

tifying legal norms in this area and remained concerned about an over-reliance on UN resolutions, declarations and decisions not supported by a broad consensus of states at different levels of development and with different social systems. While endorsing the basic objectives of a new international economic order, Canada abstained on UN resolution 38/128 authorizing further study, as Canada does not accept unequivocally that all provisions of the new international economic order have or are necessarily developing a legal status. Canada attended, as an observer, the Working Group of Governmental Experts of the Commission on Human Rights examining a possible draft declaration on the right to development.

Negotiations continued on issues relating to science, technology and know-how. Canada participated in the fifth session of the UN conference to negotiate an international code of conduct on the transfer of technology. The code is designed to create a set of rules to encourage the flow of technology from the developed to the developing countries. Negotiations also continued on a code of conduct for transnational corporations, the purpose of which is the clarification of the respective responsibilities of host states, home states and transnational corporations. A fourth session of the Diplomatic Conference on the Revision of the Paris Convention for the Protection of Industrial Property achieved progress on some less controversial issues. The purpose of the Conference is to revise the 1967 Stockholm text of the Convention that governs the international protection afforded industrial property, in order to reflect the concerns of the developing countries. Finally, the Working Group on the New International Economic Order progressed in its drafting of a legal guide on contracts for the supply and construction of large industrial works.

### **Treaty law**

During the calendar year 1983, Canada signed 38 bilateral agreements. In the course of the year, 25 bilateral agreements entered into force for Canada upon signature and six by ratification or the exchange of notifications. During the year Canada signed eight multilateral agreements, while 11 multilateral agreements entered into force for Canada following ratification, acceptance, approval or accession. Details are given in Appendices IV and V.

In addition to its responsibility for the drafting and interpretation of treaties and the preparation of all formal treaty instruments, the Department maintains up-to-date records on the status of all treaties affecting Canada. International agreements governed by international law to which Canada is a signatory or party are indexed in the Canada Treaty Register. The Treaty Register contains particulars of the date and place of signature of a treaty, the dates of tabling in, or approval by, Parliament, together with ratifications or accessions, if applicable, and information on entry into force, reservations or declarations, subsequent amendments and termination. Non-binding arrangements entered into by Canada, such as memoranda of understanding, are indexed in a separate Register of Understandings and Arrangements.

### **Skagit River Treaty**

Negotiation of a settlement to resolve this long-standing issue between Canada and the United States was completed in January 1984. The principal document in the settlement was

an agreement between the city of Seattle and the province of British Columbia, in which Seattle agreed not to exercise its authority under a 1942 International Joint Commission Order of Approval to raise Ross Dam and flood the Skagit valley in BC. British Columbia agreed to supply to Seattle, for a period of 80 years, power equivalent to that which would have been produced had the dam been raised. Seattle is to pay BC an amount reflecting the cost of raising the dam plus an annual amount reflecting operating and maintenance costs.

The Skagit River Treaty establishes water levels at the international boundary for the Skagit and Pend d'Oreille rivers (the latter is also involved in the settlement). It includes an undertaking by Canada to authorize the export of the electrical power for the term of the Seattle-BC Agreement, provides a guarantee by Canada of certain potential financial obligations on the part of BC under the agreement with Seattle, and provides, for purposes of US domestic law, the approval required for Seattle to raise Ross Dam should BC terminate the BC-Seattle Agreement.

The final document in the package is an agreement between the governments of Canada and BC concerning implementation of the BC-Seattle Agreement and the Treaty.

The Agreement between BC and Seattle was signed on March 30, 1984 and the Skagit River Treaty was signed on April 2, 1984. The passing of implementing legislation in Canada, the obtaining of Senate approval in the United States, and ratification of the Treaty are expected to take place before the end of 1984.

### **Privileges and immunities**

The Department is responsible for the interpretation and application, in Canada and abroad, of the principles contained in international agreements on privileges and immunities affecting diplomatic missions, consular posts and international organizations.

The State Immunity Act, which provides for immunity of foreign states in Canadian courts, came into force on July 15, 1982. It incorporates into Canadian law the principle that foreign states may be brought before the courts of Canada in respect of their commercial acts and activities. Thus it restricts their immunity in certain respects so as to place them in a legal position that more readily approximates that of the ordinary Canadian citizen. There has been considerable uncertainty in the law about the immunity to which foreign states are entitled in Canadian courts, which have tended to apply the principle of absolute immunity. This principle, which developed in another time and under other circumstances, has gradually been abandoned over the years by most states. The States Immunity Act brings the Canadian approach in line with general international practice. About a dozen cases have been brought under the Act since it came into effect.