

Legal Assistance to Canadians

Settlement of claims

The Claims Section of the Bureau of Legal Affairs is generally involved in the area of international law relating to the claims of Canadians against other states. In 1975, the Department provided assistance and advice on numerous individual, corporate and Government claims arising in various countries. The following are some examples:

Early in 1975, the Government of Canada received compensation for its claim arising out of the costs incurred in cleaning up an area on the West Coast polluted by an oil-spill that occurred in 1972 at the Cherry Point Refinery of the Atlantic Richfield Company in the U.S.

Late in the year, the Department obtained compensation from the United Nations for dependents of the members of the Canadian Forces who were killed in the crash, on August 9, 1974, of a Canadian *Buffalo* aircraft, which was in service with the UN in Syria. The Department also received from the UN a first instalment of \$1.5 million in compensation for the value of the plane.

Under the Canada-Cuba claims program, a second round of negotiations took place in Havana in March 1975. The purpose of the meetings was to review the substance of each Canadian claim against Cuba and to determine which of them appeared to be well-founded. The actual amount of compensation and the timing of a future claims agreement will be the subject of discussions at the next round of negotiations, the date of which has not yet been set.

A number of programs were initiated during the year. On the establishment of diplomatic relations with the German Democratic Republic in August 1975, it was agreed that the question of Canadian claims in respect of nationalized or confiscated property would be the subject of future negotiations. In October, the Government established a claims program with the People's Republic of China by presenting to that country 20 claims — all that had been brought to the attention of the Department. Canada also made representations to the Governments of Cyprus and Turkey, and was in touch with the Turkish Cypriot authorities, to request that all necessary steps be taken to ensure that Canadian citizens whose properties on Cyprus were damaged or looted as a result of the Turkish invasion received adequate compensation for damages and were permitted to regain control of their properties.

By the end of the year, it became apparent that foreigners were having little difficulty reoccupying their properties in most areas of Cyprus.

A number of other programs drew near to completion. The Foreign Claims Commission substantially completed its study of claims applications covered by the claims-settlement agreements negotiated by the Department and signed by Hungary and Romania in June 1970 and July 1971 respectively, thereby bringing these two claims programs near to conclusion. Recommendations have been made to the responsible ministers in almost all cases. The Commission also continued its study of claims relating to the Polish and Czechoslovak claims programs.

Private international law

In dealing with private international law the Bureau of Legal Affairs is responsible for legal proceedings between Canada and foreign countries, either on the basis of conventions or by arranged procedures. Private lawyers in Canada generate a large volume of requests for the serving of legal documents such as divorce petitions and writs of summons on persons residing abroad, in cases where civil suits have been started in Canada. Evidence must often be obtained from witnesses abroad, either by private arrangements or by requests for rogatory commissions when the co-operation of foreign courts is required. The Bureau also assists in the serving of foreign legal documents and arranging rogatory commissions in Canada, and it authenticates signatures on Canadian documents required for use abroad.

With the increasing mobility of individuals, it is inevitable that questions of social security, enforcement of maintenance orders and judgments and other related issues should become the subject of international consultation. Most of these subjects falling within areas of provincial jurisdiction, considerable liaison between the Department and provincial attorney-general departments is required to establish and administer the necessary reciprocal arrangements.

Another area where co-operation between states is needed is the enforcement of criminal law. To facilitate extradition of persons to and from Canada and of fugitive offenders in Commonwealth countries, the Department is in contact with police forces at all levels and with