

matter. What was the stand of the Canadian government at the NATO ministerial meeting yesterday toward the United States proposal to deploy a new nuclear missile system on the European continent because of the increasing military build-up of the U.S.S.R. in central Europe?

Senator Flynn: I have no other information than what I have read in the press. To give a very specific answer to that, I would have to take the question as notice, but I understand it meets with the approval of the Canadian government.

DIPLOMATIC AND CONSULAR PRIVILEGES AND IMMUNITIES ACT

BILL TO AMEND—SECOND READING

The Senate resumed from Tuesday, December 11, the debate on the motion of Senator Macquarrie for the second reading of Bill S-11, to amend the Diplomatic and Consular Privileges and Immunities Act.

Senator Thompson: Honourable senators, when Senator Macquarrie introduced this bill, I congratulated him on the lucid and comprehensive coverage he had given the need for it, and I want to congratulate him now on having put it in a broad framework, particularly so when we think of the outrage of an embassy in another country, and the abuse that has been inflicted upon representatives of one country attempting to have a diplomatic relationship with a host country. Of course, I am referring to the terrible situation, the deplorable situation, of the American embassy in Iran. Senator Macquarrie pointed out that civilized countries for hundreds of years have worked out a practice of a civilized approach towards the representatives of one country in another. That has worked through and evolved into a body of international law based on custom, and by the operation of common law has been incorporated into the common law of Canada—this is part of the bill, in fact—and it has been applied by Canadian courts on that basis for many years.

As Senator Macquarrie pointed out, the Charter of the United Nations assigns to the General Assembly the task of—and here I quote from the Charter—“encouraging the progressive development of international law and its codification,” and he referred to the Vienna convention as the *habeas corpus* of international law governing relations between nations, and indeed it is.

As we know, in 1961 the General Assembly called a major international conference with respect to diplomatic immunities and privileges that resulted in the 1961 Vienna convention on diplomatic relations. Again, in 1963 a similar gathering adopted the Vienna convention on consular relations. Senator Macquarrie pointed out that 129 states are now part of this convention and are signatories to it. This particularly interested me, because in 1977, when I introduced the measure to which he has now proposed this amendment, there were 117 signatories. This shows—and we are very grateful for the fact—that more countries are becoming signatories.

Honourable senators, we are all concerned with, although sometimes we are flippant about, the role of our pinstripe representatives abroad, but, from my own experience, I know that the members of the Department of External Affairs represent us very ably in other countries. I have not done quite as much travelling as my colleague Senator Macquarrie has, but certainly in my experience we have first rate people representing us.

Hon. Senators: Hear, hear.

Senator Thompson: I might add that they are courageous Canadians, and it is for us at home to provide all the protection we can through this chamber and through the House of Commons for our representatives abroad. This bill, in its essence, is designed to achieve that, because there is a tit-for-tat arrangement between signatories. In other words, if we cause embarrassment to some embassy here they may then in turn retaliate on us through our representatives in their country. That is why we are signatory to the convention and that is why we brought it into law, which law is now being amended.

● (1510)

Honourable senators, I listened carefully to Senator Macquarrie, particularly to his explanation that this amendment is necessary to deal an occurrence similar to that experienced by Australia, where a minority group cause severe embarrassment to an embassy. This was a minority of a fine group of people who had gone there from Croatia, as indeed they have come to Canada from Croatia. It was the case of a minority feeling that they might achieve certain purposes in their homeland by taking actions of an extremely embarrassing nature in the land to which they had gone, and to which so many of the majority had made fine contributions. Apparently, the minority felt that by causing embarrassment to the embassy of one particular country, Yugoslavia, whose embassy had been given recognition there, they could somehow motivate the Australian people to look favourably upon their, the minority's cause.

Indeed, I am sure their action would have had the reverse effect. I am certain the Australian people feel as we do, honourable senators, that it is wrong for any group of people, large or small, to go outside the law, and to use their disregard of the law as a means of achieving their ends. Such a group would receive little sympathy, regardless of what cause they espoused. Quite the contrary; they would be rejected even by the very people who were in favour of their cause.

Honourable senators, I took the trouble to read the debate in the *Hansard* of the Australian House of Commons. There was an interesting and lively discussion presided over by the Speaker. I noticed particularly that the sponsor of the bill in Australia was quite sensitive about it. He said that he had mixed feelings about their legislation, because he was aware that a suggestion that the right of a minority group to dissent would be limited is not in accord with the privilege of dissent enjoyed by the citizens of all Commonwealth countries. That freedom of dissent is at the root of the greatness of the countries of the Commonwealth. He felt that their bill might in some way limit that dissent, thus impairing to some degree their strength as a nation. Therefore, he had some rather