

13- Sovereign, Diplomatic and Consular Immunities

Questions involving the immunities enjoyed by the representatives of states and international organizations are a matter of the responsibility of the Legal Advisory Division. The Division has the function of determining, in specific cases, the immunities which representatives of foreign states in Canada and Canadian representatives abroad are entitled under international law, either conventional or customary. In addition, the Division is an active participant in the task of ensuring that the right of states, diplomats, consular officials, and international organizations to immunity from the jurisdiction of municipal courts is preserved. In this latter regard, it is interesting to note that in the past year a procedure has been evolved concerning writs served against ICAO or ICAO officials who are entitled to immunity. Such writs are sent to the Division by the ICAO Secretariat and, when in the Division's opinion the claim to immunity is justified, the writ is forwarded to the Department of Justice which then takes the necessary action to have the writ revoked in order to fulfil Canada's obligations under international law.