



PUBLIC SERVICE ANNOUNCEMENT FOR PROPERTY AND BUSINESS OWNERS IN AZERI OCCUPIED ARTSAKH (NAGARNO KARABAKH)

- **All property and business owners of Azeri occupied Artsakh (Nagarno Karabakh) who are citizens of countries with Investment Treaties with Azerbaijan may be entitled to investment protection guarantees under international law, and may have the right to monetary compensation for violations of such rights.**
 - Investment treaty protection includes the guarantee that means one's property and business can't be taken away without payment of fair value, or taken away by high taxes that are really a government taking of the property
 - For example, the US - Azeri Bilateral Investment Treaty provides that "Neither [Azerbaijan nor the United States] shall expropriate or nationalize a covered investment either directly or indirectly through measures tantamount to expropriation or nationalization except . . . upon payment of prompt, adequate and effective compensation. Compensation shall be . . . the fair market value."
 - Additionally, certain takings of foreign-owned property by the Azerbaijani state may qualify as an expropriation under international law and may give rise to an actionable court claim against the relevant Azerbaijani state organs
- Azerbaijan has ratified an extensive network of Bilateral and Multilateral Investment Treaties, which are currently in force for Azerbaijan, see <https://investmentpolicy.unctad.org/international-investment-agreements/countries/13/azerbaijan>
 - Azeri Bilateral Investment Treatment Partners include most places where Armenians reside, including Russia, United States, France, Italy, etc. E.g., US - Azeri Bilateral Investment Treaty, <https://2009-2017.state.gov/e/eb/ifa/43235.htm>
 - Azerbaijan does not have Bilateral Investment Treaties with the Republic of Armenia or Artsakh, but energy-related investments may be covered under the Energy Charter Treaty, to which both Armenia and Azerbaijan are parties.
- Disputes are generally heard in an international arbitration held outside of Azerbaijan, many of which are administered by the ICSID (International Centre for Settlement of Investment Disputes, ICSID) in Washington, DC under the auspices of the World Bank, see <https://icsid.worldbank.org>.

What 3 things should property and business owners in Azeri-controlled Nagorno Karabakh (Artsakh) do now?

1. Document to the extent possible all property and business rights - land titles (including, where possible, title history since the breakup of the Soviet Union), insurance papers, loan documents, inventory, machinery, fixtures, computers and hardware, etc.
2. Determine whether your investment is covered by an Azeri Bilateral Investment Treaty. In other words, review the hyperlink above of the Azeri list of Bilateral Investment Treaties and see if you or your investing entity are a citizen or company created by an Azeri Bilateral Investment Treaty partner
3. Contact your country's Baku Embassy commercial attaché for guidance. A commercial attaché, among other things, can help investors assert and protect their rights under the Azeri Investment Treaty
 - For United States investors, this is in most cases handled by direct communication with the US Embassy or request for an introduction to the Embassy by an investor's local US Congressional Representative or Senator
 - The suggestion is to make a strong and forceful claim for international law protection now - prophylactically and in advance, before damage is done - properties, businesses, churches, etc.

Bilateral Investment Treaties and sovereign immunity are arcane areas of law with which few have experience or knowledge. If you have questions, please contact a lawyer with experience in these fields or the Armenian Bar Association at Info@ArmenianBar.org.