CANADA

# STATEMENTS AND SPEECHES

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No. 66/35 CANADA'S RECENT EXPERIENCE IN INTERNATIONAL CLAIMS

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Two entirely disconnected situations presently before the Government of Canada offer an opportunity to illustrate Canada's current approach to the question of international claims, both as a claimant and as a respondent. These are: the current efforts to obtain payment from certain Eastern European countries of the claims of Canadian citizens for nationalized property; and arrangements with the United States for the arbitration of claims of American citizens arising out of the Gut Dam controversy. In the former, Canada is the plaintiff, while in the latter she is the respondent. Both questions provide illustration of the Canadian attitude to international disputes and the applicable principles of law.

Perhaps the most useful starting point is from a familiar text, which if not of Biblical origin is at least from the Permanent Court of International Justice, and has found widespread support as a declaration of principle. In its decision on the Mavrommatis Palestine Concessions, the Court remarked:

> It is an elementary principle of international law that a State is entitled to protect its subjects, when injured by acts contrary to international law committed by another State, from whom they have been unable to obtain satisfaction through the ordinary channels. By taking up the case of one of its subjects and by resorting to diplomatic action or international judicial proceedings on his behalf, a State is in reality asserting its own rights -- its right to ensure, in the person of its subjects, respect for the rules of international law.[1]

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[1] *Permanent Court of International Justice*, Series A, No. 2, p. 12 (1924).