

PRIVATE INTERNATIONAL LAW

The work of the Private International Law Section, as its name implies, involves matters of interaction between the domestic law of Canada, both federal and provincial, and the domestic law of foreign states. The volume of work of the Section has increased substantially during recent years, as a result of increased international travel for private and commercial purposes. There has been a marked increase in the service of legal documents originating in Canada on persons residing abroad and vice versa. Canada has civil proceedings conventions with 19 states for this purpose. However, even in the absence of a convention, the Section has often been successful in arranging for the service of documents abroad on behalf of the legal profession in Canada. In addition, the number of Commissions Rogatory for the taking of testimony in both civil and criminal matters abroad has increased. The Section assists both provincial governments and practising lawyers in this field. The Section also liaises between provincial governments and foreign governments on such matters as reciprocal enforcement of maintenance orders and foreign judgments. The demand for the authentication of signatures on legal documents required for use abroad has increased particularly with respect to the People's Republic of China, where Canadian companies are becoming commercially involved. Finally, requests for extradition and rendition of fugitive offenders to and from Canada have increased greatly, specifically between Canada and the United States of America in relation to drug offences.

In response to a growing number of requests from private groups and individuals concerned with inter-provincial and international adoption, the establishment of a National Adoption Desk and Central Registry was approved by the Conference of Welfare Ministers in Ottawa in February, 1975 and was announced by the Honourable Marc Lalonde, Minister of National Health and Welfare, at that time. The aim of the Desk is to standardize and harmonize both international and inter-provincial adoption policies and procedures. A member of the Section serves on the Committee whose role is (a) to formulate a Canadian policy and position on international adoption generally, and (b) to develop procedural standards and guidelines in connection with the Desk's operations. The nature and degree of involvement of our missions and consular officers abroad in the adoption process has been carefully outlined in accordance with international practice and accepted functions of diplomatic and consular posts abroad. The formal announcement of the Desk's inter-provincial operations took place on August 15, 1975 and it is hoped that the international side of the Desk will be in operation by November 1, 1976. It is expected that our member will continue to serve in an advisory capacity to the Desk for the foreseeable future.