Foreign Investments & Human Rights

The actors and their different roles

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The actors in an investment dispute having also a human rights implication have different potential roles. The proceedings may involve the foreign investor, the host State, an investment tribunal as well as persons representing the interests of victims of human rights violations from the host State’s population.

These actors may perform different roles and can act in different capacities.

The **foreign investor** can be a victim of a human rights violation or the perpetrator of a human rights abuse.

The **host State** can be a mere co-perpetrator in a human rights violation without interfering in the investor’s rights. Alternatively, it can be a co-perpetrator in a human rights violation and at the same time interfere with the investor’s rights. Finally it can interfere with investor’s rights to stop human rights abuses by the investor.

The **victims** of human rights violations in the host state may have different procedural possibilities depending on the circumstances of the case. In investment arbitration their role is very limited.

Whether and to what extent an investment **tribunal** can take human rights considerations into account depends largely on the instrument of consent.