

As a second stage, the Government of Canada, through appropriate publicity,<sup>4</sup> invites Canadian nationals to submit details of their claims against the foreign government, and upon their receipt these applications are scrutinized by the Department of External Affairs to determine their appropriateness for negotiations. In the third stage, Canadian representatives enter into detailed discussion of the claims with the foreign representatives. As a fourth step the two governments then arrive at an agreement as to the quantum of the claims to be recognized, and the manner and form of payment. Finally, Canada will no doubt find it necessary to establish a foreign claims commission vested with the responsibility of determining the entitlement of Canadians to share in the lump sum settlement.<sup>5</sup>

What then is the current standing in the national play-offs? Yugoslavia, to its credit, has discharged its obligations to Canadians arising from pre-1948 nationalization decrees. In this case Canada has been the beneficiary of good fortune rather than of skilful play on her part, since she rode in on the coat-tails of the 1948 agreement between Yugoslavia and the United Kingdom, which was extended to include Commonwealth countries including Canada.<sup>6</sup> With Hungary and Bulgaria we are at stage three, having achieved agreement in principle,<sup>7</sup> determined for our own purposes the litigable claims, and are now in the process of bargaining over these claims with the respective governments. With Poland we are just completing stage two, having publicly requested Canadians having claims against Poland to file their claims with External Affairs by May 1, 1966.<sup>8</sup> In the case of Roumania we are still in stage one, endeavouring to negotiate agreement in principle. In the case of Czechoslovakia and the U.S.S.R. we have not yet gained their acquiescence even to discuss the question of an agreement, or they are not even at stage one.

Three other countries which have followed domestic policies similar to those in Eastern Europe are in an analogous but distinguishable position. These are Cuba, Indonesia and the United Arab Republic. In all three cases, representations on specific cases have drawn some favourable response and recognition of Canadian rights. Perhaps the most accurate description of our position vis-à-vis these three is that from a factual standpoint we have not yet determined the approximate dimensions of problems faced by Canadians in those countries. That, of course, does not rule out the possibility of our presenting a body of claims and a request for negotiations to any or all of the three.

Progress in all of these negotiations has not been meteoric, and we have encountered particular difficulty in making ground with countries like Hungary and Bulgaria with whom we are at stage three. By far the greatest difficulty in these two instances has arisen in disputes as to the applicable legal principles, and in carrying them out in particular cases. A number of legal issues which have arisen in the Hungarian negotiations may be referred to by way of illustration.

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<sup>4</sup> Cf. re Poland, *Department of External Affairs Press Release* No. 54, Ottawa, September 1, 1965: "Notice concerning claims of Canadian citizens against Poland."

<sup>5</sup> Cf. Canadian War Claims Commission established to adjudicate on distribution to Canadian war claimants pursuant to Appropriation Act No. 4, 1952, Vote No. 696, *1952 Statutes of Canada c. 55; Statutory Orders and Regulations Consolidation 1955*, Vol. I, p. 134 (P.C. 1954-1809), amended *SOR 1955*, p. 1477, *SOR 1956*, p. 464, *SOR 1958*, p. 1250.

<sup>6</sup> *1948 Canada Treaty Series* No. 29.

<sup>7</sup> Exchange of Notes with Hungary tabled in the House of Commons on June 11, 1964.

<sup>8</sup> See note 2, *supra*.