

but “investment” does not mean:

- (k) claims to money that arise solely from:
 - (1) commercial contracts for the sale of goods or services by a national or enterprise in the territory of a Party to an enterprise in the territory of the other Party, or
 - (2) the extension of credit in connection with a commercial transaction, such as trade financing, other than a loan covered by subparagraph (d); or
- (l) any other claims to money, that do not involve the kinds of interests set out in subparagraphs (a) to (j);

“investment of an investor of a Party” means an investment owned or controlled directly or indirectly by an investor of such Party;

“investor of a Party” means a Party, a national of a Party or an enterprise of a Party, that seeks to make, is making or has made an investment. For greater certainty, in the case of the State of Kuwait, the Kuwait Fund for Arab Economic Development and the Kuwait Investment Authority are investors of Kuwait;

“measure” includes any law, regulation, procedure, requirement, or practice;

“national”, for the purposes of this Agreement, means:

- (a) with respect to Canada, a natural person who is a citizen or permanent resident of Canada; and
- (b) with respect to Kuwait, a natural person holding the nationality of the State of Kuwait.

A natural person who is a citizen of one Party and a permanent resident of the other Party shall be deemed to be exclusively a national of the Party of his or her citizenship;

“New York Convention” means the United Nations’ *Convention on the Recognition and Enforcement of Foreign Arbitral Awards*, done at New York on 10 June 1958;

“person” means a natural person or an enterprise;

“sub-national government” means with respect to Canada, provincial, territorial or local governments;