

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE INDEPENDENT STATE OF WESTERN SAMOA RELATING TO CANADIAN INVESTMENTS IN WESTERN SAMOA INSURED BY THE GOVERNMENT OF CANADA THROUGH ITS AGENT, THE EXPORT DEVELOPMENT CORPORATION

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The Permanent Representative of Canada to the United Nations to the Minister of Finance of the Independent State of Western Samoa

New York, September 29, 1978

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Excellency:

I have the honour to refer to discussions which have recently taken place between representatives of our two Governments relating to investments in the Independent State of Western Samoa which would further the development of economic relations between the Independent State of Western Samoa 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 the Independent State of Western Samoa;
- (b) the arbitrary seizure, expropriation, confiscation or deprivation of use of any property by a Government, or agency thereof, in the Independent State of Western Samoa;
- (c) any action by a Government, or agency thereof, in the Independent State of Western Samoa, 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 the Independent State of Western Samoa, 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 the Independent State of Western Samoa to exercise the rights having devolved on it by law or having been assigned to it by the predecessor in title.