

- (b) he has suffered a denial of justice — an injury, damage or loss that may be attributed to an act or omission of the foreign state in violation of international standards of justice;
- (c) he has exhausted all local remedies which might be available to him under the foreign jurisdiction, without obtaining satisfaction.

In the face of difficulties involving his property abroad, the Canadian owner must first attempt to extricate himself or obtain satisfaction by pursuing the legal remedies and appeal procedures which may be available to him under the laws of the foreign jurisdiction. The mere fact that a tardy debtor has removed himself from Canada and taken up residence in Ruritania would not provide grounds for intervention by the Canadian Government or by the Canadian Embassy in Ruritania. The Canadian creditor must seek advice from a lawyer practicing in the foreign locality as to how he may assert and establish his rights. The names and addresses of foreign lawyers practising in various parts of the world are available in international legal directories to be found in the libraries of most lawyers in Canada. Sometimes, however, it is difficult to obtain the names of lawyers in countries such as, for example, Poland, where the legal profession is organized by the state into legal co-operatives. The Department of External Affairs will try to supply, upon request, names and addresses of lawyers in such countries (subject to the understanding that the Canadian Government can assume no responsibility for the competence or reliability of the services of any lawyers who might be named).

#### **How to Make a Claim**

If, after exhausting local recourses, the Canadian concerned considers that the has been subject to a denial of justice and wishes to turn to his Government for assistance, the first step is to present to the Claims Section of the Department of External Affairs in Ottawa a statement of the particulars of the claim. The request for assistance, with accompanying statement of particulars, should in general be addressed to this Department in Ottawa, rather than to the Canadian diplomatic mission in the foreign country, which will normally look to the Department in Ottawa for instructions as to whether or how the question should be taken up with the government to which it is accredited. Such statements should set out as clearly as possible all the relevant circumstances of the complaint, together with all relevant documentation — for example, copies of correspondence with lawyers or government officials in the foreign country. Ill-prepared statements and lack of supporting documentation can result in delays arising out of the need for further correspondence between the Department and the claimant. The Department makes available, upon request, a standard questionnaire, entitled "Registration of Claims of Canadian Citizens Against Foreign Countries", outlining the basic information which the Department would wish to consider in determining whether or how it could be of any effective assistance.

In cases where the Canadian Government is launched on negotiations with a