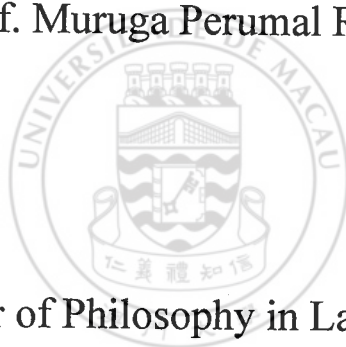


Legal Challenges and Investment Risks in Africa with a Specific
Reference to Chinese Investment in South Africa

by

LI, Ke

SUPERVISOR: Prof. Muruga Perumal RAMASWAMY



Doctor of Philosophy in Law

澳門大學

UNIVERSIDADE DE MACAU

UNIVERSITY OF MACAU

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Faculty of Law

University of Macau

ABSTRACT

Since China started launching the “Go Global” policy in 2000 and promoted its overseas investment, China’s expanding engagement in Africa has captured the world’s attention. For Chinese investors, however, opportunity and risks always co-exist, especially the special risks and challenges that are implicit in the particular social conditions of African countries. This thesis focuses on the risks arising in the context of the intensive conflict between the economic liberalization and protection of environment in African countries that attracts most attention and incurs trenchant criticism of environmentalists around the world, the complex labor relations that root in distinctive social and historical background of African countries, which are reflected and evidenced by the frequent labor strikes speared in the continent, and a comparatively high degree of corruption especially in public procurement tenders. This thesis examines how these conflicts or issues create risks and challenges for Chinese investors in South Africa, and discusses how to protect Chinese investment and Chinese investor’s interests by using the weapons of both national laws of South Africa and applicable international laws, from both a substantive and a procedure perspective. South Africa is chosen as the major focus of research in this thesis, which is the largest economy in Africa and top destination of Chinese outward investment. Legal protection of Chinese investment is discussed not only within the current legal infrastructure of South Africa and bilateral investment treaty currently in force between China and South Africa, but also with the considerations of possible evolution in the investment laws related to Chinese investment in South Africa.

Key Words: International investment law, foreign investments, bilateral investment treaty, environment law, labor law, anti-corruption law, investor's right, investor-state arbitration, China-South Africa investment relations



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