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LEGAL AFFAIRS

Legal Division

The Legal Division, under the direction of the Legal Adviser, who is also an Assistant Under-Secretary of State for External Affairs, provides an advisory service to other divisions of the Department as well as serving as the operational arm of the Department for a number of international legal activities. In the former capacity, it provides the Department with advice on public and private international law and on constitutional and comparative law, and maintains contact on various matters with the Department of Justice, the office of the Judge Advocate General and the legal offices of other government departments. In the latter capacity, it follows closely United Nations deliberations on legal questions, as well as topics having legal aspects. It has particular responsibility for Canada's position on subjects being discussed by the Sixth (Legal) Committee of the United Nations General Assembly, and concerns itself in a variety of ways with Canada's role with respect to the development of international law.

The Division is organized into: the Claims Section, concerned with the protection of property and interests abroad of Canadian citizens; the General Section, responsible for Law of the Sea (including territorial waters, fishing zones and the continental shelf, peaceful uses of the seabed, and diplomatic and consular privileges and immunities); the United Nations and Legal Planning Section, dealing with United Nations legal and human rights items, questions related to recognition of states and governments and assisting in the planning of Canadian policy and legal and quasi-legal questions; and the Treaty and Economic Section, which advises on treaty interpretation questions, assists in the preparation and interpretation of international agreements, assures that treaties entered into by Canada are concluded in accordance with Canada's constitutional procedures, maintains treaty records, registers treaties with the United Nations and is concerned with the legal aspects of Canada's international economic relations.

Development of International Law

The International Law Commission held its twentieth session at the United Nations Office in Geneva from May 27 to August 2, 1968. During the course of the session, the Commission adopted a provisional draft of 21 articles concerning permanent missions to international organizations. These articles, which are intended to serve as a basis for a draft convention to be concluded at a later date, were transmitted through the Secretary-General to member governments for their observations.

The first session of the United Nations Conference on the Law of Treaties took place in Vienna from March 26 to May 24, 1968. More than 100 nations, including Canada, were represented at this conference, which considered over 80 draft articles on the Law of Treaties, almost all of them prepared by the International Law Commission. The second and final session of the Conference, which will take place in Vienna from April 9 to May 21, 1969, is expected to adopt a United Nations Convention on the Law of Treaties.