

ANNEX B

DEFINITION OF TERMS

1. With respect to Articles 3 (a)(v) and 3(b)(iv), the phrase 'routine medical and dental care' in Article 3(a)(v) means the care which is normally available to Canadian Forces personnel through Canadian Forces Medical Services (CFMS) or Canadian Forces Dental Services (CFDS) facilities in contradistinction to care obtained through sources other than CFMS and CFDS facilities, or sought independently. Care provided within CFMS and CFDS facilities is free of charge. The cost of care obtained through sources other than CFMS or CFDS facilities or sought independently will normally be borne by the home country. (Members of the Canadian Forces are subject to the same regimen.)

The scope of dental care for foreign trainees is governed by the duration of their stay in Canada, i.e., restricted dental treatment is provided for trainees who will be in Canada under six months and comprehensive dental treatment if the period will be in excess of six months. Restricted dental treatment means that service required in an emergency for the relief of pain and acute infection, or simple repair of broken dentures, but not including replacement or addition of component parts. Comprehensive dental treatment means that service required to establish and maintain a reasonable degree of masticatory efficiency and freedom from pain.

2. With respect to Article 11 the phrase 'official duties' means under the control and direction of the Canadian Forces. A trainee en route to and from training courses would probably not be considered to be engaged in the performance of his official duties since he would not at that time be under the direction and control of the Canadian Forces. Article 19 of the *Visiting Forces Act RSC 1970, Chap. V-6* provides:

"19. (1) Where a question that cannot be settled by negotiation between the parties arises under this Part as to whether

- (a) a member of a visiting forces was acting within the scope of his duties or employment, or
- (b) a matter in respect of which judgment was given against a member of a visiting forces arose while he was acting within the scope of his duties or employment,

the question shall be submitted to an arbitrator appointed in accordance with subsection (2), and for the purposes of this Part the decision of the arbitrator is final and conclusive.

(2) An arbitrator shall be appointed for the purposes of this section by agreement between the designated state concerned and Canada from among the nationals of Canada who hold or have held high judicial office, and if the designated state and Canada are unable, within two months, to agree upon the arbitrator, either the designated state or Canada may request any person in an agreement with the designated state or acceptable to the designated state and Canada to appoint the arbitrator from among the nationals of Canada who have held high judicial office." (Ghana was proclaimed a 'designated state' for the purpose of the *Visiting Forces Act* by Proclamation SOR/69-610).

3. With respect to Article 13 of the Agreement, the Canadian Government cannot accept responsibility for the civil claims of Ghanaian trainees. (The Canadian Government does not assume responsibility for pursuing or paying the civil claims of members of the Canadian Forces who are expected to institute their own legal proceedings.) In practice, members of the Judge Advocate General's Branch of the Canadian Department of National Defence would probably be available to counsel Ghanaian trainees regarding their rights under Canadian law.