constitutional law. To begin with, there was the position of the federal government and the provincial governments before the Canadian courts: over the past 30 years and more, the principle of Crown immunity has changed considerably, and as a rule these governments are now accountable before the courts. This development supports the view that foreign states should be liable to prosecution in the Canadian courts, at least in so far as their commercial activities are concerned. A second factor cited in Canada and abroad in favour of limiting the immunity of foreign states is the considerable increase in the commercial activities of states in recent years. As they have become involved in all kinds of commercial activities, it has become increasingly difficult to justify the concept of absolute immunity.

The Act stipulates that the rule of immunity shall have effect even when the foreign state has failed to take any steps in the proceedings. However, it also specifies the cases where immunity does not apply, in the form of specific exceptions to the general rule of immunity from jurisdiction.

In regard to the execution of judgments, the Act states that properties used or intended for use in a commercial activity are not immune from attachment and execution, whether or not they are the subject of the case, except in certain specific instances. However, the property of a foreign central bank that is not used or intended for use in a commercial activity is immune from attachment and execution.

Certain constraining measures may not be taken against a state without its written consent. The Act also codifies the procedures relating, among other things, to service on a foreign state.