



# Statements and Speeches

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## CONSULAR ASSISTANCE

A Statement by the Secretary of State for External Affairs, the Honourable Mitchell Sharp, on January 23, 1974

From time to time during the past few months there have been expressions of public interest and concern regarding the nature and degree of assistance provided to Canadian citizens who find themselves in difficulties with the laws and regulations of the countries they are visiting or in which they are temporarily resident. I should like, therefore, to explain the limitations on what the Government of Canada, through its representatives abroad, can do on behalf of Canadian citizens who find themselves in such difficulties.

Assistance by foreign consular or diplomatic representatives in another country to their nationals in general is based on long-standing international custom and, more particularly, on the Vienna Conventions on Diplomatic and Consular Relations of 1961 and 1963, and on any such special bilateral agreements as may exist between the particular governments concerned. (Because the Vienna Convention on Consular Relations contains certain provisions that involve the jurisdiction of provincial governments, the Government of Canada has not yet considered itself to be in a position to become a party to that agreement. However, it is essentially declaratory of general and long-standing international law concepts and Canadian consular practice is generally in conformity with it.) Article 5 of the Vienna Convention on Consular Relations specifies the various internationally-accepted consular functions, including "protecting in the receiving State the interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits prescribed by international law". The limits prescribed by international law refer, of course, to the principle that states are sovereign entities and that the laws, customs and regulations of a particular country have no external status or authority, and thus do not apply inside foreign states. It is a long-established principle of international law and custom that under ordinary conditions a citizen of one state coming within the jurisdiction of another state may make no claim to favoured status. His basic rights are the same as those of a citizen of that country. At one time, in the nineteenth and the early twentieth centuries, certain states had imposed on them by the then imperial and colonial powers the acceptance of special consular courts to deal with foreign

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