



May 15, 2007

The Honourable David Emerson, P.C., M.P.
Minister of International Trade
House of Commons
Ottawa ON K1A 0A6

Mr. Jack Layton, M.P.
Leader of the New Democratic Party
House of Commons
Ottawa ON K1A 0A6

The Honourable Peter McKay, P.C., M.P.
Minister of Foreign Affairs
House of Commons
Ottawa ON K1A 0A6

The Honourable Stéphane Dion, P.C., M.P.
Leader of the Liberal Party of Canada
House of Commons
Ottawa ON K1A 0A6

The Honourable Helena Guergis, P.C., M.P.
Secretary of State (Foreign Affairs and
International Trade)
House of Commons
Ottawa ON K1A 0A6

Mr. Gilles Duceppe, M.P.
Leader of the Bloc Québécois
House of Commons
Ottawa ON K1A 0A6

Dear Ministers, Leaders of the Opposition:

Re: Bill C-53 — Settlement of International Investment Disputes Act

I am writing to you on behalf of the National Section on International Law of the Canadian Bar Association (CBA Section) to express our support for the passage of Bill C-53, the *Settlement of International Investment Disputes Act*, implementing the ICSID Convention. Canada's adoption of this legislation will help to ensure that Canadian businesses investing abroad are protected from harmful measures taken by host governments and will signal Canada's attractiveness as a destination for new investment.

The ICSID Convention currently has over 140 Contracting States, which include a majority of Canada's trading partners. The Convention came into force over 40 years ago, and Canada's delay in joining has detracted from its reputation as a strong player in multilateral trade and investment arrangements. Investor-state arbitrations conducted under the ICSID Convention offer more certainty for Canadians investing abroad, and permit them to access review and

enforcement mechanisms that are more favourable to investors than those contained in other arbitration regimes.

Canada's participation in the ICSID Convention will significantly enhance the investor-state dispute settlement mechanisms in Canada's foreign investment protection and promotion agreements, the *North American Free Trade Agreement*, and the *Canada-Chile Free Trade Agreement*. These mechanisms enable Canadian investors to seek compensation from foreign governments that expropriate Canadian assets, discriminate against Canadians in favour of domestic businesses or otherwise treat Canadian investors unfairly.

It is now time for Canada to join its main trading partners and ratify this important international convention. We strongly encourage you to adopt Bill C-53 without delay, and would be pleased to discuss any of these matters with you at your convenience.

Yours very truly,

(Original signed by Kerri Froc for Clifford Sosnow)

Clifford Sosnow
Chair, National Section on International Law

cc. The Hon. Rob Nicholson, P.C., M.P.
The Hon. Ujjal Dosanjh, P.C., M.P.
The Hon. Navdeep Singh Bains, P.C., M.P.
Ms. Francine Lalonde, M.P.
Ms. Alexa McDonough, M.P.
Mr. Serge Cardin, M.P.
Mr. Peter Julian, M.P.