

The purpose of having a regime of privileges and immunities is to enable the members of the diplomatic or consular mission to perform their legitimate duties without being hindered by the accrediting state.

The Vienna Conventions establish regimes for the protection of diplomatic and consular missions and their personnel throughout the world, including a number of countries in which the rule of law and freedom of the individual do not carry the same weight as in Canada. This is a key factor for Canada, where political, economic and trade relations with other countries are essential to our security and prosperity. We have a large number of Canada-based representatives in our diplomatic and consular missions abroad. Their ability to work effectively, and in some cases their personal security and that of their families depends largely on a well-established international regime regulating their status in the countries where they are serving Canada.

Under the amended Diplomatic and Consular Privileges and Immunities Act, the terms and conditions of the two Vienna Conventions setting out the privileges and immunities, including those affecting the rights of private individuals, "have the force of law in Canada in respect of all countries (including Commonwealth countries), whether or not a party to the Conventions" (section 2(1)). Thus Canada applies the principle of reciprocity to all states, whether or not they are party to the Vienna Conventions. However, the international organizations are excluded.

To ensure that the privileges and immunities set forth in the Vienna Conventions are indeed granted to Canadian diplomatic and consular missions and personnel, the amended Privileges and Immunities Act states that should he deem proper, the Secretary of State for External Affairs may withdraw all or part of the privileges and immunities, if he feels "that the privileges and immunities accorded to the Canadian diplomatic mission or to a consular post in any country, or to persons connected therewith, are less than those conferred by this Act on that country's diplomatic mission or consular post, as the case may be, or on persons connected therewith" (section 2(4)).

Thus Canada's practice conforms fully to Article 48, subsection 2 (a) of the Vienna Convention on Diplomatic Relations, which states that discrimination