

2. Each Party shall accord to investments of investors of the other Party treatment no less favourable than that it accords, in like circumstances, to investments of investors of any non-Party with respect to the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of investments.

3. For greater certainty, the treatment referred to in this Article does not encompass international dispute resolution procedures or mechanisms, such as those included in Section II. Substantive obligations in other international investment treaties and other trade agreements do not in themselves constitute “treatment” and thus cannot give rise to a breach of this Article, absent measures adopted or maintained by a Party.

#### **Article G-04: Standard of Treatment**

1. Each Party shall accord to investors of the other Party and to investments of investors of the other Party the better of the treatment required by Articles G-02 and G-03.

2. Annex G-04.2 sets out certain specific obligations by the Party specified in that Annex.

#### **Article G-05: Minimum Standard of Treatment<sup>3</sup>**

1. Each Party shall accord to investments of investors of the other Party treatment in accordance with international law, including fair and equitable treatment and full protection and security.

2. Paragraph 1 prescribes the customary international law minimum standard of treatment of aliens as the minimum standard of treatment to be accorded to investments of investors of the other Party.

3. The concepts of “fair and equitable treatment” and “full protection and security” do not require treatment in addition to or beyond that which is required by the customary international law minimum standard of treatment of aliens, and do not create any additional rights. The obligation in paragraph 1 to provide:

- (a) “fair and equitable treatment” includes the obligation not to deny justice in criminal, civil or administrative adjudicatory proceedings in accordance with the principle of due process; and
- (b) “full protection and security” means that each Party is required to provide the level of police protection required under customary international law.

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<sup>3</sup> Article G-05 (Minimum Standard of Treatment) shall be interpreted in accordance with Annex G-05 (Customary International Law).