

been arrested or are otherwise in difficulty with the local laws, they immediately seek information as to the details concerning the person concerned, the charges being laid. They request immediate consular access so as to be able to ascertain and respond to the individual's wishes regarding legal counsel, notification of next-of-kin, and other specific requests he may have. Also it can sometimes happen that the individuals in question for various reasons of their own do not want Canadian representatives to be aware of their situation and request the local authorities that they not be notified. There are, therefore, instances where we do not learn of such situations or where we learn of them only later by accident, or when the individual concerned decides, after a time, to request assistance.

When the authorities of other countries insist on the application of their laws to Canadians there is an understandable concern and sympathy on the part of other Canadians, particularly the families of the person concerned, that a fellow Canadian or a family member is in legal difficulties abroad, where there may be differences of language and custom. When local laws and procedures are more rigorous or harsh than those that apply in Canada, there can be even greater concern and possibly a feeling that an injustice is being perpetrated and that the Government and my department should "do something about it". I fully understand and sympathize with this sentiment, but unfortunately, in such situations there is usually very little other than the steps I have already outlined that the Government or my department can do, much as we might like to do more. Our dealings with other governments on these matters must be carried out within the guide-lines of international law and accepted international practice. These guide-lines restrict the official steps which our representatives abroad can take on behalf of our citizens in trouble with the law of other governments to those I have outlined above. Canada would not tolerate attempts by foreign governments to interfere in our own judicial processes on behalf of their nationals, nor would we take kindly to outraged or intemperate criticisms of our judicial practices.

Since orderly international relations are based on reciprocity, I cannot go

along with the suggestions I receive from some concerned Canadians that we take drastic action toward the government concerned and perhaps sever trade or aid relations with a country which is not treating one of our citizens in accordance with our standards or that we make our concern known through highly publicized demands and threats. I am sure that most Canadians would agree, on reflection, that such emotional response not only would not have the desired effect of relieving the immediate problem but, even if it were possible and not contrary to our bilateral or multilateral obligations, it would only exacerbate the general relations between the country concerned and Canada. It would also be detrimental to our diplomatic efforts to resolve the situation and possibly create fresh difficulties for other Canadians residing or travelling in that country. I should like to add that in replying to queries on the consular assistance being provided to a Canadian, I am not always at liberty to mention in detail the initiatives taken by our offices abroad or here in Ottawa; were I to do so, it could jeopardize the solution of a case or would not respect the wishes expressed by the Canadian concerned.

Problems of dual nationals

I would like in particular to mention that special problems can arise in connection with naturalized Canadians or, in some cases, natural-born Canadians of naturalized parents who may be regarded by the country of their birth or their parents' birth still to be citizens of those countries and therefore, even if they are thus "dual nationals", to be then subject to its laws concerning taxation, military service, etc. If they should return to a country which claims jurisdiction over them and find themselves in difficulty, then while representations can of course be made and are made by Canadian representatives on their behalf, and while in some cases these are successful, in other cases the authorities in the countries concerned decline to entertain such representations and insist on their laws being applied — an attitude which is not inconsistent with international law and practice. (Canadians who have dual nationality and who plan to visit the country of their first citizenship should make certain that they will not encounter any such problems before going

there.) This sort of problem exists in regard to the United States, where all male persons born in that country of Canadian parents, and who are therefore dual nationals, are liable under United States law to register for Universal Military Service immediately upon attaining the age of 18, whether or not they are present in that country. Where such dual United States-Canadian citizens neglect to comply with such procedure they are liable to prosecution upon re-entering the United States. The same requirements for registration at age 18 and liability to prosecution for non-compliance apply to all Canadian male children who are permanent residents of the U.S.A.

There are, of course, also other difficulties which can befall Canadians travelling or living abroad, which do not involve infractions of local laws and regulations but which are no less distressing. Deaths and illnesses occur while Canadians are abroad, they become injured, they lose money or passports or are victims of robberies. Because of international conflict or local tensions they may require urgent assistance and possibly evacuation from the area. In such cases Canadian representatives abroad are prepared to assist whenever possible, notifying next-of-kin, arranging for medical attention, providing emergency financial assistance, emergency evacuation, and so on. From time to time misunderstandings arise, or a mistake is made, but in the vast majority of cases these situations have happy endings and I receive many letters testifying to this. During the past year, our embassies and consulates abroad provided 204,600 consular services to Canadians in difficulties for one reason or another who asked for assistance; in only an exceedingly small percentage of these cases was there any complaint on the part of the person concerned or the next-of-kin. Unfortunately, as I pointed out earlier, it is these few instances which come to public attention and criticism. While I welcome such criticism if it concerns errors of omission or commission on our part, I think it is unfair if it relates to these few situations beyond our control or when it ignores the fact that such situations represent only a very small proportion of the many, many consular cases which are resolved quietly and successfully....