

Examples for “in accordance with host State law” clauses

Bosnia and Herzegovina-Malaysia BIT (1994)

Article 1: Definitions

(2) (a) The term “investments” referred to in paragraph 1 (a) shall only refer to all investments that are made in accordance with the laws, regulations and national policies of the Contracting Parties.

Iran, Islamic Republic of-Japan BIT (2016)

Article 1: Definitions

The term “investment” refers to every kind of asset, invested directly or indirectly by an investor of a Contracting Party in the Territory of the other Contracting Party in accordance with the laws and regulations of the other Contracting Party,

Examples for anti-corruption clauses:

Morocco-Nigeria BIT (2016)

Article 17 Anti-Corruption

- 1) Each Contracting Party shall ensure that measures and efforts are undertaken to prevent and combat corruption regarding matters covered by this Agreement in accordance with its laws and regulations.
- 2) Investors and their Investments shall not, prior to the establishment of an Investment or afterwards, offer, promise or give any undue pecuniary or other advantage, whether directly or through intermediaries, to a public official of the Host State, or a member of an official's family or business associate or other person in close proximity to an official, for that official or for a third party, in order that the official or third party act or refrain from acting in relation to the performance of official duties, in order to achieve any favour in relation to a proposed investment or any licenses, permits, contracts or other rights in relations to an investment.
- 3) Investors and their Investments shall not be complicit in any act described in Paragraph 1 above, including incitement, aiding and abetting, and conspiracy to commit or authorization of such acts.

4) A breach of this article by an investor or an investment is deemed to constitute a breach of the domestic law of the Host State Party concerning the establishment and operation of an investment.

5) The States Parties to this Agreement, consistent with their applicable law, shall prosecute and where convicted penalize persons that have breached the applicable law implementing this obligation.

Iran, Islamic Republic of-Slovakia BIT (2016)

Section C) Investor-State Dispute Settlement

ARTICLE 14 General provisions

For avoidance of doubt, an investor may not submit a claim under this Agreement where the investor or the investment has violated the Host State law. The Tribunal shall dismiss such claim, if such violation is sufficiently serious or material. For avoidance of any doubt, the following violations shall always be considered sufficiently serious or material to require dismissal of the claim:

- a) Fraud;
- b) Tax evasion;
- c) Corruption and bribery; or
- d) Investment has been made through fraudulent misrepresentation, concealment, corruption, or conduct amounting to an abuse of process.

Canada-Mongolia BIT (2016)

Article 14 Corporate Social Responsibility

Each Party should encourage enterprises operating within its territory or subject to its jurisdiction to voluntarily incorporate internationally recognized standards of corporate social responsibility in their practices and internal policies, such as statements of principle that have been endorsed or are supported by the Parties. These principles address issues such as labour, the environment, human rights, community relations and anti-corruption. The Parties should remind those enterprises of the importance of incorporating such corporate social responsibility standards in their internal policies.