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No. 39

FOR IMMEDIATE RELEASE
APRIL 2, 1973

DIPLOMATIC NOTE REGARDING
CANADA-MEXICO CONSULAR UNDERSTANDING

DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Ottawa, April 2, 1973

No. FLA-194

Excellency,

I have the honour to refer to discussions held during the meeting in Ottawa in October 1971 of the Canada-Mexico Ministerial Committee, concerning the flow of visitors between our two countries and the resulting importance of co-operation in the field of consular work.

Your Excellency will recall that both sides expressed satisfaction with the growth in number of persons visiting each other's country, whether as official visitors, tourists, business people, or in other worthwhile capacities. It was also agreed that measures that could be taken to stimulate and facilitate this flow in both directions would be to the mutual benefit of both our countries.

With the increasing flow of people between Canada and Mexico, it was evident during the discussions at the meeting of the Ministerial Committee that ways should be sought by which the work of our respective consular officials could be facilitated. In accordance with those discussions, I would propose an understanding between our two governments in the following terms:

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His Excellency
Emilio O. Rabasa,
Minister of Foreign Relations of Mexico.

- (a) Consular officers shall be free to communicate in person, in writing, or by telephone with their nationals, and to have access to them. The competent authorities of the Receiving State will cooperate in facilitating and removing impediments to such communication;
- (b) If a national of the Sending State is arrested or committed to prison or to custody pending trial or is detained in any other manner and so requests, the competent authorities of the Receiving State shall inform the consular post of the Sending State without delay. Any communication addressed to the consular post by the person arrested in prison, custody or detention shall be forwarded by the said authorities without delay. Likewise, if the appropriate consular officer of the Sending State so requests, the authorities of the Receiving State shall inform him if a national of the Sending State is under arrest or held in custody pending trial, or otherwise detained;
- (c) Consular officers shall be free to enquire into any matter affecting the interests of their nationals from the competent authorities within their district;
- (d) Consular officers shall have the right to visit a national of the Sending State who is in prison, custody or detention, to converse and correspond with him, to arrange for his legal representation and to assist him in any other proper way. They shall also have the right to assist the nationals in cases of missing persons and misadventures causing injury or death;

- (e) It is understood that the foregoing constitute only a few of the more salient points among consular functions carried out by the respective officials of the two countries pursuant to established international law and custom and that there are many other tasks which they can and must legitimately perform;
- (f) In view of the growing importance of relations in this field, it will be desirable to maintain contact on the subject and to carry out consultations as the occasion demands with a view to facilitating the further growth in mutually beneficial travel between the two countries.

It is understood that the rights and duties referred to in points (a), (b), (c) and (d) shall be exercised in conformity with the constitution, laws and regulations of the Receiving State.

If the foregoing proposals are acceptable to Your Excellency's government, I have the honour to propose that this Note, in English and French, and Your Excellency's reply in Spanish, shall constitute an understanding between our two Governments, each language version of which shall be equally authentic. This understanding shall become effective on the date of your reply and may be terminated by either party upon six months' notice to the other.

Accept, Excellency, the renewed assurances of my highest consideration.

Secretary of State
for External Affairs

NOTE FOR THE PRESS:

The Mexican Foreign Minister, in his reply in Spanish to the above note, confirmed his Government's acceptance of the above proposals.