

INTERNATIONAL CLAIMS

Claims of the Government and citizens of Canada against other states continue to engage the attention and efforts of the Department of External Affairs. Although the volume of individual claims dealt with by the Economic Law and Treaty Division has been reduced since claims agreements were signed with a number of Eastern European states in the nineteen-seventies, the outstanding claims constitute a significant aspect of the Division's work.

The claims section of the Division maintains liaison with the Foreign Claims Commission, the body established to review individual claims against states with which Canada has signed claims agreements and to make recommendations to Ministers with respect to the eligibility of individual claimants for compensation for the Foreign Claims Fund. The Commission completed its consideration of Hungarian and Romanian claims a few years ago and, in the past year, completed virtually all of the substantive work on the Polish and Czechoslovakian claims programmes.

For the first time since the establishment of the Commission one of its decisions was appealed to the Federal Court of Appeal. A claimant against Czechoslovakia applied under S.28 of the Federal Court Act for a judicial review of the Commission's decision in her case. The Federal Court of Appeal concluded, in judgement rendered on June 24, 1980 and as yet unreported, that the Commission had not erred in law by deciding that the Foreign Claims (Czechoslovakia) Settlement Regulations (SOR/73-681 November 7, 1973) should be construed in light of the international legal principle of dominant nationality.

Most of the work of the claims section involves outstanding claims against other states with the ultimate goal of regulating and extinguishing them by agreement. The German Democratic Republic has agreed to investigate claims referred to it by the claims section. Information has been collected with respect to the types of loss experienced by Canadian citizens as a result of GDR measures of expropriation and confiscation. It is expected that inter-governmental negotiations will ensue after the GDR has had an opportunity to investigate the individual claims.

The Government of Yugoslavia has reviewed many of the individual claims referred to it for verification and it is expected that negotiations concerning the outstanding claims will be held in 1980.