

of the protocol has been deposited, the existence of this unanimously adopted amendment strengthens the existing prohibition of the use of force in international law.

### **Development of international law**

In 1984, the Sixth Committee of the UN General Assembly, which is responsible for the codification and progressive development of international law, continued to review the numerous items on its agenda, including the draft agreement on the status of mercenaries and the draft code of crimes against peace and security. The Sixth Committee also studied the annual report of the International Law Committee and, as a result of an earlier recommendation of the International Law Committee, resolved to hold a conference on treaty law between states and international organizations or between international organizations. The General Assembly decided to hold this conference in Vienna from February 18 to March 21, 1986. On November 7, 1984, the General Assembly, in conjunction with the Security Council, elected five judges to the International Court of Justice for a nine-year term, effective February 6, 1985.

On June 29, 1984, the Secretary of State for External Affairs appointed four Canadians to the Permanent Court of Arbitration (established under the Convention for the Pacific Settlement of International Disputes, 1899), which sits in The Hague. The members are appointed for a six-year term and receive no honorarium. They are selected from the four components of the Canadian legal community: judges, academics, lawyers in public service and lawyers in private practice. Any member of the Court may be called upon by the contracting states of the 1899 and 1907 Conventions for the Pacific Settlement of International Disputes to act as arbitrator in an international dispute. Collectively, the four Canadian members form the Canadian national group which, under the Statute of the International Court of Justice, is responsible for selecting candidates for election as judges of this Court.

The Department is responsible for preparing Canada's legal position on a number of issues with respect to which the law is developing. These include arms control and disarmament, trade and economic issues and questions relating to peace and security.

### **Treaty law**

During the calendar year 1984, Canada signed 40 bilateral agreements, of which 24 entered into force for Canada upon

signature and 15 by ratification or the exchange of notes. Canada also signed four multilateral agreements, of which one entered into force upon signature. Details are given in Appendices II and III.

In addition to drafting and interpreting treaties and preparing formal treaty instruments, the Department continued to maintain up-to-date records on the status of all treaties affecting Canada. International agreements governed by international law to which Canada is a signatory or party are indexed in the Canada Treaty Register. Non-binding arrangements entered into by Canada, such as memoranda of understanding, are indexed in a separate Register of Understandings and Arrangements.

### **Privileges and immunities**

The Department is responsible for the interpretation and application, in Canada and abroad, of the principles contained in international agreements on privileges and immunities affecting diplomatic missions, consular posts and international organizations.

To ensure that Canadian diplomatic and consular missions abroad and their staffs are granted the privileges and immunities provided for in the Vienna Conventions on diplomatic and consular relations, the Secretary of State for External Affairs can withdraw any or all of the privileges and immunities of a country's diplomatic or consular mission in Canada if he deems that those privileges and immunities are not reciprocated in that country. During the past year, the Department insisted on the principle of reciprocity in its diplomatic relations with foreign governments and made a considerable effort to counter the restrictions imposed by host countries on Canadian missions and staffs abroad by firmly imposing similar restrictions on the diplomatic and consular missions of those countries in Canada.

The State Immunity Act, which came into force on July 15, 1982, sanctions the principle of jurisdictional immunity for foreign states in all matters except for commercial activities and certain other cases, thereby clarifying prior legal uncertainty. Of the dozen actions brought against foreign states in Canada to date, only one has resulted in a judgment, of which the foreign state has been advised.