

ARTICLE 6

Minimum Standard of Treatment

1. Each Party shall accord to covered investments treatment in accordance with the customary international law minimum standard of treatment of aliens, including fair and equitable treatment and full protection and security.
2. The concepts of “fair and equitable treatment” and “full protection and security” in paragraph 1 do not require treatment in addition to or beyond that which is required by the customary international law minimum standard of treatment of aliens.
3. For greater certainty, the obligation to accord full protection and security in accordance with paragraph 1 is an obligation requiring each Party to take all measures reasonably necessary to ensure the protection and security of the covered investment.
4. A breach of another provision of this Agreement, or of a separate international agreement, does not establish that there has been a breach of this Article.

ARTICLE 7

Compensation for Losses

1. Notwithstanding Article 16(5)(b) (Reservations and Exceptions), each Party shall accord to investors of the other Party, and to covered investments, treatment no less favourable than that it accords, in like circumstances, to its own investors and their investments, and to the investors of a non-Party and their investments, with respect to measures it adopts or maintains relating to compensation for losses incurred by investments in its territory as a result of armed conflict, civil strife or natural disaster.
2. The treatment accorded by a Party under paragraph 1 means, for a sub-national government, the treatment accorded, in like circumstances, by that sub-national government to investors of that Party and their investments, and to investors of a non-Party and their investments.

ARTICLE 8

Senior Management, Boards of Directors and Entry of Personnel

1. A Party may not require that an enterprise of that Party that is a covered investment appoint to a senior management position an individual of any particular nationality.
2. A Party may require that a majority of the board of directors, or a committee thereof, of an enterprise of that Party that is a covered investment be of a particular nationality or resident in the territory of the Party, provided that the requirement does not materially impair the ability of the investor to exercise control over its investment.