

INNOVATIONS

Integration of Labour Rights Issues into Bilateral Investment Treaties: Particular Emphasis to Bilateral Investment Treaties Ratified By Ethiopia.

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Abstract

This article aims to examine the integration of labour rights provisions under the BITs ratified by Ethiopia and the extent of labour rights consideration in those treaties. The study is based on purely doctrinal legal research and adopts a qualitative method of data analysis. The researcher used primary data sources such as ILO Conventions and BITs concluded between different countries, and books, journals and reports are used as secondary data sources. The study found that most of the BITs ratified by Ethiopia do not have any labour rights provisions in any part of the treaty. Those treaties integrated labour rights issues are not addressing the matter sufficiently, and almost all are not in force. As a result, the writer concludes that the internationally recognized labour rights issues are not integrated under most of the BITs that Ethiopia is a party and those tried to address are not effective nowadays. Such a vacuum may affect the workers' rights and make the government liable to investors at investment tribunals if the government moves to take labour measures that may affect the investor's investment. So, the Ethiopian government has to integrate labour rights issues into BITs.

Keywords : 1.Labour rights 2. BITs 3.Ethiopia 4. ILO 5.IIAs

Acronyms

BITs: Bilateral Investment Treaties **MNCs:** Multinational Companies **FDI:** Foreign Direct Investment
ILO: International Labour Organization **IIAs:** International Investment Agreements

1. Introduction

By and large, promoting and attracting foreign direct investment is vital for economic development. The primary way to attract FDI or MNCs is by concluding some investment treaties and usually BITs. BITs are agreements between two independent states to protect investors' investment from both countries. It has been the most visible and powerful legal protective mechanism underlying the growth of cross-border capital flows. According to the United Nations Conference on Trade and Development (UNCTAD), a total of 2943 BITs have been signed since 1959, and 186 countries are party to at least one such treaty.^[1]

The chief objective of these BITs is to promote and stimulate the flow of foreign investment by reducing the different types of risks and mainly political risks. This means it is mainly a platform in which favourable treatment is given for MNCs or other foreign investors and their investment.

Most BITs were crafted through a traditional approach known as investor's oriented approach. It provides a general standard of treatments such as applying non-discrimination principles, free transfer of funds, protection from unlawful expropriation, and other related favourable treatments. Such a type of investor's oriented approach may limit the host state's authority to satisfy some policy objectives other than economic objectives. States should have some regulatory spaces under BITs to address investment-related issues such as protecting the country's security and public order, health and natural resources, a culture of the society, environment and protecting labour rights and standards. Lowering the standard of labour rights, environment, and others should not be used to attract foreign investment since it negatively affects a host state in the long run. Consequently, countries are pushing towards the provision of regulatory spaces in which the policy objectives of the host state is considered. The intention is that it is impossible to think about sustainable development when there is no room under the BITs, and things may become a race to the bottom.

Ethiopia is one of the countries that ratified BITs to attract foreign direct investment. There are about 35 BITs that the Ethiopian parliament ratified. These treaties are mainly concerned with investors' favourable treatment and investments. That means it is the traditional investor's oriented approach. Some investment treaties reserve little room, while others deny a room of regulatory space. To bring about sustainable development in the country, the economic gain from foreign direct investment is insufficient since sustainable development in a strict sense includes other dimensions of development such as labour rights, protection of public health and protection of the environment should be given much consideration.

A host state should give labour rights and standards much attention since MNCs' investment is related chiefly to domestic labour markets in one way or another. The investment agreements in general and BITs, in particular, have to emphasize labour rights and standards whether it is recognized under domestic or/and international labour laws. Some countries have been confronted with pressure from their domestic constituencies to incorporate labour protection issues in the agenda of international investment negotiations. Therefore, an increasing group of countries has started introducing this subject in investment rulemaking.^[2] Although they are limited in number, labour issues have started to be incorporated differently under BITs provisions.

This article analyzes the BITs ratified by Ethiopia on the integration of labour rights and standards and provides the way forward.

2. Brief Overview of Labour Rights and Standards

International labour standards is a recent development in the context of world history.^[3] The nineteenth-century Industrial Revolution and the related movement of ideas catalyzed international labour standards' evolution. As the human cost of industrialization became apparent, there was increased awareness of the importance of protecting workers and establishing a universal set of international standards to ensure equal protection for all.^[4] At the same time, employers feared that the unilateral improvement of working conditions might make them losers in competition. Such a scenario triggered the need for international social regulation to attain a level pitch for all parties. As a result, the ILO was established in 1919 to promote social justice. The preamble part of the ILO constitution stipulated the rationale of having international labour standards. It provides that;

Improvement of working conditions is urgently required; as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate

living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of equal remuneration for work of equal value, recognition of the principle of freedom of association, the organization of vocational and technical education and other measures.^[5]

The preamble sketched out the areas that member states should give much consideration to attain social justice and protect the rights of workers by improving these working conditions. Every nation has to work on improving working conditions since the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations that desire to improve the conditions in their own countries.

The ILO has adopted eight conventions that are identified as fundamental to the rights of human beings at work, regardless of the level of development of individual member States.^[6] These rights are a precondition for all others in that they provide a necessary framework from which to strive freely for the improvement of individual and collective conditions of work. These eight conventions are; Freedom of Association and Protection of the Right to Organize Convention,^[7] Right to Organize and Collective Bargaining Convention,^[8] Forced Labour Convention,^[9] Abolition of Forced Labour Convention,^[10] Minimum Age Convention,^[11] Worst Forms of Child Labour Convention,^[12] Equal Remuneration Convention and Discrimination (Employment and Occupation) Convention.^[13] These conventions are essential and are referred to as the core labour standards.

The above conventions pose an obligation to respect and enforce the rights and standards or the minimum working condition of state parties to the convention. Once states have entered into such an international agreements, it should be observed and enforced by such party to the agreement. Article 26 of the Vienna Convention of the Law of Treaties stipulates that every type of treaty in force is binding upon the parties to the treaty, and should be enforced in good faith.^[14] Therefore, states are duty-bound to take into account the protection and respect of the labour rights during engaging into any investment activities and investment agreements.

The Ethiopian law Proclamation No. 1156/2019 is enacted to ensure worker-employer relations to be governed by fundamental principles of rights and obligations to enable workers and employers to secure durable industrial peace; sustainable productivity, and competitiveness through cooperative engagement towards the all-round development of our country.^[15] Moreover, it aims to set a working environment that guarantees the rights of workers and employers to freely establish their respective associations and engage, through their duly empowered representatives in collective bargaining and to draw an efficient and effective labour dispute settlement.^[16] Creating a favourable environment for investment and achievement of national economic goals without scarifying fundamental workplace rights is also stipulated as another objective of the labour proclamation.^[17]

In addition to the above objectives, the proclamation explicitly provides some workers' rights. Article 113 of the proclamation allows the workers and employers to form a trade union to protect their rights. ^[18]The regular working hours per day and week, overtime work, weekly rest, collective bargaining, employment injury, different type of leave, minimum working conditions for women and young employees and other related issues are also incorporated under the proclamation as a minimum working condition.¹⁹

From this, one can identify that the proclamation has recognized the minimum working conditions that employers should observe, and the government is duty-bound to strive for the protection and enjoyment of these rights.

3. Labour Provisions Under IIAs

Some rationales are underlying the inclusion of labour rights issues under IIAs. One has to distinguish between the objectives underlying the BIT in general and the objectives behind the inclusion of specific provisions found therein. Although the former might affect the latter, one cannot simply assume that they are precisely the same. Investment protection and investment promotion are the principal objectives. Therefore, it is not unreasonable to expect that investment protection and promotion have also played a role in including labour provisions in BITs.^[20] Labour laws tend to impose administrative costs on employers through, for example, requirements of minimum wages or specific equipment for employees. Failures to effectively enforce labour laws could potentially relieve an employer of such costs, thereby resulting in a competitive advantage for that employer. Labour provisions in IIAs could therefore be seen as serving the purpose of promoting fair competition in global investments by preventing social dumping, hence constituting a fair competition rationale.^[21] Including labour rights under investment agreements has objectives other than economic motivation. It is the human rights concern of the workers that should be protected under the investment agreements and activities. So it is needed to ensure and promote fair working conditions around the globe, which could be called a universalist labour rights rationale motivated by ideological reasons. Creating consistency between these traditionally separated areas of labour rights and investments enables both objectives to be achieved through the exact policy mechanism.

BITs is one of the IIAs. It was initially a tool of capital-exporting countries, and the agreements were thus regularly concluded in a North-South direction. With increasing reciprocity of international investment flows, South-South BITs have been seen as a significant phenomenon during the 1990s.^[22] Today, first investment protection disciplines (in BITs and as part of broader types of agreements) have also been noted on a North-North level. This may indicate that investment protection is increasingly becoming a global standard.^[23]

The treatment of labour rights issues under IIAs and precisely under BITs can be seen in two ways. The first one is the traditional approach. This approach is known as the traditional Investor oriented approach, and under this approach, there is no explicitly provided labourrights provisions. Instead, its main substantive provisions are a set of treatment guarantees to investors, aiming at guaranteeing the security and protection of the investors' assets invested in the host state. That means it is a legal instrument with the rationale of giving investors more protection from capital-exporting countries. In light of the described rationale of BITs, labour matters have not played any direct role in the development of BITs neither at the outset of the agreements nor over several decades of their operation.^[24]

Though BITs are not directly dealing with labour rights, calls for a better alignment of BITs' investment-related standards with other matters of concern, including labour matters, have started to be raised nowadays.^[25] So, this recent approach shows the tendency for BITs to reference non-economic societal concerns in treaty provisions in a more concrete manner. In the early 1990s, the U.S entered a new ground, including wording into its investment treaties relating to internationally recognized labour rights in non-binding preambular language.^[26] Since then, a considerable amount of experimentation has been seen, and the trend has gained increasing strength. Today, new

provisions are mostly found in Model BITs and a few agreements in force and negotiated based on the relevant template. ^[27]

The labour rights matter is provided under BITs in different ways or specified in different languages. Some are provided as a preambular or declaratory language, while others are stipulated as non-lowering of standard clauses or/and treaty language labour standards. ^[28] Preambular or declaratory language is when the treaty provides labour rights issues under the preamble part. The introduction of non-economic social values, including labour issues in the preamble of investment agreements, is arguably the softest form of including labour standards in BITs. Preambles do not contain any operational provisions, and their relevance lies in their importance for interpreting the agreements. In another way, the introduction of labour-related provisions in preambles of BITs may be seen as significant since it designates an apparent deviation from earlier treaty practice and may therefore signal contracting parties' clear intent to conclude the relevant treaty on a value fundament that is distinct from their earlier treaty practice. ^[29] Under the preamble, some BITs will not explicitly address labour rights issues. Instead, they clarify that the agreement's purpose is not limited to economic matters, and non-economic objectives should also be considered. For instance, they provide a clause of sustainable development or increase prosperity and welfare. The best examples of such BITs are model BITs of Belgium (2002) and Canada (2004). Contrary to this, some BITs explicitly address labour concerns under the preamble part. The more robust type to labour issues in the preambular language is found under the 2012 U.S. Model BIT. ^[30] The U.S. Model BIT puts forward several core economic motivations, which should be achieved in a manner consistent with *inter alia* the promotion of internationally recognized labour rights. The 2008 Austrian model BITs have also stipulated the internationally recognized labour rights under the preamble part. ^[31]

Besides the preambular language, the non-lowering of standard clauses is another mechanism through which labour rights issues are indicated. Although preambular language underlines the relevance of labour rights as values to guide the agreement, the non-lowering of standard clauses can express these values in a more operational method. The clauses generally declare that it is illegitimate to lower standards in labour matters to promote investment. Therefore, the clauses do not make any statement about the appropriate level of labour rights but merely take a comparative approach. The U.S. model BITs ^[32], Belgium Model BITs ^[33] and Austrian Model BITs ^[34] have adopted this approach.

Treaty language labour standard is the other method for reference to the international labour organization conventions. The 2012 U.S. Model BIT refers to the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-Up. The Belgium model BITs refer to the ILO and lists relevant international labour standards explicitly, such as the right of association, the right to organize and bargain collectively, the prohibition on the use of any form of forced or compulsory labour, the minimum age for employment of children, and acceptable conditions of work concerning minimum wages, hours of work, and occupational safety and health. ^[35] A look at current, U.S., Canadian, Belgium and Austrian BITs as concluded after the respective dates of issuance of the model agreements suggests that at least a slight tendency can be observed that reference to labour issues will become a more relevant aspect in future BITs. The BITs concluded between U.S and Uruguay and U.S and Rwanda feature articles on labour matters. However, ILO labour standards are not as explicit as under the new 2012 U.S. Model. ^[36]

Concern should be given to labour rights in BITs in any of the above manners to attain sustainable development in a given host nation. BITs have some problems addressing the labour standards that

investors or states should observe. Because since the target of BITs is to secure investment returns in host nations, they concentrate on removing several uncertainties which investors may have to deal with when investing in another country.^[37] However, this can also translate into the protection given to the investors from the country's domestic regulations. BITs may restrict the right of states to regulate, such restrictions arising from the application of investors' rights provisions and the ability of investors to enforce these rights in investor-state arbitrations unilaterally.^[38] If the labour standard issue is not adequately addressed under the BITs, it may become a source of dispute between the investor and the host state, and the case may be taken to arbitral tribunals. When there is no indication of labour rights protection under the BITs provisions, and the host state wants to take action towards proper labour protection, an investor can raise the case of indirect expropriation and claim for payment of compensation. For example, action taken by a government to increase labour cost or provisions regarding lay-off of workers can be taken as an indirect expropriation such it can reduce an investor's benefit.^[39]

What makes things worse is that almost all BITs have a provision of indirect expropriation, but they are not providing protection from a race to the bottom. The absence or poorly crafted labour rights issues may aggravate the race to the bottom scenario. Developing nations are in fear that the improved labour standard may make investors discouraged to invest in their country. This may pose the problem of the race to the bottom situation.

Typically, any reference to labour standards in a BIT is in the form of a political statement in the preamble.^[40] A more infrequently used method is to provide that the contracting states shall refrain from relaxing labour standards to attract more investment. This has been seen in BITs entered into by Belgium- Luxembourg with Cameroon.^[41] This recognizes the right of the state to establish its domestic labour standards, consistent with the labour rights which are further defined within the treaty. Under this agreement, labour right is restricted to the right of association, the right to organize and bargain collectively, a prohibition on the use of any form of forced or compulsory labour, the minimum age for the employment of children, acceptable conditions of work concerning minimum wages, hours of work, and occupational safety and health.^[42]

Additionally, the BITs concluded between U.S and Uruguay include a provision that mandates that the state strive to ensure that it does not waive or otherwise derogate its domestic labour laws to weaken or reduce adherence to internationally recognized labour rights.^[43]

Generally, there are recent developments under the IIAs in giving some regulatory spaces for states that may help achieve sustainable development. For instance, all IIAs concluded in 2020 contain reform-oriented provisions to preserve regulatory space and promote sustainable investment.^[44] Labour issues and other related issues have been considered at least under the preamble of the agreements though they are not sufficiently addressing the matter. Brazil-India BITs, Hungary-Kyrgyzstan BIT, Japan-Morocco BIT, Japan-Côte d'Ivoire BIT, Mexico-Hong Kong and Israel-UAE BIT are examples of recently concluded BITs that have integrated the labour issues to some extent.^[45]

4. Labour Provisions Under BITs Ratified by Ethiopia

Nowadays, there are about 35 BITs that the Ethiopian government has concluded, and it has been relatively successful in bringing MNCs into the country. Among these agreements, 21 of them are in force (BITs concluded with Egypt, Finland, Sweden, Austria, Libya, Germany(2004), Israel, Iran, France, Netherlands, Denmark, Algeria, Tunisia, Turkey, Sudan, Yemen, Malaysia, Switzerland, China, Kuwait and Italy), 12 of them are signed but not in force (BITs with Russian Federation,

Belgium-Luxemburg Economic union in 2003 and 2006, Nigeria, South Africa, Spain, Equatorial Guinea, UK, Morocco, UAE, Qatar and Brazil). The remaining two were terminated (BITs with Germany (1964) and India).^[46]

The above BITs ratified by Ethiopia are mainly crafted in the traditional investor-oriented approach. Much emphasis is given to protecting investors and investment in the country. For example, the BIT concluded between Ethiopia and the Peoples Republic of China indicates the investor-oriented approach. The preamble of this BIT stipulates that;^[47]

Intending to create favourable conditions for investments by investors of one Contracting Party in the territory of the other Contracting Party;

Recognizing that the reciprocal encouragement, promotion and protection of such investments will be conducive to stimulating business initiative of the investors and will increase prosperity in both States;

Desiring to intensify the economic cooperation of both States based on equality and mutual benefits

This preamble displays investment protection and creates a conducive business environment to achieve some economic benefits for both countries. Nevertheless, there is no indication of achieving some other non-economic benefits that may lead to sustainable development. Articles 2 and 3 of the BIT also discuss the promotion and treatment of investment between the contracting parties. It poses the obligation of encouraging investors to invest in their country, and assistance should be provided for that matter.^[48] The fair and equitable treatment, national treatment and the principles of the most favoured nation are specified under the BIT as a device to give some favourable treatment for investors.^[49]

Expropriation and compensation for losses, transfer of funds and dispute settlement clauses are the other contents of the BIT between Ethiopia and China.^[50] This agreement is purely tailored in the investors' oriented approach, and there is no single indication or clause about the concern of non-economic matters. That means there is no room for labour rights issues either as a declaratory language or non-lowering standard clause, or as a treaty language clause under the agreement. Many of the BITs that Ethiopia has ratified have followed a similar approach like the BIT between Ethiopia and China regarding labour rights provisions. For instance, the BITs with Denmark,⁵¹ Turkey,⁵² Kuwait,⁵³ Swiss Confederation,⁵⁴ Malaysia,⁵⁵ Sudan,⁵⁶ Netherlands,⁵⁷ France⁵⁸ and Germany⁵⁹ have not incorporated a labour right or standard provisions. This makes the BITs ratified by Ethiopia more investor-oriented, and there is no regulatory space for the Ethiopian government to attain some non-economic policy objectives by the government. Setting aside labour issues that are more investment-related by its nature means, the achievement of sustainable development is under question since social and human rights aspects should be considered. When the government moves towards taking measures of improvement of labour rights, foreign investors may claim that such action is an indirect expropriation since it may reduce the investor's benefit. As a result, the government may be liable to pay massive and unnecessary amount of compensation since there is no clear indication about the labour rights under the agreement.

Implications of a move for integration

Even though most of the BITs ratified by Ethiopia failed to integrate the labour rights provisions, there are few indications of a move for recognizing it directly or indirectly under a few of the BITs ratified

by the country. However, only one of the BITs is in force while others are not. The BITs between Ethiopia and Brazil, Belgium-Luxembourg, South Africa, United Arab Emirates and Qatar are treaties with some implication to labour rights, but they are not in force. The only BIT in force and integrated the labour rights issue is the BITs that Ethiopia signed with Finland.

Preambular language has been used under the BIT with Brazil. Under the preamble part of the treaty, it is provided that the agreement's objective should be, *inter alia* is, the promotion of sustainable development.^[60] Unless and otherwise, we have to argue that the matter of protection of labour rights can be seen under the sustainable development concept, there is no specific provision that deals with the matter of labour rights issues.

The Ethio-Belgium-Luxembourg BIT is an instrument that has tried to incorporate the labour right concern better. The agreement has started from the definition of labour legislation and labour rights. Article 1 (6) of the BIT listed the internationally recognized labour rights, which includes the right of association, the right to organize and bargain collectively, a prohibition on the use of any form of forced or compulsory labour, the minimum age for the employment of children, acceptable conditions of work concerning minimum wages, hours of work, and occupational safety and health.^[61] The treaty also provided an independent provision that binds the contracting parties on labour rights. Article 6 of the agreement stipulates that the contracting party is authorized to establish its domestic labour standards and adopt or modify its labour legislation accordingly. Each party shall strive to ensure that its legislation provides for labour standards consistent with internationally recognized labour rights. The treaty also reaffirms the international obligation of the parties under the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up.^[62] Additionally, the BIT between Ethiopia and Belgium-Luxembourg added that it is inappropriate to encourage investment by relaxing domestic labour legislation instead, each Contracting Party shall strive to ensure that it does not waive or otherwise derogate from, or offer to waive or otherwise derogate from, such legislation as an encouragement for the establishment, maintenance or expansion in its territory of an investment.^[63] This treaty is the most vital treaty regarding protecting labour rights compared to other BITs ratified by Ethiopia, even though the treaty is not in force between these two countries.

Likewise, the BIT between Ethiopia and Finland has used declaratory language and treaty reference language to provide labour rights issues. The preamble part of the agreement states that the treaty is concluded by noting that the development of economic and business ties can promote respect for internationally recognized labour rights.^[64] The treaty does not explicitly provide a labour rights clause. Instead, it recognizes what has been provided under the ILO conventions. This is not much strong in bringing about the protection of labour rights in a strict sense. The BIT ratified between Ethiopia and Qatar and UAE as well have provided an independent provision that deals with environmental and labour rights issues while the BIT with South Africa is declaring only about the achievement of sustainable development without making a specific reference to labour rights concerns.^[65]

5. Conclusion

In conclusion, though BITs have a positive impact on a given country's economic growth, some non-economic policy objectives need to be satisfied to bring about sustainable development. Neglecting the labour rights issues during the negotiation of investment agreements may deny the states regulatory capacity to achieve its objectives and may violate workers' human rights. Labour rights issues are not integrated under BITs means the host state may face difficulty in improving labour

conditions since it may be seen as expropriation before the eye of MNCs, and the dispute will arise. This may result in paying a huge amount of compensation for an investor. Ethiopia has ratified a significant amount of BIT with different nations across the globe. From a close look at the BIT, the writer has observed that most of the BITs ratified by Ethiopia do not incorporate the labour rights concern. Even though there are a limited number of BITs integrating the labour rights issues, most of these provisions are not sufficiently address the matter. Also, all of these treaties with labour clauses except BIT with Finland are ineffective since they are not in force. As a recommendation, the future and existing BITs ratified by Ethiopia should give attention and reconsider the labour rights issues since it avoids the future investment dispute that may be raised, and the Ethiopian government must respect the commitment provided under the ILO conventions.

¹ World Investment Report of 2021, United Nations on Trade and Development, Investing in sustainable economy, Page 123

² Bilateral investment treaties 1995–2006: trends in investment rulemaking, United Nations conference on trade and development, 2007, Page 96

³ Fundamental rights at work and international labour standards, International Labour Organization, Geneva, 2003, Page 1

⁴ Ibid

⁵ ILO Constitution, Preamble Part

⁶ The ILO fundamental convention, In focus program on promoting the declaration, International Labour Office, Page 7

⁷ ILO Convention No. 87, 1948

⁸ ILO Convention No. 98, 1949

⁹ ILO Convention No. 29, 1930

¹⁰ ILO Convention No. 105, 1957

¹¹ ILO Convention No. 138, 1973

¹² ILO Convention No. 100, 1951

¹³ ILO Convention No. 111, 1958

¹⁴ Vienna Convention on the Law of Treaties, Article 26

¹⁵ The Federal Democratic Republic of Ethiopia, Labour Proclamation, Proclamation No. 1156/2019, Published on Federal Negarit Gazette, 25th year No. 89, Addis Ababa 5th September, 2019, (Referred as Labour Proclamation Hereafter) Preamble Part

¹⁶ Ibid

¹⁷ Ibid

¹⁸ Article 113 of the Labour Proclamation

¹⁹ Article 61, 66, 69, 92-ff, 125, 76-84 and 87-91 of the labour proclamation respectively.

²⁰ Tove Lovgren Frisk, The Effectiveness of Labour Provisions in Bilateral Investment Treaties and their Future Potential, 2018, Page 27

²¹ Ibid

²² UNCTAD, South-South Cooperation in International Investment Arrangements, International Investment Policies for Development. UNCTAD/ITE/IIT/2005/3 (New York and Geneva: United Nations, 2005), www.unctad.org

²³ Ibid

²⁴ Bertram Boie, Supra note at 19, Page 9

²⁵ Ibid

²⁶ Ibid

²⁷ Ibid

²⁸ Bonnie Penfold, Labour and employment issues in foreign direct investment, public support conditionalities, Working paper No. 95, Page 3

²⁹ Bertram Boie, Supra note at 19, Page 12

³⁰ 2012 U.S. Model Bilateral Investment Treaty, Preamble Part

³¹ The 2008 Austrian Model Bilateral Investment Treaty, Preamble part

³² Article 13 of the 2012 U.S. Model Bilateral Investment Treaty

³³ Article 6 of the 2002 Belgium Model Bilateral Investment Treaty

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- ³⁴ Article 5 of the 2008 Austrian Model Bilateral Investment Treaty
- ³⁵ Article 6 of the 2002 Belgium model Bilateral Investment Treaty
- ³⁶ Bertram Boie, *Supra* note at 19, Page 18
- ³⁷ Mann, Howard, *International Investment Agreements, Business and Human Rights: Key Issues and Opportunities*, International Institute for Sustainable Development, (February 2008), *available online at* www.iisd.org
- ³⁸ *Ibid*
- ³⁹ Mandal, Tissy, *FDI, BITS and the Marginalization of Labour Standards* (April 19, 2011). Page 11
- ⁴⁰ OECD, *International Investment Agreements: A Survey of Environment, Labour and Anti-Corruption Issues*, Page 6
- ⁴¹ Article 18, *Belgium-Luxemburg and Cameroon Bilateral Investment Treaty*, 1980
- ⁴² *Ibid*
- ⁴³ Article 13, *US-Uruguay Bilateral Investment Treaty*, 2005
- ⁴⁴ *World Investment report 2021*, (UNCTAD), Page 131
- ⁴⁵ *Ibid*
- ⁴⁶ UNCTAD, *World Investment Hub*, Available on www.investmentpolicy.unctad.org
- ⁴⁷ The Preamble part of BIT between The Government of the Federal Democratic Republic of Ethiopia and the Government of the Peoples Republic of China concerning the encourage and reciprocal protection of investments, 1998
- ⁴⁸ Article 2 of the BIT between Ethiopia and China
- ⁴⁹ Article 3 of the BIT between Ethiopia and China
- ⁵⁰ Article 4, 5,6 and 8 of the BIT between Ethiopia and China
- ⁵¹ The BIT between the Federal Democratic Republic of Ethiopia and The Kingdom of Denmark concerning the promotion and reciprocal Protection of investments, 2001
- ⁵² The BIT between the Republic of Turkey and the Federal Democratic Republic of Ethiopia concerning the reciprocal promotion and protection of investments, 2000
- ⁵³ The Federal Democratic republic of Ethiopia and State of Kuwait for the encouragement and reciprocal protection of investment, 1996
- ⁵⁴ The BIT between the Swiss confederation and the federal democratic republic of Ethiopia on the promotion and reciprocal protection the federal democratic republic of Ethiopia and the, 1998
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- ⁶² The BIT conclude between The Belgian-Luxembourg Economic Union, on the one hand, and The Federal Democratic Republic of Ethiopia, on the other hand, on The reciprocal promotion and protection of Investment, 2006, Article 4 sub article 1 and 3
- ⁶³ The BIT conclude between The Belgian-Luxembourg Economic Union, on the one hand, and The Federal Democratic Republic of Ethiopia, on the other hand, on The reciprocal promotion and protection of Investment, 2006, Article 4 sub article 2
- ⁶⁴ The BIT between the Government of the Republic of Finland and the Government of the Federal Democratic Republic of Ethiopia on the Promotion and Protection of Investments, 2006, Preamble Part
- ⁶⁵ The BITs Ethiopia concluded with Qatar, UAE and South Africa, Article 14, 12, Preamble part respectively.

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