

It was the Greeks again, and other inhabitants of the Mediterranean, who developed a system not unlike our modern consular offices. The system continued through Roman and Medieval times and some most interesting early documents have been found which lay down codes for the conduct of international trade and the rights of foreigners in other countries. These were elaborated in a time that historians usually refer to as the "Dark Ages".

More recently, the rights and duties of foreign representatives and of the states receiving them, have been codified in the Vienna Conventions on Diplomatic and Consular relations of 1961 and 1963 and, of course, in a number of bilateral agreements between nations. Because the Vienna Convention on Consular Relations contains certain provisions that involve provincial jurisdiction, the Government of Canada is not yet in a position to become a party to that Agreement. However, the Agreement is essentially a declaration containing general and long-standing international law concepts with which Canadian consular practice largely conforms.

Article 5 of the Vienna Convention on Consular Relations specifies the various internationally accepted consular functions, including: "Protecting in the receiving state the interests of the sending state and of its nationals, both individuals and bodies corporate, within the limits prescribed by international law". These limits referred to, have to do with the principle that States are sovereign entities and that the laws, customs and regulations of a particular country have no external status or authority, and thus do not apply inside another state.

This is a fundamental limitation that is important for Canadians travelling abroad to understand.

Canadian citizens residing or travelling in other countries are subject to the laws and regulations of those countries, just as foreign citizens residing or travelling in Canada are subject to Canadian laws and regulations. When persons run afoul of foreign laws and regulations, they must expect to be dealt with in accordance with local procedures and practices, just as foreign citizens in violation of laws in Canada will be dealt with in accordance with Canadian laws and regulations.

It is important, I think, to keep in mind this relationship with our own actions. I recognize that this is not always easy, especially when laws, regulations, and procedures in many countries seem severe and even harsh by Canadian standards. Some countries, for example, permit almost unlimited detention without charges, pending an investigation of a case. Severe punishments are often imposed; conditions of detention, while perhaps considered adequate by local standards, are sometimes far below what we would consider to be even minimum standards in Canada.

Two routes are open to Canadian officials in dealing with situations involving Canadians: the legal and official route and the unofficial one. The first route usually restricts the Canadian representative to ensuring that when a Canadian citizen becomes involved with the law in another country, he or she is treated no less fairly than other foreign nationals, or than the citizen of that country. He can also ensure that the appropriate legal counsel is obtained.

Unofficially, quite often a great deal more can be done: representations to local authorities to consider possible mitigating circumstances; to speed up