

I. VIENNA CONVENTIONS ON DIPLOMATIC AND CONSULAR RELATIONS

INTRODUCTION

The practice of maintaining diplomatic relations and sending representatives to other governments, whatever their persuasion, goes far back in history. Rules of protocol varied from one country to another. Diplomats were always accorded certain privileges and immunities, but again these differed from country to country. It was eventually decided that the rules should be standardized throughout the world and given treaty status.

The privileges and immunities of diplomatic and consular representatives are governed by conventions signed in Vienna. The convention dealing with diplomatic relations was concluded on April 18, 1961; it was signed by Canada on February 5, 1962 and entered into force for this country on June 25, 1966. The Vienna Convention on Consular Relations dates from April 2, 1963; it came into force on March 19, 1967, and Canada has been governed by it since August 17, 1974.

(A) DIPLOMATIC RELATIONS

1. Diplomatic mission

The main functions of a diplomatic mission may be summarized as follows: it serves to represent its country in the country to which it is accredited by developing friendly relations and exchanges in the political, economic, cultural and scientific spheres; it seeks to protect its country's interests and those of its nationals within the limits of national and international law; and finally, it keeps its government informed of any events or developments in the receiving country in which it may have an interest. Canadian diplomatic missions are either "high commissions" or "embassies": the first designation, applies to missions accredited to Commonwealth countries, and the second to those in other countries. Their functions are identical.

In the absence of a specific agreement as to the size of the mission, the receiving State* may require that the size of a mission be kept within limits considered by it to be reasonable and normal, having regard to circumstances and conditions in the receiving State and to the needs of the particular mission.

A country may not establish offices forming part of the mission in localities other than that in which it is established, without the prior express consent of the receiving State.

The mission and its head have the right to use the flag and the emblem of their country on the premises of the mission, including the official residence, and on the means of transport used by the head of the mission.

The premises of the mission are inviolable. Agents of the receiving State, may not enter them without the consent of the head of the mission. The receiving State is under a special duty to take all appropriate steps to ensure the protection, peace and dignity of the mission. The

* The "receiving state" is the country in which the mission is located. The "sending state" is the one that is represented.