected countries. These countries were selected because they represent three different levels of international protection—non-existent, archaic, and modern. Each country can adequately represent other Eastern African countries that offer Chinese investments a similar level of international protection.

Research Background

Besides all being Eastern African countries, Eritrea, Ethiopia, and Tanzania share other similarities. To begin with, all of them are least-developed countries (UNCTAD, 2024) that aspire to ensure economic growth by, among other things, boosting their inflows of FDI. Moreover, each has also expressed interest in benefiting from Chinese FDI. For instance, President Dr. Samia of Tanzania has extended a direct invitation to Chinese investors (Daily News, 2024). The Prime Minister of Ethiopia, Dr Abiy, also stated, "We see tremendous opportunities for expansion, particularly in sectors where China's expertise and investments have already made a meaningful impact" (Ethiopian Broadcasting Corporation,

Article DOI: https://doi.org/10.37284/eajle.8.1.2851

2024). Moreover, President Isaias of Eritrea has also expressed his government's willingness "to deepen mutually beneficial cooperation with China in areas including infrastructure construction, mining and agriculture" (China Daily, 2024b). Most importantly, Chinese investors have already invested substantially in Eritrea, Ethiopia, and Tanzania. It is reported that Chinese investments in Tanzania were valued at a staggering US$11.4 billion as of Feb 2024 (Tanzania Investment Centre, 2024). The Ethiopian Investment Centre (EIC) has also published reports showing that Chinese investments in Ethiopia amounted to more than US$8.5 billion in "recent years" (EIC, 2025). In Eritrea, Chinese mining companies have also established their weighty presence by gradually taking over mining projects from other investors (Amahazion, 2021). All the selected countries have also committed to China's Belt and Road Initiative (BRI) (Green Finance and Development Centre, 2023), which is expected to increase their inflow of Chinese FDI further. As discussed by Signorelli, for instance, Chinese investments in Tanzania are increasing in an unprecedented manner consequent to the latter's engagement to the BRI (Signorelli, 2024).

The international promotion and protection of Chinese investments is mainly regulated by the "Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Government of the People's Republic of China Concerning the Encouragement and Reciprocal Protection of Investments" (hereinafter China-Ethiopia BIT) in Ethiopia (China-Ethiopia BIT, 1998) and by the "Agreement between the Government of the People's Republic of China and the Government of the United Republic of Tanzania Concerning the Promotion and Reciprocal Protection of Investments" (hereinafter China-Tanzania BIT) in Tanzania (China-Tanzania BIT, 2013). Besides, as both Tanzania and China are members of the World Trade Organization (WTO, 2024), the TRIMS Agreement can be applied, albeit narrowly, to protect Chinese investments in Tanzania. Chinese investments in Eritrea, however, are not regulated by an IIA, as no such agreement has been concluded between China and Eritrea, and the TRIMS Agreement is not applicable since Eritrea is not a member of the WTO (WTO, 2024).

RESEARCH METHODOLOGY

Data Collection

Predominantly, this study relies on secondary data. However, some investor-state dispute settlement cases and numerous IIAs, including some that do not belong to the selected countries, are used as primary sources. Consequent to their relevance, the China-Tanzania and China-Ethiopia BITs are used intensively. Other BITs not directly relevant to the research are also consulted for comparison, and they are selected because they are either modern BITs that reflect contemporary international trends or are concluded by the relevant countries (China, Ethiopia, Tanzania) with other countries. The research also draws on secondary sources, including around 50 relevant publications and data from reputable international organizations such as the UNCTAD, the African Development Bank Group, the World Trade Organization, and various national and international institutions.

Data Analysis

To achieve its objective of rigorous textual analysis, this study adopts a qualitative research method that predominantly uses comparative and thematic legal analysis. Accordingly, it analyses the most important aspects of the China-Ethiopia and China-Tanzania BITs by comparing them with each other and with other recent BITs. In doing so, it uses the manner in which these BITs define "investment" and "investor", the favourable treatments they offer, the "regulatory space" and indirect expropriation regime they establish, the ISDS mechanisms they provide access to, and their commitment to safeguard public interests as guiding parameters. The provisions of the abovementioned BITs are also analysed from the perspective of the specific needs of Ethiopia and Tanzania. As the flow of investment between China and the selected countries is usually one-way— flowing from

Article DOI: https://doi.org/10.37284/eajle.8.1.2851

China to the selected countries— some aspects of the BITs impact Ethiopia and Tanzania more than China. The research acknowledges this and underscores these aspects more thoroughly. As for Eritrea, no BIT has been concluded between it and China; thus, the research analyses the adverse impact of this on stimulating the inflow of its Chinese FDI.

Research Significance

This research identifies the shortcomings of the China-Ethiopia and China-Tanzania BITs in boosting inflows of Chinese investments and safeguarding the public interests of the host states. It also studies the adverse impacts of the inexistence of a BIT between China and Eritrea on the latter's inflows of Chinese FDI. Identifying the shortcomings of the existing BITs and the adverse impacts of the inexistence of a BIT between China and Eritrea enables the research to make recommendations for improving the investment relations between China and the selected countries. It is important to note that inflows of FDI can be affected either positively or negatively depending on the nature of the BITs put in place, when available, and by their inexistence when not (Gopalan et al., 2023). It is also equally important to note that investment promotion and protection should not be the sole purpose of BITs (Baltag & Dautaj, 2021). This research, therefore, looks for ways through which Eritrea, Ethiopia and Tanzania can strike a balance between promoting inflows of Chinese investment and championing public interests.

FINDINGS AND DISCUSSION

The discussion is divided into three main sections. The first section discusses the prominent features of the China-Ethiopia BIT—a typical example of the old Sino-Eastern African BITs. The second section examines the recently concluded China-Tanzania BIT, while the third examines the need for a BIT between China and Eritrea.

The China-Ethiopia BIT: A Seemingly Forgotten BIT

The China-Ethiopia BIT is an outdated investment agreement concluded almost three decades ago. Despite the dynamic and consistent evolution of international investment treaties (Salacuse, 2021), this BIT is still in force and has not been amended. In this part, the research examines the most prominent rules of the BIT and argues that it is not adequately equipped to boost Ethiopia's inflow of Chinese FDI or safeguard its public interests.

Defining 'Investment' and 'Investor'

The China-Ethiopia BIT specifies its scope by defining, under Art. 1, what an 'investment' and an 'investor' mean in its context (China-Ethiopia BIT, 1998). For this BIT, 'every kind of asset' is an investment (Man, 2019), irrespective of whether it is used in the production of goods/services. Unlike contemporary BITs (Velten, 2022), it does not put any precondition for a given asset to be regarded as an investment. This "asset-based" definition unnecessarily broadens the scope of the BIT. By doing so, it could burden the host state, mostly Ethiopia, to extend favourable treatments to assets that do not contribute to the growth of its economy.

In defining an investor, the China-Ethiopia BIT has, under Art. 1 (2) (b), specified that an economic entity will be regarded as an investor if it has its domicile in the territory of the home country (China-Ethiopia BIT, 1998). Contemporary BITs, however, demand more than a mere domicile. They, for instance, require that an economic entity have, in addition to domicile, 'substantial business activities' in the territory of the home country (Olmedo, 2020). In this way, they aim to shield themselves from "treaty shopping", where investors establish themselves in a particular country to take advantage of the BITs that country has concluded (Olmedo). Besides, the definition of an investor provided by the China-Ethiopia BIT does not cover investments made by an enterprise controlled by the nationals of a contracting party but established by the laws of a non-contracting party. For

Article DOI: https://doi.org/10.37284/eajle.8.1.2851

instance, Alibaba Group Holding Ltd. is established in accordance with the Company Law of the Cayman Islands, although it is controlled by Chinese nationals (Fried & Kamar, 2021). Investments by this company in Ethiopia will not be protected by the China-Ethiopia BIT because the definition focuses on establishment (nationality) and ignores control. Conversely, recent BITs, including the Brazil-Ethiopia one, define an investor by combining between establishment and control (Brazil-Ethiopia BIT, 2018).

The Absence of National Treatment Obligation

In the China-Ethiopia BIT, no provision specifically or impliedly obliges the contracting parties to be bound by the national treatment (NT) obligation (China-Ethiopia BIT, 1998). The absence of an NT obligation could undermine the very purpose of BITs- the stimulation of foreign investment for the host state and the return of benefits to the capital-exporting country (Johnson et al., 2018). Thus, the absence of the NT obligation from the China-Ethiopia BIT can make Ethiopia relatively less attractive to Chinese investors, negatively affecting its FDI inflows. Strangely enough, both countries have concluded many other BITs that oblige them to provide NT for foreign investors. Some of these BITs include the China-Turkey (China-Turkey BIT, 2015), China-Tanzania (China-Tanzania BIT, 2013), Brazil-Ethiopia (Brazil-Ethiopia BIT, 2018) and Ethiopia-UK (Ethiopia-UK BIT, 2009) BITs.

Ambiguous FET and MFN Treatment Obligations

In the China-Ethiopia BIT, the treatment of investments is regulated by Art. 3 (China-Ethiopia BIT, 1998). Sub (1) of the stated article creates a “fair and equitable treatment” (FET) obligation but does not define it. Considering the inherently problematic nature of the FET obligation, as has been manifested by many investment disputes, contemporary BITs define FET and try to narrow its scope (Dumberry, 2017). The investment dispute between *National Grid plc and the Argentine Republic* proves how the FET obligation can trouble host states unless properly defined (National Grid plc v. The Argentine Republic, 2008). In this case, the arbitral tribunal decided that Argentina had breached its FET obligations and awarded the investor US$53.50 million in compensation (National Grid plc v. The Argentine Republic).

The other obligation created by Art. 3 is the MFN treatment obligation (China-Ethiopia BIT, 1998). However, the provision leaves many questions unanswered. Unlike almost all other BITs, which require the extension of favourable treatment to investments that are in ‘like circumstances’ only (Amin, 2020), Art. 3 leaves the invocation of the MFN treatment wide open. This wide scope implies that any favourable treatment given to any investor from a third country should be extended to investors covered by the China-Ethiopia BIT, irrespective of whether the investor from the third-party country and the covered investor are in ‘like circumstance’ or not. On the contrary, both China and Ethiopia have, in BITs they have concluded with other countries, limited the application of the MFN treatment obligation to investments in “like circumstances” only. These BITs include the abovementioned China-Turkey, China-Tanzania, Ethiopia-UK and Brazil-Ethiopia BITs. Interestingly, in the context of the China-Ethiopia BIT, the MFN standard is linked to other principles, such as the FET (Man, 2019). Linking the MFN treatment obligation to the FET obligation might narrow its scope but cannot serve any function in clearing its vagueness. After all, the FET obligation to which it is linked is itself ambiguous.

The Unavailability of General Exceptions

States need a ‘regulatory space’ to carry out some measures ordinarily sanctioned by investment promotion and protection agreements (Tang, 2024). The unavailability of this space has put various governments in sensitive positions by tying their hands from performing their responsibilities (Calvert, 2016). To avoid this, contemporary BITs provide exceptional situations in which the contracting parties can adopt measures necessary to safeguard various public

Article DOI: https://doi.org/10.37284/eajle.8.1.2851

interests, such as the environment, public health and safety, and national security (Akinkugbe, 2021). The China-Ethiopia BIT, however, does not establish a general exceptions regime. Coupled with the vast and relatively unbridled nature of the FET and MFN treatment obligations it creates, the absence of general exceptions makes the BIT fully capable of impeding the contracting parties from adopting legitimate policy measures. Once again, this should be more worrying to Ethiopia as FDI inflows are usually one-way— from China to Ethiopia.

The Shaky Expropriation Regime

In Art. 4, the China-Ethiopia BIT stipulates its rule on the expropriation of investments (China-Ethiopia BIT, 1998). Although the provision has some basic rules, it, like all the other provisions of the BIT, lacks in detail. Thus, the expropriation regime of the BIT is incomplete and perhaps risky. Its shortcomings are, however, more boldly evident in relation to indirect expropriation.

Indirect expropriation, also called "regulatory taking", has been a ground for numerous investment disputes (Mseteka, 2023). Most claims against host states are often based on indirect expropriation along with MFN and NT (Riffel, 2022). The *Middle East Cement Shipping and Handling Co. S.A. v. Arab Republic of Egypt* case highlights how contested and impactful the definition of indirect expropriation can be (Middle East Cement Shipping and Handling Co. S.A. v. Arab Republic of Egypt, 2002). The case was decided in favour of the claimant, and Egypt was requested to pay US$2.20 million in compensation (Middle East Cement Shipping and Handling Co. S.A. v. Arab Republic of Egypt). In recent BITs, states have tried to avoid similar problems by either defining indirect expropriation and thereby limiting its scope or by expressly declaring in their IIAs that indirect expropriation is not protected (Khamidov, 2023). However, Art. 4 of the China-Ethiopia BIT does not provide an express rule on indirect expropriation (China-Ethiopia BIT, 1998). The provision's wording creates room for two opposing interpretations: that indirect expropriation is covered and not covered by the BIT.

The clause which states "or take similar measures" could be interpreted as referring to indirect expropriation. At the same time, it can be argued that the provision does not cover indirect expropriation as it does not do so explicitly, unlike other BITs, which were concluded around the same time. Those favouring the latter interpretation could also support their position by contending that indirect expropriation is not 'similar' to 'expropriation or nationalisation' as there is no transfer of ownership in indirect expropriation. Either interpretation, however, does not save the BIT from being ambiguous and precarious. Contemporary BITs, which cover indirect expropriation, try to, at the same time, narrow its scope (Accaoui Lorfing, 2023). The China-Ethiopia BIT, however, says nothing more than what it has said under Art. 4, and consequently, all is left to interpretation.

Lack of express protection against indirect expropriation could discourage foreign investment inflows (Ghaziani & Ghaziani, 2021). The lack of clarity could also result in an inconsistent interpretation of provisions by tribunals in case of dispute (Nair, 2024). That is why recent BITs explicitly include or exclude indirect expropriation. The China-Turkey BIT, for instance, recognises indirect expropriation and provides detailed rules for its regulation (China-Turkey BIT, 2015). The Brazil-Ethiopia BIT, on the other hand, expressly excludes indirect expropriation. It, in relevant part of Art. 7 (1), dictates that the contracting parties 'shall not directly expropriate or nationalise' (Brazil-Ethiopia BIT, 2018). Moreover, Art. 7 (5) reads, 'For greater certainty, this Article only provides for direct expropriation, where an investment is nationalised or otherwise directly expropriated through formal transfer of title or ownership rights' (Brazil-Ethiopia BIT). Whether or not a given BIT recognises indirect expropriation is a concern for the contracting parties. They can agree to provide or deny protection against indirect expropriation, but they should do so

Article DOI: https://doi.org/10.37284/eajle.8.1.2851

explicitly and clearly. Something as impactful as indirect expropriation should not be addressed ambiguously (Zhu, 2024).

The Insufficient ISDS Rules

There are also some flaws associated with the BIT's investor-state dispute settlement (ISDS) rules. For instance, recourse to international arbitration is limited in the China-Ethiopia BIT. According to Art. 9 (2), investors can bring an action against a host state in the host state's courts only unless their claim is related to the amount of compensation (China-Ethiopia BIT, 1998). Moreover, the provision does not specify any limitation period after which investors cannot take action against a host state. Some BITs set a time limit for claim initiation (Martinez-Fraga & Pampin, 2017). The unavailability of a similar rule in the China-Ethiopia BIT can drag host states to disputes on claims that should have been initiated long ago, and it could be problematic as evidence might be lost or destroyed with time.

Furthermore, the provision has not developed any rule for discouraging 'frivolous' claims. Under Art. 9 (8), it simply mentions that both the disputing parties shall bear their own costs. This rule could encourage investors to initiate proceedings against host states based on 'frivolous' claims (Zagel, 2020). Considering the large number of investors which might be present in one country and their financial strength, substantial resources of the host state— most importantly Ethiopia— might be spent on the defence of 'frivolous' claims. This necessitates the need to devise methods to limit the initiation of disputes based on 'frivolous' claims.

Ignoring Sustainable Development, the Environment and Social Development Issues

The China-Ethiopia BIT does not indicate the commitment of its contracting parties to look beyond the stimulation of investment and economic development. It does not make any reference, even in its preamble, to sustainable development, the environment, human rights, corporate social responsibility (CPR) and other social development concerns, making it clear that the priority, one can even say the sole purpose of the BIT, is the reciprocal promotion and protection of investments. Evidently, there is a lot that should be done to strike a balance between protecting foreign investors and safeguarding the public interests of the contracting host states.

The China-Tanzania BIT: Lessons to Offer

The China-Tanzania BIT, which was signed in 2013, is, as of now, the second-latest Sino-African BIT and the fourth-latest of all Chinese BITs. It falls under the fourth generation of Chinese BITs (Han, 2022), and thus, it provides a significantly better protection regime when compared with the second-generation China-Ethiopia BIT. It is also applauded for being a BIT through which China has practically endorsed its commitment to work with African countries on a genuine win-win basis (Han). However, this does not imply that the BIT is ideal and flawless. While it is a relatively robust BIT and can offer valuable insights, it has shortcomings. In this section, we provide a brief yet critical analysis of the BIT, comparing it to the China-Ethiopia BIT using the same parameters applied in our discussion of the latter.

Defining "Investment" and "Investor"

The definition of "investor" and "investment" provided by the China-Tanzania BIT is more detailed than that of the China-Ethiopia BIT. Despite being more detailed, however, the definition of investment in the China-Tanzania BIT is also asset-based (Qiaofang, 2024). In defining an investor, however, the China-Tanzania BIT has, under Art. 1 (2) (b), included enterprises controlled by nationals of a contracting party even if they are constituted by the laws of a non-contracting party. Thus, our previous example— Alibaba Group Holding Ltd.— is considered a Chinese investor in Tanzania because it is controlled by Chinese investors. Furthermore, for an enterprise established by the laws of a contracting party to be regarded as an investor, the BIT, unlike the China-Ethiopia one, requires that it shall have its "seat and substantial business activities" in such a contracting party (Qiaofang, 2024). This

Article DOI: https://doi.org/10.37284/eajle.8.1.2851

requirement is an important mechanism designed to prevent the BIT from being shopped.

A Balanced NT Obligation

The China-Tanzania BIT, unlike the China-Ethiopia BIT, obliges the contracting parties to refrain from discriminating between domestic investors and investors from the other contracting party who are in "like circumstances" (China-Tanzania BIT, 2013). Nonetheless, the NT obligation established by this BIT is subject to some exceptions. Sub (2) frees the contracting parties from their NT obligation and allows them to grant their nationals some "incentives or preferences" "for the purpose of developing and stimulating local entrepreneurship" (China-Tanzania BIT). For such incentives or preferences to be tolerable by the BIT, however, they should emanate from the laws or the regulations of the contracting state giving them, and they shall not be capable of "significantly affecting" the investments and activities of investors from the other contracting party. Interestingly, the NT obligation established by the China-Canada BIT, signed a year before the China-Tanzania BIT, is not subject to such exceptions (McNamara, 2019). The existence of NT exceptions in the China-Tanzania BIT, once again, shows China's willingness to deal with different countries per their specific needs. The flow of investments between China and Tanzania is one-way, unlike between China and Canada. Hence, the provision of exceptions to the NT obligation established by the China-Tanzania BIT allows Tanzania to support its struggling domestic industry (Man, 2019). The NT obligation of the China-Tanzania BIT is tailored to the special need of Tanzania to shelter its domestic investors (Hankings-Evans, 2022), and it is undeniably a good lesson for other countries.

MFN and FET

The extension of the MFN treatment obligation established by the China-Tanzania BIT is limited to investments in "like circumstances" only (China-Tanzania BIT, 2013), unlike the unbridled one established by the China-Ethiopia BIT. Moreover, under Art. 4 (3), the China-Tanzania BIT has clearly stated that the MFN provision does not apply to dispute settlement. This explicit exclusion makes the MFN provision of the China-Tanzania BIT more precise than the one in the China-Ethiopia BIT (China-Tanzania BIT).

The China-Tanzania BIT has also defined the FET obligation (Kidane, 2022), unlike the China-Ethiopia BIT. However, compared to other Chinese BITs, it is evident that it has opted for a narrow definition by equating FET to "fair judicial proceedings" (Kidane, 2022). Moreover, unlike some recent Chinese BITs, it does not make any reference to minimum standards of international law (Man, 2019).

General Exceptions

The China-Tanzania BIT allows the contracting parties to adopt some measures intended to pursue some legitimate public interests. In particular, as discussed in the subsequent sub-topic, it specifies that measures adopted by a contracting party will not be regarded as indirect expropriation if adopted to pursue legitimate public interests (Han, 2022). Moreover, Art. 10 (2) makes it clear that the obligations created by the BIT shall not be construed to "prevent a Contracting Party from adopting or maintaining environmental measures necessary to protect human, animal or plant life or health" (China-Tanzania BIT, 2013). Additionally, according to Sub (1) of the same article, the contracting parties are discouraged from attracting investments by "relaxing domestic health, safety or environmental measures" (China-Tanzania BIT). The content of Sub (1) is not a mere endorsement to adopt health, safety or environmental measures but also a soft obligation to refrain from disregarding such interests while endeavouring to attract foreign investment (Man, 2019). Nonetheless, when compared with other BITs concluded afterwards, the general exceptions regime of the China-Tanzania BIT is not as impressive. The general exceptions regime of the China-Turkey BIT, for instance, includes, in addition to that which is provided in the China-Tanzania BIT, "measures related to the conservation of living or non-living exhaustible

Article DOI: https://doi.org/10.37284/eajle.8.1.2851

natural resources" (China-Turkey BIT, 2015). It also, under Art. 4 (2) (b) and (c), includes measures for the protection of "essential security interests" and for the maintenance of "international peace and security" (China-Turkey BIT). Similar yet more thorough and broad exceptions are enshrined in the Brazil-Ethiopia BIT (Disassa, 2022).

Expropriation

Unlike the China-Ethiopia BIT, the China-Tanzania BIT defines indirect expropriation (Kidane, 2016). Beyond defining indirect expropriation, the China-Tanzania BIT has also provided detailed rules under Art. 6 (2) for determining whether a given measure amounts to indirect expropriation (China-Tanzania BIT, 2013). It has also specified that "legitimate regulatory measures" adopted to protect "public health, safety and the environment and that are for the public welfare and are non-discriminatory, do not constitute indirect expropriation" unless they are substantially excessive than is necessary (Umar & Bello, 2023).

ISDS

The China-Tanzania BIT allows an investor to submit a claim before the International Centre for Settlement of Investment Disputes (ICSID) or before an ad-hoc arbitral tribunal to be established under the Arbitration Rules of the United Nations Commission on the International Trade Law (UNCITRAL) or before any other arbitration institution or ad-hoc arbitral tribunal agreed to by the disputing parties (China-Tanzania BIT, 2013). The ISDS options available to investors clearly show that the China-Tanzania BIT established an ISDS mechanism that provides considerably open access to international arbitration, unlike the China-Ethiopia BIT. Under Art. 13 (10), it also developed a rule to minimise "frivolous claims". Moreover, it prescribed a three-year period of limitation after which an investor cannot bring an action (Kidane, 2022).

Beyond Economic Development

The China-Tanzania BIT indicates the commitment of its contracting parties to pursue the reciprocal promotion and protection of investment without disregarding other important public interests. The BIT acknowledges the importance of a regulatory space for the contracting parties as discussed under "the general exceptions". It also mentions, in its preamble, the importance of encouraging investors "to respect corporate social responsibilities" and the desire of the contracting parties "to promote healthy, stable and sustainable economic development, and to improve the standard of living of nationals" (China-Tanzania BIT, 2013). Although it is hard to extract concrete obligations from aspirations put in a preamble, they could, in accordance with the Vienna Convention on the Law of Treaties, be vital in interpreting the provisions of the BIT and are, therefore, meaningful (De Vriese, 2022).

International Legal Protection Available to Chinese Investments in Eritrea

While the China-Ethiopia and China-Tanzania BITs represent old and modern investment treaties, respectively, the Sino-Eritrean investment relationship represents a relationship that is not regulated by a BIT. Therefore, in this part, the research discusses the international legal protection available to Chinese investments in Eritrea. In particular, it focuses on the absence of a BIT between Eritrea and China. However, it first introduces the scale of existing Chinese investments in Eritrea.

Chinese Investments in Eritrea

To Eritrea, foreign investments generally mean Chinese investments because they are the most noticeable foreign investments (African Development Bank Group, 2025). In the Eritrean mining sector, Chinese investors have become the dominant foreign investors after gradually replacing pre-existing investors (Ericsson et al., 2020). In 2018, for instance, Zijing Mining Group acquired all the shares of a Canadian investor called Nevsen Resources Limited for US$1.4 billion (Amahazion, 2021). Recently, Sichuan

Article DOI: https://doi.org/10.37284/eajle.8.1.2851

Road and Bridge Group, another Chinese investor, has bought the shares of Australia's Danakali Colluli Potash Project (Meservey, 2023)— one of the continent's most significant potash mining projects. After acquiring 60% of the Zara Mining Project, Eritrea's second biggest mining project, the SFECO Group has also established its substantial presence in Eritrea (Tesfa News, 2018). It has also won many Eritrean public procurement contracts. 'Eritrea's Equipment Procurement Logistic Contract' worth US$161.54 million is an example of some of the contracts concluded between the SFECO Group and the Eritrean government (Tesfa News, 2013).

Furthermore, Eritrea joined the Belt and Road Initiative (BRI) in 2021 (Amahazion, 2021). A year after joining the initiative, its engagement increased by around 359% and is expected to increase further (Nedopil, 2023). Besides, the Chinese stock of FDI flowing to Eritrea has been growing. In 2022, for instance, it amounted to more than US$320 million (Lloyds Banks, 2024).

The Inexistence of International Legal Protection for Chinese Investments in Eritrea

Despite the significant presence of Chinese investments in Eritrea, no BIT is concluded between the two countries. Besides, Eritrea is not a member of the WTO (Khujaniyazov, 2024) and other investment-related international conventions such as the ICSID and the New York Convention. Accordingly, Chinese investments in Eritrea are not protected by an IIA or other investment-related international law instruments, unlike Chinese investments in neighbouring Ethiopia and Tanzania.

Whether moves have been made to conclude a BIT between the two countries is unknown, making it difficult to pinpoint the exact reasons behind its inexistence, leaving us with mere speculations. One probable reason could be the insignificance of the existing investments in the eyes of the Chinese government. Chinese investments in Eritrea might be insignificant in the eyes of the Chinese government, irrespective of how big they might be to Eritrea and the investors making them. However, the fact that China has concluded a BIT with Djibouti— an investment market smaller than Eritrea— casts doubt on the validity of this hypothesis. Another reason might be Eritrea's disinterest in or mistrust of BITs. Eritrea has signed four BITs so far, and it has done so in the first eight years following its independence (UNCTAD, 2025b). Moreover, only one of these BITs is in force (UNCTAD), implying the negative perception or scepticism of the Eritrean government towards IIAs. Its non-membership to the WTO and the African Continental Free Trade Area (AfCFTA) further solidifies this hypothesis.

The absence of a BIT between Eritrea and China poses several challenges. What remedies are available to a Chinese investor if the Eritrean government has decided to expropriate its investment under the scanty expropriation laws of Eritrea? What happens if a Chinese investor is not satisfied with the decision of an Eritrean court given against her? What can a Chinese investor do if he is denied favourable treatment given to other domestic or foreign investors? The answer to these and other similar questions should have been provided in a BIT concluded between the two countries. However, as no BIT can answer these questions, interested parties have to fumble through investment contracts, when available, and Eritrea's domestic laws.

Thus, the inexistence of a BIT between Eritrea and China can have nonnegligible adverse impacts on the Sino-Eritrean investment relationship for various reasons. Firstly, its absence could discourage potential Chinese investments. Other factors set aside, Chinese investors will likely prefer to invest in countries where they can find maximum protection and favourable treatments. It is crucial to note that China has concluded BITs with most of Eritrea's neighbouring countries. It has concluded BITs with Ethiopia, Tanzania, Sudan, Djibouti, Uganda and Egypt (UNCTAD, 2025a). These BITs make the abovementioned countries more attractive to Chinese investors than Eritrea. Secondly, it leaves existing Chinese

Article DOI: https://doi.org/10.37284/eajle.8.1.2851

investment in Eritrea prone to risks related to nationalisation and expropriation.

ANALYSIS

The China-Ethiopia BIT is not fully equipped to boost inflows of Chinese investments and does not have sufficient rules to address issues beyond economic development. No investment dispute has been filed based on this BIT, which is indeed fortunate. However, it should not be a reason to forget the danger it poses and cannot justify the failure of the contracting parties to amend it through a renegotiation. As an investment-seeking country, Ethiopia's interests could be more impacted than China's. On top of that, flows of investment are primarily one way— from China to Ethiopia. Thus, as the default host state, Ethiopia should be more concerned about the shortcomings of the BIT in safeguarding its domestic public interests.

Conversely, the China-Tanzania BIT tries to establish robust investment protection and promotion mechanisms and is better than the China-Ethiopia and most other Sino-African BITs. The most impressive thing about this BIT is that Tanzania— an investment-seeking party— has negotiated with relative success in balancing its desire to attract Chinese investment and the need to protect its public interests and domestic investors. Recognising the importance of the environment, public health, safety, animal life, sustainable development, and corporate social responsibilities is a good step in the right direction, notwithstanding that it is done in a soft tone. The BIT has also indicated China's willingness to agree on new investment rules with African countries. Other African countries, Eritrea and Ethiopia in particular, can draw lessons from the China-Tanzania BIT in concluding or renegotiating BITs with China. Nonetheless, the BIT does not, in its preamble or provisions, make any express reference to human rights (Man, 2019), and the language it uses to address sustainable development and other public interests is soft.

The case of Eritrea is different from that of Ethiopia or Tanzania as there is no BIT to be criticised or praised. On top of that, Eritrea is not a member of the WTO, the ICSID, and the New York Convention. As such, Eritrea is not obliged to give Chinese investors any form of treatment (NT, MFN and FET) or protection beyond that which is available in investment contracts it has signed, when present, and its domestic laws. Legally speaking, this puts existing Chinese investments in an unfavourable position and has a discouraging impact on their potential inflow.

CONCLUSION AND RECOMMENDATIONS

The available international legal protection for Chinese investments in East Africa varies from inexistent to archaic to modern. The China-Ethiopia investment relationship is covered by an old BIT that is lagging behind contemporary BITs in many aspects. Although all of its provisions are outdated, the weaknesses of the BIT in relation to some issues stand tall above others. Its asset-based definition of investment and establishment-based definition of investor, its lack of clarity regarding indirect expropriation, its failure to create an NT obligation, its ambiguous rules on MFN treatment and FET, its inability to create a 'regulatory space' and its incomplete ISDS rules are the most visible of all its archaic traits. Besides, the BIT does not deal with some contemporary international investment law concerns. It, in particular, does not refer to environmental protection, sustainable development, and social development issues. Hence, this research recommends that the contracting parties renegotiate the BIT and replace it with one capable of expressly and adequately addressing the abovementioned concerns. In particular, it should be amended to create an NT obligation, to clear the ambiguities associated with defining the FET and MFN obligations, to create a general exceptions regime, and to supplement the ISDS rules. Moreover, considering the growing concern over the reputation of Chinese investors in protecting the environment and respecting labour rights (Idemudia et al., 2022), the BIT's neglect of the

Article DOI: https://doi.org/10.37284/eajle.8.1.2851

environment, human rights, and sustainable development is worrying. Lessons should be learned from the Gibe Dam Project and the environmental damage it caused in Ethiopia (Schapper, 2021).

A relatively better investment environment is created in Tanzania incidental to a relatively modern BIT concluded between China and Tanzania. However, the comparison of the China-Tanzania BIT with other more recent BITs shows that it also has its own shortcomings. For instance, the BIT does not include concrete commitments to sustainable development beyond the general aspiration outlined in its preamble. Thus, a revision or an improvement by agreeing on a supplementary document would further improve the Sino-Tanzanian investment relationship. A more vigorous emphasis on sustainable development and the environment is needed. Besides, human rights concerns should also be addressed to reduce, as Chacha noted, human rights violations resulting from Chinese investments in Tanzania (Chacha, 2022).

In Eritrea, Chinese investments are not offered meaningful international legal protection. Eritrea's non-membership to the WTO, coupled with the absence of a BIT between China and Eritrea, leaves Chinese investors at the mercy of domestic laws, investment contracts and international diplomacy. A change in political relations might, in the absence of firm legal protection, easily disrupt the investment relationship of the two countries. The fact that their investment relationship is not facing practical challenges should not distract the governments of both countries from noting the peril that might be lying ahead. Therefore, this research recommends the conclusion of a BIT between China and Eritrea. The conclusion of such a BIT would further enhance the mutual benefits derived from their engagement within the BRI framework.

REFERENCES

Accaoui Lorfing, P. (2023). Unsustainable Investment: Scoping Expropriation without Compensation. In O. Quirico & K. Kwapisz Williams (Eds.), *The European Union and the Evolving Architectures of International Economic Agreements* (pp. 95–108). Springer Nature Singapore. https://doi.org/10.1007/978-981-99-2329-8_6

African Development Bank Group. (2025). Fragility and Resilience. Eritrea. https://www.afdb.org/en/topics-and-sectors/initiatives-partnerships/fragility-resilience/promoting-private-investment-in-transition-countries/the-horn-of-africa-opportunity/country-profiles/eritrea

Akinkugbe, O. D. (2021). Africanization and the reform of international investment law. *Case W. Res. J. Int'l L.*, *53*, 7.

Amahazion, F. (2021). Dragon Meets Camel: An Exploration of China's Engagement with Eritrea. *Journal of Social and Development Sciences*, *12*(4 (S)), 59–85.

Amin, G. F. (2020). All that Glitters is Not Always Gold or Silver: Typical Bilateral Investments Treaties (BITs) Clauses as Peril to Third World Economic Sovereignty. *Athens JL*, *6*, 299.

Baltag, C., & Dautaj, Y. (2021). Promoting, regulating, and enforcing human rights through international investment law and ISDS. *Fordham Int'l LJ*, *45*, 1.

Beri, P. B., & Nubong, G. F. (2021). Impact of bilateral investment treaties on foreign direct investment in Africa. *African Development Review*, *33*(3), 439–451. https://doi.org/10.1111/1467-8268.12583

Brazil-Ethiopia BIT. (2018). Brazil-Ethiopia BIT (2018). Available at https://investmentpolicy.unctad.org/international-investment-agreements/countries/67/ethiopia

Calvert, J. E. (2016). *Reclaiming Domestic Agency: International Investment Agreements and the Defence of Policy Space in Latin America* [PhD Thesis, Carleton University].

Article DOI: https://doi.org/10.37284/eajle.8.1.2851

https://repository.library.carleton.ca/concern/etds/qb98mg31f

Chacha, M. J. (2022). Impacts of Chinese-Africa Relations: Case Study of Tanzania with Reference to the Legal Implications Therein? *Issue 3 Int'l JL Mgmt. & Human.*, *5*, 1271.

China Daily. (2024a). China remains Africa's largest trading partner for 15 consecutive years. https://www.chinadaily.com.cn/a/202402/01/WS65bb0384a3104efcbdae91bc.html

China Daily. (2024b). Chinese premier meets Eritrean president. https://www.chinadailyhk.com/hk/article/592176

China-Africa Research Initiative. (2022). Chinese Investment in Africa. http://www.sais-cari.org/chinese-investment-in-africa

China-Ethiopia BIT. (1998). China-Ethiopia BIT (1998). Available at https://investmentpolicy.unctad.org/international-investment-agreements/countries/42/china

China-Tanzania BIT. (2013). China-United Republic of Tanzania BIT (2013). Available at https://investmentpolicy.unctad.org/international- investment- agreements/countries/222/tanzania-united-republic-of

China-Turkey BIT. (2015). China-Turkey BIT (2015). Available at https://investmentpolicy.unctad.org/international-investment-agreements/countries/214/t-rkiye

Daily News. (2024). Tanzania Seeks Chinese FDI. https://dailynews.co.tz/tanzania-seeks-7tri-chinese-fdis/

De Vriese, K. (2022). How to?: A Methodological Guide to Identify a Treaty's Object and Purpose. *The Law & Practice of International Courts and Tribunals*, *21*(1), 35–97.

Disassa, D. D. (2022). Balancing Interest under Bilateral Investment Treaties of Ethiopia: Focusing on State Regulatory Rights. *Hawassa UJL*, *6*, 1.

Dumberry, P. (2017). The Importation of the FET Standard through MFN Clauses: An Empirical Study of BITs. *ICSID Review-Foreign Investment Law Journal*, *32*(1), 116–137.

EIC. (2025). China leads Ethiopia's FDI inflows. https://press.et/herald/?p=108528

Ericsson, M., Löf, O., & Löf, A. (2020). Chinese control over African and global mining—Past, present and future. *Mineral Economics*, *33*(1– 2), 153– 181. https://doi.org/10.1007/s13563-020-00233-4

Ethiopian Broadcasting Corporation. (2024). PM Abiy Meets Chinese President Xi Jinping, Strengthening Bilateral Ties. https://www.ebc.et/english/newsdetails.aspx?newsid=7726.

Ethiopia-UK BIT. (2009) Ethiopia-United Kingdom BIT (2009). Available at https://investmentpolicy.unctad.org/international-investment-agreements/countries/67/ethiopia.

Freddy, H. J., & Bijukumar, V. (2024). *New Trends in Emerging Power-Great Power Conflicts*. Springer Nature. https://books.google.com/books?hl=en&lr=&id=1oIKEQAAQBAJ&oi=fnd&pg=PR7&dq=Freddy,+H.+J.,+%26+Bijukumar,+V.+(2024).+New+Trends+in+Emerging+Power-Great+Power+Conflicts.+&ots=CKxZ1PDlxW&sig=8OqXLo8CioQy7Ng7i946L5anRNw

Fried, J. M., & Kamar, E. (2021). Alibaba: A Case Study of Synthetic Control. *Harv. Bus. L. Rev.*, *11*, 279.

Ghaziani, M. A., & Ghaziani, M. A. (2021). The Role Of Expropriation Clauses In Protection And Promotion Of Foreign Investments In Renewable Energy: An Essential But Overlooked Legal Consideration. *Indon. L. Rev.*, *11*, 191.

Gopalan, S., Park, C.-Y., & Rajan, R. S. (2023). Do International Investment Agreements attract Foreign Direct Investment inflows? Revisiting the literature. *Economic Analysis and Policy*, *80*, 471–481.

Article DOI: https://doi.org/10.37284/eajle.8.1.2851

Green Finance and Development Center. (2023). Countries of the Belt and Road Initiative (BRI). https://greenfdc.org/countries-of-the-belt-and-road-initiative-bri/

Han, X. (2022). International Investment Rule of Law Between China and Africa. In X. Han, *Legal Protection and Sustainability of Chinese Investments in Africa* (pp. 179–208). Springer Nature Singapore. https://doi.org/10.1007/978-981-19-1882-7_6

Hankings-Evans, A. (2022). Chapter 9: Africa's Human Rights and Development-Based Approaches to International Investment Law. In J. Scheu, R. Hofmann, S. W. Schill, & C. J. Tams (Eds.), *Investment Protection, Human Rights, and International Arbitration in Extraordinary Times* (pp. 291–336). Nomos Verlagsgesellschaft mbH & Co. KG. https://doi.org/10.5771/9783748914068-291

Idemudia, U., Tuokuu, F. X. D., & Essah, M. (2022). The extractive industry and human rights in Africa: Lessons from the past and future directions. *Resources Policy*, *78*, 102838.

Johnson, L., Sachs, L., Guven, B., & Coleman, J. (2018). Costs and Benefits of Investment Treaties: Practical Considerations for States. *Available at SSRN 3277965*. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3277965

Khamidov, S. (2023). Indirect Expropriation Through The Prism Of International Law. *Oriental Renaissance: Innovative, Educational, Natural and Social Sciences*, *3*(9), 259–263.

Khujaniyazov, A. (2024). New Wto Law Development Vectors And Specific Application Issues With The Subsidy Instrument. *Центральноазиатский Журнал Образования и Инноваций*, *3*(6), 104–117.

Kidane, W. (2016). China's bilateral investment treaties with African states in comparative context. *Cornell Int'l LJ*, *49*, 141.

Kidane, W. (2022). Trends in China-Africa Economic Relations and Dispute Settlement. *Nw. J. Int'l L. & Bus.*, *43*, 291.

Lloyds Banks. (2024). *Eritrea: Investing*. https://www.lloydsbanktrade.com/en/market-potential/eritrea/investing

Man, A. (2019). Old players, new rules: A critique of the China-Ethiopia and China-Tanzania bilateral investment treaties. In *Sustainable Trade, Investment and Finance* (pp. 151–171). Edward Elgar Publishing. https://www.elgaronline.com/downloadpdf/edcollchap/edcoll/9781788971034/9781788971034.00015.pdf

Martinez-Fraga, P. J., & Pampin, J. M. (2017). Reconceptualising the statute of limitations doctrine in the international law of foreign investment protection: Reform beyond historical legacies. *NYUJ Int'l L. & Pol.*, *50*, 789.

McNamara, T. S. (2019). The China-Canada BIT, Its Shortcomings, and the Risks for Chinese Investors. *Beijing L. Rev.*, *10*, 287.

MESERVEY, J. (2023). *Eritrea's Growing Ties with China and Russia Highlight America's Inadequate Approach in East Africa*. http://media.hudson.org.s3.amazonaws.com/071823_Meservey_China_Eritrea_Memo.pdf

Middle East Cement Shipping and Handling Co. S.A. v. Arab Republic of Egypt. (2002). ICSID Case No. ARB/99/6. Available at https://www.italaw.com/cases/699

Mseteka, P. J. (n.d.). *The elusive quest for consensus on the scope and regulation of indirect expropriation*. Retrieved February 1, 2025. https://wiredspace.wits.ac.za/items/a7c355c6-2cf6-4df9-b270-05fe40a0a523

Nair, A. (2024). Arbitration in Investment Disputes: Balancing Investor Rights and State Sovereignty. *Jus Corpus LJ*, *5*, 74.

National Grid plc v. The Argentine Republic. (2008). Available at https://www.italaw.com/cases/732

NEDOPIL, C. (2023). *China Belt and Road Initiative (BRI) Investment Report 2023 H1*. https://greenfdc.org/wp-content/uploads/2023/07/Nedopil-2023_China-Belt-and-Road-Initiative-BRI-Investment-Report-2023-H1-1.pdf

Ofosu, G., & Sarpong, D. (2022). China in Africa: On the Competing Perspectives of the Value of Sino-Africa Business Relationships. *Journal of Economic Issues, 56*(1), 137–157. https://doi.org/10.1080/00213624.2022.2020025

Olmedo, J. G. (2020). Recalibrating the international investment regime through narrowed jurisdiction. *International & Comparative Law Quarterly*, *69*(2), 301–334.

Qiaofang, W. (2024). Research on Enhancing Bilateral Investment Protection in the 'Belt and Road' Countries: Based on the Current China-Sri Lanka Bit. *China Legal Sci.*, *12,* 3.

Riffel, C. (2022). Indirect Expropriation and the Protection of Public Interests. *International & Comparative Law Quarterly*, *71*(4), 945–974.

Ross, A. G., & Fleming, N. (2022). The impact of Chinese foreign direct investment on host country economic growth. *Local Economy: The Journal of the Local Economy Policy Unit*, *37*(6), 507–525. https://doi.org/10.1177/02690942231162850

Salacuse, J. W. (2021). *The law of investment treaties*. Oxford University Press. https://books.google.com/books?hl=en&lr=&id=E70cEAAAQBAJ&oi=fnd&pg=PT21&dq=Salacuse,+J.+W.+(2021).+The+law+of+investment+treaties.+Oxford+University+Press&ots=utjdnCVyK9&sig=OdjgXR3TfmkzG44m8jg52OQXDgA

Schapper, A. (2021). Climate Justice Concerns and Human Rights Trade-Offs in Ethiopia's Green Economy Transition: The Case of Gibe III. *The European Journal of Development Research*, *33*(6), 1952–1972. https://doi.org/10.1057/s41287-020-00340-6

Signorelli, E. (2024). *Belt and Road Initiative: Understanding China's hallmark foreign policy through the Lens of Kenya and Tanzania*. https://lup.lub.lu.se/student-papers/search/publication/9163341

Tang, Y. (2024). General Public Policy Exceptions in International Investment Agreements (IIAs): Opportunities and Challenges in Times of Global Health Crisis. *Asian Center for WTO & International Health Law & Policy (ACWH) Forthcoming*. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4982291

Tanzania Investment Center. (2024). China-Tanzania Business Forum. https://www.tic.go.tz/events/china-tanzania-business-forum.

Tesfa News. (2013). SFECO Building US$100m Agriculture Related Plants in Eritrea. https://tesfanews.com/sfeco-building-us100m-agriculture-related-plants-in-eritrea/

Tesfa News (2018). Zijin Mining Succeeds Acquiring Nevsun. https://tesfanews.com/zijin-mining-succeeds-to-acquire-nevsun/

Umar, A. I., & Bello, M. (2023). Chinese Investments in the African Mining Sector: An Analysis of the Dispute Settlement Mechanisms. In *Mining Law and Governance in Africa* (pp. 218–242). Routledge. https://www.taylorfrancis.com/chapters/edit/10.4324/9781003284437-12/chinese-investments-african-mining-sector-abubakar-umar-muhammad-bello

UNCTAD. (2024). UN list of least developed countries. https://unctad.org/topic/least-developed-countries/list

UNCTAD. (2025a). International Investment Agreements Navigator- China. https://investmentpolicy.unctad.org/international-investment-agreements/countries/42/china

Article DOI: https://doi.org/10.37284/eajle.8.1.2851

UNCTAD. (2025b). International Investment Agreements Navigator- Eritrea. https://investmentpolicy.unctad.org/international-investment-agreements/countries/65/eritrea

Velten, J. (2022). *Screening Foreign Direct Investment in the EU: Political Rationale, Legal Limitations, Legislative Options* (Vol. 26). Springer International Publishing. https://doi.org/10.1007/978-3-031-05603-1

WTO. (2024). World Trade Organization member states. https://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm

Zagel, G. M. (2020). International Investment Agreements (IIAs) and Sustainable Development: Are the African Reform Approaches a Possible Way out of the Global IIA Crisis? *Manchester J. Int'l Econ. L.*, *17*, 26.

Zhang, K. H. (2022). Chinese Foreign Direct Investment in Africa: Its Motivations, Determinants, and Impact on the African Economies. In E. F. Wamboye & B. Fayissa (Eds.), *The Palgrave Handbook of Africa's Economic Sectors* (pp. 603–624). Springer International Publishing. https://doi.org/10.1007/978-3-030-75556-0_23

Zhu, Y. (2024). A quasi‐normative conflict: Resolving the tension between investment treaties and climate action. *Review of European, Comparative & International Environmental Law*, *33*(2), 183–193. https://doi.org/10.1111/reel.12565

