

# Should you be thinking about International Investment Treaties?



## TEN QUESTIONS WHICH INDICATE THAT YOU PROBABLY SHOULD

- 1 Are you investing or doing business outside of your home jurisdiction?
- 2 Are you contracting with a state-owned or controlled entity?
- 3 Are you investing or doing business in an emerging market or a market in transition (e.g. post-Brexit UK)?
- 4 Are the courts in the country in which you are doing business perceived as being unfair and staffed by inexperienced and less competent judges?
- 5 Is the legal process in that country an inefficient one and one which is potentially subject to government influence?
- 6 Has the government of the country in which you are doing business interfered with investments made by foreign investors eg by withdrawing incentives, permits/licences?
- 7 Does the government of the host country have a history of levying taxes in a manner that adversely impacts foreign investors?
- 8 Does the country in which you are doing business have 'form' for nationalising assets?
- 9 Are foreign investors treated negatively compared to domestic investors, or investors from other countries?
- 10 Might it be helpful to be able to have a means of exerting pressure on the government of the host state should problems arise?

If the answer to any of these questions is “yes” or “maybe”, you likely need to know more about how your investments can be structured to take advantage of international investment protection treaties. These can provide invaluable protection for foreign investments and direct recourse against host states in the event of interference with the investment.

Do get in touch if you are interested in finding out more.



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