

otherwise slow judicial processes; and appeals for leniency on appropriate humanitarian grounds, to the extent that local law and practice permit.

One other problem which our representatives face is knowing about a Canadian who is being detained by local authorities. Often, of course, Canadians so detained can inform our embassies or consulates of their arrest. However, foreign governments are under no obligation to inform our representatives when a Canadian is in custody, unless the person detained so requests. Nonetheless, most foreign governments do notify our representatives when a Canadian is in custody.

One of the most important generally recognized rights is that of consular access. This is the right of our representatives to visit the person concerned so that they can ascertain and respond to his wishes regarding legal counsel, notification of next-of-kin, and other specific requests he may have. In rendering assistance, my officials, rather like doctors or lawyers, endeavour to respect confidences.

Of course, some individuals for various reasons of their own, do not want Canadian representatives, or their own relatives, to be aware of their situation. In such instances, we learn about the event only later, and perhaps even by accident, or when on reflection, the Canadian confined decides to request assistance after all.

I quite understand the sympathy expressed by Canadians when a fellow Canadian, or perhaps a family member, is in legal difficulties abroad. When local laws and procedures are more rigorous or harsh than those that apply in Canada, there can be even greater concern, and a feeling that an injustice is being perpetrated. This moves them to call upon the Government and especially my Department to "do something about it".

But as I have suggested earlier, there are constraints on our dealings with other governments on these matters. There are also reasons why we should respect these constraints. In the first place, the guidelines of international law and accepted international practice have been carefully evolved. Sovereignty is the most important concept for the protection of a country from unwarranted interference by another state. But there has grown up a balance between the absolute sovereignty which states claim and the generally recognized rights of other states to be involved in the interests of their citizens abroad.

Canada could not tolerate other governments interfering in our own judicial processes on behalf of their nationals, nor would we take kindly to outraged or intemperate criticisms of our judicial practices.

The 2nd constraint, and one that I consider most important, is the question of effectiveness. We have found that quiet persuasion and unpublicized démarches are extremely effective in many cases. There are two important factors that modify the actions of states in the treatment of foreigners, within the latitude allowed by their laws: one is world opinion and the other the bilateral relationship with the countries of the foreigners concerned. It is often effective for our representatives to note that by not showing some comprehension in a certain case, the general relationship between the country concerned and Canada is damaged.