

Informal Assistance

Short of formal espousal of a claim, the Canadian Government is prepared, depending on the circumstances, to authorize Canadian missions abroad to lend their informal good offices to assist Canadians in a wide variety of situations. The exercise of good offices may take many forms, including, for example, an enquiry by the Canadian consulate in the locality as to the present status of a dispute, a request for a review of an administrative decision, or a request for information as to the regulations or procedures which a Canadian should follow in order to press his own claim under local laws.

In each case any services rendered by the Department or by the Canadian mission abroad will be closely tailored to respond to the problem at hand. In each case the decision of the Canadian Government as to whether it could or should intervene under one or more of the four headings outlined above, either formally or informally, can only be taken on the basis of a full understanding of all relevant facts and circumstances surrounding the complaint. It is, accordingly, important that any requests to the Department for assistance should be accompanied by statements of claim which leave the Department in no doubt as to the nature of the problem and of the efforts already made by the claimant on his own behalf to overcome that problem. Officials on the staff of the Claims Section, currently consisting of eight lawyers, are glad to discuss with claimants or their representatives any aspect of the preparation of statements of claim or the possibilities of effective assistance by the Canadian Government. It is often in the claimant's interest to consult the staff of the Claims Section on an informal basis at an early stage in order to obtain advice as to his position under the relevant rules of international law and practice. It should be noted that there is no rule of international law which obliges states to protect their nationals. The Canadian Government retains full discretion as to whether or how in a given situation it will seek to assist in the protection of Canadian interests abroad.

As an example of detailed guidance issued to Canadian claimants by the Department, preparatory to negotiations with a particular country, the text follows of the notice on Polish claims dated September 1, 1965:

Notice Concerning Claims of Canadian Citizens against Poland

The Canadian Government and the Polish Government have agreed to begin negotiations at an early date with a view to a settlement of claims of Canadian citizens outstanding against Poland. The Department of External Affairs is currently engaged in examining the information available on such claims, preparatory to negotiations.

2. Canadians who qualify in accordance with paragraph 7 below and who have property and financial claims against Poland should therefore submit the details