



THE CANADIAN BAR ASSOCIATION
L'ASSOCIATION DU BARREAU CANADIEN

November 21, 2007

Mr. Kevin Sorenson, M.P.
Chair, Standing Committee on Foreign Affairs and International Development
Room 637
180 Wellington St
House of Commons
Ottawa, ON K1A 0A6

Dear Sir:

Re: Bill C - 9 — Settlement of *International Investment Disputes Act*

On behalf of the National Section on International Law of Canadian Bar Association (CBA Section), I write to you with respect to your Committee's study on Bill C-9, the *Act to implement the Convention on the Settlement of International Investment Disputes between States and Nationals of Other States (ICSID Convention)*. The CBA Section is strongly in favour of Bill C-9, and urges you to report to Parliament that it should be adopted without further delay.

Over the last year and a half, we have been writing the relevant federal, provincial and territorial ministers, advocating that they make the necessary federal-provincial concessions that would permit Canada to sign the Convention. When former Bill C-53 was introduced, we wrote to the Minister of Trade, Minister of Foreign Affairs, the Secretary of State for Foreign Affairs and International Trade and the leaders of the three major opposition parties to urge its passage. A copy of this most recent letter is enclosed.

The reason for our support of the Bill is simple. The Convention forms a central element in securing the rule of law in international investment. Many of our members advise business clients in Canada on their overseas investments, and Canadians benefit from the presence of many highly successful international businesses. International investment rules are important to the economic future of this country. Canada's implementation of the ICSID Convention will permit these companies to access the most effective dispute settlement mechanism available for international investors. Moreover, arbitration pursuant to the ICSID Convention is acknowledged under NAFTA, and could be used to protect Canadian investments in the United States.

Forty years of experience since the conclusion of the ICSID Convention make it abundantly clear that the benefits of membership are immense and there are no obvious costs. Arbitration under the ICSID Convention is entirely voluntary, even for state parties (unless they have consented to it by treaty). We would be pleased to have representatives from our Section appear before of your Committee to answer any questions you may have about the benefits of the Convention, once your Committee begins its study of the Bill.

Yours truly,

(original signed by Clifford Z. Sosnow)

Clifford Z. Sosnow
Chair, National Section on International Law