

To digress a little, the 'sit in' may seem to be a recent innovation, but in fact there are records of a custom in Iran, or Persia as it was called at the time, known as bast, which existed until fairly recently. Taking bast meant taking shelter in a foreign mission as a means of asserting grievances. It was based on the principles of hospitality in that country, which precluded denial of bast, whatever inconvenience might be caused. On one occasion in 1906, no fewer than fourteen thousand merchants and others took bast at the British Legation in Teheran and remained there for over a week, as a way of asserting their demands for constitutional reforms. I can only conclude that the British Legation must have been considerably larger than anything the Treasury Board has approved for a Canadian mission abroad.

I come now to the third category of asylum which is the most relevant to Canadian concerns: Temporary Safe Haven.

This term is used to describe a special and restricted category of diplomatic asylum. Under this highly exceptional process, an embassy provides a purely temporary refuge to persons, on extreme humanitarian grounds, as in cases where they face a serious and imminent risk of violence against which the local authorities are unable to offer protection or which the authorities themselves incite or tolerate.

This is the only form of diplomatic asylum now generally recognized by international law. Even so, there is uncertainty as to the precise scope of the "extreme humanitarian grounds" which may justify the granting of this kind of asylum.

Of course, temporary safe haven should never be granted to an ordinary criminal attempting to escape from the normal processes of the law.

The head of mission is not under any duty to grant asylum or temporary refuge and all kinds of considerations may affect his decision. For example, the circumstances may seem sufficiently compelling to the head of post to receive an applicant into the diplomatic premises but not actually to grant asylum before he can report to Ottawa. In that case, if the Canadian Government declines to grant asylum the head of post may, if necessary, give permission to the local police authorities to enter the premises to remove the individual.

This so-called right of asylum or temporary refuge is, in fact, only a "right" of the representing state, through its head of post, to make such an offer. There is no right of the individual to be granted asylum or temporary refuge. Because of the ill-defined nature of this exception to the general rule, it has in practice tended to be closely circumscribed.

In the case of the 55 persons granted temporary safe haven in the Canadian embassy in Santiago, it was the forbearance of the Chilean authorities, for whatever reason, and the subsequent granting of safe conducts, which brought about a successful outcome. It was because our embassy had lines of communication with the new Chilean authorities, that the necessary arrangements for the departure of these persons were possible.

I might conclude my brief survey of these complex and difficult questions with the following thoughts: the exposure to Canadian public opinion of representatives of a country practicing policies against human dignity and freedom of conscience can, over a period of time, have an important effect on those policies.