

Within the last year officials of the Department's Legal Bureau held discussions with officials of both the People's Republic of China and the Government of Cuba with respect to private Canadian claims against those Governments. The discussions with the Cuban officials ended in an agreement ad referendum that is expected to be signed by representatives of both Governments by the end of 1980. Claims against Cuba, while arising out of post-revolutionary measures similar to those taken by Eastern European countries, are in some ways different in that the majority of claimants are natural-born Canadian citizens or Canadian corporations who, in various ways, exported capital to Cuba. In the case of Eastern Europe, most claims involve Canadian citizens who emigrated to Canada and who lost property left behind in their respective countries of origin. If, as is expected, Canadian private claims against Cuba are referred to the Foreign Claims Commission for consideration after the agreement is signed, the regulations governing the work of the Commission may have to deal with the question of corporate claims and to devise mechanisms to relate the principle of diplomatic protection of nationals to claims of artificial entities that are creations of Canadian domestic law but are owned in part by foreign nationals.

The Government of Canada has claims of its own against foreign states. One example of current importance is a claim against Syria arising from the loss of lives of servicemen killed while passengers in a Canadian Government aircraft on official UN peacekeeping duties that was shot down over Syrian territory in 1974. This claim was preferred against Syria through the office of the Secretary General of the United Nations.

Another claim of the Government of Canada of current importance is that arising from the destruction, over Canadian territory, of the Soviet satellite, Cosmos 954. Negotiations were held with representatives of the USSR in February and again in June of 1980. These discussions focussed both on the basis of the claim for damages in international law and on the elements and the quantum of the damages listed in Canada's statement of claim. In the event the claim cannot be resolved through negotiations, the 1972 Convention on International Liability for Damage caused by Space Objects provides that parties shall establish a Claims Commission.