

Article Three

- a) If the Insuring Agency makes a payment to any party under Coverage, the Government of Chile shall recognize, subject to the provisions of Article Four hereof, the subrogation of the Insuring Agency to any right, title, claim, privilege, or cause of action existing, or which may arise in connection with such payment, which implies an effective right in favour of the Insuring Agency over all the currency, credits, assets, or investments on account of which payment under such Coverage was made.
- b) The Insuring Agency shall assert no greater rights than those of the transferring party under the laws of Chile with respect to any interest succeeded to or transferred.

Article Four

To the extent that the laws of Chile partially or wholly invalidate or prohibit the acquisition from a party under Coverage of any interest in any property within the territory of Chile by the Insuring Agency, the Government of Chile shall permit such party and the Insuring Agency to make appropriate arrangements pursuant to which such interests may be transferred to an entity permitted to own such interests under the laws of Chile.

Article Five

Amounts in the lawful currency of Chile acquired through subrogations by the Insuring Agency by virtue of such Coverage shall be accorded treatment by the Government of Chile no less favourable, as to use and conversion thereof, than that which would be accorded if they were to remain in the possession of the party under Coverage. Such funds shall be freely available to the Government of Canada to meet its expenditures in the national territory of Chile.

Article Six

- a) Nothing in this Agreement shall limit the right of the Government of Canada to assert a claim under international law in its sovereign capacity, as distinct from the rights of the Insuring Agency.
- b) Any dispute between the Government of Canada and the Government of Chile regarding the interpretation of this Agreement or which, in the opinion of either Government, involves a question of public international law arising out of any project or activity for which Coverage has been issued shall be resolved, insofar as possible, through negotiations between the two Governments. If, at the end of three months following the request for negotiations, the two Governments have not resolved the dispute by agreement, the dispute, including the question of whether such dispute presents a question of public international law, shall be submitted, at the request of either Government, to an arbitration tribunal for resolution in accordance with Article Six, paragraph c). Submission of the dispute to an arbitration tribunal shall be subject to the principle of prior exhaustion of administrative and judicial remedies available in Chile.