

Part II

Indirect Obligations

Part I has concluded that, recently, first IIAs and arbitral awards have brought about direct obligations in investment law. Part II will widen the perspective and elaborate on a different type of obligation, one that is even more established: indirect international investor obligations.

In many instances, tribunals have made investor *rights* contingent on compliance with standards of conduct. As will be seen, many of these standards address how investors behave towards the public interest. If investors violate these standards, they forfeit investment protection. This way of setting standards for investor behaviour is understood here as an indirect obligation.

The term ‘indirect obligation’ has, thus far, not been established as a term of art in investment law practice and scholarship. This book introduces it as a means of expressing that there exists an established pattern in arbitral jurisprudence: to condition investment protection on proper investor behaviour with concrete standards of conduct. First, Part II will explain the concept of ‘indirect obligations’ in more detail (Chapter 6). Then, by studying IIAs, arbitral awards and scholarly writing, it will trace the many different indirect obligations that exist throughout investment law doctrine today (Chapter 7). Finally, some more general conclusions on indirect obligations will be drawn (Chapter 8).