

On June 29, 1977, the Royal assent was given to the Diplomatic and Consular Privileges and Immunities Act. The enactment of legislation in that field by the Canadian Government was the natural consequence of Canada's ratification, in 1966, of the Vienna Convention on Diplomatic Relations and its adhesion, in 1974, to the Vienna Convention on Consular Relations. The purpose achieved in enacting domestic legislation in that field is to give greater certainty to the law governing the status of foreign diplomatic and consular personnel who are accredited to Canada.

The Act enumerates the Articles of the two Vienna Conventions establishing or relating to specific privileges and immunities, including those which may affect the rights of private persons, as distinct from those Articles which are purely formal and which create only obligations between governments. In matters of immunity, it is important to note, at the same time, that the persons to whom these immunities are accorded are not above the law. Under international law they remain under the duty to respect the laws and regulations of Canada. This obligation is formally stated in Article 41 of the Vienna Convention on Diplomatic Relations and Article 55 of the one on Consular Relations. Failure to observe Canadian laws and regulations may lead to formal representations to the Government of the sending State and ultimately, in serious cases, to the expulsion from Canada of the person concerned.

While recognizing, at the domestic level, the privileges and immunities provided to diplomatic and consular personnel by the two Vienna Conventions, the new legislation enables the Canadian Government, when any of the provisions of the Convention are not being fully applied to Canadian representatives abroad, to apply similar restrictions to the representatives in Canada of the foreign government concerned. A provision of this kind was considered desirable to give the Canadian Government the leverage it would need to negotiate a settlement to any dispute which might arise over the application of the Convention.