

# APPENDIX L

## SAMPLE NOTES FOR GUIDANCE IN THE PREPARATION OF STATEMENTS OF CLAIMS AGAINST A FOREIGN STATE

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1. Categories of Claims
  - A. Loss of Life
  - B. Debts
  - C. Nationalization Claims
  - D. Other Claims
  
2. Nationality Requirements
  - A. Only the claims of persons who meet the following nationality requirements may be considered by the Department of External Affairs for the purposes of the forthcoming negotiations with ...;
    - 1) companies incorporated under the laws of Canada or of any of the provinces of Canada.
    - 2) individuals who are Canadian citizens at the present time and who are able to establish *either*
      - a) that they were Canadian citizens on the date on which their property, debt or interests were nationalized or otherwise taken by the foreign state.
      - or b) that although they were not Canadian citizens on the date of their loss they have a valid claim to compensation under a Treaty with the foreign state.
  
  - B. The above nationality requirements are based on well-established rules of international law and practice whereby the Canadian Government is precluded from espousing the claim of a person who was not a Canadian citizen at the time of his loss, even though he might subsequently acquire Canadian citizenship, unless his claim is founded on specific treaty provisions.