

EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF DOMINICA CONSTITUTING AN AGREEMENT RELATING TO INVESTMENTS IN DOMINICA INSURED BY CANADA THROUGH ITS AGENT THE EXPORT DEVELOPMENT CORPORATION

I

The Commissioner for Canada to the Premier of Dominica

Bridgetown, February 4, 1977

No. 8

Sir,

I have the honour to refer to discussions which have recently taken place between representatives of our two Governments relating to investments in Dominica which would further the development of economic relations between Dominica and Canada, and to insurance of such investments by the Government of Canada, through its agent the Export Development Corporation. I also have the honour to confirm the following understandings reached as a result of those discussions:

1. In the event of a payment by the Export Development Corporation under a contract of insurance for any loss by reason of:

- (a) war, riot, insurrection, revolution or rebellion in Dominica;
- (b) the arbitrary seizure, expropriation, confiscation or deprivation of use of any property by a Government, or agency thereof, in Dominica;
- (c) any action by a Government, or agency thereof, in Dominica, other than action of the kind described in sub-paragraph (b) that deprives the investor of any right in, or in connection with, an investment; and
- (d) any action by a Government, or agency thereof, in Dominica, that prohibits or restricts transfer of any money or removal of any property from that country;

the said Corporation, hereinafter called the "Insuring Agency" shall be authorized by the Government of Dominica to exercise the rights having devolved on it by law or having been assigned to it by the predecessor in title.

2. But to the extent that the laws of Dominica partially or wholly invalidate the acquisition of any interests in any property within its national territory by the Insuring Agency, the Government of Dominica shall permit the investor and the Insuring Agency to make appropriate arrangements pursuant to which such interests are transferred to an entity permitted to own such interests under the laws of Dominica.

3. The Insuring Agency shall assert no greater rights than those of the transferring investor under the laws of Dominica with respect to any interest transferred or succeeded to as contemplated in paragraph 1. The Government of Canada does, however, reserve its right to assert a claim in its sovereign capacity in the event of a denial of justice or other question of state responsibility as defined in international law.