

Article 5
General Treatment of Investment

1. Each Party shall accord to covered investments of investors of any other Party fair and equitable treatment and full protection and security.

2. For greater certainty:
 - (a) fair and equitable treatment requires each Party not to deny justice in any legal or administrative proceedings;

- (b) full protection and security requires each Party to take such measures as may be reasonably necessary to ensure the protection and security of the covered investments; and
- (c) the concepts of “fair and equitable treatment” and “full protection and security” do not require treatment in addition to or beyond that which is provided under the customary international law and do not create additional substantive rights.⁹

3. A determination that there has been 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.