

Brubacher, Kelly IGRS:EX

From: Loretta O'Connor [S 22]
Sent: Sunday, September 9, 2012 6:41 AM
To: Albert 'Buddy' Walzak; Allison O'Beirne; Andrea Buckley; Arwen Rowe; Bob Brooks; Bob Norman; Luciani, Chelsie IGRS:EX; Don Callis; XT:ILTH Richardson, Don; Haney, Donald IGRS:EX; Dwight MacAulay; Elliott Brown; Evan Romanow; Han, Henry JTST:EX; Jacquie Hayward; Jocelyne Mills; Joe So; John Cowan; Josephine Choi; Julia Tousaw; Karen Glennie; Kathy Bentley; Kathy Hambly; Kristina Babich; Laurie Alexander; Lee Brammer; Leslie Marchant; Lezlee Dunn; Linda Spurrell; Lindsay de Leeuw (lindsay@councilofthefederation.ca); Lindsey Oosenbrug-Trinh; Lisa Demers; Loretta O'Connor; Lorraine Glendenning; Ewert-Johns, Marcus JTST:EX; Mike McMurray; Monica Arab; Paul Nordahl; Pierrette Battah; Renata Bereziuk; Rochelle Gallant; Tracy English; wes.sawatzky@gov.ab.ca; William Kennedy
Subject: Backgrounder -- Canada-China FIPA

For your information.

From the Prime Minister's Web Site (<http://www.pm.gc.ca/>)

Canada-China Foreign Investment Promotion and Protection Agreement (FIPA)

September 8, 2012
Vladivostok, Russia

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Envoi du site Web du Premier ministre (<http://www.pm.gc.ca/>)

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Brubacher, Kelly IGRS:EX

From: Haney, Donald IGRS:EX
Sent: Thursday, October 11, 2012 1:55 PM
To: Luciani, Chelsie IGRS:EX
Subject: RE: Urgent : FIPA tabling

Thanks!

From: Luciani, Chelsie IGRS:EX
Sent: Thursday, October 11, 2012 1:41 PM
To: Haney, Donald IGRS:EX
Subject: RE: Urgent : FIPA tabling

Hi Don,

This is what Janna told me – I'm not sure how to calculate "21 sitting days pursuant to the Govt's treaty tabling policy":

As for the FIPA, here's what DFAIT has told me on Sept. 26, when the treaty was tabled in the House of Commons.

"The treaty will now remain in the House for 21 sitting-days pursuant to the Government's treaty tabling policy... Following the 21 sitting days, the Canada-China FIPA will come into force once an Order in Council seeking authority to ratify the Agreement has been approved by the Governor General, the ratification process in the People's Republic of China has been completed, and both Parties have submitted notice of the conclusion of their respective ratification processes. Should you have any questions or concerns related to the ratification and implementation of this treaty, please contact John O'Neill or Vernon MacKay in the Investment Trade Policy Division."

From: Haney, Donald IGRS:EX
Sent: Thursday, October 11, 2012 1:29 PM
To: Luciani, Chelsie IGRS:EX
Subject: Urgent : FIPA tabling

Chelsie – do you recall when the FIPA gets implemented?

Brubacher, Kelly IGRS:EX

From: Haney, Donald IGRS:EX
Sent: Tuesday, October 23, 2012 10:49 AM
To: Luciani, Chelsie IGRS:EX
Subject: RE: Challenge to Canada's FIPA with China

Thanks, Chelsie.

From: Luciani, Chelsie IGRS:EX
Sent: Tuesday, October 23, 2012 10:37 AM
To: Haney, Donald IGRS:EX
Subject: RE: Challenge to Canada's FIPA with China

Oct 20th - article has some points on the worries being overstated:

<http://www.canaryworld.com/business/China%3A%20business%20pact%20sets%20the%20discussion/7420359/story.html>

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From: Luciani, Chelsie IGRS:EX
Sent: Tuesday, October 23, 2012 10:32 AM
To: Haney, Donald IGRS:EX
Subject: RE: Challenge to Canada's FIPA with China

From October 4 – some positives at the end:

<http://www.ipolitics.ca/2012/10/04/the-canada-china-investment-agreements-generous-exception-article/>

The Canada-China investment agreement's generous exception article

By [BJ Siekierski](#) | Oct 4, 2012 8:12 pm | 1 Comments

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From: Lucian, Chelsie IGRS:EX
Sent: Tuesday, October 23, 2012 9:27 AM
To: Haney, Donald IGRS:EX
Subject: RE: Challenge to Canada's FIPA with China

This one's a bit more positive, from Oct 16th though (going to keep looking)

<http://www.canadianbusiness.com/article/102020--canada-s-fipa-treaty-with-china-and-what-it-means>

Canada's FIPA treaty with China and what it means

By [Sarah Barnak](#) | October 16, 2012

[ChatinShare3EmailMore](#) [Sharing Services](#)

- [CNOOC's bid for Nexen a sign of China's future](#)
- [Maybe we're exploiting China](#)

From: Haney, Donald IGRS:EX
Sent: Tuesday, October 23, 2012 9:20 AM
To: Luciani, Chelsie IGRS:EX
Subject: FW: Challenge to Canada's FIPA with China

Chelsie – could you look for any articles that offer a more positive view of the FIPA?

From: Chase Wilde, Linda JTST:EX
Sent: Tuesday, October 23, 2012 8:48 AM
To: Musgrave, Robert JTST:EX; Greenwood, Gail JTST:EX; Haney, Donald IGRS:EX
Subject: Challenge to Canada's FIPA with China

There appear to be a number of large challenges; reference is made to a BC examination 14 years ago..

http://www.theglobeandmail.com/commentary/what-if-the-canada-china-investment-treaty-is-unconstitutional/article4629972/?utm_medium=Newsletter&utm_source=The%20Globe%20and%20Mail&utm_type=ext&utm_content=TheGlobeandMail&utm_campaign=98667146

What if the Canada-China investment treaty is unconstitutional?

GUS VAN HARTEN

Published Tuesday, Oct. 23, 2012 02:00AM EDT

Last updated Monday, Oct. 22, 2012 08:03PM EDT

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And another:

Why aren't we debating the Canada-China investment pact?

LAWRENCE MARTIN

Published Tuesday, Oct. 23, 2012 02:00AM EDT

Last updated Monday, Oct. 22, 2012 11:36PM EDT

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Brubacher, Kelly IGRS:EX

From: Haney, Donald IGRS:EX
Sent: Wednesday, October 31, 2012 10:12 AM
To: Luciani, Chelsie IGRS:EX
Subject: RE: more positive FIPA article

This is a good article. Thanks.

From: Luciani, Chelsie IGRS:EX
Sent: Wednesday, October 31, 2012 10:02 AM
To: Haney, Donald IGRS:EX
Subject: more positive FIPA article

A more positive article on the FIPA

WATERLOO RECORD

Dial Back the Hysteria on Canada-China Treaty <http://www.therecord.com/opinion/columns/article/827506--dial-back-the-hysteria-on-canada-china-treaty>

AUSTRALIA - Gov't Offers Grants to Help 10,000+ Students Study in Asia

From: Asia Pacific Foundation of Canada [mailto:apfc@asiapacific.ca]
Sent: Wednesday, October 31, 2012 9:41 AM
To: Luciani, Chelsie IGRS:EX
Subject: Canada-Asia News Service

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Brubacher, Kelly IGRS:EX

From: Vernon.MacKay@international.gc.ca
Sent: Wednesday, October 31, 2012 12:18 PM
To: Ewing, Rebecca J JTST:EX
Cc: Greenwood, Gail JTST:EX; Jessee, Janna L JTST:EX; John.oneill@international.gc.ca
Subject: RE: China's FIPA

Thanks Rebecca. The earliest the FIPA could come into force is early December, but for now that is all I can say. We certainly welcome B.C.'s voice of support for the Agreement! Vern

From: Ewing, Rebecca J JTST:EX [<mailto:Rebecca.Ewing@gov.bc.ca>]
Sent: October 31, 2012 3:10 PM
To: MacKay, Vernon -TNI
Cc: Greenwood, Gail JTST:EX; Jessee, Janna L JTST:EX
Subject: RE: China's FIPA

Thanks very much for this information Vern, and for the quick response. It sounds like there is still a chance the agreement will not be ratified depending on what happens at Treasury Board (and in China). So we won't know for absolute sure whether it will come into force for some weeks at least yet.

As I'm sure you know, BC supports the agreement, and we are getting a lot of questions from the public about it.

Rebecca
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From: Vernon.MacKay@international.gc.ca [<mailto:Vernon.MacKay@international.gc.ca>]
Sent: Wednesday, October 31, 2012 12:03 PM
To: Ewing, Rebecca J JTST:EX
Subject: RE: China's FIPA

Hi Rebecca,

The China FIPA's 21-day sitting period in the House of Commons ends November 1st, so tomorrow. The next step is to go to Treasury Board to obtain an order-in-council approval to ratify the Agreement. That takes at least three weeks. After the OIC is obtained, DFAIT would send a diplomatic note to China informing them that Canada has completed its ratification process. On the first day of the month after the receipt of the second of the two notices (one each from Canada and China), the FIPA comes into force.

We do not have the details of the Chinese ratification process, other than that the State Council must give its approval.

I do not have the timing for the conclusion of either Party's ratification process.

Vern

From: Ewing, Rebecca J JTST:EX [<mailto:Rebecca.Ewing@gov.bc.ca>]
Sent: October 31, 2012 1:25 PM
To: MacKay, Vernon -TNI
Subject: China's FIPA

Hello Vernon,

I work with in BC's Trade Initiatives Branch with Don White, Gail Greenwood and Janel Quiring.

Gail suggested I contact you with two questions we have related to the Canada-China FIPA:

- a) Whether we expect FIPA to be ratified in Canada tomorrow
- b) What Chinese process for ratification is and what timing is.

Any info you can send greatly appreciated,

Thank you

Rebecca Ewing
Manager, Trade Policy
Trade Initiatives Branch
BC Ministry of Jobs, Tourism and Skills Training
Victoria, BC

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Brubacher, Kelly IGRS:EX

From: Haney, Donald IGRS:EX
Sent: Wednesday, October 31, 2012 3:03 PM
To: Luciani, Chelsie IGRS:EX
Subject: RE: China's ratification of FIPA

Thanks, Chelsie!

From: Luciani, Chelsie IGRS:EX
Sent: Wednesday, October 31, 2012 2:24 PM
To: Haney, Donald IGRS:EX
Subject: RE: China's ratification of FIPA

That's consistent with what I found yesterday – about the State Council having power to conclude treaties/agreements, and the Standing Committee of the NPC having the power to decide on ratification/abrogation. I'm not sure what the difference is though between "conclude" and "ratify" (maybe State Council decides first, then it goes to the Standing Committee?). The President also has a role "the President of the People's Republic of China shall, according to the decision made by the Standing Committee of the NPC, ratify or abrogate treaties"

Both the State Council and the Standing Committee are part of the NPC – the State Council is the "executive body of the highest organ of state power (the NPC), and the highest state administrative body" (this is from one of the books MAO was given by the consulate). Media calls the State Council China's "cabinet". According to wiki it meets once every 6 months. Their last meeting seems to have been in July (http://news.xinhuanet.com/english/china/2012-07/25/c_131738472.htm), and there was also an executive meeting of the State Council on October 19th.

The FIPA was signed Sept 9th, so it couldn't have been ratified at the July meeting.

Info from yesterday:

"In 1990 the Standing Committee of the National People's Congress adopted the Law on the Procedure of Conclusion of Treaties, according to which, the Central People's Government, i.e. the State Council, has the power to conclude treaties and agreements; the Standing Committee of the National People's Congress has the power to decide on the ratification or abrogation of treaties and major agreements concluded with foreign countries; and the President of the People's Republic of China shall, according to the decision made by the Standing Committee of the National People's Congress, ratify or abrogate treaties and major agreements concluded with foreign countries. The Law also provides that the accession to multilateral treaties and agreements shall be subject to the decision of the Standing Committee of the National People's Congress and the State Council respectively, and that the acceptance of multilateral treaties and agreements shall be subject to the decision of the State Council."

http://www.legalinfo.gov.cn/english/Legal-Knowledge/node_7661.htm

From: Haney, Donald IGRS:EX
Sent: Wednesday, October 31, 2012 1:46 PM
To: Luciani, Chelsie IGRS:EX
Subject: FW: China's ratification of FIPA

Chelsie here's some info on the Canadian process for ratifying the FIPA. It appears that DFAIT isn't sure of the Chinese process either, except that it is the State Council that gives its approval.

From: Ewing, Rebecca J JTST:EX
Sent: Wednesday, October 31, 2012 12:53 PM
To: Haney, Donald IGRS:EX; Greenwood, Gail JTST:EX; Jessee, Janna L JTST:EX; Quiring, Janel JTST:EX
Subject: RE: China's ratification of FIPA

Hi Don,

Thanks for this information. The attached e-mail from Vern MacKay at DFAIT indicates he is not sure what or when China's ratification process entails, but that there is another 3 week Canadian process with Treasury Board, and then the Agreement comes into force the first of the month after both sides have notified each other that they have ratified. So the earliest the Agreement would come into force is December 1.

I suppose from your information below it is possible that China has already ratified in its most recent meetings.

Rebecca

<< Message: RE: China's FIPA >>

From: Greenwood, Gail JTST:EX
Sent: Wednesday, October 31, 2012 11:18 AM
To: Jessee, Janna L JTST:EX; Haney, Donald IGRS:EX; Quiring, Janel JTST:EX
Cc: Ewing, Rebecca J JTST:EX
Subject: RE: China's ratification of FIPA

Rebecca is looking into this.

From: Jessee, Janna L JTST:EX
Sent: Wednesday, October 31, 2012 10:50 AM
To: Haney, Donald IGRS:EX; Greenwood, Gail JTST:EX; Quiring, Janel JTST:EX
Subject: RE: China's ratification of FIPA

Hi Don,

I don't have any information on the Chinese ratification process. Janel?

Janna

From: Haney, Donald IGRS:EX
Sent: Tuesday, October 30, 2012 4:35 PM
To: Greenwood, Gail JTST:EX; Quiring, Janel JTST:EX
Cc: Jessee, Janna L JTST:EX
Subject: China's ratification of FIPA

Gail et al – we know that Canada can ratify the FIPA after 21 sitting days, but do you know the Chinese ratification process and timing?

Thanks,
Don

Brubacher, Kelly IGRS:EX

From: Haney, Donald IGRS:EX
Sent: Wednesday, October 31, 2012 10:00 AM
To: Luciani, Chelsie IGRS:EX
Subject: RE: treaty ratification in china

Thanks, Chelsie.

From: Luciani, Chelsie IGRS:EX
Sent: Wednesday, October 31, 2012 9:59 AM
To: Haney, Donald IGRS:EX
Subject: RE: treaty ratification in china

What I mentioned just before huddle -- already had it written so thought I'd send it also:

The NPC Standing Committee normally meets once every two months, and can call additional meetings as needed. It'll be in power until the new Standing Committee is elected by the next NPC. Their last meeting was last week (Oct 23 - 26) -- I'm searching to see if I can find out what they decided on. For their August meeting it doesn't sound like any treaties were decided on.

Next meeting would be around mid-december (unless they call one sooner).

From: Haney, Donald IGRS:EX
Sent: Tuesday, October 30, 2012 5:15 PM
To: Luciani, Chelsie IGRS:EX
Subject: RE: treaty ratification in china

Interesting. So it looks like it could happen when the Standing Committee meets. Maybe this could happen soon after the transition, possibly in November?

From: Luciani, Chelsie IGRS:EX
Sent: Tuesday, October 30, 2012 4:41 PM
To: Haney, Donald IGRS:EX
Subject: RE: treaty ratification in china

Found a bit more on this from the Ministry of Justice PRC's website:

"In 1990 the Standing Committee of the National People's Congress adopted the Law on the Procedure of Conclusion of Treaties, according to which, the Central People's Government, i.e. the State Council, has the power to conclude treaties and agreements; the Standing Committee of the National People's Congress has the power to decide on the ratification or abrogation of treaties and major agreements concluded with foreign countries; and the President of the People's Republic of China shall, according to the decision made by the Standing Committee of the National People's Congress, ratify or abrogate treaties and major agreements concluded with foreign countries. The Law also provides that the accession to multilateral treaties and agreements shall be subject to the decision of the Standing Committee of the National People's Congress and the State Council respectively, and that the acceptance of multilateral treaties and agreements shall be subject to the decision of the State Council."

http://www.legalinfo.gov.cn/english/Legal-Knowledge/node_7661.htm

From: Haney, Donald IGRS:EX
Sent: Tuesday, October 30, 2012 4:31 PM

To: Luciani, Chelsie IGRS:EX
Subject: RE: treaty ratification in china

Thanks, Chelsie.

From: Luciani, Chelsie IGRS:EX
Sent: Tuesday, October 30, 2012 4:28 PM
To: Haney, Donald IGRS:EX
Subject: treaty ratification in china

Found this online – two bodies responsible seem to be responsible for treaties: Standing Committee of the National People's Congress (they meet more often/whenever they need to, compared to the session of the NPC, which is in March), and the State Council (Premier, V Premiers, State councillors, etc). For trade, it seems to be the NPC and its standing committee:

"According to the provisions of the Chinese Constitution and the Treaty Procedure Law, the Standing Committee of the National People's Congress (hereinafter "the NPC") shall decide on the ratification and denunciation of treaties and important agreements concluded with foreign States. Under Article 7 of the Treaty Procedure Law, the phrase "treaties and important agreements" includes: friendship and cooperation treaties, peace treaties and other treaties of a political nature; treaties and agreements on territories and the delimitation of boundaries; treaties and agreements on judicial assistance and extradition; and treaties and agreements that have provisions inconsistent with national laws. The State Council has the power to conclude treaties and agreements with foreign States.³Procedurally, negotiation and conclusion of international treaties with foreign States should be approved by the State Council, or submitted to it for the record. In any case where amendment or revision to domestic laws is required for a treaty purpose, the domestic legal process for ratifying or approving the treaty should be the same as the legal procedure for the relevant domestic legislation"

"Under Article 8 of the Legislation Law, matters relating to certain important areas shall be governed exclusively by laws adopted by the NPC and the Standing Committee of the NPC. Such matters include, among others: national sovereignty; criminal offences and punishment; fundamental rights of citizens; expropriation of non-state assets; or matters that are related to the legal systems on civil affairs, finance, taxation, customs and trade; judicial system and arbitration. Accordingly, any treaty that affects the above mentioned matters shall be subject to the domestic legal procedure of the Standing Committee of the NPC for ratification or accession.⁵"

<http://chinesejil.oxfordjournals.org/content/8/2/299.full>

Based on that above, I'd guess that March 2013 would be the outside limit for the FIPA getting ratified in China (if they need to put it before the whole body).

Brubacher, Kelly IGRS:EX

From: Greenwood, Gail JTST:EX
Sent: Thursday, October 18, 2012 5:33 PM
To: Little, Christine JTST:EX
Cc: Haney, Donald IGRS:EX; Bubrick, Elaine JTST:EX
Subject: Canada China Foreign Investment Promotion and Protection Agreement

Importance: High

Here is an IN for MPB:



IN Canada China
FIPPA.docx

Here is the BC News Release:

Canada-China agreement good for B.C.

<http://www.newsroom.gov.bc.ca/2012/09/canada-china-agreement-good-for-bc.html>

Economy Monday, September 10, 2012 7:30 AM



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MINISTRY OF JOBS, TOURISM AND SKILLS TRAINING
AND MINISTER RESPONSIBLE FOR LABOUR
INFORMATION NOTE

Cliff #:

Date: October 18, 2012

PREPARED FOR: Honourable Pat Bell, Minister

ISSUE: Canada-China Foreign Investment Promotion and Protection Agreement

BACKGROUND: The Canada-China Foreign Investment Promotion and Protection Agreement (FIPA) was signed on September, 2012 during Prime Minister Harper's participation at the Asia-Pacific Economic Co-operation (APEC) summit. It will be ratified once Canada and China complete their respective ratification processes.

DISCUSSION: Elizabeth May, and the Green Party is a vocal opponent of the FIPA and has written to the Premier. A professor of Osgoode Hall Law School, Gus Van Harten published an article against the FIPA and wrote to the Premier stating his concerns. Various media have become involved restating the concerns.

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The FIPA permits either country to take measures necessary to protect human and animal health or plant life, as well as allowing measures taken for prudential reasons to maintain the safety, soundness, integrity or financial responsibility of financial institutions.

If a dispute arises, the FIPA contains direct access for investors to an effective, impartial dispute resolution system through international arbitration.

Prepared by: Gail Greenwood, Director Trade Policy
Telephone: (250) 387-7575

Reviewed by				
Dir:	ED:	ADM:	DM:	MIN:

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE Ministry: Environment Date: October 17, 2012 Minister Responsible: Terry Lake	Canada-China Foreign Investment Promotion and Protection Act
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ADVICE AND RECOMMENDED RESPONSE:

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KEY FACTS REGARDING THE ISSUE:

- Multiple media reports from September 27 – October 12, 2012 (Toronto Star, The Globe and Mail, Vancouver Sun, The Vancouver Observer, The Tyee) have been quoting Gus Van Harten, a professor of international law from Osgoode Hall at York University, who is warning that a new Canada-China investment treaty will make it easier to build the Northern Gateway Pipeline and open up the BC government to lawsuits from Chinese investors if the pipeline isn't built.
- According to media, the deal would give Sinopec (a large Chinese backer of NGP) the right to sue the BC government if it blocks the project. It also has similar implications for China National Offshore Oil Corporation's (CNOOC) proposed buy-out of oil and gas producer Nexen, if the FIPPA goes through.
- The treaty will proceed through both Canada and China's respective ratification processes in order to be brought into force. In Canada, the FIPPA will be tabled in the House of Commons for 21 sitting-days pursuant to the Government's treaty tabling policy. It will come into force on October 31, 2012 once the Order in Council has been approved by the Governor General and the ratification process in the People's Republic of China has been completed, and both Parties have submitted notice of the conclusion of their respective ratification processes.

- The agreement will last 31 years and is described as the most significant trade deal since NAFTA. The deal is set for automatic approval. No vote or debate will take place in the House.
- The deal falls under the Federal Government and does not require provincial consent. The final deal was signed on September 9th, 2012.
- Elizabeth May and the Green Party is a vocal opponent of the FIPPA. She requested a meeting with the Premier and has spoken with Minister Pat Bell. See: <http://www2.canada.com/oceansidestar/story.html?id=93f2a4e1-5b21-4004-9377-a3b7ba472bf8>

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- The law professor quoted in the articles, Gus Van Harten, states that the treaty will *"pre-empt important elements of the debate on the Northern Gateway Pipeline and may frustrate in a very significant way the ability of the current BC government or any future government from stopping that pipeline or bargaining a better deal for BC."*
- Van Harten goes on to say that *"if this treaty comes into effect, and there's any Chinese ownership whatsoever in assets related to this pipeline—then Canada will be exposed to lawsuits under this treaty, because the BC government will be discriminating against a Chinese investor, which is prohibited by the treaty."* In addition the deal *"allows Chinese companies to sue Canada outside of Canadian courts."*

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analysis of the treaty suggests

S 13, S16

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Van Harten's

"Under the

treaty, a Chinese company can demand 'treatment no less favourable than that given to Canadian firms (Article 6 of the treaty) or to investors from third countries (Article 5). A Chinese investor could claim that the denial of B.C. permits was not 'fair and equitable' treatment (Article 4) if it could point to general approvals given by Ottawa. Notoriously, many arbitrators have expanded this right significantly by requiring governments to meet 'legitimate expectations' of investors, broadly construed, and to maintain a 'stable regulatory framework' over the entire life of a project. Democratic choice and provincial jurisdiction are not a defence. This highlights the treaty's constitutional significance for Canada."

Communications

Brian Cotton

Contact:

Program Area Contact:

Anthony Danks

File Created:

October 17, 2012

File Updated:

Brubacher, Kelly IGRS:EX

From: Greenwood, Gail JTST:EX
Sent: Thursday, October 18, 2012 4:36 PM
To: Haney, Donald IGRS:EX
Subject: IN_BC-China treaty (2)



IN_BC-China
treaty (2).docx

Brubacher, Kelly IGRS:EX

From: Gervais, Monica JTST:EX
Sent: Thursday, October 11, 2012 1:52 PM
To: Quiring, Janel JTST:EX
Cc: Haney, Donald IGRS:EX
Subject: China FIPA News Release

Canada-China agreement good for B.C.

<http://www.newsroom.gov.bc.ca/2012/09/canada-china-agreement-good-for-bc.html>

Economy Monday, September 10, 2012 7:30 AM

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Ministry of Jobs, Tourism and Skills Training
250 356-8177

Brubacher, Kelly IGRS:EX

From: Quiring, Janel JTST:EX
Sent: Thursday, October 11, 2012 1:44 PM
To: Haney, Donald IGRS:EX
Subject: FW: Canada-China FIPA Signed
Attachments: 2012-09-07 Canada-China FIPA Extended TP brief.docx

From: Vernon.MacKay@international.gc.ca [<mailto:Vernon.MacKay@international.gc.ca>]
Sent: Monday, September 10, 2012 11:57 AM
To: Vernon.MacKay@international.gc.ca; alan.barber@gov.mb.ca; alexandrea_malakoe@gov.nt.ca; robert.donald@gov.sk.ca; Daryl.Hanak@gov.ab.ca; White, Don D JTI:EX; elaine.campbell@gov.nb.ca; morris.evangelista@ontario.ca; egertofj@gov.ns.ca; Gordon.jansen@ontario.ca; harley.trudeau@on.aibn.com; Andrew.Hashey@gov.nb.ca; Quiring, Janel JTI:EX; Jesse, Janna L JTI:EX; JudithHearn@gov.nl.ca; kbwhitnell@gov.pe.ca; Lisa.Badenhorst@gov.yk.ca; JeffLoder@gov.nl.ca; WMacKay@gov.nu.ca; mary.ballantyne@gov.ab.ca; Patrick.Muzzi@mdeie.gouv.qc.ca; jpower@gov.nl.ca; rsquires@gov.nl.ca; Musgrave, Robert JTI:EX; Natashia.Stinka@gov.sk.ca; TraceyPennell@gov.nl.ca; Veronique.Bilodeau@mdeie.gouv.qc.ca
Cc: John.oneill@international.gc.ca; Meaghan.Ursell@international.gc.ca
Subject: RE: Canada-China FIPA Signed

Colleagues,

The attached backgrounder and points may be useful in summarizing the contents of the FIPA for your senior management.

Vern

From: MacKay, Vernon -TNI
Sent: September 8, 2012 9:58 PM
To: 'Alan Barber'; alexandrea_malakoe@gov.nt.ca; 'Bob Donald'; Daryl Hanak; 'Don D. White'; 'Elaine Campbell'; 'Evangelista, Morris'; 'Frazer Egerton'; 'Gordon Jansen'; 'harley.trudeau@on.aibn.com'; Hashey, Andrew (IGA/MAI); 'Janel Quiring'; Janna Jesse (Janna.Jesse@gov.bc.ca); 'Judith Hearn'; kbwhitnell@gov.pe.ca; 'Lisa.Badenhorst@gov.yk.ca'; Loder, Jeff; MacKay, William; 'Mary Ballantyne'; 'Patrick Muzzi'; 'Power, Jacqueline'; 'Richard Squires'; 'Robert Musgrave'; Stinka, Natasha EC; 'Tracey Pennell'; Veronique.Bilodeau@mdeie.gouv.qc.ca
Cc: O'Neill, John -TNI; Ursell, Meaghan -TNI
Subject: Canada-China FIPA Signed

Colleagues,

This is to let you know that the Canada-China FIPA was signed at the APEC Leaders Summit in Vladivostok, Russia, September 9 (evening of the 8th in Ottawa). The English and French versions of the treaty are attached. We request that you treat the treaties as confidential since we have not yet made them public. There are still a few steps to be taken before the FIPA comes into force. It must be tabled in the Parliament of Canada for a period of 21 days, after which it will require an Order-in-Council for ratification. Once ratified, Canada will notify China that it has completed its ratification procedures. China must also complete its ratification process. The FIPA will come into force on the date that both Parties have provided their notification of ratification. At this point it is a little early to speculate on when that date may be.

Don't hesitate to contact me if you have any questions, and of course I will see you at C-Trade next week.

Regards,

Vern

