

14- Espousal and Settlement of Claims

By the middle of the 1960's most Eastern European states had sufficient interest in improving their political, economic and other relations with Canada to enable the Canadian authorities to begin the process of settling long outstanding claims of Canadian citizens. Thus it became feasible to launch claims programmes with Bulgaria, Hungary, Poland, Romania and Czechoslovakia. By their nature, claims programmes are lengthy operations. They involve first the soliciting of the claims or prospective claims from the public at large, the processing of them by lawyers knowledgeable in the standards set by international law and practice for such claims, and then correspondence with the claimants seeking further details on such points as evidence of ownership, of loss, and of valuation. Only when this process is complete, or reasonably so, can the claims be submitted to the other government which, in its turn, must be given a reasonable period to check its records and establish its view on ownership, loss and valuation.

In due course, usually six months to one year after the submission of the claims, negotiations get under way between the authorities of the two sides. In the case of Canada, the delegation is usually composed of the Canadian Ambassador accredited to the state concerned, the Head of the Legal Advisory Division and the desk officer in the Section for the state concerned. The delegation on the other side is usually headed by a senior official of the Ministry of Finance or the equivalent of the Prime Minister's office. One or more such officials is normally a lawyer, while others are experts in the nationalization measures of their state.