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CONSULAR POLICY FOR THE EIGHTIES

BUREAU OF CONSULAR SERVICES

Department of
External Affairs

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CONSULAR POLICY FOR THE EIGHTIES

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PREFATORY NOTE

Other Bureaux and Departments have contributed views and comments on different aspects of this policy paper at earlier stages. The final draft, however, as presently structured and formulated, is essentially a long term Departmental assessment of consular issues, objectives and desirable policies during the present decade.

Senior management will be aware of the legislative and regulatory limits within which new policies can be introduced or remodelled. These are often the primary responsibility of bodies outside this Department and different levels of government.

The central role of External Affairs consists in proposing initiatives and coordinating views for concerted interdepartmental action or government decisions on consular policy for the better protection of Canadian citizens, corporate bodies and their property beyond the national territory.

Depending on the subject matter, the follow-up on this report may involve consultations with other Departments or provincial officials as well as with foreign authorities concerned.

I - INTRODUCTION AND OVERVIEW

The purpose of this paper is:

- To examine the current scope of Canadian consular activities in relation to identified and anticipated changes in the environment in Canada and abroad;
- To articulate appropriate aims, objectives and policies to meet these circumstances;
- To take stock of current consular activities and problems and recommend appropriate action.

SCOPE OF CONSULAR ACTIVITIES

I A

What are consular activities? An appropriate definition appears in the Vienna Convention on Consular Relations, which was agreed upon in 1963 and acceded to by Canada in 1974. The definition may be summarized and put in Canadian terms as follows:

- a) Protecting in countries abroad the interests of Canada, of Canadian citizens and protected persons,* both individuals and bodies corporate;
- b) Promoting commercial, economic, cultural and scientific relations between Canada and countries abroad, and reporting to the Canadian government on these aspects of life in countries abroad;
- c) Helping and assisting Canadian citizens and protected persons;
- d) Issuing passports and travel documents to Canadians and visas to persons wishing to visit Canada who require visas to do so;
- e) Performing in countries abroad certain notarial, legal and administrative functions concerning individuals, bodies corporate, property, shipping and aircraft.

This list does not correspond exactly to what is generally understood as "consular activities" in Canadian parlance. Those functions mentioned in b), for instance, are, in Canadian practice, regarded as even more part of the diplomatic function than of the consular function, and will not, therefore, be dealt with further in this paper. They nevertheless form part of the general context within which other consular activities are carried on. On the other hand,

* "Protected persons", while not yet an accepted term in Canadian parlance, is used in this paper to signify landed immigrants, refugees and stateless persons.

some functions which in Canada are peripheral to the consular function but not properly part of it will be touched on.

THE CANADIAN ENVIRONMENT

I B

The Canadian environment which will affect the demand for consular services and how this demand will be met during the 1980s is not solely a matter of current and future economic conditions: there are historical and social factors to be considered as well.

The External Affairs Act of 1909 establishing the Department and the Order-in-Council of the same year assigning responsibility for consular matters to the Department did not define the consular function nor prescribe what a consular officer might or might not do. Subsequent legislation has not made good this omission. Canadian consular practice has tended, therefore, to follow international traditions, modified very considerably by Canadian attitudes. Since these attitudes affect not only the expectations of the public but also the approach to their work of consular officers abroad and departmental managers and personnel in Ottawa, they deserve brief mention.

First, there is the tradition of neighbourly help, going back to frontier times. Readiness to aid the traveller or the newcomer in any conceivable way comes easily to most people given consular responsibilities and is expected by Canadians who find a Canadian outpost abroad because that was the pattern in all parts of the country in the comparatively recent times of early settlement.

Secondly, there is the typically Canadian phenomenon of government providing in certain areas and conditions services which are later surrendered wholly or partly to the private sector. The classic patterns are transportation and communications, (e.g. Air Canada and the CBC)--areas which are of particular importance to the traveller. In view of this pattern, it comes naturally for Canadians abroad to turn to the agency of their own government--the consulate or diplomatic post--for help of any kind. It should come as easily to government to permit and encourage the private sector to take over some of the work of looking after the needs of Canadians abroad.

Demographic changes are another factor in the Canadian

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environment which will have some effect on the nature of the demand for consular services. First, there is the age pattern: The 1979 population of senior citizens of 2,204,000 (9.3% of 23,671,000) will likely reach 2,990,000 by 1991 (11.2% of 26,640,000). The 20-29 year olds, now 4,346,000 (18.4% of the population) will probably fall to 4,310,000 or 16.2% of the population. These changes may cause some shifts in the types of consular problems with which the Department will have to deal.

A second demographic development, owing partly to the changes with effect from 1967 in the immigration laws and partly to the high priority given to family reunification since the Immigration Act which came into force in 1978, has been the rapid increase in the proportion of Canada's population whose background and culture are very different from those of the earlier settlers. Consular matters tend to be very personal affairs for the consular clients and pose a challenge to the consular officer to develop an understanding of those of his clients whose culture is different from his own.

Economic conditions will be a very significant element in the general environment in Canada affecting the scale and nature of consular activities in the 1980s. Escalating costs of fuel seem certain to keep pushing up the costs of travel over the next few years, and this, combined with any continuing weakness of the Canadian dollar vis-à-vis foreign currencies, will probably cut back--or at least stabilize--the amount of travel abroad for the next two to five years as well as altering the makeup of the travelling public and the pattern of their destinations. Preliminary estimates from the Canadian Government Office of Tourism already indicate a decline in 1979 and 1980 from 1978 in the number of people travelling outside Canada and some changes in destination.

In the longer perspective one may anticipate that the increase in production of non-conventional fuels will stabilize the cost of travel to some extent and that increased foreign investment in Canada will have the effect of strengthening the Canadian dollar. By the mid 1980s, therefore, these two circumstances could well stimulate a resumption of the steady rise in Canadian travel abroad that was evident in the late 60s and early 70s. Any current easing in the demand for certain types of consular services may be of relatively short duration.

Another trend likely to develop further in the 1980s is the increase in services being offered to the travelling public by the private sector. In the atmosphere of keen competition, travel agencies may be expected to offer a wider range of services, some of which should reduce their

clients' requirements for consular services. Insurance companies are offering and will no doubt continue to offer a wider range of policies to cover the traveller against a variety of risks and by so doing may reduce in some measure the need for some types of consular assistance. Better international service on the part of banks may reduce the extent to which the Department is involved in the transfer of funds abroad.

The enormous increases in the cost to the federal government of social services in the past few years, their non-discretionary nature and the narrow space for fiscal manoeuvre which these obligations leave to government make it likely that any federal government during the 1980s will be cautious about permitting any new growth in responsive social services. The Department cannot, therefore, hope to see any early easing in the current austerity régime so far as consular services are concerned: it must expect a continuing requirement to make an effort to hold down the cost of its consular program that will not prejudice the achievement of its consular objectives.

THE ENVIRONMENT ABROAD

I C

In what sort of an international environment will the Canadian government be carrying on its consular activities during the 1980s? Short of a major international war, it seems likely that some contrary trends will develop. In some areas, where stability prevails or where the quality of government improves the conditions for travellers and foreign residents will no doubt also improve. On the other hand in other areas local wars and civil unrest may increase in frequency, or the quality of government may deteriorate, bringing an increase in crimes of violence which may affect foreigners, including hijacking, kidnapping and hostage taking. Furthermore, deterioration in North-South relations, which presently seems a distinct possibility, may aggravate problems for visitors from the North in countries of the South. In poverty-stricken countries the presence of apparently affluent tourists may increasingly be seen as both a provocation and a temptation.

The chances of a growing number of incidents requiring some type of consular intervention may be offset, however, by a continuing growth in group travel, where tour organizers not only provide some types of consular service but also insulate their clients from risky contacts with the local

population (as, e.g., in the Club Méditerranée).

In general, conditions abroad for Canadian travellers and expatriates are unlikely to show sufficient net improvement to reduce the demand for consular services.

THE CONSULAR CLIENTS

I D

Since the composition of that part of the Canadian public who live and travel abroad is affected by both domestic and foreign environments, and since that composition in turn affects the nature of the demand for consular services, it is important to know who the clients are and what type of services they need.

The consular clients may be divided into three groups:

- a) Expatriates who work abroad (businessmen, employees of aid agencies--UN, CIDA, international and Canadian non-governmental agencies--and missionaries) or people who have retired abroad;
- b) Expense account travellers; and
- c) Tourists.

Those in group a) present relatively few of the more difficult consular problems because they are usually well adapted to their chosen environments. Retired persons, however--particularly those in the USA--often need a lot of the routine consular services--passports, notarial work, advice on pensions and income tax. Expatriate communities formed by one or more companies operating in one area for a limited time may generate more needs for consular services than individuals who have chosen a career abroad, but they also tend to have their own company infrastructures to support them.

There are no reliable figures on the number of Canadians resident abroad. There are about 60,000 Canadians registered at Canadian posts abroad, but that does not include Canadians in Britain, the USA and Australia and probably includes only a small percentage of those in Western Europe and Mexico.

Expense account travellers generate relatively few

problems since they are often experienced travellers and well supported by their organizations. They rarely need financial help, but may require information about the local scene.

The third and largest group produces the most difficult consular cases. Senior citizens amongst the tourists account for an appropriately large share of hospitalizations and deaths abroad. Tourists who are under 30 include those most likely to need financial help or repatriation, or to get in trouble with the law. Tourists who are recent immigrants to Canada require little of the consular assistance which other tourists may seek, but since many are dual nationals or non-citizens, they can produce the trickiest consular protection cases.

There are no separate figures for the different types of travellers abroad, and the Office of Tourism statistics represent trips rather than people. They are worth citing, however, for the trends they show.

<u>Destination</u>	<u>1974</u>	<u>1977</u>	<u>1979</u>
USA	30,091,297	37,897,247	34,382,000
Europe	823,000	1,068,200	934,000
Other areas	488,800	708,600	823,000
Total	31,403,097	39,674,047	36,139,000

Partial figures for 1980 show a 2.4% increase in travel to the USA and a 10.1% decline in travel to all other areas.

The effect of the environmental factors on Canadians travelling or living abroad suggests that there may be a slight increase in the expatriate group, reflecting an increasing number of Canadian companies getting contracts to work abroad, offset partly by a decline in the number of retired people, whose buying power is declining with the erosion of the value of their pensions through inflation and the decline of the value of the Canadian dollar on world money markets.

The number of expense account travellers is likely to increase, reflecting--as with the working expatriates--a continuing pursuit of markets abroad to make up for the slow-moving Canadian economy and the good prospect for exports, thanks to the cheap Canadian dollar and the generally high quality of Canadian goods and services.

The number of tourists seems likely to continue to

decline for the next two to five years at least, with a sharper fall in the number of young tourists reflecting both the demographic trend and the economic factor--fewer young people will be able to afford to travel.

In terms of the changes of demand for consular services which the foregoing trends may cause, it seems likely that there will be a continuing and possibly increasing demand for routine services, and some decline in the number of Canadians in difficulty and distress, at least in the immediate future.

CONSULAR AIMS, OBJECTIVES AND POLICIES

I E

Why is there now a need for consular policy? The Department has got along without one for many years, and it does have a Manual of Consular Instructions to guide the consular officer in a wide variety of situations. The business, however, is becoming more and more complex. Both departmental personnel and the public deserve to know what the basic purposes of the consular program are and how the function should be performed. New kinds of cases keep cropping up that are not in the rule book, and in the absence of any general policy and purpose, consular officers and heads of post abroad hesitate to improvise, preferring to seek guidance from headquarters. Desk officers at headquarters may feel equally diffident and seek guidance from higher up. The result is excessive centralization of decision-making, involving delays and the inefficient use of personnel resources. A clear enunciation of aims, objectives and policy which can be approved at an appropriately high level should make for consistency of practice and a much more extensive delegation of decision-making to posts abroad.

AIM

I E 1

If the aim of Canada's foreign policy is to protect and promote Canadian interests abroad, the aim of the consular function may be said to be "To protect and promote the interests of Canada, of Canadian citizens and protected persons, both individuals and bodies corporate, in the international dimension". Stating it this way helps to emphasize that the consular function is part and parcel of

the main business of foreign operations, an integral part of the central role of a foreign ministry.

In the Canadian context the consular function, furthermore, relates readily to the six policy themes identified in Foreign Policy for Canadians as an appropriate framework for thinking about foreign policy. Protection of the rights of the Canadian citizen abroad is clearly part of the business of "Safeguarding Sovereignty and Independence". "Working for Peace and Security" implies an effort to ensure the enjoyment by the Canadian citizen abroad of the peace and security which the host government should provide. Consular support for those travelling on business, for those involved in "such activities as cultural, technological and scientific exchanges" and for those engaged in the promotion of "international scientific cooperation and research on all problems of environment and modern society" is a necessary adjunct of "Fostering Economic Growth", "Enhancing the Quality of Life" and of "Ensuring a Harmonious Natural Environment" respectively. "Promoting Social Justice" includes efforts to develop international law, standards and codes of conduct-- activities which impinge on the consular field.

OBJECTIVES

I E 2

Objectives are the answer to the question "What are we trying to do?" in greater detail than expressed in an aim. If the aim of the consular function is to protect and promote the interests of Canada, of Canadian citizens and protected persons in the international dimension, then to state the objectives of the consular function requires some elaboration of the ideas implicit in the terms "protect" and "promote".

One of the purposes of foreign policy is to endeavour to shape the international environment in ways which are supportive to our national interests. With respect to that part of the environment which is of particular concern to the individual, one may say that the aim of the government is to ensure--as far as possible--for Canadian citizens living or travelling abroad those conditions of peace and security, freedom and opportunity which are part of our domestic environment. How much can be achieved in this regard is clearly limited by the laws and customs of the foreign country in which the Canadians are travelling or living. Subject to that limitation, however, one can state the objective of the consular function as to enable Canadians to enjoy rights and privileges abroad commensurate with those available to them in Canada.

This statement of objective adds a helpful point of reference to the aim of protecting and promoting the interests of Canadian citizens abroad and gives it a positive orientation. For greater precision, however, some further development of the basic ideas--the privileges to be promoted and the rights to be protected--is desirable.

Promotion of the interests of Canadians abroad, or helping and assisting them, as the VCCR puts it, can clearly be very broad in scope, referring more to optional services--privileges--than to obligatory acts related to the concept of rights. There are limits to the kind of interests that can be promoted. Logic suggests that it would not be proper for a consular officer to promote the interests of a Canadian seeking to buy drugs for trafficking purposes--an illegal act in Canada--even if the production and sale of the drugs were not illegal in the foreign country concerned. By the same token it would be improper for a consular officer stationed in a country where the production and sale of alcoholic beverages were illegal to promote the interests of a Canadian seeking an export market for Canadian whiskey.

Apart from a limitation specifying that the interests to be promoted must not be illegal either in Canada or the receiving country, it is possible to add to a general statement on the promotion of the interests of Canadians a phrase which would help in the determining of priorities. Consular assistance is surely particularly appropriate where the activities of the consular client happen to support and extend the national interest either through the expansion of trade, the establishment of cultural or scientific links or the pursuit of social justice.

Protection of the interests of a Canadian citizen abroad is an act in protection of Canadian sovereignty as represented in the person of one of its citizens. Since an act of protection of this kind takes place within the jurisdiction of a foreign sovereign state, it is, in some slight measure, an abridgement of the sovereignty of that state. International custom permits only a very limited abridgement of this kind. Protection can therefore be expressed only in the most limited terms.

International law recognizes that a consul may make formal interventions to the local authorities with a view to protecting a fellow-citizen against discrimination in the administration of justice in the receiving state. The Canadian government would no doubt consider that it has an obligation to extend this much protection to one of its citizens, though the obligation is nowhere explicitly stated. There are three other types of protection for Canadian citizens which entail little if any abridgement of the

sovereignty of the receiving state but which the Canadian government extends as though it had an obligation to do so: protection against neglect in prison, against the risk of violence in war, civil strife or natural disaster, and against the consequences of destitution. Consular officers usually visit Canadian prisoners in detention, partly to ensure that they are not being discriminated against in the treatment they are receiving. It has also become normal for the Canadian government to take steps to protect Canadian citizens from dangers to life and limb resulting from war, civil strife or natural disaster--usually through making arrangements for their evacuation from the danger area. Finally, the Canadian government usually acts as though it had an obligation to protect a destitute individual against the consequences of destitution, by providing him with temporary relief and, when no assistance can be obtained from family or friends in Canada, by repatriating him to Canada against an Undertaking to Repay. Since, in the case of these three latter cases of protection, the Canadian government appears to act as though it was obliged to afford it and since it would be desirable for the Canadian government to recognize this obligation in a formal way, a suitable first step might be to include these three types of protection in a statement of consular objectives.

Objectives of the Canadian Government in the consular field may accordingly be stated as follows:

1. To enable individual and corporate citizens to enjoy rights and privileges abroad commensurate with those available to them in Canada to the extent possible having regard to the foreign environment;
2. To promote the interests of Canada, of Canadian citizens and protected persons, individual and corporate, to help and assist them in countries abroad in their legitimate activities and pursuits, especially when these are in harmony with the national interests of Canada, and provided they are not in conflict with the laws of Canada or of the receiving state; and
3. To protect the interests of Canada, of Canadian citizens and protected persons, individual and corporate, in countries abroad--

Against discrimination in the administration of justice;

Against neglect in prison;

Against the risk of violence in war,
civil strife or natural disaster; and

Against the consequences of destitution.

POLICIES

I E 3

Policies are general statements in answer to the question "How do we do it?" asked in relation to a statement of objectives. How should the Canadian government and its agents abroad seek to achieve the objectives set forth in the statement above?

In the first place, the second objective begins with the phrase "To protect the interests of Canada"--expressing the intimate connection between the interests of Canada and the interests of its citizens, physical and corporate. Then, as pointed out in relation to the core consular function of protection, that function involves the protection of Canadian sovereignty as represented in the person of one of its citizens. Assuring acknowledgement of and respect for Canadian sovereignty should be regarded as a concomitant of the exercise of the consular function. This concept would appropriately find a place in a statement of consular policy.

Secondly, the manner in which the consular function is carried out abroad contributes significantly to the Canadian image. In those situations where our consular officers cannot demand the right to intervene formally--for instance, on behalf of dual nationals in the country of their second nationality or on behalf of protected persons who are not Canadian citizens--our informal representations can and should be an expression of our humanitarian concern for those who--by seeking permanent residence or refuge in Canada--have, as it were, declared themselves Canadian citizens by intent. This notion should also be reflected in a statement of consular policy.

In the examination of the Canadian environment above, it was noted that any federal government during the 1980s would probably be cautious about permitting any new growth in responsive social services. Policies for the consular function should show the way to reflect the requirement to hold down the cost of the consular program without prejudicing the achievement of the consular objectives. Various methods of restricting the growth in resources required for services to Canadians abroad are incorporated in the statement of policy below.

While the consular post abroad is obliged to inform its clientèle of the services available and to perform them promptly and courteously, it is not obliged to perform any service requested simply in order to be helpful. Particularly in the peripheral areas of consular services, the role of the consular post should be that of facilitator rather than doer and to encourage the consular client to be as self-sufficient as possible.

Consular policies for the achievement of consular objectives in the 1980s may be stated as follows:

The Canadian government, the Department of External Affairs and consular posts abroad, in seeking to achieve the consular objectives, should:

- A. Protect the interests of Canadian citizens as an affirmation of Canadian sovereignty, thus helping to earn respect for it;
- B. Take informal action to protect the interests of protected persons as an expression of humanitarian concern for those who are Canadian citizens by intent;
- C. Husband human and financial resources required for the consular function:
 - 1) by discontinuing services which now are or can be performed by other government departments or the private sector;
 - 2) by encouraging the private sector to provide more services to Canadians living or travelling abroad;
 - 3) by encouraging Canadians living or travelling abroad to look after themselves, wherever possible;
 - 4) by recovering costs through more realistic fee schedules and by charging fees for certain services now provided free of charge;
 - 5) by decentralizing decision-making on consular problems to posts abroad wherever possible.

II - INVENTORY OF CONSULAR SERVICES

The purpose of this part of the paper is to review the various types of consular services and activities, to highlight problems and to recommend remedial action in the light of the aim, objectives, and policies identified in Part I above.

The section is divided into three parts--Routine Services, Protection and Assistance to Canadians in Difficulties, and Protection and Assistance to Canadians in Distress. One purpose of this particular division is to emphasize the extent of the routine consular work. Those activities covered in Section A below bulk large at many consular posts,* and are fairly important at all posts. The high profile work involving persons in distress uses up considerably less time on the whole, though there are a number of posts where this kind of case can be very important.

The approach chosen has the disadvantage that some functions have to be considered under two headings (e.g. although child custody cases have an important legal component, they are dealt with in Section B rather than in Section A 4); and sometimes the distinctions are not clear cut (when is a person in distress rather than difficulty?). The division of routine cases/"in difficulty" cases/"in distress" cases helps to make clear the constant problems of priorities in consular work abroad--how does one cope with the emergencies and get the important routine work done too?

* The term "consular post" here and elsewhere in this paper signifies posts headed by a consular officer and diplomatic missions with consular components.

ROUTINE SERVICES

II A

PASSPORT SERVICES

II A 1

By P.C. 1391 of June 21, 1909 authority was vested in the SSEA for "the administration of consular matters and the use of passports". Passports have been issued to Canadians since 1909 by this Department in accordance with the provisions of various Orders-in-Council, the latest of which is P.C. 1973-17 of January, 1973. These regulations are currently under revision and a draft Canadian Passport Order is in preparation.

Although the issuance of passports is considered a consular function and is carried out by consular personnel at posts abroad, responsibility for passport policy and administration lies with the Passport Office rather than the Consular Bureau in Ottawa, and passports are issued in Canada either by the Passport Office in Ottawa or one of the Regional Passport Offices across the country.

The issuance of passports is big business, as the following table shows:

<u>Fiscal Year</u>	<u>Global Number of New Passports Issued</u>	<u>Passports Issued at Posts Abroad (1)</u>	<u>Gross Passport Revenues (2)</u>
1975/76	614,463	36,919	\$6,287,000
1976/77	681,005	38,663	8,323,000
1977/78	745,076	40,490	9,170,000
1978/79	738,890	42,796	9,154,000
1979/80	711,670	44,337	8,711,000

Note 1: These figures are included in the global figures in the second column.

Note 2: Figures have been rounded off. They include some fees for services other than the issuance of new passports--e.g. addition of a married name. The figures for 1976/77 reflect an increase in the basic passport fee from \$10 to \$12 on April 1, 1976; the increase from \$12 to \$20 did not take effect until June 6, 1980, after the end of the 1979/80 fiscal year.

The global figures rise fairly steeply from 1975/76, peak in 1978/79 and have since declined, tending to confirm the notion that the number of Canadians travelling abroad, particularly to destinations other than the United States, has begun to fall off. The figures for posts abroad, however, show a steady increase up to 1979/80, which may indicate that the number of Canadians living abroad has continued to increase.

An analysis of the consular workload of 16 posts abroad--a reasonable cross-section--carried out by the Office of Internal Evaluation and Audit from October to December, 1980 indicates that the normal passport function (i.e. not including the issuance of emergency passports) on the average accounts for 29.4% of the time spent on consular activities. Not unexpectedly, there is a wide variation between different kinds of posts--e.g. in New Delhi and Warsaw the figures are 5.6% and 6.7% respectively, whereas in Bonn it is 41.7% and in Los Angeles it is 61.5%. At eleven of the sixteen posts surveyed, the passport function required more time of consular personnel than any of the other 34 activities recorded.

Problems

Problems relating to the passport function abroad are management rather than policy problems. The first is whether passport-issuing services should continue to be available at all consular posts or diplomatic missions with consular components. The second--and not unrelated--problem concerns the fee structure: the costs of issuing a passport abroad are appreciably higher than they are in Canada, though the fee is the same.

VISAS

II A 2

The Vienna Convention on Consular Relations recognizes the issuance of visas by diplomatic or consular posts "to persons wishing to travel to the sending State" as a consular function. In Canada, however, the visa function is only partly "consular": responsibility for visas lies principally with Employment and Immigration Canada. The Immigration Act gives authority to visa officers at posts abroad to grant visas for the entry into Canada of persons seeking to immigrate or for other purposes.

Authorization of immigration visas is a responsibility of Employment and Immigration Canada, though in the

family reunification program, External Affairs becomes involved when diplomatic intervention is required (See II D (a) below).

The entry into Canada of persons for purposes other than immigration is facilitated and regulated through the visitor visa system. By exception to the general rule of that system, citizens from some countries are exempt from the requirement to have a visa, unless they are entering Canada for certain specific purposes--e.g. as students or for employment. External Affairs is the lead department in determining which countries should be on the visa-exempt list. Persons coming to Canada for official purposes--diplomats and others--are normally granted diplomatic or official visas (authorized by the Department of External Affairs) whether or not they are from countries which are on the exempt list. Persons from countries not on the visa-exempt list require some kind of visitor visa to enter Canada. The procedure for authorizing such visas varies according to the country from which the applicant is coming: all procedures involve Employment and Immigration Canada, some procedures also involve the Department of External Affairs.

Time spent on visa matters at headquarters in External Affairs--the Consular Bureau and elsewhere--is not inconsiderable. At posts abroad the visa work is currently limited in the consular field to the authorization of diplomatic and official visas, and is not very demanding. At the sixteen posts surveyed by the Office of Internal Evaluation and Audit, the average percentage of time spent on this work was 1.1%, ranging from zero at two posts to 5.4% at New Delhi.

CANADIAN CITIZENSHIP MATTERS

II A 3

The Canadian Citizenship Act and Regulations (1977) prescribes that "foreign service officers" are responsible for administering certain provisions of the Act and Regulations. These include the receiving and forwarding to the Registrar of Citizenship of applications for the grant of citizenship on behalf of minor children and applications for the retention, renunciation and resumption of citizenship; the obtaining of information from applicants for the retention, renunciation, and resumption of citizenship, and the forwarding of such information to the Registrar of Citizenship; the hearing of persons taking the oath of citizenship and the countersigning of certificates of the taking the oath of citizenship.

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In 1979/80, about 10,000 citizenship cases were handled by posts abroad. In the Internal Evaluation and Audit study of sixteen representative posts, citizenship matters took up 6.7% on the average of the 16 posts' total time on consular matters, ranging from 0.7% at Warsaw to 13.6% at Bonn.

Problems

The execution at the posts abroad of the functions required by the Citizenship Act do not present great difficulties. The problems are mainly related to the interpretation of the citizenship legislation in determining who is a Canadian citizen and what type of citizen he is. These are discussed at greater length in Section III A 2 below.

LEGAL AND NOTARIAL SERVICES

II A 4

Historically, consuls have legalized documents and performed other acts of a legal character to promote the trade of their country and the personal interests of its citizens. Legal and notarial services performed by consular officers abroad include the taking of affidavits and statutory declarations; taking action for the protection of estates or with respect to seized property; authentication of signatures, execution of rogatory commissions; and the issuance of certain certificates relating to marriage.

The taking of affidavits and statutory declarations is probably the most common of these services. The service is basically a clerical one: identifying a person and certifying that he signed the document in the consul's presence. Responsibility for the document itself rests with the originator.

Law officers of the Department in Ottawa authenticate a considerable number of Canadian signatures each year for use abroad, and consular officers abroad are sometimes called upon to authenticate the signature of these law officers. Consular officers abroad are occasionally called upon to authenticate foreign signatures for use in Canada.

The issuance of certificates relating to marriage is only an occasional requirement. Requests for "certificats de coutume" (recognition in Canada of a marriage performed abroad) are rare. Certificates in lieu of a certificate of non-impediment to marriage are required in some countries and are occasionally issued at some posts.

Most of the above-mentioned legal and notarial services entail the payment of a fee. The consular fees chargeable for these services are set out in the Canadian Consular Fees Regulations issued under the Financial Administration Act. The current schedule, dated January 27, 1978 provides for some 25 different fees ranging from \$1.00 for making a search in the register of births of the consulate to \$15 for each hour or part thereof when a consular officer who has been named Commissioner by a Canadian court takes testimony from witnesses.

During the past three years, the Department has collected fees for consular services as follows:

1979-80	\$84,677.31
1978-79	71,066.36
1977-78	63,658.14

Problems

Legal and notarial services of the kind mentioned here are not a heavy burden either on the Department or on posts abroad, and probably do not represent more than about 3% of the consular work abroad. They are traditional consular functions and little would be gained by seeking to reduce or eliminate any of them, particularly since most of them do generate some revenue. The main policy question raised here is whether the Department should seek a new fee schedule which would be based on the real cost of the services performed. The present schedule of fees does not come even close to matching real costs.

There seems to be little point in maintaining a fee schedule which provides for little more than token fees. The Department should consult with government financial authorities about the possibility of having the Consular Fees Regulations amended so that the user would pay something near the real cost of the legal and notarial services it provides under this heading.

SHIPPING

II A 5

Merchant shipping is another traditional consular concern. Under the Canada Shipping Act, consuls are charged with certain duties in the field of merchant shipping. These duties are mainly notarial and are concerned with the

ownership and registration of vessels as well as the proper treatment of seamen. There are few posts where these duties are significant and in Commonwealth countries, they are entirely handled by port authorities. The sixteen posts surveyed by the Internal Evaluation and Audit study spent on the average 0.8% of their time on shipping matters.

Problems

The consular role in the field of shipping, which is carried out on behalf of Transport Canada, does not raise questions of consular policy, though there is a question of administrative policy that should be resolved. Under the Canada Shipping Act, the Department of External Affairs is required to designate posts where shipping services will be provided by Canadian consuls: without such designation and notification thereof to the Department of Transport, consular officers are not empowered to act under this legislation. In the past, posts have been designated only when an enquiry has indicated the need for a post to be designated. It would be advisable to have all seaport posts--including those staffed by honorary consuls--designated, so that there will be no delay in providing services when they are required.

ADVICE AND INFORMATION

II A 6

To Canadians abroad, a Canadian diplomatic or consular post represents the totality of the Canadian government. Consular and other officers are asked--and endeavour to answer--questions about many aspects of government policies and activities. Where consular personnel cannot provide answers, they indicate the name and address of the appropriate department or agency to which the enquirer is encouraged to send his question. Requests for information are by no means confined to Canadian government questions, however, but extend to other Canadian information and local information.

Enquirers ask about citizenship matters, local matters, documents (government and other), social security questions, news from Canada, mail, customs questions and Income Tax.

The provision of local information covers a wide range, and includes names and addresses of lawyers, doctors, banks, etc.

The Manual of Consular Instructions indicates that

consular officers bear a responsibility, when requested, to assist Canadian government pension authorities both in getting cheques to the recipients and in determining eligibility. Such assistance is given on request of either the Canadian pension authorities or the applicant.

Persons asking how to obtain birth, marriage or death certificates are told to write to the appropriate provincial office. Where possible, consular officers provide information about fees and the supporting information that will be required.

Canadian enquirers who ask about customs and agricultural matters are given a copy of the pamphlet "I Declare" and are told, if their enquiry is still not answered, that they should seek advice directly from Revenue Canada or Agriculture Canada in Ottawa.

Posts are supplied with the most commonly requested income tax forms for handing out to those who need them. Persons asking substantive questions on tax matters are asked to write to Revenue Canada or, where the enquiry concerns a taxation agreement, to Revenue Canada or the tax authorities of the host state.

Persons asking about Canada Savings Bonds are encouraged to write to a Canadian chartered bank or its affiliate in the host country.

Private mail sent to Canadians in care of Canadian posts abroad is held to be picked up. Mail forwarding service is not provided and if mail is not collected within a reasonable period, it is returned to the sender.

Other types of information or advice service under this heading include the obtaining or providing of documents (copies of contracts, birth certificates, bank statements, etc. covering Canadian individuals or corporations abroad for Canadian government departments, translation of documents for local authorities on behalf of Canadian citizens) and simply talking to Canadian visitors who want to chat about home.

In the Internal Evaluation and Audit survey, these services taken together used on the average 19% of the total consular time spent at the sixteen posts surveyed.

Problems

The elimination or drastic reduction in information services at posts is not a feasible economy at posts. Since the function requires a significant block of time, however, the Department should analyze it further to determine whether

any services can be streamlined.

The handling of mail for the public by consular posts should be eliminated, as most countries probably now have mail service that is as good as Canada's.

PROTECTION AND ASSISTANCE TO CANADIANS IN DIFFICULTIES II B

LAWBREAKERS, ALLEGED AND ACTUAL II B 1

Statistics about Canadians in jail abroad are not particularly reliable, since in some countries, the authorities from whom we must seek data are not much interested in the question. Available figures give some idea of the proportions of the problem (figures are for 1979-80, with those for 1975-76 shown in brackets).

<u>Area</u>	<u>Total</u>	<u>Including these on drug charges</u>
USA	246 (643)	74 (102)
Western Europe	74 (112)	25 (65)
Latin America and Caribbean	98 (106)	56 (47)
Asia	39 (80)	16 (58)
Africa and Middle East	30 (69)	12 (40)
Eastern Europe	5 (8)	0 (0)
	<hr/>	<hr/>
	492 (1,018)	183 (312)

The figures show an encouraging decline in total numbers from 1975-76 to 1979-80.

There is a wide variation in the amount of time which different posts have to spend on matters relating to Canadians who have run foul of local law. The Internal Evaluation and Audit survey shows that Warsaw spent no time on these problems, Lagos spent 0.4% of consular time on them and Bangkok 0.7%, while the percentage of consular time spent at Madrid was 18.7%, at New Delhi 30.7% and at Rabat 33.2%.

The basic consular obligation resting on posts abroad is to ensure that "the accused Canadian is not treated more harshly than local citizens accused of similar offences". This principle does not, unfortunately, take many consular officers very far in dealing with problems of detainees. In the first place, the consular post must learn of the case before it can take any action. Normally, advice comes from the prisoner himself, another prisoner or a friend. While the prisoner has the right under the Vienna Convention on Consular Relations to have his embassy notified of his arrest, the embassy has no right to automatic notification--the right belongs to the prisoner to exercise if he is aware of it.

The system of justice in many countries is complex, sometimes venal and often eternal. One Canadian was imprisoned for four years without ever being convicted of a crime, entirely legally and in accord with usual local practice in the country concerned. In many cases, the system of law is totally unlike our own and with the addition of a language barrier, it can be very difficult for a Canadian consular officer to understand and impenetrable for the Canadian prisoner. It is often very difficult to determine whether a Canadian detainee is being fairly treated or not. Retaining the services of a local lawyer can be very helpful with these problems, as the experience of one post has indicated, and this procedure might usefully be further tried out.

Once in touch with the prisoner, the consular officer offers assistance in finding legal counsel if the prisoner wants it and someone can be found to pay legal fees. Legal aid exists in many countries but in a form that makes it ineffective. There is no control over legal performance and the attorney assigned often simply ignores his responsibility since there is virtually no remuneration in it for him.

In many countries, conditions of incarceration are barbaric by Canadian standards with attention to the health of prisoners non-existent and brutality, corruption, violence, thievery and narcotics traffic being the main features of prison life. Prisoners are often expected to provide most of their own food. Occasional jail visits by a consular officer sometimes have the effect of mitigating the worst of these conditions. The post can also facilitate the provision of supplementary food if there is a family or friends who have the funds to pay for it.

The Department has signed Prisoner Transfer Treaties with several countries (See III B 2 below). These treaties enable a Canadian convicted in one of the countries concerned to serve his sentence in a Canadian jail provided he meets

certain requirements relating to the type of offence, length of sentence remaining, etc. While an excellent method of reducing the problem of local prison conditions, prisoner transfer has its negative aspects. Time from arrest to conviction can be lengthy in many countries: some Canadians face months or even years in a foreign jail before they can benefit from the treaty, if there is one. Posts are not relieved of the difficult task of finding suitable legal counsel, particularly for persons charged with drug trafficking offences. The treaties benefit only citizens: landed immigrants, no matter how strong their connection with Canada, do not qualify for inclusion in transfers. As part of a sentence, courts often impose heavy fines which must be paid before a prisoner can be transferred. Finally, the post must make all the necessary arrangements for the transfer.

Deportees

A country wishing to deport a Canadian citizen to Canada may ask the Canadian diplomatic mission to issue or validate a passport for the deportee. The post would normally decide whether advice of the deportee's arrival in Canada should be notified to the Canadian port of entry or other authority in Canada and what consular assistance might be extended to the deportee.

Canada has concluded a few reciprocal arrangements for advance notification of deportation with Britain, Australia, France, Italy and the Philippines, and more are planned.

Extradition

The extradition of fugitives from justice is governed by extradition treaties between sovereign states. Canada has such treaties with 41 countries, some dating as far back as 1890. Apart from these, there is an arrangement with Commonwealth countries under the fugitive offenders scheme.

Steps leading to extradition either of a foreigner in Canada to a country abroad or of a Canadian abroad to Canada are legal and diplomatic. When the procedure begins, however, the Canadian citizen abroad picked up by the authorities of the country concerned for extradition to Canada becomes eligible for the same consular protection as any other detainee.

Problems

The policy problem in relation to Canadian detainees in foreign countries is how much consular assistance should be

extended once the necessary acts of consular protection have been taken. When the consular officer has taken all appropriate steps to ensure that a prisoner is accorded no less favourable treatment than citizens of the host country receive, what else should he do?

If the legal system and the conditions of incarceration in the country concerned fall far short of what is regarded as acceptable in Canada, the Department would be justified in applying additional pressure on the government concerned, in keeping with the objective of seeking to enable Canadians to enjoy abroad rights and privileges commensurate with those available in Canada, and basing the representations on humanitarian grounds.

The post should also facilitate the efforts of friends or family of a prisoner to obtain suitable legal counsel and to provide supplementary food, medicine and recreational materials for the prisoner--measures which are consistent with the object of promoting the interests of Canadian citizens (i.e. the friends or family) in legitimate enterprises abroad.

In the absence of friends or family able and willing to provide such help, the post should provide it instead, if the government accepts the notion that it is a recognized consular objective to protect a Canadian from neglect in prison. It would be entirely appropriate to do this through a local organization such as a Canadian club to which the post might be authorized to make an enabling grant. By seeking this kind of help from the private sector, the post might be able to ensure a better measure of help to the prisoner.

To ensure that the measures taken by posts to assist prisoners are the most appropriate in the circumstances, the Department might usefully consult private organizations such as the Canadian Corrections Association and the John Howard Society, which are concerned with penal reform and prisoner rehabilitation.

MISSING PERSONS

II B 2

Each week the Department receives numerous requests for assistance from Canadian residents who have lost track of family members abroad. Although missing persons cases are normally the responsibility of the appropriate police force in Canada who can carry out international liaison through the

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RCMP's Interpol Branch, the Department tries to assist in many of these cases through diplomatic and consular channels. This dual approach is common to many countries.

Separate statistics of missing persons cases are not kept for the Department or for posts abroad. The Internal Evaluation and Audit study indicates that at the sixteen posts surveyed, missing persons cases on the average took up 1.4% of time spent on consular work, ranging from 0.1% at Los Angeles to 5.9% at Rabat.

When Departmental consular officers receive an apparently serious and responsible request for help in locating a missing person abroad, they advise the caller to make a report to the local police authorities in Canada so that the official channel is opened. At the same time, they take particulars of the case and alert the posts in the target area for the search. Through passport records in Ottawa and local contacts abroad, the Department has had some success in locating missing Canadians, but the majority of cases, in the experience of the Department and of police forces, go unsolved.

The main categories of missing persons are:

Minors

Persons who disappear in suspicious circumstances

Victims of presumed accidents

Persons with mental problems

Persons who disappear deliberately

Displaced persons

Persons involved in cults

Childnapping and cult cases are dealt with in Sections II B 3 and 4 below. Minors as missing persons are mainly runaways and abandoned children.

Callers seeking help in locating displaced persons are normally referred to the Red Cross or Salvation Army who have facilities to do such tracing. Displaced persons would normally not be Canadian citizens.

In many of the missing persons cases, the Department's role cannot extend much beyond monitoring and, when necessary, applying pressure to local police authorities abroad who have

the real responsibility to locate missing persons. In all such cases, the Department and police authorities abroad consider the possibility that the "missing" person may have disappeared deliberately, in which case the right to privacy of the individual sought must be recognized. If this is the situation, the post abroad tells the located Canadian the identity of the person enquiring and invites him to correspond directly with the enquirer. The enquirer is told by the Department that the person sought is alive and well, has been given the enquirer's name and address and that any contact is up to the person sought, whose address is not divulged.

In countries where search and rescue capabilities or willingness are not adequate, posts suggest to the families of missing Canadians private methods of pursuing a search. There are no government funds available to assist families in pursuing such searches.

Problems

Since missing persons cases are a police responsibility both in Canada and in countries abroad, the Department should discuss the scope of its role in this field with the RCMP, with a view to eliminating unnecessary duplication.

Duplication might be avoided if persons calling the Department for help in tracing missing relatives were advised that the Department would deal with these requests only when asked to do so by the RCMP, who are well placed to provide liaison between local police forces in Canada and police authorities abroad through Interpol. The enquirer could be assured that the Canadian post in the area concerned would be alerted to assist in the search at the request of the RCMP. This procedure would have the advantage of ensuring that the original enquiry was properly probed at the outset by the local police authorities in Canada, something departmental officers have found difficult to do in a long distance telephone call.

RCMP headquarters in Ottawa, at the same time as they notify Interpol, could request the Department to pass the enquiry to the Canadian post in the area concerned. In notifying the post, the Department could add any information available to it from passport or consular files. At posts where an RCMP liaison officer is stationed, the head of post might delegate to him rather than the consular officer the responsibility for taking up the case with the local police, and of monitoring the case within the general scope of his duties under the direction of the head of post. Return information from the post could be sent back to the enquirer

through the Department and RCMP headquarters to the local police in Canada in the area concerned.

CHILD CUSTODY PROBLEMS

II B 3

The incidence of children being removed from Canada by one parent without the knowledge or against the wishes of the other parent has risen rapidly in the past few years. The Department has on hand some 200 requests for assistance in cases of this kind, of which at least 50 are active.

Canadian authorities concerned with "childnapping" include the courts and child welfare authorities of each province, the federal Department of Justice and External Affairs. Others could have general and specific case interests, such as Health and Welfare Canada and the provincial Attorneys-General.

Many cases occur in broken homes where one or both partners are foreign born Canadians who still have active contacts with friends or family in their country of origin. Such cases are normally brought to the Department's attention by the aggrieved parent, who may have a court order awarding him/her custody of the child or children abducted abroad by the other parent or some other person. In these cases the departed parent (or other person abducting) may be charged with an offence under Section 250 (or 249) of the Criminal Code. Where there is no outstanding court order, it sometimes occurs that the departing parent commits passport fraud--a criminal offence under Section 58 of the Criminal Code--in obtaining a passport for himself/herself and the abducted child or children. Even where feasible, extradition is not a promising course of action in these situations: if successful, it may bring the offending parent back to Canada but not necessarily the abducted children as well.

Where there has been no formally recognized family breakdown nor court decision on the custody of the child or children concerned, or where no passport fraud has been committed, the aggrieved parent may obtain through a civil action an ex post facto court order for the return of the offspring based on the appropriate provincial legislation on equal guardianship.

On behalf of the aggrieved parent in Canada who seeks the Department's assistance, the Department tries, through the Canadian mission in the area, to establish contact with the parent that has physical custody to satisfy itself that the

child is being looked after. If the child is not being adequately cared for, the Department resorts to the social institutions of the country concerned to ensure that the best interests of the child will be looked after.

The Department also takes steps to put the aggrieved parent in touch with a qualified lawyer in the foreign jurisdiction.

Where communications between the father and mother of the child have broken down, the Department offers its services to help re-establish contact.

The Department in some cases enlists the support of the local authorities in the foreign jurisdiction. Such authorities can be of assistance in an informal way in reminding the parent of his or her responsibilities and in helping to prod the parent along the way towards an agreement to return the child to Canada or at least to begin, with the other parent, the process of dialogue towards an amicable solution. In many cases, the best course for the Department is to put the facts of the case fully before the Canadian mission in the area and instruct it to use its good offices to seek an amicable solution.

On the international front, Canada has been instrumental in preparing the text of an international Convention on Civil Aspects of Child Abduction which was drawn up under the aegis of the Hague Conference on Private International Law. The primary purpose of this Convention is to ensure the prompt return of children who have been removed and, as a consequence, to ensure that the rights of custody and of access are effectively respected.

Problems

Trends in this field will have to be watched to determine whether the Department should initiate or support any action which could curb the increase in the number of childnapping cases. A first possibility would be to seek a greater measure of control at ports of exit over individuals travelling with children. This could be accompanied by tighter controls over the issuance of Canadian travel documents for children--e.g. a requirement for both parents to sign the application indicating their agreement that the child may travel. Such a measure would in itself have limited usefulness at best since many childnapping cases occur in families where parents, and perhaps children as well, are dual nationals and eligible for non-Canadian passports.

The possibility of the government's controlling the

increase in this type of problem would be enhanced if measures were taken to reduce dual nationality both internationally and domestically.

PERSONS INVOLVED IN CULTS

II B 4

"Cultists" come to the attention of the Department as missing persons cases. Initially, they must be considered as cases of deliberate disappearance where the person sought has a right to his or her own privacy. On the other hand, the Department does not decline to facilitate the legitimate efforts of persons in Canada to contact or to seek help in contacting a relative believed to be member of a cult outside Canada.

Assistance offered does not extend beyond providing the names of lawyers in the consular jurisdiction concerned well and favourably known to the post as having experience in these matters. Posts do not recommend "de-programmers" to persons requesting assistance. Consular officers may facilitate communication between the searching family and the cultist member, maintaining a posture of neutrality.

Problems

In an area such as this where the competent authorities in Canada or in other countries have not come fully to grips with the various legal implications of "brainwashing", the Department is not obliged to take a lead role. On the other hand, it is important that it keep abreast of legal developments both in Canada and abroad, and ensure that consular personnel abroad recognize circumstances that may alter the nature of a cultist case--e.g., when force or coercion has been used on a cult member or where a minor escapes from a cult and seeks help from a consular post--and that they know what to do in these situations.

DEATHS ABROAD

II B 5

Consular posts abroad are often called upon to handle many aspects of the deaths of Canadians abroad. The number of cases handled remains surprisingly stable:

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	<u>Local Burial</u>	<u>Returned to Canada</u>	<u>Total</u>
1975/76	311	145	456
1976/77	246	171	417
1977/78	250	167	417
1978/79	242	182	424
1979/80	308	145	453

The number of cases does not seem to vary in relation to the number of persons travelling in any very direct way. The regional breakdown is even more revealing:

<u>Area</u>	<u>Canadians Travelling in 1979</u>	<u>Deaths Abroad Cases Handled</u>
USA	34,363,000	118
Europe	934,000	203
Latin America and Caribbean	484,000	42
Asia	67,000	68
Africa	23,000	22

These figures suggest that consular posts become involved in handling deaths abroad much more frequently when the deaths occur farther from Canada, much less frequently when they are closer to home and private facilities are more readily available.

The Internal Evaluation and Audit study indicates that at the sixteen posts surveyed, the proportion of consular time spent on deaths abroad cases averaged 1.1%, ranging from zero in Lagos and Malaga to 5.1% in Warsaw and 5.3% in New Delhi during the survey period.

The basic responsibility which the Department has assumed in this area is the prompt notification of next-of-kin of the fact of death if this has not already been done by friends or associates of the deceased. This is handled normally through headquarters in Ottawa and the RCMP, who make direct contact with the next-of-kin.

Other tasks undertaken by the Department include the provision to the next-of-kin in Canada of general information

about undertaking costs and services available in each country, the acceptance for furtherance to the next-of-kin of personal effects, the watching over of undertaking arrangements, the obtaining of official reports and documents, and troubleshooting where necessary.

If efforts to identify or to reach the next-of-kin are unsuccessful, or if the next-of-kin are unwilling or unable to finance private funeral or other undertaker arrangements, the Department considers that the responsibility for disposition of the remains lies with the appropriate local authorities, as it does in Canada.

Problems

Paupers' graves are rarely marked in countries abroad and often burial records cannot be relied upon. The Department may wish to consider obtaining financial authority to provide grave identification so that if a next-of-kin who could not be located or had no resources at the time of the death later appears and wishes to take some action with respect to the remains, their location will be known.

TRAVELLERS SHORT OF FUNDS

II B 6

Some travellers run short of funds abroad, and-- unable to get money quickly from home through normal commercial channels--turn to consular offices abroad for help. The Manual of Consular Instructions states that Canadians abroad may not claim services from consular or diplomatic posts which banks, among others, are competent and well organized to provide. In many countries, banks are not sufficiently competent or well organized to handle quick transfers of funds. Where such transfers really are necessary to prevent the traveller from getting in worse trouble than he is already in, the consular office can provide an essential service. It can prevent a Canadian in difficulties from becoming a Canadian in distress--destitute and in need of repatriation-- which can be expensive for the Department as well as the individual concerned.

The statistical record shows the following number of cases where consular posts have helped Canadian travellers to get funds from private sources at home:

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		<u>Gross Amounts Transferred</u>
1975-76	2,343	\$536,660.31
1976-77	1,876	518,484.26
1977-78	1,899	577,435.51
1978-79	1,937	748,758.56
1979-80	1,536	798,693.13

Although the number of cases of transfer has declined, the average amount transferred has risen from about \$230 in 1975-76 to about \$520 in 1979-80. The 1979-80 geographical distribution of these cases was:

USA	315
Western Europe	653
Eastern Europe	40
Latin America and Caribbean	353
Asia	62
Africa	113

According to the Internal Evaluation and Audit study, four of the sixteen posts surveyed reported no activity under this heading. The overall average was 2.9% of consular time spent on these cases, with Rabat and Mexico reporting 7.2% and 7% respectively.

Nine out of ten cases are initiated by a traveller appearing at a post abroad and asking help in getting money transferred from bank, family, company or friends in Canada, sometimes in order to survive until the departure of a prepaid flight home, or to get to the point of departure of such a flight. The post cables the particulars to the Department in Ottawa, where consular officers contact the party concerned in Canada by telephone and instruct him/her to deposit the requisite amount of money with a chartered bank and to direct the bank to transfer the funds to their Ottawa branch for credit of the Department. On the basis of oral assurance from the Ottawa bank that the funds are in hand, the department authorizes the post to issue the funds to the person in need. Often this is done within 24 hours. This service--including the cost of cables between Ottawa and the post, the cost of long distance telephone calls in Canada as well as employee time both at the post and in Ottawa--is provided free to the

beneficiaries.

Some financial transfer cases begin at the post as repatriation cases, where a person has run out of funds and seeks government assistance for return to Canada on the grounds that there are no relatives, friends or employer who would be able or willing to help. Before repatriation is authorized, however, the Department checks out every possible lead for help, and generally in more than half the cases, someone is found who is willing to put up the funds necessary for repatriation. In such cases, government assistance will only have been made available to keep the applicant in food and shelter until departure for home.

Problems

Although the consular policy proposed in Section I E 3 above would suggest that as much of the financial transfer activity as possible be shifted to the private sector, the prospects of the Department's being able to reduce it substantially do not appear very good. If the Department were to examine systematically what banks and travel agencies can do in transferring funds abroad expeditiously, it might be able to terminate its own financial transfer activity at some posts. No doubt there would still be a considerable number of posts which would have to continue to make the service available.

People seek help at consular posts for the transfer of funds from Canada because of loss or theft, accident or illness or because they did not manage their resources properly. These are all hazards of travel which the individual should be prepared to meet: there is no particular reason why the cost of solving his problem should be borne by Canadian taxpayers generally. The Department should consider charging a flat rate fee for facilitating financial transfers based on the average cost of the communications and the employee time. The deterrent nature of this fee might in due course reduce the incidence of these cases.

The Department should also examine the situation of the consular officers at headquarters, who authorize expenditure of funds by the post on the basis of telephoned oral advice of the availability of funds from banks in Ottawa, in relation to responsibility for these funds under the Financial Administration Act. Although the system seems relatively safe, the Department should take steps to ensure that the system does not compel the officer to take an unreasonable share of responsibility for any mistake in the transaction which may involve the loss of government funds.

ASSISTANCE TO BUSINESSMEN

II B 7

When the civilian support services of government departments engaged in foreign operations were integrated into the Department of External Affairs in 1971, External Affairs acquired from the Department of Industry, Trade and Commerce a disbursement authority for certain types of assistance to Canadian firms and businessmen in support of the trade promotion program. This assistance includes:

- a) Use of the post telephone facilities for long distance calls where the public telephone is unsatisfactory or delays would result in business contacts being missed;
- b) Postage or other shipping charges from the post to a businessman's head office for brochures, literature, and business documents;
- c) Purchase of tender documents and credit reports for forwarding to Canadian firms either at the request of the firms (recoverable) or at the discretion of the Trade Officer (not recoverable);
- d) Arranging accommodation including the making of advance payments or deposits on a recoverable basis to secure reservations for visiting businessmen.

This is an example of consular activity for the promotion of the interests of Canadian individuals or corporate bodies in the external sphere. The services, however, are normally provided by commercial officers at posts abroad. The activity is fairly extensive: there are some 2,500 transactions per year where the Department recovers costs from individuals or commercial companies in Canada.

From the point of view of consular policy, there is no reason why this supportive activity should be solely in the commercial field. Similar support may also be warranted for those involved in cultural, technological and scientific exchanges and for those engaged in the promotion of international scientific cooperation and research on problems of the environment and modern society. No doubt some types of support are already being accorded to Canadian travellers active in these other fields without the expenditure of government

funds. Extension to Canadian travellers advancing the national as well as their own interests in these other fields of the full range of support services now available to those in the trade field may be worth considering. Special consular support for Canadians travelling and working abroad and active in promoting national interests as well as their own is envisaged in consular objective No. 2. (See I E 2 above.)

EMERGENCY PASSPORTS

II B 8

Posts abroad often have to issue emergency passports to persons in difficulty or distress abroad. These are one-trip documents, usually valid only for travel to Canada. They are issued to Canadian citizens who are being repatriated and whose ordinary passport has been impounded, to persons being deported to Canada, and to persons whose passports have been lost, stolen or misplaced.

In 1976-77, posts abroad issued a total of 469 emergency passports; in 1979-80, the number had climbed to 725. It is a time-consuming job, each case requiring a good deal more time than the issuance of an ordinary passport. In the Internal Evaluation and Audit survey, the average time spent at the sixteen posts on issuing emergency passports was 3.5% of total consular time, ranging from 0.5% in Rabat to 7.7% in Rome.

PROTECTION AND ASSISTANCE TO CANADIANS IN DISTRESS

II C

FINANCIAL ASSISTANCE AND REPATRIATION

II C 1

"The protection and assistance that Canadians and their dependants abroad may claim as a matter of right does not include relief or repatriation at public expense", says the Consular Manual; "All financial aid granted... is to be regarded as a recoverable advance."

Some Canadians who run out of funds while abroad need help to tide them over until money arrives from home. Others may have an air ticket to Canada on a flight leaving from another city, but have no money to get there and insufficient time to have funds sent from home. Still others

may have no funds and cannot, on their own or through the help of the consular post, raise any from family or friends in Canada. If without a ticket to take them back to Canada, they may need passage home as well as survival money until they leave. All such people may be eligible for financial assistance from the consulate, and, in the third case, also for a ticket which will take them to Canada. Such assistance is issued only against a signed Undertaking to Repay, and in the case of passage back to Canada, the applicant must also surrender his passport to the consulate and travel instead on an emergency passport valid only for a single trip direct to Canada, which is issued by the consulate.

The statistical table below shows the number of cases of financial assistance and of repatriation in the last five years, the budget allocations, disbursements, amounts recovered in the same fiscal year and the bad debts of previous years written off.

<u>Year</u>	<u>Fin. # Asst'ce Cases</u>	<u>Repats.</u>	<u>Budget Alloca- tion</u>	<u>Disbursed</u>	<u>Recovered in same FY</u>	<u>Bad Debts of Previous Years Written Off</u>
1975-76	802	251	--	n.a.	n.a.	\$13,497.
1976-77	812	259	--	"	"	\$14,910.
1977-78	845	375	\$ 60,000.	\$107,887.	\$40,268.	\$31,823.
1978-79	774	378	\$683,000. (includes \$618,000. for Iran airlift)	\$133,656. (\$563,407) @	\$51,179.	\$39,401.
1979-80	694	354	\$ 80,000.	\$204,016.	\$60,455.	\$25,580.

(Persons repatriated are not included in Financial Assistance Cases.)

@ (DND Airlift from Iran)

Of the total financial assistance advanced, approximately 60% is recovered from about 80% of the people.

The geographical distribution of repatriation cases in 1979-80 was as follows:

USA	105
Western Europe	67
Eastern Europe	8

Latin America and Caribbean	39
Asia	19
Africa and Middle East	116

At the sixteen posts surveyed in the Internal Evaluation and Audit study, cases of government assistance to distressed Canadians took up 1.3% of consular time, on the average, with five posts reporting no activity, Athens reporting 2.5% of consular time spent on these cases, and Los Angeles 2.8%. Repatriation cases took up 1.4% of consular time on the average, with no cases at eight posts, Belgrade spending 7.2% of time on these cases and Warsaw 12.9%.

While heads of post have the authority to approve repatriations in emergency situations, most applications for repatriation are referred to Ottawa. This is mainly to enable the Consular Bureau in the Department to find and contact a relative or friend who would be prepared to put up the cost of repatriation. By means of this procedure one-half to two-thirds of those cases which begin as repatriation requests can be reduced to cases of interim government financial assistance while awaiting a financial transfer.

Consular officers are enjoined to impress upon those who receive government financial assistance or repatriation that the Undertaking to Repay form which they are required to sign constitutes a regular debtor/creditor arrangement which is legally binding. The Department of External Affairs takes steps to recover these financial advances, and if it is unsuccessful, turns the matter over to the Department of Justice to take further appropriate action. Even though some 40% of the funds issued are not recovered, record of all advances not reimbursed is kept, and any person applying for a new passport or other passport service who has not liquidated his debt to the crown will be refused the passport or service until the advance is repaid.

Problems

The handling of government financial assistance and repatriation cases is labour-intensive at posts and particularly at headquarters, where much time is used in trying to find a friend or relative of the destitute person abroad to put up the money for his relief or repatriation, or in trying to recover funds or travel costs advanced from the destitute person after his return to Canada. The Department should exert every effort to reduce the manpower and money costs of this unproductive work. If the government accepts the

obligation in the third consular objective (Section I E 2 above) to protect a Canadian citizen against the consequences of destitution, there will presumably always be an irreducible core of repatriation cases. Nevertheless, the Department should analyze its repatriation cases to determine whether there is any way of reducing the amount of time and trouble now taken over these cases both in Ottawa and at posts abroad.

HOSPITALIZATIONS AND MEDICAL EVACUATION

II C 2

The Canadian abroad may fall victim to accident or illness, and in some cases where this occurs, the nearest Canadian consulate may be called upon for help. Consular Bureau statistics record the annual number of hospitalizations in which consular posts have become involved over the past five years as follows:

<u>1975-76</u>	<u>1976-77</u>	<u>1977-78</u>	<u>1978-79</u>	<u>1979-80</u>
627	579	588	596	543

In 1979-80, two-thirds of these cases occurred in Europe: in earlier years, the proportion was slightly less.

Medical evacuations are a relatively rare occurrence. Consular Bureau statistics do not record them separately, but estimate them at about half a dozen a year. When they occur, they can be very labour-intensive for the post concerned.

The Internal Evaluation and Audit study shows that the average proportion of consular time spent on hospitalization and medical evacuation cases at the sixteen posts surveyed was 1.6%, ranging from zero at four posts to 2.7% in Rome and 5.2% in Bangkok.

Much of the consular work involved in hospitalization cases involves establishing the entitlement of the hospitalized person to the benefits of the provincial medical/hospital plan concerned, facilitating the transfer of funds for payment of hospital and medical fees and finding and alerting relatives or friends in Canada whose help with the stricken person may be required. Persons hospitalized for mental illness present the most difficult problems.

Medical evacuation by commercial means from distant places normally involves the purchase of 4-6 seats on an aircraft as well as the fees and travel expenses of attendants

required. Occasionally, extra costs are involved for special equipment such as an iron lung. Medical evacuation by a specialist company is normally more expensive than medical evacuation by commercial means because of the special services employed, such as air or road ambulances.

The provincial health plans in Canada vary in their treatment of repayment for medical evacuation and their allowable expenses range roughly from nil to 75%.

As a result of the high costs involved in medical evacuation, some families have looked to the Department of National Defence for help in these situations, and have sometimes obtained it. DND's ability to assist is restricted to those times and places where they may have routine flights for military purposes, and their participation must be authorized by the minister.

Problems

There is scope for more participation in this field by the private sector. Some tour companies perform many of the functions relating to hospitalization which consular posts are sometimes called upon to perform. Travel insurance is now available which can greatly facilitate the payment of fees for medical and hospital services abroad. The Department should encourage more penetration of this field by the private sector and should encourage the travelling public to take advantage of the facilities offered.

ASSISTANCE TO "RANSOMEES"

II C 3

The practice of taking personal or property hostages and holding them to ransom is an old one which had universally been regarded as unlawful. There have, however, been a few cases recently where the state apparatus of a foreign government has been used for this purpose. Should the Canadian Government provide moral or financial guarantees for a Canadian citizen imprisoned in these circumstances?

Since there have been few cases of Canadians being held for ransom, it is difficult to devise a policy that will cover the kinds of cases which may occur. It is not practicable for the Canadian Government to give a moral guarantee that one of its citizens, if released from jail, will not leave the country pending the completion of legal process in which he or she is involved; and it does not seem consistent with past Canadian domestic practice that the holding of a person to

ransom should be condoned by paying the ransom requested. No doubt situations could occur in which some exception to that approach might seem justifiable--the case would have to be judged on its merits.

PARA-CONSULAR ACTIVITIES

II D

The consular activities identified in Part I above represent the lowest common denominator of functions that were agreed upon by the participants of the Vienna conference. In Canada, there are a few other functions that are normally regarded as part of the consular bundle, even though they are peripheral to the function of protecting and promoting the interests of Canadian citizens abroad.

(a) Family Reunification Matters

Family reunification is an immigration program to facilitate the entry into Canada for permanent residence of relatives of Canadian citizens or landed immigrants. When the prospective immigrants are citizens of communist countries, the program entails our diplomatic missions' making representations to the appropriate government concerning their own nationals who wish to emigrate to Canada. This is not precisely a consular function. Since the program involves the promotion abroad of the interests of Canadian citizens and residents who wish to sponsor the immigration of their relatives, and since it relates to the problems of individuals, those aspects of the program which are not of direct interest to Employment and Immigration Canada are deemed to be part of the Department's consular function. Much of the detailed work in Ottawa is quasi-consular in nature: at posts abroad the work is essentially diplomatic and immigration rather than consular. The problems are not questions of consular policy.

(b) Political Dissidents

As an expression of its human rights policy and sometimes in response to pressures from certain sectors of the Canadian public, the Government makes representations to foreign governments concerning political dissidents, particularly in East European countries. This activity is not consular, except that it can arise from the interests of certain Canadian citizens or residents and concerns the welfare of individuals. Problems relating to this activity are diplomatic rather than consular problems.

(c) Asylum and Temporary Safe Haven

The Department's policy on this subject (set forth

in Section 7.2 of the Manual of Post Administration) is based on the fact that "no general right of asylum on diplomatic premises is recognized in contemporary international law". Nevertheless, posts are authorized to provide temporary refuge on humanitarian grounds to persons in imminent danger of physical harm or loss of life. "Temporary Safe Haven" is the term applied to this special and restricted form of asylum. Posts are required to report such incidents to the Department immediately.

While temporary safe haven would normally be sought only by citizens of the host country seeking refuge from the authorities of the host country, there have been occasions when Canadian citizens have sought safety in a Canadian diplomatic or consular post. This may occur again--e.g.:

- a) When they are caught in a civil war situation, and particularly if there are reports or rumours that one side or the other is trying to seize foreign hostages;
- b) When a dual national, claiming Canadian citizenship as well as citizenship of the host country, is "on the run" from the authorities of the host country;
- c) When the host state authorities are unwilling or unable to provide protection to certain Canadians--or Canadians generally--from elements of the host country population.

Here again, the problems are diplomatic rather than consular, but they will usually have a consular aspect since temporary safe haven concerns the safety of individuals.

(d) Deportations

The responsibility for executing the provisions of the Immigration Act relating to deportations from Canada rests with Employment and Immigration Canada. It frequently happens, however, that the cooperation of a foreign diplomatic or consular post is required to obtain a valid travel document for the deportee. When this occurs, External Affairs acts on behalf of Employment and Immigration, and for organizational purposes, treats the problem as a consular case.

(e) Voting Abroad

Under the Canada Elections Act (Special Voting Rules), Canadian military and diplomatic personnel have the right, while serving abroad, to vote in Canadian federal

elections. Other Canadians living abroad and those travelling outside the country do not enjoy similar rights. For those who have these rights, the consular post has the responsibility for making the necessary voting arrangements; in doing so, the post is performing a consular function in protecting the Canadian citizen's right to vote when he is abroad.

If the Canadian Government takes steps to extend voting rights to all Canadian citizens living or travelling abroad, and if Canadian diplomatic and consular posts are likely to be asked to administer any general system of voting abroad, the Department should seek to participate in planning the modalities of any such system to ensure the adoption of efficient and economic procedures.

(f) Refugee Status Advisory Committee

This committee was set up in 1978 to review the cases of refugees who wish to become landed immigrants in Canada and to make recommendations to the Minister of Immigration for the disposition of these cases. A member of the Department from the Consular Bureau sits as a member of the committee. The function is not a consular one, but since the problems relate to individual persons, it is not illogical that a consular officer should be a member of such a committee.

III - THE CONSULAR INFRASTRUCTURE

Part II of this paper has catalogued the various types of consular activity recognized in Canadian practice, highlighted the problems relating to these activities and identified desiderata for action.

The purpose of Part III is to review the consular infrastructure and again to highlight the problems and to identify desiderata for future action. Sections A and B of this part deal with the legislative and diplomatic underpinning of the consular function--the framework of domestic law and international agreements and understandings which specify or limit the range of consular activities.

Section C deals with the organizational arrangements which have been made to enable the Department of External Affairs and its posts abroad to carry on the consular function effectively and economically.

DOMESTIC LEGISLATION

III A 1

The legal authority for the exercise of the consular function in and for Canada is meagre. The Department of External Affairs Act (1909) provided that

"The Minister, as head of the Department, has the conduct of all official communications between the Government of Canada and the government of any other country in connection with the external affairs of Canada, and is charged with such other duties as may be assigned to the Department by order of the Governor in Council in relation to such external affairs, or to the conduct and management of international negotiations so far as they may appertain to the Government of Canada."

Order in Council P.C. 1391 of June 21, 1909 directed

"that the administration of consular matters and the issuance of passports... be continued through the Department of External Affairs."

There are no Acts of Parliament other than the Department of External Affairs Act mentioned above for which the Department is responsible. The Department has the responsibility, however, for implementing the Canadian Passport Regulations and the Canadian Consular Fees Regulations.

Acts and Regulations which are the responsibility of other departments but which assign certain specific responsibilities to the Department of External Affairs or its officers stationed abroad are the Citizenship Act and Regulations (1977), the Immigration Act and Regulations (1978), and the Canada Shipping Act (1970), to be replaced by the Maritime Code currently in preparation.

While the above-mentioned Acts and regulations provide authority for most of the routine services reviewed in Section II A above--the issuance of passports and visas, action in citizenship cases, the performance of notarial and shipping functions--the same does not appear to apply to most of the services extended to Canadians in difficulties or distress abroad. There is no authority in Canadian domestic

legislation for what consular posts do for Canadians who are under detention abroad, of what they do to locate missing persons, or for what they do for Canadians under alleged constraints in cults, or for those who are hospitalized, deported, held for ransom, seeking asylum or who have died abroad.

Annual Appropriation Acts provide for the spending of public money for the relief or repatriation (on a recoverable basis) of Canadian citizens and persons of Canadian domicile in distress abroad, but the nature of the obligation or the circumstances under which it applies is not spelled out.

Problems

Absence of a Canadian legal foundation for many types of consular protection and assistance is in fair measure made up by Canada's international obligations in the consular field arising from the multilateral conventions and bilateral agreements to which Canada is signatory and from the general rules of international law or practice and broadly acknowledged standards of justice and fair treatment (see Section III B below). The real problems arise from the accumulation of Canadian practice in the consular and related fields which is at variance with international practice. These problems arise mainly from the fact that Canada is an immigration country, and endeavours to extend to the newcomer to Canada as many of the privileges of citizenship as possible, as soon as possible. Consular officials are encouraged to extend "informal assistance" and to do what they can to help landed immigrants who are refugees or stateless persons. For landed immigrants who are citizens of other countries, consuls may also provide informal assistance if the representatives of their own country decline to afford them assistance or protection because of their Canadian status. Action of this latter kind is not a procedure recognized in international law, but occasionally, it is effective and has thus become part of standard Canadian practice.

Problems arising from Canadian citizenship law and practice are covered in the next section.

CANADIAN CITIZENSHIP

III A 2

Canadian citizenship legislation is of importance in consular work for three reasons. The law specifies who is a Canadian citizen and thus determines who is entitled to

a Canadian passport, since regular passports are issued only to Canadian citizens. Secondly, current legislation assigns certain citizenship functions to "foreign service officers" (e.g. to receive applications for grant of citizenship). Finally, in defining entitlement to citizenship, the legislation determines to whom consular posts may extend formal consular protection in keeping with general international practice.

Under the 1947 Canadian Citizenship Act, Canadian citizenship was automatically lost when another nationality was acquired outside Canada by a voluntary and formal act other than marriage. With the coming into force of the present Citizenship Act and Regulations in 1977, Canada recognized and accepted the concept of multiple nationality.

Problems

One of the intents of the 1977 Citizenship Act--at least in Canada--was to eliminate any apparent degree of discrimination between dual national (mostly naturalized) and single-national (mostly natural-born) Canadians by permitting both to retain their Canadian citizenship following voluntary acquisition of a foreign citizenship. The effects of this law outside Canada have been to create conflicts with the laws of some other countries for a rapidly growing number of dual nationals and to create a form of advantage or differentiation in status between Canadian citizens. In some cases, this operates in favour of those holding two or more nationalities, sometimes against them.

For instance: Canadians resident in the United States who have become US citizens are entitled to the full protection and consular assistance of the American Government outside the USA and to all rights and privileges of citizenship including voting in the USA, and at the same time may enjoy the benefits of Canadian citizenship. Extraterritorially, the Act has helped to create a specially privileged class of Canadian--one not subject when abroad to Canadian laws and regulations of a domestic character but entitled to consular protection by Canada and to specific privileges (i.e. a Canadian passport), sometimes forbidden by the host country.

It is evident from the foregoing that the 1977 Citizenship Act, while seeking to eliminate certain inequalities at home, has produced even more troublesome inequalities abroad. It has also complicated the ongoing task of negotiating consular agreements with other countries. While there are other countries which recognize multiple nationality, the general disposition of like-minded countries

is to restrict rather than encourage the acquisition of other nationalities, since it can greatly complicate the whole business of consular protection--such as government endorsement and settlement of claims by "Nationals", and other state obligations on interventions in favour of its citizens.

In many instances, moreover, foreign countries, which in their constitutions or their legislation adhere to the concept of single nationality, do not recognize the right of consular protection by another foreign state in respect of a dual national on their territory. Such denial of consular protection is in accordance with the Hague Multilateral Convention of 1930 pertaining to dual nationals which Canada now honours only in the breach.

A more extreme instance of the disadvantage which may befall a dual national can occur in Mexico, where a Canadian who is also a Mexican may be tried for treason or be stripped of Mexican citizenship and deported if he is found in possession of a Canadian passport while in Mexico.

In other instances, Canadian dual nationals resident in areas where exit visas are required--e.g. in Eastern Europe or the Middle East--are not able to leave without permission even in times of emergency, as they are considered primarily if not exclusively citizens of the other country. In such cases, consular protection cannot be provided.

Acceptance of the multiple nationality concept implicit in the 1977 Citizenship Act runs counter to the general thrust of our own policy in negotiating consular agreements. In the past 20 years, Canada has promoted the concept of dominant or effective citizenship based on country of residence and of the corresponding national passport in the consular understandings and agreements it has negotiated with the USSR and other Eastern European countries. In more recent consular conventions, Canada has made a strong distinction between Canadian dual nationals simply visiting and those residing in the country of their second nationality; full protection is not and cannot be accorded to the latter. This approach parallels the notion implicit in certain federal and provincial legislation that citizenship status reflects or should reflect a degree of commitment to Canada, which finds expression in limiting to Canadian citizens the rights to vote, eligibility for public offices and the federal public service, and access to some land ownership and company directorships.

Finally, recognition and acceptance of the concept of multiple nationality has added to the burden of consular

posts abroad by extending the number of persons to whom some form of consular protection or assistance may be accorded. Since Canada is a country of net immigration, many of our citizens, whose countries of origin have not withdrawn their prior nationality, are dual--or sometimes even triple--nationals. The number of dual-national Canadians is now growing steadily, mostly as a result of acquisition of foreign citizenships by Canadians residing outside Canada who no longer face automatic loss of Canadian citizenship upon taking an oath of allegiance to a foreign state. The task of the consular post whose protection or assistance has been sought by a person who is a Canadian citizen is greatly complicated by the necessity of determining exactly what kind of a Canadian citizen the person is and what kind of consular support may be extended to him. If we admit that relations between the state and its citizens, especially on its own territory, are a matter of internal competence, the consular protection of dual citizens presents severe constraints in the implementation of the Vienna Convention and other treaties which do not provide for dual nationals.

In essence, the dual nationality question has two dimensions that affect consular operations. Within Canada, there are sizeable numbers of dual-national Canadians mainly of USSR and Eastern European stock, who, while willing to divest themselves of their original citizenship, are frustrated in their attempts to meet the legislative conditions for renunciation imposed by the foreign state involved. The program of bilateral consultations leading to consular agreements is intended to ease this situation by either

- a) securing some right to consular protection and waivers of military service for dual-nationals normally resident in Canada while on a visit to their homeland; or
- b) seeking improvements in the conditions for renunciation (e.g. removing punitive elements often associated with renunciation).

By far the fastest growing dual-national population are the expatriate Canadians who since 1977, have taken out the citizenship of their foreign country of residence. Whereas before 1977, these persons may have existed as "registered aliens", fully subject to the local laws but without rights of representation in that country, they were entitled to full Canadian consular protection. With the acquisition of that foreign citizenship, all rights of citizenship and consular protection are assumed by the other country (often the country of residence) and, it may be argued, the need for Canadian consular protection is accordingly reduced. Many of the new dual-nationals endured "alien" status, particularly

in the USA, for many years in order to preserve their Canadian status and any effort to solicit a voluntary renunciation of Canadian citizenship from them or even to initiate a reduction of consular services for them, would likely provoke an outcry.

For reasons related to our immigration program, Canada also extends some measure of consular assistance to persons who are not Canadian citizens--and in some cases, not even Canadian residents. The complexity of the consular task can be appreciated from the following list of categories of persons to whom the Canadian government provides some measure of consular protection or assistance, set down in approximate order of their entitlement to such protection or assistance:

1. Canadian citizens;
- 2.a) Canadians with dual nationality normally residing in Canada;
- b) Canadian dual nationals normally residing in Canada, visiting the country of their second nationality;
- c) Canadian dual nationals resident in a third country;
- d) Canadian dual nationals resident in the country of their second nationality;
3. Landed immigrants resident in Canada;
- 4.a) Refugees with status under the 1951 International Convention on Refugees and the 1967 Protocol;
- b) Refugees coming under the special immigration programs (e.g. Chile, Vietnam);
5. Nominees under the Reunification of Families program;
6. Political prisoners or dissidents in foreign countries whom Canadian citizens, residents of Canada or the Canadian government wish to sponsor for immigration into Canada;
7. Citizens of another country emigrating to a third country (Jewish applicants for exit visas from the USSR ostensibly migrating to Israel but in fact coming to Canada).

With respect to many of these categories, there are not precise

directives as to how much consular protection or assistance may be accorded; the consular post must refer to Ottawa for guidance. This makes for communications costs and the involvement of an undesirably large number of people in the process of deciding what consular protection or assistance is warranted in a particular case. The difficulty of applying a policy of austerity in this situation is easy to see.

When the Citizenship Act is reviewed--a process which is expected to begin shortly--the Department should seize the opportunity to put forward views concerning the external implications of the Act and the problems arising from Canada's recognition and acceptance of dual and multiple citizenship.

THE INTERNATIONAL FRAMEWORK:
AGREEMENTS (CONVENTIONS AND UNDERSTANDINGS)

III B 1

The international framework for Canada's consular operations--complementing the framework of domestic legislation dealt with in Section III A above--consists of a complex of multilateral and bilateral agreements, understandings and arrangements, and the international law of custom.

The primary multilateral agreement is the Vienna Convention on Consular Relations (VCCR), which Canada signed in 1963 and acceded to in 1974 after the provinces' concurrence had been obtained. Bilateral agreements or arrangements pertain directly or indirectly to privileges, immunities, duties and responsibilities of our consular officers abroad and of foreign consuls in Canada. These range from the Convention of Commerce between Canada and Poland ratified in 1936 to the Consular Understandings between Canada and the People's Republic of China concluded in 1973 and supplemented in 1980.

Unlike understandings or arrangements, bilateral agreements (i.e. conventions or treaties) are binding in international law. They contain provisions for settling additional issues or bringing greater precision to the conduct of consular relations as defined by the VCCR, by other multilateral or regional treaties (e.g. the Hague Convention of 1930 on the Conflict of Nationality Laws), or by rules of customary international law. Canada has signed approximately 70 such agreements, the subject matter of which extends from the purely consular to such practical matters as civil procedures and shipping.

The mid-1930s saw a number of civil procedure conventions realized with the prior consent of the provinces. Several agreements on visa matters were signed in the late 1940s and early 1950s. The multilateral VCCR was a product of the 1960s and was the first major international attempt to codify consular relations and immunities. It followed on the successful completion by the UN International Law Commission of the Vienna Convention on Diplomatic Relations in 1961. Canada concluded in the same decade a series of bilateral understandings with Eastern European countries on the protection of nationals and the status of dual nationals, while a legally binding agreement was signed with the USSR.

Special consular issues were dealt with by bilateral arrangements with China and Mexico in 1973.

Following Canada's accession to the VCCR, the Department established priorities for meeting requests from Warsaw Pact countries (some of whom were not party to the VCCR) for consular conventions with Canada. Negotiations with Poland for a bilateral consular convention and a protocol to avoid dual nationality began in 1975 and after protracted discussions, reached an impasse in 1978. Currently, negotiations are well advanced with Hungary and Romania and are in early stages with Italy, Czechoslovakia and Mexico. Consultations with the USSR are shortly to be resumed following their suspension in December, 1979. Revival of negotiations with the Poles is also planned. Yugoslavia, Bulgaria, and the German Democratic Republic have, in recent years, also approached Canada for bilateral consular agreements.

The major topics of interest to Canada and the other parties in these agreements include the establishment of consular posts, access to detained nationals, protection of private and commercial interests, legal assistance and notarial acts, consular functions in relation to marine and air transport and estate matters. Protocols on the régime applying to dual nationals in one another's territory are annexed to the consular conventions. Visa-issuing procedures are not included in these conventions as they lie solely within the domestic competence of each state.

Consular agreements are of practical benefit to our consular program because they determine the bilateral procedures applicable and help to avoid constant recourse to ad hoc decisions. In some cases, rights for Canadians to consular protection have been created that would not otherwise have existed. The consular function is defined and regulated so that our consular officers have basic local ground rules

within which they have the power to operate. The VCCR carries a number of qualifying phrases such as "in accordance with local law" or "where the local authorities are aware". Bilateral agreements can reduce or eliminate these restrictions or ambiguities which often inhibit effective consular protection or assistance.

Often the consultative phase of the negotiations is as important as the final document. It maintains the dialogue on areas of conflict, signals Canada's concern about protecting its citizens and provides an opportunity in corridor discussions to seek concessions on related but non-consular matters such as reunification of families or the release of political dissidents.

Protection for dual nationals is a sensitive and difficult matter, especially in countries whose law admits of only one citizenship. Nevertheless, we have been successful in some of our agreements in creating some rights for dual nationals who are permanent residents of Canada.

The mechanisms for enforcing consular agreements are the same as for any international agreement: bilateral actions such as diplomatic interventions, protests, declaring officers persona non grata, etc. International arbitration and, in the last resort, reference to the International Court of Justice are possible. Canada has not attempted the latter either for a bilateral agreement or for the VCCR.

Problems

Some of the key issues in consular conventions are matters of provincial responsibility (mostly those involving property and civil rights) and coordination with all ten provinces for their concurrence is a part of the negotiating process. This has sometimes caused lengthy delays, but more recently consultation with the provinces in these matters has gone smoothly and expeditiously.

Our ability to negotiate consular agreements is further limited in a number of ways. The Diplomatic and Consular Immunities and Privileges Act of 1977 established legislative constraints on our ability to make concessions in a field given considerable importance by Eastern Europeans. Other legislative limits in fields such as entry into Canada, the Canadian Human Rights and Privacy Acts also affect our negotiations.

Continuation of the process of negotiating consular conventions and agreements is clearly in the national interest and should be pursued.

TRANSFER OF OFFENDERS AGREEMENTS

III B 2

Transfer of Offenders Agreements, while not consular agreements as such, have important implications for the Department's consular activities. Under the Transfer of Offenders Act passed by Parliament in 1978, Canada is able to implement treaties on the transfer of persons found guilty of criminal offences. On a reciprocal basis, Canadian citizens sentenced to imprisonment in foreign countries will be permitted to serve their sentence and parole in Canada if they elect to do so and their applications are approved by the Canadian authorities and those of the country detaining them. The objective of the legislation and the bilateral treaties is to improve the conditions for rehabilitation of the inmates.

Discussions have taken place with a number of countries and the following treaties have been signed and in three cases ratified:

<u>Countries</u>	<u>Signed</u>	<u>Ratified</u>	<u>In Force</u>
Canada/USA	Mar 2/77	Jul 19/78	Jul 19/78
Canada/Mexico	Nov 22/77	Feb 27/79	Mar 29/79
Canada/Peru	Apr 22/80	Jul 23/80	Jul 23/80
Canada/France	Feb 9/79	--	--
Canada/Bolivia	Mar 6/80	--	--

Preliminary discussions of possible treaties have been held with Thailand, New Zealand and Australia. Turkey, Denmark and Germany have indicated a future interest. Britain, Portugal, Morocco, Netherlands, Spain, Columbia, and India have been approached but showed no interest at the time.

The Ministry of the Solicitor General is responsible for the implementation of the transfer of offenders agreements in Canada, while all aspects of the bilateral arrangements and negotiations are coordinated by the Department of External Affairs. Employment and Immigration Canada is responsible for establishing citizenship requirements prior to approval of a transfer. Our posts in the countries of detention are responsible for assisting with the negotiation of the treaties as well as working out agreed procedures for the transfers of the inmates back to Canada.

Since the treaties have been in force, 81 US inmates in Canadian institutions have been returned to the United States and 59 Canadian prisoners in US institutions and 9

Canadian prisoners in Mexican institutions have been granted permission to return to Canada. Under the Canada/USA treaty, all Canadian offenders sentenced pursuant to U.S. Federal laws and all American offenders in Canadian Federal institutions are eligible for transfer if they meet the conditions set forth in the treaty. Further, if the offender was sentenced pursuant to the laws of a state or province, the approval of the authorities of that state or province shall be required before the offender can be transferred. At this writing all Canadian provinces and territories and 14 states in the USA are participating in the treaty.

Problems

Transfer of a Canadian prisoner back to Canada means the termination of a consular case for the Canadian consular post, but the additional work to bring this about has taxed some posts considerably. Consular assistance both before and after sentencing must be continued up to the time the inmate is transferred. This includes pressing for the holding of trials in countries where delays are normal, helping the inmate to find suitable legal counsel, particularly in drug trafficking cases where sentences can be severe, plus arranging the actual transfer.

CONSULAR STAFFING

III C 1

Good personnel are essential to the provision of good consular service, and good consular service is not only one of the important objectives of the Department, it is also vital to public and Parliamentary perception of the Department's general efficiency. Nowhere more than in its consular services does the Department interface so vitally (for them) with the Canadian public. Nowhere more than here is the Minister so open to Parliamentary and media criticism when mistakes are made.

The manpower requirements for personnel at posts abroad to handle consular work have been surprisingly constant. From 1973/74, when the proportion of person years (support and program) allocated to the consular program rose from 3.5% in the previous year to 3.9%, until 1979/80, the proportion has varied slightly between a maximum of 4% and a minimum of 3.7%.

The Consular Bureau is better placed than many others in the Department when it comes to making the case for personnel positions both at headquarters and at posts abroad. Unlike much of the work of the Department, consular work in many of its aspects is quantifiable and the need for personnel can be more readily substantiated by statistical data.

Staffing the Consular Bureau and consular positions abroad has sometimes been difficult, however, since some

departmental personnel have been reluctant to accept assignments in the consular field. They have felt that consular work is off the main track of the Department's business--an agglomeration of petty and untidy problems that are without intellectual challenge.

This bit of mythology is gradually being dispelled as more and more members of the Department become aware of the satisfactions and challenges of consular work: its important human relations element and its relatively high proportion of finite and soluble problems; its significance in relation to the promotion of human rights; its central position in our relations with many countries, including particularly those with communist governments; the exacting nature of the preparation and negotiation of consular agreements; and the positive and constructive work to be done in such areas as contingency planning, the consular awareness program and in promoting the involvement of the private sector in some aspects of consular work.

The necessary diversification of consular work and the concomitant demands for different talents have been such that special pleading by departmental senior officers no longer seems to be necessary to ensure an acceptable reputation for consular work in the departmental culture.

CONSULAR TRAINING

III C 2

The Consular Bureau provides a two-day training course which is available to foreign service officers and other personnel on notice of posting abroad. It is a combination of lectures, situation simulation and problem solving. In 1979-80, a total of 80 employees took this course, including 43 foreign service officers. Many of these persons also got two days' training in the Passport Office.

Some consular training is also done at posts abroad. In the Internal Evaluation and Audit survey, six posts recorded some time spent on training, most being done at three posts which spent 2%, 2.3% and 10.4%, respectively of their total consular time on training. Some of this training time was probably devoted to training locally engaged personnel.

Problems

The four days' training in passport and consular work now normally given to persons going on their first posting abroad seems adequate for those who may have only occasional exposure to consular work (as duty officer or vacation relief) but insufficient for those who are going to do it full time. Decisions on the amount of training which persons going abroad

to do consular work will get are personnel decisions rather than consular decisions, however. Unless the Department, through its Personnel Bureau, decides to allocate more time for training those who will be performing the consular function full time at posts abroad, the norm will likely remain two days of passport training and two days of consular training, or less.

If new consular personnel abroad were committing embarrassing and costly errors frequently, no doubt heads of post would be pressing strongly for more pre-posting training. This does not appear to be happening.

If as a result of pressure from posts abroad, the Consular Bureau had the opportunity to provide more pre-posting training, it would probably set up a program with:

- a) More lecture time;
- b) Exposure to conditions and procedures in Canadian jails, mental institutions, hospitals, and morgues;
- c) Short term assignments in the Consular Bureau; and
- d) Short term assignments to a Canadian consular office abroad.

Most of these training ideas have been tried at one time or another in the past and have been discontinued, not so much because of lack of success, but because of unrelenting pressure on and from the Personnel Bureau to keep personnel on their last assignments in Ottawa for as long as possible before releasing them for pre-posting preparations and training.

The person who absorbs training best is one who has been exposed to real situations and has an awareness of his own ignorance. In the consular field, this is most likely to occur when the officer has been on the job for a few months. The Department might take this point into account in planning any further effort to improve the training of consular personnel. Instead of pre-posting training of the kind mentioned in the previous paragraph, the Department might consider methods of enabling new consular personnel abroad to engage in some self-instruction. This might be done by supplementing the Manual of Consular Instructions with a document of practical advice. A better alternative might be to prepare cassette tapes of interviews with various experienced consular officers on how they have handled their difficult cases. Another possibility would be for the Department to prepare a few histories of

actual consular cases with copies of the original documentation which could be sent out as circular documents for the guidance of those new to consular work.

The Department should also undertake a revision of the Manual of Consular Instructions to ensure that, in addition to being the authoritative reference work on consular matters, it is a handy, working tool, convenient for the uninitiated to use.

HONORARY CONSULS

III C 3

The establishment of honorary consuls as an integral part of the Consular Services Program began in earnest in 1975. There are now 11 consulates staffed by honorary consuls in operation:

Bahamas - Nassau	Mexico - Acapulco
Bolivia - La Paz	Merida
Dominican Republic - Santo Domingo	Tijuana
France - St. Pierre and Miquelon	Panama - Panama City
Iceland - Reykjavik	Paraguay - Asuncion
	Spain - Malaga

Three more have been authorized and will be opened as soon as suitable candidates are found (Bombay, India; Tananarive, Madagascar; and Valetta, Malta). Two others are in the planning stage.

An honorary consul is normally a prominent private citizen, permanently resident in the host country, with a substantial connection with Canada. He provides office space and handles--or directs the handling of--consular problems under the supervision of a career consular officer at the relevant parent Canadian post. Honorary consuls do not provide regular passport services: they will receive passport applications, check and forward them to the parent posts and issue emergency passports on direction from the parent post.

By appointing honorary consuls, the Department has been able at minimal cost to provide most of the necessary consular services in areas that could not be adequately covered from the parent posts. The cost of setting up such a consulate has ranged from \$1,500 to \$10,000 and the annual operating costs currently run between \$6,000 and \$23,000 per year. Unfortunately, the appointing of honorary consuls does not appear noticeably to have reduced the consular workload at parent posts.

Problems

Problems relating to these consulates are essentially personnel problems: selecting the right person to be honorary consul in the first place, or getting rid of one who has turned out to have been a bad choice.

CONSULAR SERVICES PROVIDED BY OTHERS

III C 4

In countries where Canada has had no resident diplomatic or consular posts, Britain for many years assumed certain responsibilities for the protection of Canadians travelling overseas. With the growth of Canadian representation abroad, the task of protection has more and more been taken over by the Canadian Government and the requirement for British consular services has diminished accordingly. For several years now, the British have indicated to us more or less formally and at regular intervals that they would like to get out of providing local consular services for nationals of other Commonwealth countries, including Canada, and that we should be actively working to make alternative arrangements.

In the absence of formal British notification of their intention to withdraw all consular services that in the past they have provided to Canadians, either globally or only in countries where Canada is represented, the Department continues to advise Canadians travelling abroad to look upon British posts as a provisional extension of the Canadian diplomatic and consular network. This is now done in Canadian passports (page 32 and inside back cover) and in "Bon Voyage, but..." (pages 6 and 11).

In situations where Canada has had to withdraw its diplomatic mission from a foreign country, the government requests another friendly country to act as "protecting power" and protect Canadian interests in the country from which we have withdrawn. Denmark, for instance, has been acting as Canada's protecting power in Iran since early 1980. Although this is essentially a diplomatic arrangement to protect our general interests, in practice much of the work which the protecting power has to undertake on behalf of the protected power is consular work. Canada has performed this office for other countries more often than we have had to request it of others.

Problems

The broad problem to which the foregoing arrangements

provide a partial answer is that of providing a reasonable level of consular services in locations where a regular consular post is not warranted. Honorary consuls represent another kind of solution to this problem. The protecting power arrangement is appropriate only in those situations where Canada has been compelled to withdraw a diplomatic mission. The practice of continuing to rely on the British to provide consular services for Canadians in areas where there is no Canadian representation, despite their repeatedly expressed desire to be rid of this burden, seems neither politic nor prudent, particularly when there is another alternative.

The other alternative is to enter into an arrangement for reciprocal services, where we would provide consular services for another country in certain areas in exchange for their doing the same for us in areas where we have no representation. Such arrangements are specifically sanctioned in Article 8 of the Vienna Convention on Consular Relations, and have been entered into by certain pairs or groups of countries--e.g. Switzerland and Austria; and the Scandinavian countries.

This type of cooperation is a viable alternative to the appointing of honorary consuls, and in some locations, might be preferable because of the better local standing which a career consul generally has in comparison to an honorary consul. In areas where evacuation might conceivably be required a career consul or an embassy officer who is also a consular officer could take actions which an honorary consul could not.

The Canadian Government has discussed intermittently over the last few years with the Australian Government (which has been served with the same kind of notice by the British as has Canada) the possibility of an exchange of consular services. There would be difficulties, no doubt, but they are not insuperable if one accepts the proposition that the services which another government would provide may not in every respect be the equivalent of the services available at Canadian posts.

An agreement with Australia for reciprocal consular services need not be world wide in the initial instance. It could be limited to half a dozen posts on each side initially, and enlarged after a period of experience. It might prove desirable to enter into such arrangements with more than one country: Australia is not likely to be of much help to us in francophone Africa, for instance. In any event, it would seem desirable to proceed with negotiating arrangements of this kind rather than continuing to presume upon British help.

QUIET HOUR EMERGENCIES

III C 5

Since consular emergencies do not always occur during normal office hours, consular posts make a variety of arrangements to ensure that assistance can be provided to a Canadian abroad suddenly overtaken by really serious trouble at night or on the weekend.

The best arrangements for meeting such situations are available at posts where there is 24-hour security guard service. The guards screen the calls for real emergencies and have a duty officer on whom they can call for assistance. Other methods for handling these situations include commercial telephone answering services, recorded messages to respond to telephone calls, recorded messages with a facility to record the caller's message, informing the appropriate local authorities of emergency telephone numbers, posting emergency numbers on the chancery door and insertion of emergency numbers in the telephone directory.

The Department has not attempted to prescribe varying standards for different posts, but has left the devising of suitable arrangements to the discretion of the head of post, who is in the best position to appreciate the needs at his location and to organize his personnel resources accordingly. A survey of post practices for handling quiet hour calls for help carried out by the Department in 1979 indicated that there was no requirement for a greater standardization of procedures.

REGIONAL PASSPORT OFFICES

III C 6

In handling the Canadian end of the consular workload, the Department receives important assistance from the regional passport offices (of which there will eventually be sixteen). All these offices are under the direct operational control of the Passport Office in Ottawa.

Since these offices were established, they have rendered certain consular services to Canadians in addition to the provision of passport services which is their *raison d'être*. Subject to the availability of staff, they provide the following supplementary services:

- a) Regional Offices accept from families of Canadians

in distress abroad deposits of money for transmission abroad in situations where regular banking services would be too slow, and confirm the fact by telephone to the Department. The Department then authorizes the post by telegram to pay the equivalent amount in local currency to the distressed Canadian consular client.

- b) Regional Offices make contact with the next-of-kin of a Canadian in distress abroad when the Department has been unable to do so directly, e.g. when a person cannot be reached at home on the West Coast until after departmental office hours, but can be reached when the Vancouver office is still open.
- c) The Department keeps the Regional Offices regularly informed about natural disasters abroad and conditions in troubled areas of the world. The Regional Offices pass this information to those members of the travelling public who seek guidance about travelling to a particular area.

CONTINGENCY PLANNING

III C 7

When Canadian citizens have sought help from Canadian posts abroad because of apprehended risk to life and limb resulting from war, civil strife, rebellion or natural disaster, posts have provided help, often including evacuation to a nearby place of safety. Over the years, the Department has acquired considerable experience in these matters which has formed the basis of current policy.

To deal with such situations, the Department has collaborated with posts in preparing contingency plans which rest on three foundations: (1) knowledge of the number and whereabouts of Canadians in the area, derived from registration cards; (2) a system of communicating with them, backed up by alternatives, including fan-out warden networks; and (3) a procedure for providing policy guidance from headquarters on the desirability or necessity of evacuating Canadians from a country or from part of it, backed by ministerial authority to spend public funds for that purpose in emergencies.

The preparation of contingency plans includes the

working out of agreements with other governments for joint evacuations.

Registration of Canadian citizens at Canadian posts abroad--an essential component in contingency planning--is voluntary. The only real motivation for the individual Canadian to register at the nearest Canadian post is to ensure that the post will know where he is in case of some emergency. As a consequence, registration in some areas--western Europe, for instance--may represent only a fraction of the Canadians in the area concerned. Canadian posts in Britain, the United States, Australia and New Zealand do not attempt to register Canadians in those areas. Posts in other countries have a total of about 60,000 citizens on their registers. Time spent in registering Canadians is not inconsiderable. At the sixteen posts surveyed in the Internal Evaluation and Audit study, the average amount of time spent on registration was 3% of total consular time, making it number six in order of magnitude of the 40 different functions recorded. While there was no time spent on registration at two posts, Lagos spent 13.5% of its time on this activity and Jeddah 14.1%.

Problems

The existing Treasury Board authority for the payment of necessary expenditures to enable the evacuation of Canadian citizens from threatening situations appears to require the signing by every would-be evacuee of an Undertaking to Repay. In some evacuation situations, however, it has not been possible to require every person to sign an UTR before embarking them. The requirement also takes no account of the fact that some governments, with whom we may work out a standing cooperation agreement or an ad hoc provisional arrangement in the heat of a crisis, may not require a UTR from their citizens.

It seems desirable that the Department obtain a somewhat more flexible requirement which would permit of some exceptions to the general rule that every evacuee should pay the cost of his evacuation.

CONSULAR AWARENESS PROGRAM

III C 8

Early in the 1970s, the Department launched an active program to make known to Canadians what services the Department and consular posts abroad could and could not provide to the travelling public and to suggest what the traveller should do

or not do to avoid difficulties. The main purpose of the program, which has now become a continuing feature of the Consular Services Program, was to reduce the incidence of Canadians getting into serious trouble abroad.

One of the principal means used to deliver the message to Canadians has been the booklet "Bon Voyage, but..." which is enclosed with each new passport. In 1980, 700,000 copies were printed at a cost of \$72,000.

Other methods employed have included posters, TV public service announcements, radio mini-documentaries, advertisements in the printed media, speeches by departmental officers to service clubs and other groups, and a 1975 27-minute documentary film about our consular service called "In Distress". This film is being replaced by a new film in two distinct English and French versions. More recently, the Department has issued a pamphlet entitled "Tips on Terrorism".

In 1979, the Department for the first time hosted a conference for the travel industry and the media at which our consular awareness message was delivered. There are plans to hold a similar conference in 1981.

There is reason for thinking that the consular awareness program has had a measure of success. The total number of difficulty-and-distress cases--those in financial difficulties, severe destitution, detentions, hospitalizations and deaths--fell from 5,528 in 1976 to 4,071 in 1980, a decline of over 26%. Preliminary figures indicate that the number of people who travelled to destinations other than the USA was about the same in 1980 as in 1976, while the number travelling to the USA increased by about 2½%.

It can similarly be argued that another facet of the success of the consular awareness program has been the increased use made of the routine services at consular posts abroad. These increased from 494,472 in 1976 to 602,991 in 1980--a rise of nearly 22%.

Problems

As a kind of preventive medicine, the consular awareness program is well conceived and should be maintained and, if possible, improved. The emphasis might be put more heavily upon encouraging the private sector to take a more active role in providing services to the travelling public, particularly by way of insurance policies which provide help and services for the traveller who encounters accident or mishap as well as compensation for financial losses. Advice to the public might also stress that insurance companies and

travel agents may be able to provide services which consular posts cannot.

If the consular awareness program is to continue to succeed, there will have to be a continuing and sustained effort to carry on the public education activity through the media. A more aggressive effort in this connection should pay off, particularly if it is kept up. The task should not be too difficult as consular work has a human interest angle which will always be attractive to the media. The Department should never miss an opportunity to enlarge on media reports on consular cases, which are rarely adequately reported. Press briefings on consular matters should be carried out by the departmental Press Office whenever possible, to ensure consistency of approach. When reporters will not write a story based on a departmental briefing or when editors will not print what they write, the Department should put its point across in a letter to the editor.

The Department should not overlook the potential for reaching a fairly wide public through having departmental officers who are knowledgeable in consular matters interviewed on radio talk shows. This is not difficult to arrange in smaller centres. A five or ten minute interview on the radio takes much less time than a speech to a service club and will reach twenty or more times the number of people.

IV - CONCLUSION

The inventory of consular services in Part II has not revealed any aspect of consular activity abroad which could be dropped or sharply enough cut back to offset the continuing and increasing demand for routine consular services. This means that only a variety of measures applied together can deal with a continuing growth in demand for services without actually increasing the services. Policies C(1) to C(5) are intended to achieve this end. (See Section I E 3 above, page 15.)

The Department will not be able to improve the efficiency of the consular program without reasonably accurate and organized information about the nature of the workload. The Consular Bureau's bi-monthly consular Report was started to provide this, but it has not provided a sufficiently full range of useful information because 85% of the activity has been reported under one heading. The Internal Evaluation and Audit study has broken promising ground in its 12-week survey of sixteen posts. The Department should press on with its plans to revise the Consular Bureau's reporting system, taking full account of the experience of the Internal Evaluation and Audit survey. On the basis of better information, the Department will be able to identify areas where closer study may suggest ways of improving procedures. In this connection, the Department may wish to consider asking posts for information on time spent on each activity, not just the number of services rendered.

On the basis of the Internal Evaluation and Audit study alone, the Department might consider proceeding without further delay on a closer examination of the passport, information and citizenship functions, which together accounted for over 50% of the time spent on consular affairs at the sixteen representative posts studied.

The consular program is bound to be more efficient if more of the decision making can be decentralized to posts abroad. The reasons for the present measure of centralization are complex. In some cases, such as the financial assistance and repatriation activity, headquarters has an important operational input: efforts of departmental officers to find relatives or friends to help the traveller without funds

succeed in reducing the number of potential repatriation cases by about half.

On the other hand, the requirement to refer requests for consular protection or assistance to headquarters seems to result from inadequately defined policies vis-à-vis dual nationals and landed immigrants in particular. Clearly stated policies with respect to dual nationals and landed immigrants would make it possible for posts to deal with more protection and assistance cases on their own without consulting headquarters.

Although the Department does not have primary responsibility for policy with respect to dual nationals and landed immigrants, it is in a position to make important contributions in both cases, basing its representations not simply on the administrative advantages which would accrue to it through clearer and better policies, but on other factors as well. Extension of the network of consular agreements is making a useful contribution to our relations, particularly with Eastern European countries. Negotiation of these agreements is rendered more difficult by our recently adopted policy on dual nationality. Furthermore, our policy on dual nationality may well result in tarnishing the international image of Canadian citizenship, which is in danger of taking on the appearance of a flag of convenience for those entrepreneurial persons who have relatively little regard for the responsibilities of citizenship.

Similarly, the relatively forthcoming attitude which we adopt to landed immigrants without regard to how long they have enjoyed that status implies a low valuation of Canadian citizenship. It is appropriate that consular officials should assume that landed immigrants who have not been in Canada long enough to obtain citizenship intend to do so in due course, and that they should be accorded such support as is possible to extend to them. To accord the same support to a person who has long since had the opportunity to become a citizen but has not bothered doing so seems less justified. The Department should seek an opportunity to clarify, in consultation with Employment and Immigration Canada and the Department of the Secretary of State, a policy towards landed immigrants which would have the effect of setting a higher value on Canadian citizenship than do our present practices.

V - SUMMARY OF DESIDERATA

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