



Government of Canada
Permanent Mission of Canada
to the United Nations and the
Conference on Disarmament

Gouvernement du Canada
Mission permanente du Canada
auprès des Nations Unies et de
la Conférence du désarmement

Note No.: GENEV-6237

Reference: Canada's response to OL CAN 1/2019

The Permanent Mission of Canada to the Office of the United Nations at Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to refer to the joint letter OL CAN 1/2019 dated 8 March 2019. The Permanent Mission of Canada further has the honour to submit Canada's response.

The submission consists of one document.

The Permanent Mission of Canada to the Office of the United Nations at Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 31 January 2020.

[Handwritten signature]

RESPONSE OF CANADA TO THE JOINT COMMUNICATION FROM SPECIAL PROCEDURES OF THE HUMAN RIGHTS COUNCIL

1. Thank you for your Communication dated 8 March 2019, regarding the ongoing work of Working Group III of the United Nations Commission on International Trade Law (UNCITRAL) on possible reform of investor-state dispute settlement (ISDS).
2. The Government of Canada welcomes the opportunity to respond to this Communication.
3. Canada takes very seriously its international human rights obligations and is committed to maintaining a constructive dialogue with UN mechanisms, including the Special Procedures, which are a vital aspect of a strong and effective international human rights system. Canada thus engages with the Special Procedures in good faith, and provides the following information in response to the Communication.
4. Canada shares the consensus view of the UNCITRAL Working Group that multilateral reform of the current ISDS system is desirable and should be pursued. We are therefore actively participating in the discussions on the matter. We welcome the engagement of a wide range of Member States and stakeholders in the process and we are actively working to develop recommendations for reform within the parameters of the Working Group's mandate, which focuses on the procedural aspects of dispute settlement rather than on the substantive provisions¹.
5. In addition to our multilateral engagement on these issues, Canada is also actively pursuing a domestic review of our Foreign Investment Promotion and Protection Agreement (FIPA) model text at the moment, which takes into account many of the considerations raised in your letter. The model is being developed with a view to reflecting and responding to the interests of Canadians. Canada looks forward to continued engagement and feedback from stakeholders and interested parties on the issue of ISDS.

¹ See, for example, A/CN.9/WG.III/WP.149 (para. 18) and A/CN.9/930, (para. 20).