

Commercial Arbitration

in Europe. For the first time there will be an opportunity to resolve these disputes in Canada.

I want to note that Canada is the last industrialized nation to accede to this convention. The United Nations adopted the convention in 1958, and it is almost 30 years overdue that Canada adhered to it.

I raised two areas of concern with departmental officials. The first concern was the possibility of certain reservations to the convention. Many states have relied upon what is referred to as the reciprocity reservation. Indeed, the initial advice from departmental officials to provincial Governments was that the reciprocity convention or reservation should be relied upon. However, it now appears that having studied the matter the federal Government is of the opinion that this reciprocity reservation is not necessary. That was certainly one area which I discussed with the officials. We are prepared, on balance, to recognize that the legislation should go forward without it.

The other area of concern which I raised was the fact that one of the parties to the convention was South Africa. I would hope that as a matter of public policy Canada would not in any way be prepared to co-operate with or recognize arbitral awards which flowed from South African business dealings. I would hope that as a matter of public policy that would be the decision taken by the Government. I am told that it is impossible to write that formally into the legislation now before the House, but I urge the Government to implement it as a matter of public policy.

In closing, I would note that I look forward to the next Government in the Province of British Columbia, a Government led by Premier Bob Skelly, being in a position to attract business activity to this new B.C. international commercial arbitration centre which we all desire.

Mr. Deputy Speaker: Is the House ready for the question?

Some Hon. Members: Question.

Mr. Deputy Speaker: Mr. Crosbie, seconded by Mr. Hnatyshyn, moves that Bill C-107, an Act to implement the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards, be read the second time and referred to Committee of the Whole. Is it the pleasure of the House to adopt the motion?

Some Hon. Members: Agreed.

Motion agreed to, Bill read the second time and the House went into Committee thereon, Mr. Danis in the chair.

The Chairman: Order. House in Committee of the Whole on Bill C-107, an Act to implement the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards. Shall Clause 2 carry?

Some Hon. Members: Agreed.

Clause agreed to.

Clauses 3 to 9 inclusive agreed to.

Clause 1 agreed to.

Schedule agreed to.

Preamble agreed to.

Title agreed to.

Bill reported.

Mr. Deputy Speaker: Mr. Crosbie, seconded by Mr. Hnatyshyn, moves that the Bill be concurred in—

Mr. Kaplan: They are not here.

Mr. Nickerson: On a point of order—

Mr. Lewis: Mr. Speaker, I rise on a point of order. I think there would be agreement to substitute their names with the Minister of Transport (Mr. Mazankowski) and the Minister of State for Small Businesses (Mr. Bissonnette) who are present in the Chamber at this time.

Hon. Don Mazankowski (for the Minister of Justice) moved that the Bill be concurred in.

Motion agreed to.

Mr. Deputy Speaker: When shall the Bill be read the third time? By leave, now?

Some Hon. Members: Agreed.

Mr. Mazankowski (for the Minister of Justice) moved that the Bill be read the third time and passed.

Motion agreed to and Bill read the third time and passed.

* * *

● (1740)

COMMERCIAL ARBITRATION ACT

MEASURE TO ENACT

Hon. Don Mazankowski (for the Minister of Justice) moved that Bill C-108, an Act relating to commercial arbitration be read the second time and, by unanimous consent, referred to Committee of the Whole.

Mr. Deputy Speaker: Is that agreed?

Some Hon. Members: Agreed.

Motion agreed to, Bill read the second time and, by unanimous consent, the House went into Committee thereon, Mr. Danis in the Chair.

Clauses 2 to 11 inclusive agreed to.

Clause 1 agreed to.

Preamble agreed to.

Title agreed to.