

# *International Claims*

It is an elementary principle of international law that a State is entitled to protect its subjects, when injured by acts contrary to international law committed by another State, from whom they have been unable to obtain satisfaction through the ordinary channels. (*Permanent Court of International Justice, Mavrommatis Concessions Case, 1924.*)

In recent months, the Department of External Affairs has issued a number of public announcements concerning negotiations with Eastern European countries towards a settlement of nationalization claims of Canadian citizens. In response to these announcements, over 3,000 Canadians have to date submitted to the Department details of the losses they have incurred as a result of nationalization and land-reform measures taken by Eastern European countries in the post-war period. These losses are estimated to run into millions of dollars. The Canadian Government has embarked upon negotiations with three of the countries concerned — Hungary, Bulgaria and Poland — and further efforts are being made to achieve some progress towards an equitable settlement of Canadian claims outstanding against Roumania and Czechoslovakia. In light of these developments, it may be useful to outline in general terms the practice of the Department of External Affairs in its role of assisting in the protection of Canadian property and interests abroad. What can the Canadian Government do on behalf of the Canadian who has lost property abroad and what should the aggrieved Canadian do to bring his claim to the attention of the Canadian Government?

## **Conditions of Government Intervention**

The difficulties and losses which a Canadian might experience under a foreign jurisdiction are, of course, legion. He might have his property nationalized in Bulgaria, intervened in Indonesia, blocked in Egypt, sequestered in Cuba, or taxed in Venezuela. Canadian property abroad might be subject to an infinite variety of governmental measures, many of which could not be considered objectionable by international standards. The Canadian Government cannot be of assistance in all circumstances where the Canadian believes that his property or interests have not been accorded the respect which he considers due to them. Under international law certain pre-conditions, which flow from the dictum of the World Court cited above, must be established before the Canadian Government can properly intervene on behalf of Canadian citizens. These prerequisites to the exercise of diplomatic protection may be described in the following terms. It must normally be established that:

- (a) the claimant is and has been a Canadian citizen at the relevant times (normally from the time of loss continuously through to the time of presentation of the claim);