

Introduction

In the preambles to the Vienna Conventions on Diplomatic and on Consular Relations, the States Parties to the Conventions acknowledged that the purpose of privileges and immunities is not to benefit individuals, but to ensure the efficient performance of the functions of diplomatic and consular missions.

The individual enjoying the specially privileged status and treatment for which the Conventions provided is therefore under a special obligation to observe discretion in the exercise of his/her privileges and in reliance upon his/her immunities particularly in dealings with nonprivileged persons, with whom disputes may from time to time arise which cannot be resolved by reference to a court of law in the ordinary way.

The Department of External Affairs is ready at all times to assist and advise missions in matters of this kind and to lend its good offices in the solution of any difficulties arising. It would greatly appreciate the co-operation of missions in making its view of the nature of diplomatic and consular privileges and immunities widely known by the staffs concerned.

The law of Canada on diplomatic and consular privileges and immunities is contained mainly in the Diplomatic and Consular Privileges and Immunities Act Statutes of Canada 1976-77, Chapter 31 the text of which has been sent to Missions under cover of Note PPR-1239 of July 6, 1978. The Act gives the force of law to the certain provisions of the Vienna Conventions on Diplomatic and on Consular Relations, which are set out in Schedules I and II to the Act. The Act applies to every mission in Canada, whether or not the State represented by the mission is a party to the Convention. The Act came into force on June 29, 1977. The implementation of these provisions is the subject of a number of Orders-in-Council.

It is to be noted that all privileges granted to persons representing their countries in Canada are conditional upon full reciprocity being accorded to the officers, officials and employees of the Canadian Government in those countries. Furthermore, any privilege granted to the representative of any country in Canada may be withheld or discontinued, if it appears to the Secretary of State for External Affairs that the privileges accorded to a Canadian diplomat or consular post in any country, or to persons connected with any such post, are less than those conferred in Canada on that country's diplomatic or consular post, or on persons connected with any such post. With regard to tax privileges, it will be appreciated however that no two countries impose the same percentage of tax on the same range of goods and further that each country has its own basis on which entitled persons are afforded relief from such tax.
