

Foreign Arbitral Awards

The Province of British Columbia has been looking forward to such legislation for some time. In fact, it has assumed for such a long time that it would be forthcoming that it set May 12 as the day on which it will establish an international arbitration centre as part of its Expo festivities. Therefore we are showing unusual co-operation in that we do not want to take the time to refer the matters to legislative committees and to call private sector witnesses who could, no doubt, assist us in improving the legislation. We are willing to dispense with those procedures in order to meet the deadline which will soon be upon us. It is certainly an important event for British Columbia and for Canada.

Those of us who were involved in commercial litigation in private life know how expensive and time-consuming it can be. We also know that when commercial litigation occurs, it is the consumer who has to pay in the end. Many years ago there was an initiative to which Canada is finally joining to try to provide for less formal and less costly ways of resolving commercial disputes. Commercial private arbitration tribunals are the method.

While Canada sat back, this system developed in many other countries. A system for reciprocal enforcement of arbitration awards also developed. Canada sat back for a number of reasons. The easiest one to understand is with respect to the divided responsibility in this area. The federal Government is responsible for international affairs while the provinces are responsible for the resolution of private disputes within their jurisdictions.

● (1730)

With that kind of divided legislative responsibility, the issue rode on for years and years. I am sure I am not the only Member of Parliament who received delegations in their offices over the years wanting to encourage Canada to take an initiative which would lead to this regime being established, to the establishment of the international agreement and, after reciprocal legislation was passed by the provinces, to the establishment of this way of efficiently and consensually resolving disputes among commercial litigants.

I want to say a word about the activities of the former Government in this area. I know that efforts were made by the former Government—and this is available for corroboration with provincial Governments—to move this dossier forward. In the regrettable state of relations between the federal and provincial Governments, it was very difficult to move matters like this one forward. It is regrettable that the kind of partisan rivalry, if I may put it that way, which existed between the two levels of Government over the last few years prevented many good measures from moving forward. This was one.

Be that as it may, the new Government, the Conservative Government, took the proper initiative and carried forward the file with far more success than that enjoyed by the former Government, of which I was a part. It was able to enlist provincial support. With the deadline of May 12 ahead of it, it

managed to produce a climate in which this legislation could be brought forward.

As I said, I regret that the Government waited until the last minute, but I do not think we should make the City of Vancouver and the Province of British Columbia suffer for that. Therefore, on behalf of my party I waive all requirements which would allow us close detailed scrutiny of the legislation, the opportunity to improve it, and the opportunity to bring it to the attention of the country so that Canadians would be aware of the important step being taken today and of what lies behind it. I am pleased, on behalf of my Party, to offer our support of this legislation and of this method of expediting its passage.

Mr. Svend J. Robinson (Burnaby): Mr. Speaker, I am particularly pleased as a British Columbian Member of Parliament to rise today in this very exceptional procedure to indicate my support for the legislation currently before the House. Of course the legislation will enable Canada to implement the 1958 United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards. The effect of this would be that foreign arbitral awards could be enforced in Canada for the first time. As well, the new legislation would provide specific statutory authority to federal Departments and Crown corporations to enter into arbitration agreements.

I have had an opportunity to discuss the provisions of this legislation with departmental officials. I raised two or three specific areas of concern, but I am satisfied that these concerns have been addressed in the legislation currently before the House. Certainly there is no question that arbitration is a much more effective and less costly way of resolving commercial disputes than litigation. At the present time in Canada there is no federal legislation governing the conduct of international commercial arbitration in Canada.

Another concern is that at the present time there is confusion regarding the authority of federal Departments and Crown corporations to enter into arbitration agreements. This new legislation would remedy this by specifically granting statutory authority to federal Departments and Crown corporations to enter into arbitration agreements.

I want to emphasize particularly the fact that the first international commercial arbitration centre to be established in Canada is to be established in my Province of British Columbia. Hopefully the Province of British Columbia will be attracting significant professional and service work. Certainly at a time of very, very high levels of unemployment we can only hope that the establishment of this international commercial arbitration centre will result in more jobs and more economic activity. As well, the legislation should assist in improving our trade relationships, particularly in the Pacific Rim and also in other countries. Many of the disputes which currently involve Asian, North American and European countries are presently being resolved in the United States or