

CANADIAN TREATY PRACTICE

The Treaty Section, in the Economic Law and Treaty Division of the External Affairs Department's Bureau of Legal Affairs, provides legal advice to Departments of the Canadian Government on Canadian treaty practice and procedure, on the drafting of treaties (also called agreements, conventions and protocols), and on their interpretation with respect to the rights and obligations which they create for Canada as instruments legally binding in international law. The Section advises on Canadian requirements and international practice relating to treaties. The Section prepares all formal instruments (ratification, accession, acceptance or approval) relating to treaties to which Canada wishes to subscribe, and assembles them for tabling in Parliament by the SSEA.

Treaty Section also advises all Departments of Government on legally non-binding instruments such as memoranda of understanding or arrangements. Such arrangements or understandings are employed to cover cooperative programmes or informal engagements in a wide variety of fields and their form may be government-to-government, department-to-department or agency-to-agency.

Treaty Registry

Treaty Section maintains a detailed register of all treaties to which Canada is a signatory or party. Records are kept of the date and place of signature of a treaty, the date of tabling in Parliament or approval by Parliament and, as applicable, of ratification or accession by Canada and entry into force; a record is also kept of any Canadian reservations, related agreements on the same subject and notices of termination or withdrawal.

During the twelve month period from October 1, 1980 to September 30, 1981, Canada signed 43 treaties - 36 bilateral and 7 multilateral. During this period 46 bilateral treaties came into force. Instruments of acceptance or ratification were deposited with respect to 8 multilateral treaties and 4 multilaterals entered into force. Of particular note among bilateral treaties was the entry into force of 12 double taxation agreements. Other bilaterals signed or ratified during this period concerned economic cooperation, claims, investment insurance, social security, extradition, navigation, fisheries, telecommunications, nuclear cooperation, defence, textiles, radio and air services. Multilateral treaties that were signed or ratified include several Multilateral Trade Negotiation (MTN) Agreements, the Convention on the Civil Aspects of International Child Abduction, an Agreement with the member nations of the Association of Southeast Asian Nations (ASEAN) on economic cooperation, and the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or have Indiscriminate