

Department of External Affairs

CLASSIFIED

File No. 20-3-4-CDA

Subject: POLITICAL AFFAIRS

TREATIES AND AGREEMENTS

TREATY PROCEDURE

CANADA

Vol. 1
From 17 JUNE /63
To MAR 31/66

References to Related Files

File No.	Subject
CLOSED	
PAC	

PUBLIC RECORDS ORDER

P.C. 1966 - 1749 - AUTHORITY

PUBLIC ARCHIVES APPROVALS

NOS 68/001 & 69/063

RETENTION PERIOD AND DISPOSITION

10-y(2A-8D)
AND IN TRANSFER TO P.A.C.
FOR SELECTIVE RETENTION

DIVISIONAL SYMBOL

10-y(2A-8D)

J-11

CLOSED VOLUME VOLUME COMPLET



DATED FROM
À CONTER DU

1 JUN/63

TO
JUSQU' AU

31 MAR/66

AFFIX TO TOP OF FILE — À METTRE SUR LE DOSSIER

DO NOT ADD ANY MORE PAPERS — NE PAS AJOUTER DE DOCUMENTS

FOR SUBSEQUENT CORRESPONDENCE SEE — POUR CORRESPONDANCE ULTÉRIEURE VOIR

FILE NO. — DOSSIER N°

20-3-4-CDA

VOLUME

2

463

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

TO
À
Economic Division

SECURITY
Sécurité
RESTRICTED

FROM
De
Legal Division

DATE
March 29, 1966.

REFERENCE
Référence

NUMBER
Numéro

SUBJECT
Sujet
Loan to Ceylon

FILE	DOSSIER
OTTAWA	20 - 3 - 4 - C.A
MISSION	251 -

ENCLOSURES
Annexes

DISTRIBUTION

The following information appeared in the Ottawa Citizen on March 24, 1966:

"The Canadian government signed an agreement with Ceylon Wednesday, giving it another interest-free loan of 7,000,000 rupees (\$1,717,000). The loan is to help Ceylon complete work on modernizing Katunayake Airport".

To the best of our knowledge no information concerning this Agreement was passed to this Division by Economic Division though we have often asked that you keep us fully informed of such matters. If this was indeed a proper international agreement, as the clipping suggests, we would regard the matter with some concern since our Treaty Section should always be brought into the picture regarding any formal agreements at the earliest possible date. This is so, irrespective of whether or not the authority to conclude such agreements requires separate Order-in-Council authorization or whether it is covered by some form of blanket signing authority.

2. It may be that, as has happened not infrequently in the past, the External Aid Office has itself failed to keep you properly informed. This would appear to have been the case for example with the so-called agreement which was recently concluded with Algeria.

However, we would be grateful if you would make it a regular practice to let us know as soon as you have any intimation from the EAO that they are planning to conclude any sort of agreement. This should be by a formal memorandum asking our views on the proposal, to include or to be followed by the proposed text.

As far as concerns the EAO itself, we would also be grateful if you would let them know in writing and in no uncertain terms of our dissatisfaction with their present liaison with this Department on such matters and of the obvious need, in view of the apparent confusion caused by

- 2 -

the conclusion of so-called agreements of the Algerian type, that they vet these with us as early as possible. They should take much firmer steps to ensure that they do not give them the colour of international agreements when they are not in fact anything more than memoranda of understanding.

3. We would be grateful for your comments at your early convenience.

A. E. GOTLIEB

Legal Division

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

TO
À
D.L.(1) Division

FROM
De
Legal Division

REFERENCE
Référence
Your memorandum of March 11, 1966.

SUBJECT
Sujet
**Franco-Canadian Cooperation in
Defence RDP.**

RETURN TO LEGAL DIV. DCO

SECURITY
Sécurité **CONFIDENTIAL**

DATE **March 15, 1966.**

NUMBER
Numéro

FILE	DOSSIER
OTTAWA	20-3-4-CDA
MISSION	

ENCLOSURES
Annexes

DISTRIBUTION

orig 27-11-2-FR "D"

We confirm that there is no legal objection to the conclusion of a memorandum of understanding with France covering the field of Franco-Canadian cooperation in defence research, development, and production, even though, as you know from our memorandum of December 8, 1965, we normally prefer that an important and broad instrument of this kind be concluded in the form of a binding treaty, providing that other factors so permit.

2. If the instrument is to be a memorandum of understanding, it would appear desirable to follow the format of the Memorandum of Understanding in the Field of Cooperative Development which was signed with the United States on November 1963. (A copy of this memorandum is appended to your memorandum of December 3 on the attached file). It should be emphasized that in that case all strictly legal terms, and particularly the words "Agreement" and "agree", should be deleted from the text of the present draft. It will also have to be made clear to the French negotiators that, as far as Canada is concerned, the new instrument is an informal arrangement and not a binding treaty.

3. If, however, it is eventually decided that the instrument should in fact be a treaty, the present draft should be altered slightly by the addition of:

- (a) a preamble which would normally state whether the Agreement is to be between Heads of State, between Governments, or between Departments of Governments and would often set out also the purpose of the Agreement. We think that certain of the Objectives appearing in the present draft might be incorporated in such a Preamble.
- (b) A concluding paragraph, if one is desired, to set forth the date when the Agreement enters into force, perhaps as follows:

Diary

Diary

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

TO
A Defence Liaison (1) Division

SECURITY
Sécurité

Confidential

FROM
De Legal Division

DATE December 8, 1965

REFERENCE
Référence Your Memorandum of December 3

NUMBER
Numéro

SUBJECT
Sujet Franco-Canadian Cooperation in
Defence DDP

FILE	DOSSIER
OTTAWA	20-3-4-CDA
MISSION	257

ENCLOSURES
Annexes

DISTRIBUTION

A.E. Ritchie
H.D. Robinson
European Div.

Orig: 27-11-2-FR "D"

We agree that the proposed agreement with France on cooperation in defence research, development, and production, as now drafted, would constitute a binding treaty under public international law.

2. There is a presumption under international law that when states sign instruments to govern their relations these are, unless the opposite is spelled out, intended to be binding treaties and to be interpreted and enforced under international law. This presumption is strengthened further when the instrument is called an agreement and when, according to its terms, the two Governments agree to undertake or perform certain acts. If the other party to the instrument considers that it constitutes a treaty, the presumption would appear to be almost irrefutable.

3. In contrast the Memorandum of Understanding concluded with the United States is simply, as you state, an inter-agency arrangement. It is not a binding treaty, because it is not concluded between governments, not called a treaty or agreement and, most important, it does not in its terms give rise to legal rights and obligations. If, therefore, it is eventually decided by both France and Canada that the proposed instrument should be a simple Memorandum of Understanding we would suggest that it be re-drafted along the lines of the Memorandum of Understanding with the United States.

4. The question as to whether the proposed instrument with France should be a treaty or a Memorandum of Understanding is, of course, a question of policy on which this Division is not competent to comment. We note that the Department of Defence Production wish to have a considerable degree of freedom in working out future activities with France and this will be one of the many factors to take into account in reaching a decision. As you know, from the legal point of view, they are correct in maintaining that a memorandum of understanding would permit greater autonomy since it has no binding legal effect; as you point out, however, this is not necessarily advantageous and may, in fact, be disadvantageous from general points of view. As a general principle of international relations, we think it is wise that arrangements governing large areas of inter-governmental arrangements be in binding form. Many misunderstandings might arise and undesirable consequences result if the position of states is being materially affected by arrangements which are no more than "gentlemen's agreements."

.....

- 2 -

5. As far as we are aware the conclusion of a formal agreement would not require a great number of additional and time-consuming steps and it would be appreciated if you would make this clear to DDP. If the Agreement is to be confidential, an Order-in-Council would not be required to authorize signature of it and, as we assume that the instrument would be concluded in both English and French in any event, there would presumably be no delay in obtaining a French text. However, even when an agreement is unclassified, Order-in-Council authority for signature is normally obtained following the Cabinet meeting which approves the treaty itself, and a French translation is normally obtained before the agreement goes to Cabinet.

6. We were not very convinced by the desire of DDP to be consistent with their past practice. In our opinion the Canadian Government would be free in each case to conclude agreements in the form of treaties, contracts or memoranda of understanding, as required by the particular circumstances of each case.

A. E. GOTLIB

Legal Division

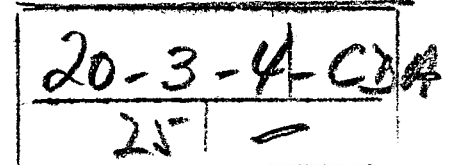
Treaty Section file (general)
OR

MEMORANDUM TO: Mr. Robertson ✓
Mrs. Hammond
Mr. Scott
Mrs. Wetherup
Mrs. Sarrazin

December 8, 1965

Our file ~~111-1-1~~

FROM: M. Skuce



A problem arises in the mechanics of registration, which is now ^{causing} and will cause trouble in the future, unless the plan of sequence in putting the remarks on the Master Cards is precisely followed, as hereinafter set forth. As an example of this confusion duplicate cards are annexed, showing correct and incorrect registration of multilateral and Bilateral agreements.

2. The first entry is the date of signing by Canada of either the Multilateral or bilateral agreement. [We would not of course register an agreement unless we had signed it (or in the case of a Multilateral signed or accepted it).] To show the authority for signature, on the line showing date of signature, immediately following the date should appear the numeral (1) (in brackets), and in the "remarks" section should similarly appear the numeral (1) and the following words: "signature authorized by P.C. (number) of (date)".

3. In order to show how entries should be made to these cards, and the specific order in which they should be done, I have drawn up samples of Bilateral and Multilateral Cards, with fictitious entries. You will observe that the last item is that of the "Related Instruments", and since these will be coming in subsequently as long as the agreement remains alive, it should be the last entry on the card. Since other remarks will be interspersed (numbered remarks), a great deal of space must be left for these remarks to be inserted before raising the heading for "Related instruments". The "Related instruments" heading bears no number and should not, since there is no "foot-note" on the face of the card to match it, as is the case of the other signalled remarks on the card.

4. Opening words of entries in "remarks" section are underlined for clarity and guidance.

AWR
A.W. Robertson

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

TO
À

Mr. B. Scott *through Mr. Pettib*

FROM
De

Mr. A. W. J. Robertson

REFERENCE
Référence

SUBJECT
Sujet

Use of Seals in Treaty Matters

SECURITY
Sécurité

Unclassified

DATE

November 17, 1965

NUMBER
Numéro

FILE	DOSSIER
OTTAWA	20.3.4. CDA
MISSION	

ENCLOSURES
Annexes

DISTRIBUTION

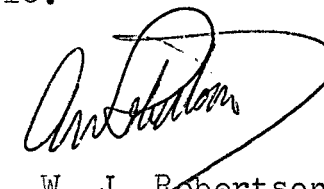
G. Hammond;
M. Wershof;
(o/r)

You will recall that on March 23, 1965 I prepared a letter to our Missions in London, Washington, Canberra, Wellington and New Delhi in which they were asked to make enquiries with the local Foreign Offices in order to find out for us whatever information was available on the use by those Foreign Offices of Seals in connection with treaty matters.

2. The last of the replies to those letters, dated November 4, has now been received from New Delhi.

3. I would be grateful if you would now review this correspondence and prepare for me a brief summary of the various procedures followed. You will note that although they vary from country to country there seem to be certain features in common to most, if not all. Among these are the fact that the use of such seals is customary rather than required by law; that in the binding of treaties seals are used more in order to hold down the ribbons which tie the documents together than to authenticate signatures; and so forth.

4. In the light of your analysis I would propose that we review, possibly in conjunction with the Department of the Secretary of State, our own procedures in this regard. The object would be either to confirm that they are satisfactory in their present form, or to make any such revisions as might appear desirable.


A. W. J. Robertson

DATE OF INSTRUMENT: 1948, June 10

SUBJECT: NAVIGATION (SAFETY)

TITLE: INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA (with annexed regulations).(7)

Done at: London, England

(1)
SIGNED BY CANADA: (date) June 10, 1948 (2)
TABLED IN PARLIAMENT: H. OF C. (date) June 28, 1950 SENATE: (date) June 28, 1950
AGREEMENT APPROVED BY: H. OF C. (date) June 23, 1950 (3) SENATE: (date) June 27, 1950
(RATIFICATION) APPROVED BY: PRIVY COUNCIL (date) AC: Dec. 28, 1950 (number) 6239
CANADIAN (RATIFICATION) DEPOSITED: AC: Feb. 1, 1951 United Kingdom (4)
DATE PLACE DEPOSITORY

For Canada: Nov. 19, 1952
DATE OF ENTRY INTO FORCE: Nov. 19, 1952 FOR METHOD SEE: Art. 11 - Remk. (5)
DATE TERMINATED: (6) FOR METHOD SEE: Art. 12 - On notice.

CTS 1952/20; UNTS 164/113;
TREATY SERIES REF: TIAS 2495; BSP 151/333; BTS 1953/1 FILE No.: 9312-40; 42-9-9-1 "E"
REGISTERED WITH: U.N. (by U.K.) (date) Apr. 29, 1953 (number) 2163

PARTIES: See inside

REMARKS: See reverse

REMARKS

- (1) Signature authorized by P.C.2065 of May 20, 1948.
- (2) Full Power appears as an unsigned copy annexed to numbered letter (this copy unsigned but bearing a number) of May 26, 1948, forwarding same to London (F:9312-40-v.1).
- (3) Implementing legislation:
An Act to amend the Canada Shipping Act 1934, assented to on June 30, 1950 (See Memo of Dec. 21, 1950 - P.C.6239 dated Dec. 28, 1950). 14 Geo. VI (1950) c.26, p.30.
- (4) Depository: By Resolution adopted Jan. 9, 1959, the Assembly of the Inter-Gov. Maritime Consultative Organiz. decided to accept the duties and perform the functions conferred upon it under Art. XV of the Convn. which had hitherto been carried out by the Gov. of U.K. (See BTS 1959/39, p.5).
- (5) Effective Date: confirmed by British text - see ft.n.p.20, and by filed reports.
- (6) Denounced by Canada:
See lr. 923 of Oct. 7, 1965 - F:42-9-9-1.
- (7) Regulations: The regulations annexed constitute part of the Convn. - A list of countries which signed these is on file. The French text of the regulations has been amended - see U.N. Statements May 1957, p.15. An amendment to these regulations see CC 1955, May - Multi. Nav.

Related instruments:

See White Card under "NAVIGATION - SAFETY AT SEA".

As between the contracting parties, this Convn. supersedes that of May 31, 1929 (See Art. 7).

Abrogated and replaced by the Convn. of June 17, 1960 as between the contracting parties (See Art. 7).

MULTILATERAL

DATE OF INSTRUMENT: 1948, June 10 (1)

SUBJECT: NAVIGATION (SAFETY)

TITLE: INTERNATIONAL CONVENTION / FOR THE SAFETY OF LIFE AT SEA (with annexed regulations).

Done at: LONDON

SIGNED BY CANADA: (date) June 10, 1948 -author. by P.C.2065 of May 20, 1948 -Rmk.-4.

TABLED IN PARLIAMENT: H. OF C. (date) June 28, 1950 SENATE: (date) June 28, 1950

AGREEMENT APPROVED BY: H. OF C. (date) June 23, 1950 (2) SENATE: (date) June 27, 1950

RATIFICATION APPROVED BY: PRIVY COUNCIL: (date) Dec. 28, 1950 (number) 6239

CANADIAN RATIFICATION) DEPOSITED: Feb. 1, 1951 United Kingdom -Rmk.-6.

Acceptance

DATE

PLACE

DEPOSITORY

For Canada: Nov. 19, 1952

DATE OF ENTRY INTO FORCE: Nov. 19, 1952

FOR METHOD SEE: Art. 11 - Remark-3.

DATE TERMINATED: (7)

FOR METHOD SEE: Art. 12 - On Notice. (1)

TIAS 2495; UNTS 164/113; BSP 151/333;

TREATY SERIES REF.: CTS 1952/20; BTS 1953/1

FILE No.: 9312-40

42-9-9-1 "E"

REGISTERED WITH: U.N. (by U.K.)

(date) Apr. 29, 1953

(number) 2163

PARTIES: See inside

REMARKS: See reverse

REMARKS

1. Related Agreements

See White Card under "NAVIGATION-SAFETY AT SEA"

As between the contracting parties, this Convn. supersedes that of May 31, 1929 (See Art. 7).

See below CC: 1958, Oct. 7 - Multi. - Navigation.

2. Implementing legislation:

An Act to amend the Canada Shipping Act 1934, assented to on Jun. 30, 1950 (See Memo of Dec. 21, 1950. P.C. 6239, dated Dec. 28, 1950.) 14 Geo. VI, c. 26.

3. Effective date confirmed by British text -see ft. note p. 20, and by filed reports.

4. Full Power appears as an unsigned copy annexed to numbered letter (this copy unsigned but bearing a number) of May 26, 1948, forwarding same to London (F: 9312-40-V.1).

5. The Regulations annexed constitute an integral part of the Convention-see Art. I. A list of countries which signed the Regulations is on file under date of Jul. 25/52. The French text of the Regulations has been amended by deletion of the words "à passagers" from Regulation 1, para. (b) in Chap. III - see U.N. Statements May 1957, p. 15 or TIAS 3590. Amendment of Regu. 30, Chap. III -see CC: 1955, May-Multi. Navig.

6. By Resolution adopted Jan. 9, 1959, the Assembly of the Inter-Gov. Maritime Consultative Organism. decided to accept the duties and perform the functions conferred upon it under Art. XV of the Convn., which had hitherto been carried out by the Gov. of U.K. (SEE BTS 1959/39, p. 5).

7. Denounced by Canada (see In. 923 of Oct. 7, 1965 - F. 42-9-9-1).

(1) (continued) Abrogated and replaced by Art. VII of MC - 1960, June 17 - Multi - Nav. (Safety) TIAS 5780.

Correct way

BILATERAL

DATE OF INSTRUMENT: 1955, June 15 SUBJECT: DEFENCE

COUNTRY: U.S.A.

TITLE: AGREEMENT BETWEEN THE GOVERNMENTS OF CANADA AND U.S.A. FOR COOPERATION
REGARDING ATOMIC INFORMATION FOR MUTUAL DEFENCE PURPOSES.

(3)

SIGNATURE: (place) Washington (1)

(date) June 15, 1955

TABLED IN PARLIAMENT: H. OF C. (date) June 20, 1955

SENATE: (date) June 21, 1955

AGREEMENT APPROVED BY: H. OF C. (date) No (2)

SENATE: (date) No

RATIFICATION APPROVED BY: PRIVY COUNCIL: (date) Not applicable

RATIFICATION EXCHANGED: (place) Not required

DATE OF ENTRY INTO FORCE: July 22, 1955

FOR VI AND SEE: Art. VI (4)

DATE TERMINATED:

FOR MEET. OF SE: Art. VI - By Mutual Agreement

TREATY SERIES REF:

UNTS 235/201;
CTS 1955/16; TIAS 3305;

FILE NO: 50219-AG-40

REGISTERED WITH:

U.N. by U.S.A.

(date) Apr. 25, 1956

(number) 3302

REMARKS

- (1) Signature authorized by P.C. 1955-867 of June 15, 1955.
- (2) Cabinet approved the conclusion of this Agreement on June 2, 1955.
- (3) Annex 1 is Confidential and Annex 11 is secret.
- (4) Effective date: in force date reported in CTS 1955/16.

Related Instruments:

CC 1955, July 25 - Defence - U.S.A. CTS 1955/16.

MC 1959, May 22 - Atomic Energy - U.S.A. CTS 1955/16

WHITE CARD: ATOMIC ENERGY

000260

BILATERAL

DATE OF
INSTRUMENT

1955, June 15(1)

SUBJECT: DEFENCE

COUNTRY: U.S.A.

TITLE: AGREEMENT BETWEEN THE GOVERNMENTS OF CANADA AND U.S.A. FOR
COOPERATION REGARDING ATOMIC INFORMATION FOR MUTUAL DEFENCE PURPOSES.

SIGNATURE: place: Washington

(date) June 15, 1955

TABLED IN PARLIAMENT: H. OF C. (date) June 20, 1955

SENATE: (date) June 21, 1955

AGREEMENT APPROVED BY H. OF C. (date) No

SENATE: (date) No

RATIFICATION APPROVED BY PRIVY COUNCIL: (date) Not applicable (number)

RATIFICATION EXCHANGED place: Not required (date)

DATE OF ENTRY INTO FORCE: July 22, 1955

FOR METHOD SEE Art. VI (Remark 4)

DATE TERMINATED

FOR METHOD SEE Art. VI - By mutual Agreement

TREATY SERIES REF: UNTS 235/201;
CTS 1955/16; TIAS 3305;
REGISTERED WITH: U.N. by U.S.A.

FILE NO.: 50219-AG-40
date: Apr. 25, 1956 (number) 3302

1957

REMARKS

1. Cabinet approved the conclusion of this Agreement on June 2, 1955.
2. Signature authorized by P.C. 1955-867 of June 15, 1955.
3. Annex I is Confidential and Annex II is Secret.
4. Related instruments:

In force date set in - CC 1955, July 25 - Defence - USA - CTS 1955/16
Referred to in: CC - 1955, July 22 - Atomic Energy-USA

WHITE CARD: ATOMIC ENERGY.

000261

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

Legal/D. M. Miller/rh

Truly Seen
fil
air

TO
A

Mr. A. E. *Gottlieb*

SECURITY
Sécurité

UNCLASSIFIED

FROM
De

D. M. Miller

DATE November 5, 1965

REFERENCE
Référence

SUBJECT
Sujet

The Language of Agreements

NUMBER
Numéro

FILE	DOSSIER
OTTAWA	20-3-4-CJA
MISSION	

ENCLOSURES
Annexes

1

DISTRIBUTION

A short time ago, you asked me to look into the practice of Switzerland, Belgium and Sweden regarding the use of one or more of their official language or languages in international agreements entered into by them.

2. Mr. Scott has gone through the Treaty Register of the United Nations and attached are his compilations on each country specifying the type of agreement, the U.N. reference to it, its official language or languages and, in case it has any bearing, the place where the agreement was actually signed.

3. I am not certain just what can be gleaned from the practice of these countries except that it does not seem to be their habit to use more than one of their languages as the official language of any agreement, together, where applicable, with another language of the state with which the agreement is signed. Where the signing actually takes place seems to have little, if any, effect on the official language used. Finally, there seems to be no difference, as regards official languages applicable, whether the instrument signed is a treaty, agreement, convention, protocol or note.

D. M. Miller

D. M. Miller,
Legal Division

	<u>Type</u>	<u>U.N. Text</u> <u>Vol./Page</u>	<u>Languages</u>
<u>Sweden</u>			
Brazil	Agreement	94/139	Swedish, Portuguese and French (Rio)
Burma	Agreement	96/45	English (Rangoon)
Canada	Agreement (Atomic)		English and French (Stockholm)
Czechoslovakia	Agreement	44/149	French (Stockholm)
Denmark	Agreement	33/227	Danish and Swedish (Stockholm)
Finland	Agreement	95/83	Finnish and Swedish (Helsinki)
France	Agreement	27/251	French (Paris)
Greece	Agreement	94/73	French (Athens)
India	Agreement	34/285	English (New Delhi)
Netherlands	Agreement	2/27	English (Stockholm)
Norway	Agreement	94/107	Norwegian and Swedish (Oslo)
Norway	Agreement	26/41	Norwegian and Swedish (Oslo)
Pakistan	Agreement	36/3	English (Karachi)
Poland	Agreement	12/295	French (Stockholm)

EXTERNAL AFFAIRS



AFFAIRES EXTERIEURES

Mr. K. Robinson
NOV 16 1965
REGISTRY

TO Under-Secretary of State for External Affairs
A Ottawa, Canada

FROM Office of the High Commissioner for Canada
De New Delhi, India

REFERENCE Your letter (multi) L-94(m) of March 23, 1965
Référence

SUBJECT Treaty Procedure - Use of Seals
Sujet

SECURITY RESTRICTED
Sécurité

DATE 4 November 1965

NUMBER 834
Numéro

FILE	DOSSIER
OTTAWA	20-3-4-CDP
MISSION	10-2-0

ENCLOSURES
Annexes

DISTRIBUTION

In Note No. L/442(2)/65 dated October 20, 1965, the Ministry of External Affairs provided the following information:

"Instruments of Full Powers and Ratification are formal documents and are signed by the President of India. The Indian tricolour ribbon will be tied to the instrument of ratification and paper seal will be affixed on the ribbon. Paper seals are affixed on Instruments of Full Powers but no ribbons are affixed.

Wax seals are affixed on the original texts of treaties. The Indian tricolour ribbon is tied to the text of the treaty or agreement along with the ribbon of the other party or parties, and wax seal is affixed thereon.

If a copy of a treaty, convention, agreement, protocol or exchange of letters is to be authenticated our practice is to use the seal of the official who authenticates the copy. Ink and rubber seal are used in such cases."

J. Pericard
Office of the High Commissioner

	<u>Type</u>	<u>U.N. Text</u> <u>Vol./Page</u>	<u>Languages</u>
<u>Switzerland</u>			
Czechoslovakia	Agreement	35/275	French and Czech (Berne)
Brazil	Agreement	94/269	French and Portuguese (Berne)
Canada	Notes	43/103	(Canada - English (Swiss - French
China	Notes	14/159	French (Berne)
Denmark	Agreement	96/3	French and Danish (Berne)
Denmark	Protocol	87/197	German (Berne)
Egypt	Agreement	95/255	French and Arabic (Cairo)
Netherlands	Agreement	35/69	French (Berne)
Norway	Protocol	26/412	French (Berne)
Turkey	Agreement	72/175	French and Turkish (Ankara)
United Kingdom	Agreement	99/107	English and French (London)
United Kingdom	Agreement	6/107	English and French (London)
United States	Agreement	42/235	English (Berne)

	<u>Type</u>	<u>U.N. Text</u> <u>Vol./Page</u>	<u>Languages</u>
<u>Belgium</u>			
Bolivia	Agreement	34/103	French and Spanish (La Paz)
China	Treaty	14/375	French and Chinese (Chunking)
Czechoslovakia	Agreement	19/251	French (Brussels)
Denmark	Agreement	4-429	French (Brussels)
France	Agreement	68-157	French (Paris)
France	Convention	46-111	French (Paris)
France	Agreement	19-95	French (Coblentz)
Italy	Convention	41-3	French (Brussels)
Netherlands	Proces-verbal	23-214	French and Dutch (Brussels)
Norway	Agreement	32-39	French (Brussels)
Portugal	Agreement	34-49	French and Portuguese (Lisbon)
Turkey	Agreement	33-43	French (Ankara)
U.S.S.R.	Agreement	19-235	French (Brussels)
United Kingdon	Convention	6-177	English and French (Brussels)

Jip

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

TO
A

Economic Division

Circulate in Division

SECURITY
Sécurité

UNCLASSIFIED

FROM
De

Legal Division

DATE

October 28, 1965

REFERENCE
Référence

NUMBER
Numéro

SUBJECT
Sujet

Notifications of Treaty Action for the
Canada Treaty Register

FILE	DOSSIER
OTTAWA	20-3-4-CDA
MISSION	25/

ENCLOSURES
Annexes

DISTRIBUTION

On several occasions the Treaty Section has requested that officers of your Division send to the Treaty Section the original texts of communications concerning treaty action.

This request is made in order that the stamp;

ENTERED IN
CANADA TREATY REGISTER

may appear on the communication which is filed and thereby is an indication to anyone concerned that the treaty action has been properly noted.

2. Your Division is the source for information about the ITU, IMCO, GATT as well as a number of multilateral treaties of which the United Nations is depositary. Particularly since the more widespread use of photocopy equipment for making reference copies (a specimen is attached) the Treaty Section has not been receiving the original communications. It will be appreciated if all concerned will see to it that original texts are sent to the Treaty Section for registration.

A E Gotlieb
Legal Division

*Mr Wilgus done
Can you read them
engage r then one,
then
my*



BRITISH TRADE COMMISSION IN CANADA

80 Elgin Street, OTTAWA 4

Telegraphic Address: Sencom

Telephone: 237-1530

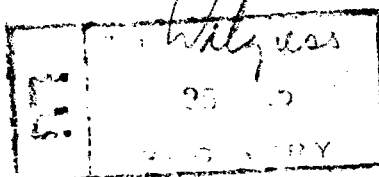
37-15-SUGAR-1

40

40

Our reference: T. C. 115/116/2

Your reference:



20 October, 1965.

Refer to:

Finance

Legal Div

(Treaty Sec)

Economic/E.D. Milgress/sm

Oct 27

Dept of External Affairs,
Economic Division,
East block,
Ottawa, Ontario.

Attention - Mr. J. MacKinney

International Sugar Agreement

Dear Sir:

I have been asked to advise you formally that an instrument of Ratification by the Government of the Federal Republic of Germany of the Protocol for the Prolongation of the International Sugar Agreement of 1958 and an Instrument of Accession to the Protocol by the Government of Sierra Leone were deposited with the British Government on 26 July 1965 and 9 August 1965 respectively. At the time of the deposit of their Instrument of Ratification the Federal Republic of Germany declared that the Protocol shall also apply to land Berlin as from the date on which it shall enter into force for the Federal Republic of Germany.

2. The deposit of both these Instruments and the application of the Protocol to land Berlin by the Government of the Federal Republic of Germany are being brought to the attention of all the Governments concerned.

3. I am copying this letter to Mr. Denis Harvey, at the Department of Trade and Commerce.

Yours truly,

(J. B. Ingram)

BRITISH TRADE COMMISSIONER

000268

Gotlieb/rh

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

TO ~~The Under-Secretary (through Personnel Services~~
~~Division and Legal Adviser)~~

SECURITY **RESTRICTED**
 Sécurité

FROM Legal Division
 De

DATE **October 1, 1965**

REFERENCE
 Référence

NUMBER
 Numéro

SUBJECT **Bilingual Authentic Texts of Treaties**
 Sujet

FILE	DOSSIER
OTTAWA	20-3-4-CDA
MISSION	25/ —

ENCLOSURES
 Annexes

DISTRIBUTION

Personnel
 Services
 Division;

Treaty
 Section,
 Legal Div.

In a Minute, dated September 20, 1965, the Cabinet is recorded as having decided, at a meeting on September 15, 1965, concerning the proposed extradition agreement with Austria, "that necessary action be taken in further discussions with the Austrian Government to provide that the text of the extradition should be official in French as well as in English and German".

2. It would appear that, in arranging earlier that the Automobile Agreement with the United States be authentic in both French and English, a positive step forward was taken which will lead in due course to having all our international agreements concluded in both official languages. We thought that you would be interested in a brief statement of what, in our opinion, such a policy will involve.

3. As you know, it has been our practice in the past to conclude treaties, with countries themselves French or English-speaking, in either French or English and to append and table in the House of Commons an unofficial translation in the other language. In the case of treaties concluded with countries whose language was other than French or English, we have not previously relied on authentic texts in three languages.

4. As the two decisions of Cabinet concerned, in the one case, negotiation of an agreement with an English-speaking country, and, in the second case, with a country whose native tongue was not English or French, we should draw the conclusion that, henceforth, it is the wish of the Canadian Government to have all treaties done in two authentic languages, English and French (in addition to any third authentic language that may be applicable). In 1964, for example, the Canadian Government entered into 31 agreements, and in 1965, 16 agreements to date. In 1964, the majority were in exchange of notes form. In 1965, about one-half were in exchange of notes form. Since exchanges of notes do not contain, as a general rule, final clauses and are, as you know, a very informal method of concluding agreements, in the great majority of cases it would probably not be appropriate to have notes exchanged simultaneously in two languages. I would therefore make the following recommendations for your approval:

...2

BEST COPY AVAILABLE

- 2 -

- (a) that the Treaty Section of Legal Division proceed on the basis that in principle, henceforth, all agreements, in other than exchange of notes form, should be in two authentic languages, i.e., English and French;
- (b) that, for the time being, no general rule be adopted with regard to agreements in exchange of notes form, but that the matter be studied with a view to determining whether it would be appropriate in future to try to arrange, at least in some cases, for simultaneous exchange of notes in our two authentic languages. For the present, this would not be done except possibly in a rare case where the exchange of notes had high political significance and where it was considered that special reasons required the exchange of notes to be in two languages;
- (c) that the practice in (b) be reviewed in approximately one year's time in the light of information we may be able to obtain before that time; and
- (d) if it appears, in light of the application of this rule, that it is necessary to take some steps to strengthen our capacity for performing adequately these services, that such steps be taken in due course and in the normal manner.

A. E. GOTLIEB

Legal Division

diary
div diary
file

20-3-4-CDA
71

Ottawa, June 30, 1965

Dear Mr. Rohn:

Thank you for your letter and, in addition, for the information copy of the questionnaire which your assistant sent to me.

It was kind of you to invite me to join you as co-author of an article for the Canadian Yearbook of International Law. Unfortunately, as you surmised, the official nature of my work precludes my engaging in publications relating to it unless they can be first of all cleared with our Department. In view of this I think I would indeed prefer, if any mention is made of the Canadian Treaty Section at all, "to be recognized in a headnote". It seems to me that this would be the simplest way of dealing with the matter.

I hope you enjoy your summer's work, and look forward to hearing from you on your return.

With best regards,

Sincerely

A. W. J. ROBERTSON

A. W. J. Robertson
Head, Treaty Section

Professor Peter H. Rohn
c/o American Center for Students and Artists
261 Boulevard Raspail
Paris 14, France

Mr. Robertson
Can we speak to him
UNIVERSITY OF WASHINGTON
SEATTLE, WASHINGTON 98105

Document disclosed under the Access to Information Act -
Document divulgué en vertu de la Loi sur l'accès à l'information

L	TO: Mr. Robertson JUN 30 1965 REGISTRY
---	--

Department of Political Science

June 23, 1965

20-3-4-CDA
7 —

Mr. A. W. J. Robertson
Chief, Treaty Section
Department of External Affairs
Ottawa, Ontario, Canada

Dear Mr. Robertson:

Thank you for your letter of June 15 and the tabulation resulting from your review of the material I had sent you earlier.

I passed the tabulation on to my research assistant, Mr. Robert Edington, who will be in charge of the U.N.T.S. Project here during the summer while I will be in Europe. He may write to you separately in this matter.

Before leaving for Europe one thing occurs to me on which I would very much appreciate having your opinion some time before October. Out of a different context, which is now obsolete and irrelevant, Professor Bourne of the University of British Columbia Faculty of Law asked me to submit a manuscript for possible publication in the Canadian Yearbook of International Law. As editor he likes to receive manuscripts by about October. It seems to me that a description of what we have been doing in comparing C.T.S. and U.N.T.S. might be appropriate in more ways than one.

I would prefer // In this regard I wonder if you would be at all interested in joining me as co-author of an article of approximately ten to fifteen pages. I realize, of course, that in view of your official position, you may prefer not to be at all associated in print with the opinion and inquiries of an outside academician, or you may prefer simply to be recognized in a headnote for your helpful cooperation and let the rest be an academic venture. There may be yet other possibilities. I merely want you to know that I would be more than happy to have you join me in this effort in form as well as in fact but that I would, of course, understand it if you preferred otherwise. Please let me know what your preference is or what other suggestions you may have in this respect. I will be leaving in a few days and I am enclosing a schedule showing my summer addresses.

2

June 23, 1965

Page 2

Thank you very much again for the material you sent and for your patience with the inevitable shortcomings of a pilot project such as this. I am now using this experience to improve procedures and broaden the inquiry to involve some two dozen countries. As soon as the material is ready for distribution I will send you information copies. If I have left for Europe by then, Mr. Edington will send them to you. Of course, that material will be quite elementary compared to the subtlety and perfectionism of our C.T.S. - U.N.T.S. efforts, and we would send you copies just to let you see what we are doing and not because we forgot that we have the Canadian data already.

Sincerely,

Peter H. Rohn

Peter H. Rohn

PHR:bh

UNIVERSITY OF WASHINGTON
SEATTLE, WASHINGTON 98105

Department of Political Science

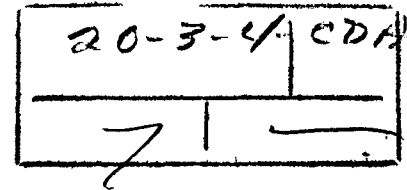
May 24, 1965

TO WHOM IT MAY CONCERN

Professor Peter H. Rohn will be in Seattle until June 15 and from October 1, 1965. During the summer he will receive mail in Europe at the following addresses.

1. From July 5 to August 5, 1965:
c/o American Center for Students and Artists
261 Boulevard Raspail
Paris 14, France
2. From August 17 to September 24, 1965:
c/o Hague Academy of International Law
Research Center
Peace Palace
The Hague, Netherlands

Some functions of the United Nations Treaty Series Project will continue here during Professor Rohn's absence. Mr. Robert Edington will be in charge of operations and correspondence.



Ottawa, June 15, 1965.

Dear Professor Rohn:

Thank you for your letter of May 14 and the enclosed copy of the results of a manual check of your IBM printouts for Canada against the 1946-59 Index to the CTS and Nos. 1, 2 and 3 of the Cumulative Index to the United Nations Treaty Series.

Each of the items which were coded "C" in your enclosure have been compared with the record in our Canada Treaty Register and the items have been accounted for in the attached report.

I hope that the brief explanations which we have appended will provide satisfactory explanations for most of the apparent gaps to which you called attention in the second paragraph of your letter.

A review will also be made of the Agreements shown in our recapitulation as still in force but which apparently are not registered with the United Nations; in cases where registration would appear to be called for such action will be taken.

Your detailed records have proved most interesting to us, and the comparison with our records which they have engendered has been very helpful. I will keep in touch with you about this matter.

Yours sincerely,

A. W. J. ROBERTSON

A.W. Robertson

Peter H. Rohn, Esq.,
Assistant Professor,
Department of Political Science,
University of Washington,
Seattle,
Washington 98105,
U.S.A.

**xplanatory notes about some items in the Index to the Canada
Treaty Series 1946-1959**

X "terminated"

NR "Not registered"

Australia		1946/38	
	X	NR valid for only 4 months	
Colombia		1946/7	
	X	NR not ratified only provisionally in force	
Denmark		1958/12	
		NR - Technical route change	
		1958/18	
		Registered with U.N. (by Canada) Mar. 21/1961	No. 702
Euratom		1959/22	
		Registered with U.N. (by Canada) Aug. 28/1963	No. 6894
France		1955/24	
		NR Technical route change	
		1958/24	
		Registered with U.N. (by ICAO via Canada) Mar. 11, 1960	No. 941
		1956/26	
	X	NR temporary arrangement re Forces in Germany.	
		1947/23	
		Registered with U.N. (by Canada) Oct. 10, 1949	No. 660
		1951/27	
	X	Registered with U.N. (by Canada) Mar. 13, 1956	No. 3182
		1957/35	
		Registered with U.N. (by U.K.) Mar. 13, 1959	No. 4711
Germany		1957/29	
		NR	
		1957/35	
		Registered with the U.N. (by U.K.) Mar. 13, 1959	No. 4711
		1957/36	
		Registered with the U.N. (by U.K.) Mar. 13, 1959	No. 4712
Greece		1959/19	
		Registered with the U.N. (by Canada) July 8, 1963	No. 6798
India		1957/11	
		Registered with the U.N. (by Canada) Dec. 5, 1958	No. 3986
Ireland		1957/31	
		Registered with ICAO (by Canada) Sept. 2, 1958	No. 1393
		Registered with the U.N. (by ICAO) June 17, 1959	No. 419
Japan		1955/14	
		Agreement and Notes in same volume	
		Notes sent to U.N. with Agreement but not printed in UNTS	

- 2 -

Korea	1958/23 Registered with U.N. (by U.S.A.) Mar. 4, 1959	No. 4702
Newfoundland	1946/26) NR) 1946/11) Terminated at Confederation NR)	
New Zealand	1946/5 NR - Short duration superseded by 1948/4.	
Norway	1958/13 NR - Technical route change 1958/17 Registered with U.N. (by Canada) Mar. 21, 1961 1958/19 Registered with U.N. (by Canada) Mar. 21, 1961	No. 4408 No. 1235
Peru	1957/13 Registered with ICAO (by Canada) Dec. 21, 1960 Registered with U.N. (by ICAO) Oct. 25, 1961	No. 1540 No. 5915
Portugal	1957/14 Registered with ICAO (by Canada) May 30, 1957 Registered with U.N. (by ICAO) Sept. 9, 1958	No. 1316 No. 1308
	1958/29 Registered with ICAO (by Canada) Dec. 21, 1960 Registered with U.N. (by ICAO) Oct. 25, 1961	No. 1541 No. 1308
Sweden	1958/14 NR - Technical route change 1958/20 Registered with the U.N. (by Canada) Mar. 21, 1961	No. 3201
Switzerland	1958/8 NR 1959/24 Registered with the U.N. (by Canada) July 8, 1963	No. 6800
Union of South Africa	X X X X X All the commercial Agreements marked "C" were short term ones for customs concessions - they were terminated before the Index was printed and had not been considered appropriate for registration. Apparently 1955/34 was registered as a routine matter.	
United Kingdom	1947/37 NR - Superseded by 1949/21 1958/21 Registered with ICAO (by Canada) Nov. 26, 1958 Registered with the U.N. (by ICAO) Mar. 11, 1960	No. 1412 No. 000277

- 3 -

United
Kingdom
(cont'd)

X	1946/30 NR Valid for only four crop years	
	1947/27 NR Part of extensive correspondence related to commencement of GATT	
	1951/29 NR - Superseded by 1953/32	
X	1953/22 NR - Terminated	
	1957/2 Registered with the U.N. (by Canada) Dec. 5, 1958	No. 312
	1953/6 Registered with the U.N. (by UK.) Nov. 16, 1959	No. 408
	1946/44 NR Related to post-war activities - self executing	

United States
of America

	1959/8 Registered with ICAO (by U.S.A.) Apr. 19, 1960	No. 1484
	Registered with U.N. (by U.S.A.) Oct. 9, 1959	No. 1644
	1948/20 NR - Interim Agreement - Superseded by CTS 1950/3	
X	1954/14 Nov. 7 - Dec. 4, 1956 - Interpretation only, NOT an Agreement	
	1956/24 Nov. 16, 17, 1955 Never became effective - replaced by Notes of Oct. 24, 1956	
	1958/10 Evidence of Canadian, U.S.A., and New York State Legislation - NOT an Agreement 1952/14 (Agreement)	
	Registered with L. of N. (by U.K.) June 6, 1941	No. 4784
	1947/43 Joint Statement NOT an Agreement	
	1952/14 (Notes Aug. 13, Oct. 23, 1947)	
	Registered with U.N. (by U.S.A.) July 3, 1950	No. 859
	1946/13 Never ratified - never in force (See 1955/19)	
	1947/42 1952/26 Labour	
XXX	These were annual renewals of Administrative arrangements - they were not considered appropriate for registration	
XXX	1959/21 Registered with the U.N. (by the U.S.A.) May 6, 1960	No. 3825
	1946/31 Registered with the U.N. (by the U.S.A.) Aug. 11, 1947	No. 89
	1952/33 Registered with ICAO (by Canada) Mar. 31, 1952	No. 921
	Registered with the U.N. (by U.S.A.) Mar. 4, 1955	No. 900

Venezuela

1946/33
The annual renewals of the commercial modus vivendi were not considered appropriate for registration.

- 4 -

Venezuela	1959/20 Registered with the U.N. (by Canada) July 8, 1963	No. 6799
West Indies	1958/26 Registered with the U.N. (by Canada) Mar. 21, 1961	No. 5639
Yugoslavia	1948/29 Registered with the U.N. (by U.K.) Mar. 2, 1951	No. 1086

DEPARTMENT OF EXTERNAL AFFAIRS
CROSS REFERENCE SHEET

Security .. RESTRICTED ..

20-3-4-CDA		
25		

Type of Document... MEMORANDA No..... Date... JAN. 7 & 8/65 and
JUNE 1/65
From... WERSHOF / LEGAL
To... WERSHOF / LEGAL

Subject: TREATY PROCEDURE -
QUESTION OF OBTAINING PARLIAMENTARY
APPROVAL PRIOR TO RATIFICATION

Original on File No... 20-3-4-2

Copies on File No... none

Other Cross Reference Sheets on... 20-3-4-5

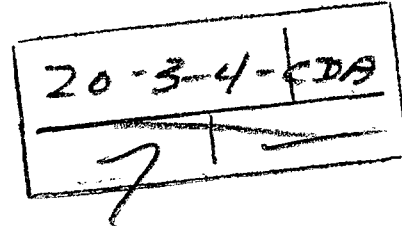
Prepared by... G. L. Potvin

UNIVERSITY OF WASHINGTON
SEATTLE 5, WASHINGTON



Department of Political Science

May 24, 1965



TO WHOM IT MAY CONCERN

Professor Peter H. Rohn will be in Seattle until June 15 and from October 1, 1965. During the summer he will receive mail in Europe at the following addresses.

1. From July 5 to August 5, 1965:
c/o American Center for Students and Artists
261 Boulevard Raspail
Paris 14, France
2. From August 17 to September 24, 1965:
c/o Hague Academy of International Law
Research Center
Peace Palace
The Hague, Netherlands

Some functions of the United Nations Treaty Series Project will continue here during Professor Rohn's absence. Mr. Robert Edington will be in charge of operations and correspondence.

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA

NUMBERED LETTER

L	TO: <i>M. Robertson</i>
	MAY 25 1965
	REGISTRY

TO: THE UNDER-SECRETARY OF STATE FOR
EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: Canadian Embassy, Washington, D.C.

Reference: Ottawa letter (multi) L-94 (m) of

March 23, 1965.

Subject: Treaty Procedure - Use of Seals

Security: Restricted

No: *805*

Date: *May 20, 1965*

Enclosures:

Air or Surface Mail: *Courier*
Surface

Post File No:

Ottawa File No.

20-3-4-CDA

7 *file*

References

In reply to your letter under reference, the Treaty Section of the U.S. Department of State has given us the following information about its practice in the use of seals.

2. There does not appear to be any legal requirement for the use of seals.

3. In the case of bilateral, formal treaties, such as treaties of commerce and navigation, or a treaty of extradition, it is normal to use seals. Wax seals are used mainly for practical reasons: they hold down the ribbons or strings that tie in the pages.

4. U.S. Foreign Service Regulations require that the signer of the treaty use his personal seal rather than the official seal of the embassy. Historically, the use of the personal wax seal rather than the country's official seal stems from the days when signet rings were used.

5. On multilateral treaties, the use of seals is discouraged by the State Department because of the physical or mechanical problem involved.

6. On informal agreements, i.e. those not submitted to the Senate, the State Department discourages the use of seals. If the other party expresses a wish to use them, however, they may be used.

Mary Macgillivray
for The Embassy

L

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SEATTLE, WASHINGTON 98105

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Department of Political Science

May 14, 1965

20-3-4-CDA.
71 —

Mr. A. W. J. Robertson
Head, Treaty Section
Department of External Affairs
Ottawa, Ontario
Canada

Dear Mr. Robertson:

Please find enclosed the first result of our effort of manually double-checking our IBM printouts for Canada against both the 1946-1959 General Index of the Canada Treaty Series (CTS) and the Cumulative Index No. 1, No. 2 and No. 3 of the United Nations Treaty Series (UNTS). The enclosed material is a Verifax reproduction of the bilateral part of the 1946-1959 General Index of CTS, with the following annotations on the right margin next to every CTS number:

A = identical in our IBM printout;
B = absent from our IBM printout but included in the UNTS Index;
C = absent from both our IBM printout and the UNTS Index.

Speaking in very simplified terms, we might say that the A's pose no problems, that the B's are my problem, and that the C's are your problem. The figures are as follows: A : 212, B : 48, and C : 87. Total : 347. Let us disregard the A's, as posing no immediate problems, and consider the B's. We have identified the following causes for the discrepancy under "B".

(1) CTS lists some instruments separately which UNTS bundles together, e.g. CTS 1946/21, 1947/10 and 1948/28 all of which are included in UNTS I-3180.

(2) CTS lists some amendments, supplements, modifications, etc. separately which UNTS puts into its "Annex A" and connects via reference note and number to the main instrument, e.g. CTS 1951/26 in UNTS Vol. 127, page 324 cross-referenced to UNTS I-142 and not given a separate UNTS number.

(3) CTS lists some instruments as bilateral which we considered as multilateral in our interpretation of UNTS categories, e.g. CTS 1951/12 as UNTS I-1585.

We believe that the above three causes will account for most of the discrepancy under "B" but we have not completed the item by item comparison and cannot therefore make a positive statement to this effect. Neither do we have at this point a quantitative breakdown of how much of the discrepancy under "B" is attributable to each of the three suggested causes.

As regards the discrepancy under "C", unfortunately, we have no explanation to offer. You will note that most C's are amendments. And yet they differ from the items under (2) above in that they are not in the UNTS Index and hence presumably not in Annex A of the UNTS. It seems too large a discrepancy for simple clerical mistakes but there may still be some logical errors. Canada is our first test case. Naturally, we would expect to make some beginner's mistakes. But right now, I think, we have reached the point of diminishing returns in double-checking our material. We keep coming up with the same results. Whatever mistakes we may still be making we do not seem to be able to discover on our own. May we therefore leave the next move up to you? It would be most helpful indeed to have your reaction to the enclosed material and to the above commentary.

As you will remember from our conversation I am looking beyond the technical details to some future cooperation regarding a "treaty data pool." But you will probably agree that at the moment straightening out of technical details has priority over future plans.

Sincerely,

Peter H. Rohn

Peter H. Rohn
Assistant Professor

gd

SECTION 2.—BILATERAL TREATIES

Instrument	Date	Treaty Series No.
ARGENTINA—		
<i>Taxation</i>		
✓ Exchange of Notes for the Avoidance of double taxation on profits derived from sea and air transportation (Buenos Aires).....	Aug. 6, 1949	1949/5 A
ATOMIC ENERGY AGENCY—		
<i>Atomic Energy</i>		
✓ Agreement for the supply of uranium by Canada to IAEA (Vienna).....	Mar. 24, 1959	1959/7 A
AUSTRALIA—		
<i>Air</i>		
✓ Agreement for air services between the two countries, (Ottawa).....	June 11, 1946	1946/22 A
0 ✓ Exchange of Notes amending para. 4 of Annex to the Agreement of June 11, 1946 (Canberra).....	Mar. 16, 1951	1951/26 B
<i>Atomic Energy</i>		
✓ Agreement for co-operation in the peaceful uses of atomic energy (Ottawa).....	Aug. 4, 1959	1959/18 A
<i>Commerce</i>		
✓ Exchange of notes amending for the period Aug. 13 to Dec. 31, 1946, the Trade Agreement of July 8, 1931, as regards duty on oranges imported into Canada (Canberra).....	July 19, Aug. 13, 1946	1946/38 C x
<i>Taxation</i>		
✓ Agreement for the avoidance of double taxation and prevention of fiscal evasion with respect to taxes on income (Mont Tremblant).....	Oct 1, 1957	1958/16 A
AUSTRIA—		
<i>Legal Proceedings</i>		
✓ Exchange of notes giving effect in respect of Canada to the Convention between U.K. and Austria concerning Legal proceedings in civil and commercial matters signed at London Mar. 31, 1931 (Vienna).....	Jan. 18, 1952	1952/3 A
<i>Visas</i>		
✓ Exchange of Notes concerning issuance of multi-entry visas to diplomatic representatives, officials and non-immigrants (Ottawa).....	May 28, June 19, 1956	1956/14 A
BELGIUM—		
<i>Air</i>		
✓ Agreement for Air Services between the two countries (Ottawa).....	Aug. 30, 1949	1949/22 A
0 ✓ Exchange of Notes amending para. 4 of the Annex to the Agreement for Air Services of Aug. 30, 1949 (Ottawa)...	May 25, July 20, 1956	1956/11 B
<i>Claims</i>		
✓ Exchange of Notes constituting an agreement in settlement of War Claims (Brussels).....	May 21, July 13, 1946	1946/33 A
✓ Exchange of Notes regarding compensation for war damage to private property of Canadian citizens (Brussels).....	Aug. 17, Nov. 16, 1949	1949/1 A
<i>Defence</i>		
✓ Agreement concerning transit through and stationing in Belgium of Canadian forces (Brussels).....	Mar. 30, 1953	1953/15 A

Section 2.—Bilateral

Instrument	Date	Treaty Series No.
BELGIUM—con.		
<i>Finance</i>		
✓ Agreement amending the Financial agreement of Oct. 25, 1945 (with Exchange of Notes) (Ottawa).....	May 2, 1946	1946/21 B
✓ Exchange of Notes supplementing the Financial agreement of Oct. 25, 1945 as amended May 2, 1946 (Ottawa).....	Dec. 31, 1946 Feb. 28, 1947	1947/10 B
✓ Agreement supplementary to the Financial agreement of Oct. 25, 1945 (Ottawa).....	Oct. 24, 1947	1948/28 B
<i>Visas</i>		
✓ Exchange of Notes concerning visa requirements for non-immigrant travellers of the two countries (Ottawa).....	Nov. 18, Nov. 19, 1949	1949/23 A
<i>War Graves, Cemeteries, Memorials:</i>		
✓ Agreement between the Commonwealth countries and Belgium respecting War Graves, Cemeteries and Memorials of the Commonwealth in Belgian Territory (Brussels)....	July 20, 1951	1951/12 B
CEYLON—		
<i>Economic Co-operation</i>		
✓ Exchange of Notes giving effect to the statement of principles for economic development of Ceylon (Colombo)...	July 3, July 11, 1952	1952/23 A
<i>Finance</i>		
✓ Financial Agreement between Canada and Ceylon.....	Nov. 5, 1958	1958/27 A
<i>Immigration</i>		
✓ Exchange of Notes concerning entry into Canada for permanent residence of citizens of Ceylon (London).....	Jan. 26, Apr. 24, 1951	1951/28 A
CHINA—		
<i>Commerce</i>		
✓ Exchange of Notes constituting a commercial modus vivendi between the two countries (Nanking).....	Sep. 26, 1946	1946/37 A
<i>Finance</i>		
✓ Financial Agreement (with Exchange of Notes) (Ottawa)	Feb. 7, 1946	1946/20 A
✓ Supplementary Financial Agreement (Ottawa).....	May 28, 1947	1947/14 B
COLOMBIA—		
<i>Commerce</i>		
✗ Trade Agreement between Canada and Colombia (Bogota)	Feb. 20, 1946	1946/7 C
COSTA RICA—		
<i>Commerce</i>		
✓ Exchange of Notes constituting a commercial modus vivendi (San Jose).....	Nov. 17, Nov. 18, 1950	1950/20 A
CZECHOSLOVAKIA—		
<i>Finance</i>		
✓ Agreement amending Financial Agreement of Mar. 1, 1945 as amended by Agreement of June 26, 1945 (Ottawa)	June 28, 1946	1946/55 A
✓ Financial Agreement supplementing the Agreement of Mar. 1, 1945 (with Exchange of Notes) (Ottawa).....	Nov. 26, 1947	1947/32 B
DENMARK—		
<i>Air</i>		
✓ Agreement for air services between the two countries (with Exchange of Notes), (Ottawa).....	Dec. 13, 1949	1949/24 A
✗ Exchange of Notes modifying the agreement for air services of Dec. 13, 1949 (Ottawa).....	May 16, 1958	1958/12 C

Section 2.—Bilateral

Instrument	Date	Treaty Series No.
DENMARK—con.		
<i>Defence</i>		
✓ Exchange of Notes providing for a continuation for three years of Canada's NATO air training programme with respect to aircrew trainees (Copenhagen).....	Apr. 17, 1957	1957/18 A
<i>Taxation</i>		
✓ Agreement for the avoidance or double taxation and prevention of fiscal evasion with respect to taxes on income (Ottawa).....	Sep. 30, 1955	1956/7 A
<i>Visas</i>		
✓ Exchange of Notes concerning visa requirements for non-immigrant travellers of the two countries (Ottawa).....	Sep. 22, Oct. 14, 1949	1949/4 A
✗ Exchange of Notes amending Notes of Sep. 22 and Oct. 14, 1949 concerning visas (Ottawa).....	July 14, 1958	1958/18 C 7
<i>War Graves</i>		
o ✓ Agreement between the Commonwealth countries and Denmark respecting the War Graves and Memorials of the Commonwealth in Danish Territory (Copenhagen).....	Feb. 22, 1954	1954/2 B
<i>War Supplies</i>		
✓ Exchange of Notes concerning settlement of claims arising out of the war (Copenhagen).....	Mar. 24, Mar. 25, 1950	1950/6 A
ECUADOR—		
<i>Commerce</i>		
✓ Exchange of Notes constituting a commercial modus vivendi (Quito).....	Nov. 10, 1950	1950/21 A
EGYPT—		
<i>Commerce</i>		
✓ Exchange of Notes concerning most-favoured-nation treatment for trade between the two countries (Ottawa).....	Nov. 26, Dec. 3, 1952	1952/24 A
<i>War Graves</i>		
c ✓ Agreement between the Commonwealth countries and Egypt respecting War cemeteries, graves and memorials in Egyptian territory and modifying the Agreement of June 2, 1937 (Alexandria).....	June 8, 1952	1955/2 B
ETHIOPIA—		
<i>Commerce</i>		
✓ Exchange of Notes constituting a commercial modus vivendi (Addis Ababa).....	June 3, 1955	1955/11 A
EUROPEAN ATOMIC ENERGY COMMUNITY (EURATOM)—		
<i>Atomic Energy</i>		
✗ Agreement for co-operation in the Peaceful uses of Atomic Energy (with related Notes) (Brussels).....	Oct. 6, 1959	1959/22 C x
FINLAND—		
<i>Commerce</i>		
✓ Exchange of Notes concerning trade relations (Ottawa)...	Nov. 13, Nov. 17, 1948	1948/25 A
<i>Taxation</i>		
✓ Convention for the avoidance of double taxation and prevention of fiscal evasion with respect to taxes on income (Ottawa).....	Mar. 28, 1959	1959/23 A

Section 2.—Bilateral

Instrument	Date	Treaty Series No.
FINLAND—con.		
<i>Visas</i>		
✓ Exchange of Notes waiving on a reciprocal basis non-immigrant visa fees (Ottawa).....	Dec. 19, 1955	
	Jan. 9, 1956	1956/3 A
✓ Exchange of Notes : modifying the Agreement of Jan. 9, 1956, concerning non-immigrant visa fees (Ottawa).....	Dec. 9, 1958	1959/1 A
FRANCE—		
<i>Air</i>		
✓ Agreement for air services between and beyond their respective territories (with Annex and Exchange of Notes) (Ottawa).....	Aug. 1, 1950	1950/13 A
0 ✓ Exchange of Notes : modifying the air services agreement of Aug. 1, 1950 (Ottawa).....	Sep. 28,	
	Oct. 4, 1950	1950/13 B
✗ Exchange of Notes modifying the air services agreement of Aug. 1, 1950 (Ottawa).....	Jul. 30, 1954	
	Oct. 29, 1955	1955/24 C ✗
✗ Exchange of Notes modifying the air services agreement of Aug. 1, 1950 (Ottawa).....	Oct. 22, 1958	1958/24 C ✗
<i>Burial</i>		
✓ Exchange of Notes concerning burial arrangements in France for members of Canadian Forces and civilians components thereof, who die in France (Paris).....	Sep. 4, 1956	1956/19 A
<i>Claims</i>		
✓ Exchange of Notes constituting agreement on war damage compensation (Paris).....	Apr. 29,	
	May 5, 1947	1947/20 A
✓ Convention relating to the terms of compensation of Canadian interests in nationalized gas and electricity undertakings (and related documents) (Paris).....	Jan. 26, 1951	1951/2 A
<i>Culture</i>		
✓ Agreement on the admission of trainees to Canada (Ottawa).....	Oct. 4, 1956	1956/17 A
<i>Defence</i>		
✗ Exchange of Notes concerning the status of Canadian Forces stationed in Germany (Bonn).....	Apr. 19, 1955	
	Jan. 31, 1956	1956/26 C ✗
<i>Finance</i>		
✓ Financial Agreement between Canada and France (with Exchange of Notes) (Ottawa).....	Apr. 9, 1946	1946/14 A
✗ Supplementary Financial Agreement to that of Apr. 9, 1946 (with Exchange of Notes) (Ottawa).....	Aug. 20, 1947	1947/23 C ✗
<i>Industrial Property</i>		
✓ Agreement concerning the restoration of industrial property rights affected by Second World War (Ottawa).....	May 5, 1948	1948/11 A
<i>Property</i>		
✓ Exchange of Notes concerning the release of certain private property from government control (with annexed memorandum) (Ottawa).....	Feb. 12,	
	Mar. 22, 23, 27	
	Apr. 3, 1946	1946/16 A
✗ Exchange of Notes abrogating the agreement of April 3, 1946 (Ottawa).....	Nov. 13,	
	Dec. 8, 1951	1951/27 C ✗
<i>Taxation</i>		
✓ Exchange of Notes concerning the application of French National Solidarity tax to Canadian nationals and corporations (and annexed memorandum) (Paris).....	May 15,	
	Sep. 8, 1947	1947/28 A
✓ Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income (with related documents) (Paris).....	Mar. 16, 1951	1953/7 A
✓ Agreement for the avoidance of double taxation and prevention of fiscal evasion with respect to succession duties (with related documents) (Paris).....	Mar. 16, 1951	1953/8 A

Section 2.—Bilateral

Instrument	Date	Treaty Series No.
FRANCE—con.		
<i>Visas</i>		
✓ Exchange of Notes modifying the visa requirements for Canadian and French citizens (Ottawa).....	Apr. 6, Apr. 17, 1950	1950/7 A
<i>War Graves</i>		
✓ Agreement between the Commonwealth countries and France respecting war graves, cemeteries and memorials of the Commonwealth in French Territory (Paris).....	Oct. 31, 1951	1951/30 B
✗ Agreement (with Commonwealth, France and the Federal Republic of Germany) concerning war cemeteries, graves and memorials of Commonwealth Armed Forces buried in Germany and of war graves of Germans buried in France in the care of the Imperial War Graves Commission....	May 5, 1956	1957/35 C†
<i>War Supplies</i>		
✓ Exchange of Notes concerning settlement of Canada's claim in respect of military relief and the claim of France in respect of French vessels requisitioned by Canada during the War (Ottawa).....	June 26, July 4, 1951	1951/17 A
FEDERAL REPUBLIC OF GERMANY—		
<i>Atomic Energy</i>		
✗ Agreement co-operation in the peaceful uses of atomic energy (with related Notes) (Ottawa).....	Dec. 11, 1957	1957/29 C <i>Registered</i>
<i>Defence</i>		
✓ Exchange of Notes concerning a contract for the purchase of F.86 Aircraft and the training of German aircrew in Canada (Bonn).....	Sep. 17, Dec. 10, 1956	1956/21 A
<i>Legal Proceedings</i>		
✓ Exchange of Notes giving effect to the convention between U.K. and German Reich of Mar. 20, 1928, concerning legal proceedings in civil and commercial matters (Bonn).....	Oct. 30, 1953	1953/17 A
<i>Taxation</i>		
✓ Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income (Ottawa).....	June 4, 1956	1957/12 A
<i>Visas</i>		
✓ Exchange of Notes concerning visa requirements for non-immigrant travellers of the two countries (Bonn).....	Apr. 10 Apr. 15, 1953	1953/19 A
<i>War Graves</i>		
✗ Agreement (between the Commonwealth and France on one part and the Federal Republic on the other) concerning war cemeteries, graves and memorials of Commonwealth Armed Forces buried in Germany and of the war graves of Germans buried in the care of the Imperial War Graves Commission.....	Mar. 5, 1956	1957/35 C†
✗ Agreement respecting Commonwealth war cemeteries, graves and memorials in the territory of the Federal Republic of Germany (with Exchange of Notes) (Bonn)....	Mar. 5, 1956	1957/36 C†
GREECE—		
<i>Commerce</i>		
✓ Exchange of Notes constituting a commercial <i>modus vivendi</i>	July 24	

Section 2.—Bilateral

Instrument	Date	Treaty Series No.
GREECE—con.		
<i>Visas</i>		
✓ Exchange of Notes concerning visas issued to holders of diplomatic or special passports (Athens).....	June 26, July 1, 1957	1957/19 A
✗ Exchange of Notes concerning visa requirements for non-immigrant travellers of the two countries (Athens).....	Sep. 9, Sep. 30, 1959	1959/19 C <i>γ</i>
HONDURAS—		
<i>Commerce</i>		
✓ Exchange of Notes constituting a commercial modus vivendi (Tegucigalpa).....	July 11, 1956	1956/10 A
HUNGARY—		
<i>Commerce</i>		
✓ Exchange of Notes concerning the sale of wheat to Hungary on a credit basis (London).....	Mar. 8, 1956	1956/2 A
INDIA—		
<i>Defence</i>		
✓ Exchange of Notes concerning the inspection of supplies and equipment purchased in Canada by India (Ottawa).....	June 5, June 12, 1953	1953/9 A
<i>Economic Co-operation</i>		
✓ Exchange of Notes giving formal effect to the statement of principles agreed between the two countries for co-operative economic development of India (New Delhi)...	Sep. 10, 1951	1951/25 A
<i>Finance</i>		
✓ Financial Agreement between Canada and India (Ottawa)	Feb. 20, 1958	1958/4 A
✓ Financial Agreement between Canada and India (Ottawa)	Oct. 22, 1958	1958/25 A
<i>Immigration</i>		
✓ Exchange of Notes concerning the entry into Canada for permanent residence of citizens of India (Ottawa).....	Jan. 26, 1951	1951/1 A
✗ Exchange of Notes amending the agreement concerning the entry to Canada for permanent residence of citizens of India Jan. 26, 1951 (Ottawa).....	May 3, 1957	1957/11 C <i>γ</i>
<i>Patents</i>		
✓ Agreement concerning the reciprocal protection of the priority of patents of invention (Ottawa).....	Aug. 30, 1956	1956/15 A
IRAQ—		
<i>War Graves</i>		
○ ✓ Agreement between Commonwealth countries and Iraq concerning war cemeteries, graves and memorials in Iraq, resulting from the war of 1939–1945 (Bagdad).....	Feb. 18, 1954	1955/27 B
IRELAND—		
<i>Air</i>		
✓ Agreement for air services between the two countries (with Exchange of Notes) (Dublin).....	Aug. 8, 1947 Apr. 19, May 31, June 3, 1948	1947/19 A
○ ✓ Exchange of Notes amending the air services agreement of Aug. 8, 1947 (Dublin).....	June 3, 1948	1948/15 B
○ ✓ Exchange of Notes amending the annex to the air services agreement of Aug. 8, 1947 (Dublin).....	July 9, 1951	1951/11 B
✗ Exchange of Notes amending the air services agreement of Aug. 8, 1947 (Dublin).....	Dec. 23, 1957	1957/31 C <i>γ</i>

Section 2.—Bilateral

Instrument	Date	Treaty Series No.
IRELAND—con.		
<i>Taxation</i>		
✓ Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income (Ottawa).....	Oct. 28, 1954	1955/22 A
✓ Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to duties on the estates of deceased persons (Ottawa).....	Oct. 28, 1954	1955/23 A
ISRAEL—		
<i>Visas</i>		
✓ Exchange of Notes waiving non-immigrant visa fees on a reciprocal basis (Jerusalem and Tel Aviv).....	Feb. 7, Aug. 2, 15, 1955	1955/17 A
ITALY—		
<i>Claims</i>		
✓ Exchange of Notes concerning the settlement of certain Canadian war claims and the release of Italian assets in Canada (Ottawa).....	Sep. 20, 1951	1952/21 A
<i>Commerce</i>		
✓ Exchange of Notes constituting a commercial modus vivendi (Ottawa).....	Apr. 23, Apr. 28, 1948	1948/9 A
<i>Visas</i>		
✓ Exchange of Notes concerning the issuance of multi-entry visas to diplomatic representatives, officials and non-immigrants (Rome).....	Oct. 10, 1952	1952/18 A
<i>War Graves</i>		
✓ Agreement between the Commonwealth countries and Italy concerning graves in Italian territory of members of the armed forces of the Commonwealth (Rome).....	Aug. 27, 1953	1955/5 A
JAPAN—		
<i>Air</i>		
✓ Agreement for air services (Ottawa).....	Jan. 12, 1955	1955/14 A
✗ Exchange of Notes approving and setting date of entry into force of the air Agreement of Jan. 12, 1955 (Tokyo).....	July 20, 1955	1955/14 C ✓
<i>Commerce</i>		
✓ Commercial Agreement between Canada and Japan (with Exchange of Notes and Agreed Minute) (Ottawa).....	Mar. 31, 1954	1954/3 A
<i>Visas</i>		
✓ Exchange of Notes concerning the waiving on a reciprocal basis of non-immigrant visa fees (Ottawa).....	July 13, 1955	1955/10 A
<i>War Graves</i>		
✓ Agreement between the Commonwealth countries and Japan concerning cemeteries, graves and memorials of the Armed Forces in Japan during the War of 1941-45.	Sept. 21, 1955	1956/8 A
KOREA—		
<i>Defence</i>		
✗ Agreement concerning utilities claims settlement (U.S.A. as Unified Command, and on behalf of certain other governments including Canada) (Seoul).....	Dec. 18, 1958	1958/23 C ✓

Section 2.—Bilateral

Instrument	Date	Treaty Series No.
✓ LIECHTENSTEIN— <i>Commerce</i> (See under Switzerland)—Exchange of Notes extending to Liechtenstein the Treaty of Sep. 6, 1855 and the additional Convention of Mar. 30, 1914.....	May 19, July 14, 1947	1947/26 A
LUXEMBOURG— <i>Visas</i> ✓ Exchange of Notes concerning visa requirements for non-immigrant travellers of the two countries (Brussels and Luxembourg).....	Nov. 24, Nov. 26, 1949	1949/25 A
MEXICO— <i>Air</i> ✓ Exchange of Notes concerning air services between and beyond Canada and Mexico (Mexico)..... o ✓ Exchange of Notes modifying the air services agreement of July 27, 1953 (Mexico).....	July 27, 1953 Oct. 28, 1955	1953/11 A 1955/21 B
<i>Commerce</i> ✓ Trade Agreement between Mexico and Canada.....	Feb. 8, 1946	1946/4 A
MONACO— <i>Visas</i> ✓ Exchange of Notes concerning non-immigrant visas (Ottawa and Monaco).....	Jan. 22, Mar. 20, 1952	1952/5 A
NETHERLANDS— <i>Air</i> ✓ Agreement for air services between Canada and the Netherlands (with Exchange of Notes) (Ottawa)..... <i>Claims</i> ✓ Exchange of Notes concerning compensation for war damage (Ottawa)..... ✓ Exchange of Notes concerning the transfer of Canadian Army stores and equipment to the Netherlands Government, the settlement of claims resulting from the presence of Canadian Forces in the Netherlands during the war, and related matters, (The Hague)..... ✓ Exchange of Notes concerning settlement of the remaining claims of Canada against the Netherlands arising out of Second World War (Ottawa).....	June 2, 1948 Dec. 3, Dec. 30, 1946 Nov. 18, 1946 Oct. 28, 1948 May 3, May 9, 1949	1948/14 A 1946/53 A 1948/24 A 1949/11 A
<i>Commerce</i> ✓ Exchange of Notes concerning the revival of the Commercial Convention of July 11, 1924 (Ottawa)..... <i>Defence</i> ✓ Exchange of Notes providing for continuation, for three years, of Canada's NATO air training programme with respect to aircrew trainees (The Hague).....	Feb. 1, Feb. 5, 1946 Apr. 12, Apr. 13, 1957	1946/6 A 1957/16 A
<i>Finance</i> o ✓ Financial Agreement between Canada and the Netherlands (with an Exchange of Notes) (Ottawa)..... o ✓ Agreement supplementary to the Financial Agreement of Feb. 5, 1946 (with Exchange of Notes), (Ottawa)..... ✓ Exchange of Letters to safeguard the rights of bona fide holders of bonds of Canada that were looted from their Netherlands owners during Second World War (Ottawa).....	Feb. 5, 1946 Jan. 29, 1947 Apr. 10, 1952	1946/19 A 1947/9 B 1952/9 A

Section 2.—Bilateral

Instrument	Date	Treaty Series No.
NETHERLANDS—con.		
<i>Taxation</i>		
✓ Convention and Protocol for the avoidance of double taxation and the prevention of fiscal evasion in respect of taxes on income (Ottawa).....	Apr. 2, 1957	1957/30 A
<i>Visas</i>		
✓ Exchange of Notes concerning visa requirements for non-immigrant travellers of the two countries (The Hague)...	Dec. 9, Dec. 14, 1949	1949/26 A
<i>War Graves</i>		
o ✓ Agreement between the Commonwealth countries and the Netherlands concerning graves of the armed forces of the Commonwealth in Netherlands Territories (The Hague)...	July 10, 1951	1951/16 B
NEWFOUNDLAND—		
(Agreements concluded before Confederation, March 31, 1949)		
<i>Air</i>		
x Exchange of Notes prolonging the agreement for commercial service to Newfoundland by Trans-Canada Air Lines, entered into by Exchange of Notes of Feb. 27, 1942 (St. John's).....	Mar. 18, Apr. 12, 1946	1946/26 C ✓
✓ Agreement for air transport between Canada and Newfoundland (St. John's).....	July 29, 1946	1946/34 A
<i>Military Forces</i>		
x Exchange of Notes concerning the training in Canada of ex-service personnel of Newfoundland (St. John's).....	Feb. 14, Feb. 27, 1946	1946/11 C ✓
NEW ZEALAND—		
<i>Air</i>		
✓ Agreement between Canada and New Zealand relating to air transport (with annex) (Wellington).....	Aug. 16, 1950	1950/14 A
c ✓ Exchange of Notes modifying the air transport agreement of Aug. 16, 1950 (Wellington).....	Sep. 29, 1952	1952/15 B
<i>Taxation</i>		
x Exchange of Notes concerning reciprocal exemption of certain agency profits from income tax, (Wellington).....	Nov. 3, 1945 Jan. 30, 1946	1946/5 C ✓
✓ Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income (Ottawa).....	Mar. 12, 1948	1948/4 A
NICARAGUA—		
<i>Commerce</i>		
✓ Trade Agreement between Canada and Nicaragua (Managua).....	Dec. 19, 1946	1946/43 A
NORWAY		
<i>Air</i>		
✓ Agreement for air services between the two countries (with annex and Exchange of Notes) (Ottawa).....	Feb. 14, 1950	1950/1 A
x Exchange of Notes modifying the air agreement of Feb. 14, 1950 (Ottawa).....	May 16, 1958	1958/13 C ✓
<i>Defence</i>		
✓ Exchange of Notes providing for a continuation, for three years, of Canada's NATO air training programme with respect to aircrew trainees (Oslo).....	Apr. 17, 1957	1957/17 A

Section 2.—Bilateral

Instrument	Date	Treaty Series No.
NORWAY—con.		
<i>Finance</i>		
✓ Agreement amending the agreement of June 25, 1945 concerning Finance (Ottawa).....	June 6, 1946	1947/31 A
0 ✓ Agreement (and related letter) supplementing the agreement of June 25, 1945 concerning Finance (Ottawa).....	Nov. 10, 1947	1947/31 B
<i>Vessels</i>		
✓ Exchange of Notes concerning the loan to Norway of three Prestonian class frigates (with annexed terms of agreement) (Ottawa).....	Dec. 20, 1955	1955/25 A
✓ Exchange of Notes transferring to Norway the three Prestonian class frigates on loan to that country (Oslo)...	July 1, 1958	1958/17 C ^x
<i>Visas</i>		
✓ Exchange of Notes concerning visa requirements for non-immigrant travellers of the two countries (Ottawa).....	Mar. 4, Mar. 13, 1950	1950/4 A
✕ Exchange of Notes modifying the Notes of Mar. 4 and 13, 1950 concerning visas (Ottawa).....	July 14, 1958	1958/19 C ^x
<i>War Supplies</i>		
✓ Exchange of Notes concerning settlement of claims arising out of the war (Ottawa).....	Mar 7, Mar. 18, 1950	1950/8 A
PAKISTAN—		
<i>Economic Co-operation</i>		
✓ Exchange of Notes giving formal effect to the statement of principles agreed between the two countries for co-operative economic development of Pakistan (Karachi).....	Sep. 10, 1951	1951/18 A
<i>Immigration</i>		
✓ Exchange of Notes concerning the entry to Canada for permanent residence of citizens of Pakistan (Karachi).....	Oct. 23, 1951	1951/21 A
<i>Patents</i>		
✓ Convention for the reciprocal protection of the priority of filing dates of applications for patents of invention (Karachi).....	Jan. 15, 1958	1958/6 A
PERU—		
✓ Agreement between Canada and Peru for air services between and beyond their respective territories (Lima).....	Feb. 18, 1954	1955/1 A
✕ Exchange of Notes amending the agreement for air services of Feb. 18, 1954 (Lima).....	Apr. 25, June 5, 1957	1957/13 C ^y
PORTUGAL—		
<i>Air</i>		
✓ Agreement between Canada and Portugal for air services between the two countries (with Exchange of Notes) (Lisbon).....	Apr. 25, 1947	1947/12 A
✕ Exchange of Notes amending paras 3 and 4 of the Annex to the air services agreement of Apr. 25, 1947 (Lisbon)....	Apr. 24, Apr. 30, 1957	1957/14 C ^x
✕ Exchange of Notes: amending para. 7 of the annex to the air services agreement of Apr. 25, 1947 (Lisbon).....	Mar. 5, Mar. 31, 1958	1958/29 C ^x
<i>Commerce</i>		
✓ Trade Agreement between Canada and Portugal (with Exchange of Notes) (Lisbon).....	May 28, 1954	1955/4 A
<i>Visas</i>		
✓ Exchange of Notes concerning non-immigrant visa arrangements (Lisbon).....	Jan. 24, 1958	1958/3 A

Section 2.—Bilateral

Instrument	Date	Treaty Series No.
RHODESIA AND NYASALAND, FEDERATION OF <i>Commerce</i> ✓ Exchange of Notes constituting a Trade Agreement (Salisbury).....	Feb. 6, 1958	1958/5 A
SPAIN— <i>Claims</i> ✓ Exchange of Notes concerning settlement of commercial debts (Madrid).....	Jan. 29, 1952	1952/2 A
<i>Commerce</i> ✓ Trade Agreement between Canada and Spain (with Exchange of Notes) (Madrid).....	May 26, 1954	1955/12 A
SWEDEN— <i>Air</i> ✓ Agreement for air services between Canadian and Swedish territories (Ottawa).....	June 27, 1947	1947/16 A
o ✓ Exchange of Notes amending the agreement for air services of June 27, 1947 (Ottawa).....	June 30, July 5, 1949	1949/20 B
✕ Exchange of Notes amending the agreement for air services of June 27, 1947 (Ottawa).....	May 16, 1958	1958/14 C ⁺
<i>Taxation</i> ✓ Agreement for the avoidance of double taxation and the establishment of rules for reciprocal fiscal assistance in the matter of income taxes (Ottawa).....	Apr. 6, 1951	1951/13 A
<i>Visas</i> ✓ Exchange of Notes concerning visa requirements for non-immigrant travellers of the two countries (Ottawa).....	June 30, 1949	1949/19 A
✕ Exchange of Notes modifying the agreement of June 30, 1949 concerning visas (Ottawa).....	July 14, 1958	1958/20 C ⁺
SWITZERLAND— <i>Atomic Energy</i> ✓ Agreement for co-operation in the peaceful uses of atomic energy (Ottawa).....	Mar. 6, 1958	1958/8 C ⁺ "Register"
<i>Commerce</i> ✓ Exchange of Notes between Canada and Switzerland extending to the principality of Liechtenstein the effects of the treaty of Friendship, Commerce and Reciprocal Establishment between the U.K. and Switzerland of Sep. 6, 1855, and the additional convention of Mar. 30, 1914 (Ottawa).....	May 19, July 14, 1947	1947/26 A
<i>Taxation</i> ✓ Exchange of Notes abrogating, with regard to Canada the agreement of Aug. 27, 1872 between Great Britain and Switzerland concerning succession duties in the Canton of Vaud (Ottawa).....	Mar. 28, June 23, 1958	1958/30 A
✕ Exchange of Notes constituting an agreement for the avoidance of double taxation with respect to enterprises operating ships and aircraft (Berne).....	Sep. 22, 1959	1959/24 C ⁺
TURKEY— <i>Commerce</i> ✓ Exchange of Notes constituting a commercial modus vivendi between the two countries (Ottawa).....	Mar. 1, Mar. 15, 1948	1948/5 A

Section 2.—Bilateral

Instrument	Date	Treaty Series No.
TURKEY—con.		
<i>Visas</i>		
✓ Exchange of Notes concerning the issuance of temporary visas (Ankara).....	Feb. 15, Feb. 28, 1949	1949/3 A
✓ Exchange of Notes concerning the issuance of multi-entry visas to diplomatic representatives and officials (Ottawa).....	Feb. 9, 1951	1951/5 A
✓ Exchange of Notes concerning the issuance of multi-entry visas to diplomatic representatives, officials and non-immigrants (Ottawa).....	Aug. 21, 1956	1956/23 A
UNION OF SOUTH AFRICA—		
<i>Commerce</i>		
✕ Exchange of Notes amending for the period May 1 to Dec. 31, 1946 the Trade Agreement of Aug. 20, 1932, as regards wool imported into Canada (Cape Town).....	Apr. 16, 1946 May 14, 1946	1946/25 C ⁺
✕ Exchange of Notes amending for the period June 1 to Dec. 31, 1946, the Trade Agreement of Aug. 20, 1932, as regards shafty wool for papermakers' felts imported into Canada (Cape Town).....	June 12, 1946	1946/27 C ⁺
✕ Exchange of Notes amending for the period Aug. 1 to Dec. 31, 1946 the Trade Agreement of Aug. 20, 1932, as regards duty on oranges imported into Canada (Pretoria).....	July 31, 1946	1946/36 C _T
✕ Exchange of Notes amending for the period Sep. 1, 1946 to Mar. 31, 1947, the Trade Agreement of Aug. 20, 1932, as regards carpet wool imported into Canada (Pretoria).....	Oct. 22, 1946	1946/39 C ⁺
✕ Exchange of Notes amending for the period Jan. 1 to June 30, 1947, the Trade Agreement of Aug. 20, 1932, as regards wool imported into Canada (Cape Town).....	Jan. 22, 1947	1947/8 C ⁺
✕ Exchange of Notes amending for the period Jan. 1 to Dec. 31, 1949, the Trade Agreement of Aug. 20, 1932, as regards unmanufactured logs imported into South Africa (Ottawa).....	June 27, June 28, 1949	1949/18 C ⁺
✕ Exchange of Notes concerning the temporary suspension, for the period Jan. 1 to Dec. 31, 1950, of the margin of preference on unmanufactured logs (amending Notes of June 27, 28, 1949 above) (Ottawa).....	Feb. 22, Feb. 24, 1950	1950/17 C ⁺
✕ Exchange of Notes concerning the temporary suspension, for the period Jan. 1, to Dec. 31, 1951 of the margin of preference on unmanufactured logs (amending Notes of Feb. 22, 24, 1950 above) (Ottawa).....	Jan. 3, Jan. 16, 1951	1951/15 C ⁺
✕ Exchange of Notes concerning the temporary suspension, for the period Apr. 1, 1951 to Mar. 31, 1952 of the margin of preference on wool not further advanced than scoured by virtue of Trade Agreement of Aug. 20, 1932 (Cape Town).....	Apr. 27, 1951	1951/38 C ⁺
✕ Exchange of Notes concerning the temporary suspension, for the period Jan. 1, to Dec. 31, 1952, of the margin of preference on unmanufactured logs (amending the Notes of Jan. 3, 16, 1951, above) (Ottawa).....	Jan. 2, Jan. 11, 1952	1952/32 C ⁺
✕ Exchange of Notes concerning the temporary suspension, for the period Apr. 1, 1952 to Mar. 31, 1953, of the margin of preference, on wool not further advanced than scoured (amending the Notes of Apr. 27, 1951, above) (Cape Town).....	Feb. 19, June 14, 1952	1952/34 C ⁺
✕ Exchange of Notes concerning the temporary suspension, for the period Jan. 1 to Dec. 31, 1953, of the margin of preference on unmanufactured logs (amending the Notes of Jan. 2, 11, 1952 above) (Ottawa).....	Dec. 27, 1952 Feb. 5, 1953	1953/29 C ⁺

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Instrument	Date	Treaty Series No.	
UNION OF SOUTH AMERICA con.			AFRICA
<i>Commerce</i>			
✓ Exchange of Notes concerning the temporary suspension, for the period Apr. 1, 1953 to Mar. 31, 1954, of the margin of preference on wool not further advanced than scoured (amending the Notes of Feb. 19, June 14, 1952 above) (Pretoria).....	Mar. 26, May 6, 1953	1953/30	C ⁷
✓ Exchange of Notes concerning the temporary suspension, for the period Apr. 1, 1954 to Mar. 31, 1955, of the margin of preference on wool not further advanced than scoured (amending the Notes of Mar. 26, May 6, 1953, above) (Pretoria and Cape Town).....	Jan. 15, Mar. 5, 1954	1954/16	C ⁷
✓ Exchange of Notes concerning the temporary suspension, for the period Jan. 1 to Dec. 31, 1954, of the margin of preference on unmanufactured logs (amending the Notes of Dec. 27, 1952 and Feb. 5, 1953, above) (Ottawa).....	Feb. 26, Mar. 12, 1954	1954/15	C ⁷
✓ Exchange of Notes concerning the temporary suspension, for the period Jan. 1 to Dec. 31, 1955, of the margin of preference on unmanufactured logs (amending the Notes of Feb. 26, Mar. 12, 1954 above) (Ottawa).....	Dec. 21, Dec. 28, 1954	1955/33	C ⁷
✓ Exchange of Notes concerning the temporary suspension, for the period Apr. 1, 1955 to Mar. 31, 1956, of the margin of preference on wool not further advanced than scoured (amending the Notes of Jan. 15, Mar. 5, 1954) (Cape Town).....	Jan. 20, Mar. 21, 1955	1955/34	A
✓ Exchange of Notes concerning the tariff on wool not further advanced than scoured, molasses, and unmanufactured hardwood (Ottawa).....	Sep. 13, Oct. 26, 1955	1955/35	C ⁷
✓ Exchange of Notes amending the Trade Agreement of Aug. 20, 1932, by releasing the bound margin of preference of 10% ad valorem on iron and nickel electrodes imported for the manufacture of batteries for miners' safety lamps (Ottawa).....	June 20, 1957	1957/32	C ⁷
<i>Taxation</i>			
✓ Exchange of Notes concerning the avoidance of double taxation on income derived from the operation of ships and aircraft (Pretoria).....	Nov. 26, 1951	1952/1	A
✓ Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to income tax (Ottawa).....	Sep. 28, 1956	1957/23	A
✓ Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to death duties (Ottawa).....	Sep. 28, 1956	1957/24	A
UNION OF SOVIET SOCIALIST REPUBLICS—			
<i>Claims</i>			
✓ Exchange of Notes concerning the payment by U.S.S.R. for supplies delivered by Canada in 1945-1946 (Moscow).....	Sep. 29, 1950	1950/18	A
<i>Commerce</i>			
✓ Trade Agreement between Canada and the U.S.S.R. (with Exchange of Notes) (Ottawa).....	Feb. 29, 1956	1956/1	A
UNITED KINGDOM—			
<i>Air</i>			
✓ Exchange of letters granting to airlines traffic rights in Fiji and Canton Island (London).....	Jan. 31, Feb. 1, 1947	1947/37	C ⁷

Section 2.—Bilateral

Instrument	Date	Treaty Series No.
UNITED KINGDOM—con.		
<i>Air</i>		
✓ Agreement for the establishment of air communications between Canada and the U.K. territories in the West Atlantic and Caribbean (with Exchange of Notes,) (Ottawa)	July 17, 1947	1947/17 A
o ✓ Exchange of Notes extending the air agreement of July 17, 1947 to provide for a Canadian air service to the Bahamas (Ottawa).....	July 7, 1948	1948/18 B
✓ Agreement between Canada and the United Kingdom for air services between and beyond their respective territories (with Exchange of Notes) (Ottawa).....	Aug. 19, 1949	1949/21 A
X Exchange of Notes amending the Agreement for air services, of Aug. 19, 1949 (Ottawa).....	Aug. 18, 1958	1958/21 C ✓
<i>Claims</i>		
✓ Agreement for the settlement of war claims (Ottawa).....	Mar. 6, 1946	1946/10 A
<i>Commerce</i>		
X Agreement for the purchase of Canadian wheat (Ottawa)...	July 24, 1946	1946/30 C ✓
✓ Exchange of Notes relating to the Trade Agreement of Feb. 23, 1937 and to the General Agreement on Tariffs and Trade, (Geneva).....	Oct. 30, 1947	1947/27 C ✓
<i>Defence</i>		
✓ Exchange of Notes concerning the status of Canadian Forces stationed in Germany (Bonn).....	Apr. 19, 1955 Jan. 9, 1956	1956/26 A
<i>Finance</i>		
✓ Financial Agreement between Canada and the United Kingdom (with exchange of Notes) (Ottawa).....	Mar. 6, 1946	1946/9 A
X Financial Agreement between Canada and the United Kingdom (Ottawa).....	June 29, 1951	1951/29 C ✓
X Financial Agreement between Canada and the United Kingdom (Ottawa).....	Aug. 13, 1953	1953/22 C ✓
X Agreement amending the agreement of Mar. 6, 1946 (with related documents) (Ottawa).....	Mar. 6, 1957	1957/2 C ✓
<i>Taxation</i>		
✓ Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income (London).....	June 5, 1946	1946/17 A
✓ Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to duties on estates of deceased persons, (London).....	June 5, 1946	1946/18 A
o ✓ Exchange of Notes extending to certain colonial territories the double taxation agreement of June 5, 1946 with respect to taxes on income (Ottawa).....	July 27, Aug. 14, 1951	1951/19 B
o ✓ Exchange of Notes extending to British Guiana and St. Lucia the double taxation agreement of June 5, 1946, with respect to taxes on income (Ottawa).....	May 9, May 22, 1952	1952/11 B
X Exchange of Notes extending to Southern Rhodesia the double taxation agreement of June 5, 1946, with respect to taxes on income (Ottawa).....	Feb. 27, Apr. 9, 1953	1953/6 C ✓
o ✓ Exchange of Notes extending to Dominica the double taxation agreement of June 5, 1946, with respect to taxes on income (Ottawa).....	June 30, July 21, 1953	1953/10 B
o ✓ Exchange of Notes extending to Kenya, Tanganyika, Uganda and Zanzibar the double taxation agreement of June 5, 1946, with respect to taxes on income, (Ottawa)...	Aug. 2, 1956	1956/18 B

Section 2.—Bilateral

Instrument	Date	Treaty Series No.
UNITED KINGDOM—con.		
<i>Taxation</i>		
✓ Exchange of Notes extending to the Federation of Rhodesia and Nyasaland the double taxation agreement of June 5, 1946, with respect to taxes on income (Ottawa).....	May 1, July 16, 1957	1957/15 B
0 ✓ Exchange of Notes terminating the application of the double taxation agreement of June 5, 1946, with respect to taxes on income, to the territories of Nyasaland and Southern Rhodesia (Ottawa).....	May 1, 1957 Feb. 13, 1958	1958/7 B
<i>Vessels</i>		
✓ Agreement on the chartering of ships (Ottawa).....	Dec. 31, 1946	1946/44 C^v
UNITED NATIONS—		
<i>Children</i>		
✓ Agreement concerning the 1948 campaign for the United Nations appeal for children (Lake Success).....	Aug. 27, 1948	1948/26 A
<i>Privileges and Immunities</i>		
✓ Agreement (with ICAO) concerning Headquarters of the International Civil Aviation Organization (with Exchange of Notes) (Montreal).....	Apr. 14, 1951	1951/7 A
<i>Military Forces</i>		
✓ Exchange of Notes concerning service with the United Nations Emergency Force of the National Contingent provided by Canada (New York).....	June 21, July 29, 1957	1957/28 A
UNITED STATES OF AMERICA		
<i>Air</i>		
✓ Exchange of Notes: amending the Notes of February 17, 1945, relative to civil air transport (Ottawa).....	Apr. 10, Apr. 12, 1947	1947/11 A
✓ Exchange of Notes concerning air search and rescue operations along the common boundary of the two countries (Washington).....	Jan. 24, Jan. 31, 1949	1949/2 A
✓ Agreement for air transport—superseding the Notes of February 17, 1945 as amended by the Notes of April 10, 12, 1947 (with annex) (Ottawa).....	June 4, 1949	1949/14 A
✓ Exchange of Notes concerning civil aviation at the leased bases in Newfoundland (Ottawa).....	June 4, 1949	1949/15 A
0 ✓ Exchange of Notes amending schedule 2 of the air transport agreement of June 4, 1949 (Ottawa).....	Nov. 22, Dec. 20, 1955	1955/28 B
✓ Exchange of Notes: amending the air transport agreement of June 4, 1949 as amended by the Notes of November 22, December 20, 1955 (Ottawa).....	Apr. 9, 1959	1959/8 C⁺
<i>Arbitration</i>		
✓ Exchange of Notes: supplementing the convention of April 15, 1935 relating to claims on account of damages caused by fumes emitted from the smelter at Trail, B.C. (Washington).....	Nov. 17, 1949 Jan. 24, 1950	1951/35 A
<i>Atomic Energy</i>		
✓ Agreement for co-operation in civil uses of atomic energy (with Exchange of Notes) (Washington).....	June 15, 1955	1955/15 A
0 ✓ Agreement amending the agreement for co-operation in the civil uses of atomic energy of June 15, 1955 (with Exchange of Notes) (Washington).....	June 26, 1956	1957/8 B
✓ Agreement for co-operation on the uses of atomic energy for mutual defence purposes (with Exchange of Notes) (Washington).....	May 22, 1959	1959/16 A

Section 2.—Bilateral

Instrument	Date	Treaty Series No.
UNITED STATES OF AMERICA—con.		
<i>Boundary Waters</i>		
X Exchange of Notes concerning additional temporary diversion of water in the Niagara area for power purposes (Washington).....	Dec. 23, 1948	1948/20 C+
✓ Treaty concerning diversion of Niagara River (and related documents) (Washington).....	Feb. 27, 1950	1950/3 A
✓ Exchange of Notes concerning the construction of the St. Lawrence Seaway (Washington).....	Jan. 11, 1952	1952/30 A
✓ Exchange of Notes establishing the St. Lawrence River Joint Board of Engineers (Washington).....	June 30, 1952	1953/21 A
o ✓ Exchange of Notes concerning payment for expenditures on construction of remedial works at Niagara Falls (Ottawa).....	Nov. 12, 1953	1954/7 B
o ✓ Exchange of Notes modifying the Notes of June 30, 1952 concerning the construction of the St. Lawrence Seaway (Ottawa).....	Sep. 13, 1954	1954/14 B
X Exchange of Notes interpreting the Notes of August 17, 1954 concerning the construction of the St. Lawrence Seaway (Ottawa).....	Aug. 17, 1954	1954/14 B
X Exchange of Notes concerning relocation of Roosevelt Bridge crossing Cornwall South Channel (Ottawa).....	Nov. 7,	1954/14 C+
✓ Exchange of Notes revising the terms of the Notes of November 16 and 17, 1955 concerning the relocation of the Roosevelt Bridge crossing the Cornwall South Channel (Washington).....	Dec. 4, 1956	1956/24 C+
✓ Exchange of Notes concerning proposed navigation improvements to be undertaken in the Detroit River section of the Great Lakes connecting channels (Ottawa).....	Nov. 16,	1956/24 A
✓ Exchange of Notes concerning dredging operations in the St. Mary's River and the St. Clair River sections of the Great Lakes connecting channels (Ottawa).....	Nov. 17, 1955	1957/9 A
X Exchange of Notes concerning the Buffalo—Fort Erie Peace Bridge (Washington).....	Oct. 24, 1956	1957/4 A
✓ Exchange of Notes concerning arrangements for dredging and disposal of spoil in the St. Clair River and Lake St. Clair (with annex) (Ottawa).....	July 23,	1958/10 C+
✓ Exchange of Notes establishing tolls to be charged on the St. Lawrence Seaway (Ottawa).....	Oct. 26, 1956	1959/6 A
<i>Claims</i>	Feb. 26, 1957	1959/5 A
✓ Exchange of Notes concerning the waiver of claims arising from maritime collisions involving vessels of the two countries (Washington).....	Nov. 30, 1956	1946/42 A
<i>Commerce</i>	Apr. 8, 1957	
✓ Agreement (and Exchange of Letters), suspending the Trade Agreement of November 17, 1938 for the duration of the GATT (Geneva).....	Apr. 3,	1947/27 A
✓ Exchange of Notes concerning the export of potatoes and seed potatoes from Canada to the U.S.A. (Washington)...	Apr. 11, 1958	1948/31 A
o ✓ Exchange of Notes terminating the Agreement of November 23, 1948 concerning the export of potatoes and seed potatoes to the U.S.A. (Washington).....	Nov. 23, 1948	1948/33 A
✓ Agreement regarding the rate of duty on fish sticks and similar products (Geneva).....	June 20, 1949	1949/17 B
	June 8, 1955	1955/13 A

Section 2.—Bilateral

Instrument	Date	Treaty Series No.
UNITED STATES OF AMERICA—con.		
<i>Communications</i>		
✓ Exchange of Notes concerning the operation and maintenance of the land line communication system between Edmonton, Alberta and Fairbanks, Alaska (Washington).	Mar. 1, Mar. 31, 1948	1948/6 A
<i>Defence</i>		
✓ Agreement (U.K.—U.S.A.) concerning Newfoundland bases leased to U.S.A. (London).....	Mar. 27, 1941	1952/14 CY
✓ Joint Statement by Canada and the U.S.A. concerning defence co-operation (Ottawa and Washington).....	Feb. 12, 1947	1947/43 CY
✓ Exchange of Notes (U.K.—U.S.A.) relating to the delimitation of the area within territorial waters adjacent to the leased naval base at Argentia, Newfoundland (with Annex) (London).....	Aug. 13, Oct. 23, 1947	1952/14 CY
✓ Exchange of Notes regarding the establishment of a Joint Industrial Mobilization Committee (Ottawa).....	Apr. 12, 1949	1949/8 A
✓ Exchange of Notes concerning civil defence co-ordination between Canada and the U.S.A. (Washington).....	Mar. 27, 1951	1951/3 A
✓ Exchange of Notes concerning disposal of U.S. excess property in Canada (Ottawa).....	Apr. 11, Apr. 18, 1951	1951/9 A
✓ Exchange of Notes concerning the extension and co-ordination of the continental radar defence system (Washington)	Aug. 1, 1951	1951/31 A
✓ Exchange of Notes relating to the application of the NATO Status of Forces Agreement of June 19, 1951 to the U.S. forces in Canada including those at the leased bases in Newfoundland and at Goose Bay, Labrador (Washington)	Apr. 28, Apr. 30, 1952	1952/14 A
✓ Exchange of Notes concerning the leasing of certain lands situated within R.C.A.F. Station, Goose Bay, Labrador, (Ottawa).....	Dec. 5, 1952	1952/22 A
✓ Exchange of Notes concerning the transfer to Canada of the three Loran stations at Port-Aux-Basques, Battle Harbour and Bonavista in Newfoundland (Ottawa).....	June 26, June 30, 1953	1953/12 A
✓ Exchange of Notes concerning the construction and operation of a Loran station at Cape Christian, Baffin Island (with Annex) (Ottawa).....	May 1, May 3, 1954	1954/6 A
✓ Exchange of Notes concerning the establishment of a distant early warning system in Canadian territory (Washington).....	May 5, 1955	1955/8 A
✓ Exchange of Notes concerning the establishment and operation by the Canadian and U.S.A. Air Force of Gap Filler Radar Stations in the Newfoundland—Labrador area (Ottawa).....	June 13, 1955	1955/29 A
✓ Agreement for co-operation regarding atomic information for mutual defence purposes (with related Notes) (Washington).....	June 15, 1955	1955/16 A
✓ Exchange of Notes concerning the establishment and operation by the U.S.A. Air Force of augmentation radar stations in British Columbia, Ontario and Nova Scotia (Ottawa).....	June 15, 1955	1955/30 A
✓ Exchange of Notes concerning the status of Canadian Forces stationed in Germany (Bonn).....	Apr. 19, 1955 Jan. 26, 1956	1956/26 A
✓ Exchange of Notes concerning the construction of housing units at Pepperrall Air Force base, St. John's, Newfoundland (Ottawa).....	Apr. 18 Apr. 19, 1956	1956/6 A

Section 2.—Bilateral

Instrument	Date	Treaty Series No.
UNITED STATES OF AMERICA—con.		
<i>Defence</i>		
✓ Exchange of Notes concerning the organization and operation of the North American Air Defence Command (NORAD) (Washington).....	May 12, 1958	1958/9 A
✓ Exchange of Notes: aerial refuelling facilities in Canadian territory (Ottawa).....	June 20, 1958	1958/15 A
✓ Exchange of Notes establishing a Canada—United States Committee on joint defence (Ottawa).....	Aug. 29, Sep. 2, 1958	1958/22 A
✓ Exchange of Notes concerning the construction and equipment required for the augmentation of communications facilities at Cape Dyer, Baffin Island (Dew East) (Ottawa)	Apr. 13, 1959	1959/9 A
✓ Exchange of Notes concerning the establishment in Canada of short-range tactical air navigation facilities at nine sites (TACAN) (Ottawa).....	May 1, 1959	1959/10 A
✓ Exchange of Notes concerning the establishment of an integrated communications system to support the ballistic missiles early warning system (BMEWS) (Ottawa).....	July 13, 1959	1959/12 A
<i>Economic Co-operation</i>		
✓ Exchange of Notes providing for the continuation of the principles of the Hyde Park Declaration (April 20, 1941) into the post-war transitional period with special reference to the problem of reconversion of industry (Ottawa).....	May 7, May 15, 1945	1948/1 B
✓ Exchange of Notes giving formal effect to the "Statement of Principles for Economic Co-operation" (Washington).....	Oct. 26, 1950	1950/15 A
✓ Exchange of Notes providing for the establishment of a joint Canada—United States Committee on trade and economic affairs (Washington).....	Nov. 12, 1953	1953/18 A
<i>Extradition</i>		
✓ Supplementary Convention to the Supplementary Convention between the U.K. and the U.S.A. for the Mutual Surrender of Fugitive Criminals signed at Washington December 13, 1900 (with texts of all previous Extradition Agreements in force between Canada and the U.S.A.) (Ottawa).....	Oct. 26, 1951	1952/12 A
<i>Finance</i>		
✓ Exchange of Notes concerning financial arrangements for furnishing supplies and port services to visiting naval vessels of either country (Ottawa).....	July 21, 1955	1955/20 A
<i>Fisheries</i>		
✓ Great Lakes Fisheries Convention (Washington).....	Apr. 2, 1946	1946/13 C +
✓ Exchange of Notes amending the provisional fur seal agreement of December 8/19, 1942 (Washington).....	Dec. 26, 1947	1947/36 A
✓ Exchange of Notes regarding sanitary practices in the shellfish industries and related matters. (Washington).....	Mar. 4, Apr. 30, 1948	1948/10 A
✓ Convention for the extension of port privileges to halibut fishing vessels on the Pacific Coasts of Canada and U.S.A. (Ottawa).....	Mar. 24, 1950	1950/5 A
✓ Convention for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea (Ottawa).....	Mar. 2, 1953	1953/14 A
✓ Convention on Great Lakes Fisheries (Washington).....	Sep. 10, 1954	1955/19 A
✓ Protocol to the Convention of May 26, 1930 for the protection, preservation and extension of the sockeye salmon fisheries in the Fraser River system (with text of Convention and related documents) (Ottawa).....	Dec. 28, 1956	1957/21 A

NOTE: THIS IS THE ONLY NON-UNTS "CONVENTION" IN CTS.

Section 2.—Bilateral

Instrument	Date	Treaty Series No.
UNITED STATES OF AMERICA—con.		
<i>Labour</i>		
X Arrangement facilitating the movement of agricultural machinery and farm labour across the international boundary	Feb. 27, 1942	1947/42
✓ Exchange of Notes constituting renewal of the labour arrangement of 1942 (Ottawa)	Apr. 24, May 19, 1947	1947/42 A
X Exchange of letters constituting renewal of the labour arrangement of 1942 (Ottawa)	Apr. 22, Apr. 29, 1948	1948/35
X Exchange of letters constituting renewal of the labour arrangement of 1942 (Ottawa)	Apr. 5, Apr. 7, 1949	1949/6
X Exchange of Letters constituting renewal of the labour arrangement of 1942 (Ottawa)	June 29, July 6, 1950	1950/11
X Exchange of Letters constituting renewal of the labour arrangement of 1942 (Ottawa)	Mar. 15, Mar. 16, 1951	1951/4
X Exchange of Letters constituting renewal of the labour arrangement of 1942 (Ottawa)	Apr. 15, Apr. 16, 1952	1952/6
✓ Exchange of Notes amending the agreement of Mar. 12, 1942, respecting unemployment insurance (Ottawa)	July 31, Sep. 11, 1951	1951/14 A
✓ Exchange of Notes extending participation in the Canadian Unemployment Insurance Act to Canadian employees of the United States Armed Forces in Canada (Washington) ..	Dec. 20, 1955 Apr. 23, 1956	1956/13 A
✓ Exchange of Notes concerning seasonal movement of woods workers between the two countries (Ottawa)	Oct. 23, Oct. 31, 1958	1958/28 A
<i>Naval Forces</i>		
✓ Exchange of Notes concerning Naval Forces on the Great Lakes (application and interpretation of Rush-Bagot agreement of 1817) (Washington)	Nov. 18, Dec. 5, 1946	1946/40 A
<i>Patents</i>		
✓ Exchange of Notes concerning mutual interchange of patent rights in connection with RDX and other explosives (Washington)	Sep. 3, Sep. 27, 1946	1946/51 A
<i>Petroleum</i>		
✓ Exchange of Notes concerning the disposition of petroleum storage and loading facilities at Prince Rupert, B.C.	Dec. 21, 1945 Jan. 3, 1946	1946/1 A
✓ Supplementary Exchange of Notes regarding the disposal of the Canol project (Ottawa)	Nov. 7, Dec. 30, 1946 Mar 5, 6, 1947	1946/41 A
✓ Exchange of Notes concerning installation of an oil pipeline from Haines to Fairbanks, Alaska (Ottawa)	June 30, 1953	1953/20 A
✓ Exchange of Notes concerning the construction and operation of a petroleum products pipeline between the U.S. Air Force dock at St. John's and Pepperrell Air Force base in Newfoundland. (Ottawa)	Sep. 22, 1955	1955/18 A
✓ Exchange of Notes concerning use of the Haines cut-off road by the U.S. Army for the winter maintenance of the Haines—Fairbanks pipeline (Ottawa)	Jan. 16, Jan. 17, 1957	1957/1 A
X Exchange of Notes renewing permission for the use by the U.S. Army of the Haines cut-off road for the winter maintenance of the Haines—Fairbanks Pipeline (Ottawa)	Aug. 17 Aug. 20, 1959	1959/21
<i>Radio</i>		
✓ Exchange of Notes constituting an interim arrangement concerning land mobile radio transmitting equipment (Washington)	June 25, Aug. 20, 1947	1947/25 A
✓ Exchange of Notes concerning the allocation of channels for radio broadcasting (Washington)	Jan. 8, Oct. 15, 1947	1947/30 A

Section 2.—Bilateral

Instrument	Date	Treaty Series No.
UNITED STATES OF AMERICA—con.		
<i>Radio</i>		
✓ Exchange of Notes concerning engineering standards applicable to the allocation of standard broadcasting stations in the band of frequencies extending from 540 to 1600 kilocycles (Washington).....	Dec. 24, 1947 Apr. 1, 13, 1948	1948/7 A
✓ Convention relating to the operation by citizens of either country of certain radio equipment or stations in the other country (Ottawa).....	Feb. 8, 1951	1952/7 A
✓ Agreement for the promotion of safety on the Great Lakes by means of radio (Ottawa).....	Feb. 21, 1952	1952/25 A
✓ Exchange of Notes concerning the allocation of television channels (Ottawa).....	Apr. 23, June 23, 1952	1952/13 A
✓ Exchange of Notes concerning the establishment of U.S. global communications facilities in Newfoundland (Ottawa).....	Nov. 4, Nov. 8, 1952	1952/27 A
✓ Exchange of Notes concerning the sealing of mobile radio transmitting equipment (Washington).....	Mar. 9, Mar. 17, 1953	1953/1 A
o ✓ Exchange of Notes: amending the notes of November 4, 8, 1952 concerning establishment of U.S. global communications facilities in Newfoundland (Ottawa).....	May 1, July 31, 1953	1953/25 B
o ✓ Exchange of Notes amending the Notes of November 4, 8, 1952, and May 1, July 31, 1953 concerning the establishment of U.S. global communication facilities in Newfoundland (Ottawa).....	Mar. 31, June 8, 1955	1955/9 B
✓ Exchange of Notes concerning operation of a television station on channel 16 at Scranton, Pa. (Ottawa).....	Dec. 9, 1958 Jan. 7, 1959	1959/2 A
<i>Taxation</i>		
✓ Convention modifying and supplementing the Convention and Protocol of March 4, 1942 for the avoidance of double taxation and the prevention of fiscal evasion in respect of income taxes (and related documents) (Ottawa).....	June 12, 1950	1951/22 A
✓ Convention modifying and supplementing the convention of June 8, 1944 for the avoidance of double taxation and the prevention of fiscal evasion in estates taxes and succession duties (and related documents), (Ottawa).....	June 12, 1950	1951/23 A
✓ Exchange of Notes confirming the recommendation of March 28-30, 1950, made by the Permanent Joint Board of Defence concerning leased bases in Newfoundland (Washington).....	Feb. 13, Mar. 19, 1952	1952/14 A
o ✓ Convention further modifying and supplementing the Convention and Protocol of March 4, 1942 for the avoidance of double taxation and the prevention of fiscal evasion in the case of income taxes as modified by the supplementary Convention of June 12, 1950 (above) (Ottawa).....	Aug. 8, 1956	1957/22 B
<i>War Supplies</i>		
✓ Exchange of Notes concerning disposal of war surpluses and related matters (Ottawa).....	Mar. 30, 1946	1946/12 A
✓ Exchange of Notes amending the Agreement of March 30, 1946 concerning disposal of war surpluses and related matters (Ottawa).....	July 11, July 15, 1946	1946/31 C
✓ Exchange of Notes concerning the disposal of surplus property owned by either of the two countries (Ottawa).....	Jan. 9, 1947	1947/3 A
o ✓ Supplementary Exchange of Notes amending the Agreement of March 30, 1946 concerning war surpluses and related matters, (Ottawa).....	Jan. 24, Mar. 2, Apr. 9, 14, 1948	1948/8 B

Section 2.—Bilateral

Instrument	Date	Treaty Series No.
UNITED STATES OF AMERICA—con.		
<i>War Supplies</i>		
✓ Exchange of Notes for the final settlement of outstanding accounts concerning the wartime procurement of supplies and services (Washington).....	Mar. 14, 1949	1949/9 A
✓ Exchange of Notes concerning settlement of claims and accounts arising out of the disposal of war surpluses (Ottawa).....	June 17, June 18, 1949	1949/16 B
✓ Exchange of Notes concerning the method of disposal of excess U.S. supplies and property in Canada (Ottawa)...	Apr. 11 & 18, 1951	1951/9 B
<i>Weather Stations</i>		
✓ Exchange of Notes relating to the establishment of a network of seven weather stations in the Pacific Ocean (Washington).....	June 8, June 22, 1950	1951/36 A
○ Exchange of Notes modifying temporarily the Pacific Ocean weather station programme established on June 22, 1950, (Washington).....	Sep. 25, 1950 Feb. 16, 1951	1951/37 B
✕ Exchange of Notes regarding the R.C.A.F.—U.S.A.F. resupply of joint Canadian—U.S.A. Arctic weather stations (Ottawa).....	Oct. 9, Dec. 12, 1951 Feb. 7, 1952	1952/36 C T
✓ Exchange of Notes providing for the relocation of two of the Pacific Ocean weather stations (Ottawa).....	Jan. 22, Feb. 22, 1952	1952/33 B
✓ Exchange of Notes for the continuance of the arrangement relating to Pacific Ocean Weather Stations established in the Notes of June 8/22, 1950 (Ottawa).....	June 4, June 28, 1954	1954/12 B
VENEZUELA—		
<i>Commerce</i>		
✕ Exchange of Notes renewing for one year the commercial <i>modus vivendi</i> of Mar. 26, 1941 (Caracas).....	Apr. 9, 1946	1946/35 C
Exchange of Notes amending and renewing until Apr 9, 1948, the commercial <i>modus vivendi</i> of Mar. 26, 1941 (Caracas).....	June 13, 1947	1947/18 C
✓ Exchange of Notes renewing until Apr. 9, 1949, the commercial <i>modus vivendi</i> of Mar. 26, 1941, as amended on June 13, 1947 (above) (Caracas).....	May 5, 1948	1948/13 C
✓ Exchange of Notes constituting a commercial <i>modus vivendi</i> between Canada and Venezuela (Caracas).....	Oct. 11, 1950	1950/16 A
○ ✓ Exchange of Notes renewing for one year the commercial <i>modus vivendi</i> of Oct. 11, 1950 (Caracas).....	Oct. 10, Oct. 11, 1951	1951/24 B
✓ Exchange of Notes renewing for one year the commercial <i>modus vivendi</i> of Oct. 11, 1950 (Caracas).....	Oct. 8, 1952	1952/35 C
✓ Exchange of Notes renewing for one year the commercial <i>modus vivendi</i> of Oct. 11, 1950 (Caracas).....	Sep. 30, Oct. 9, 1953	1953/28 C
✓ Exchange of Notes renewing for one year the commercial <i>modus vivendi</i> of Oct. 11, 1950 (Caracas).....	Sep. 17, Oct. 11, 1954	1954/17 C
✓ Exchange of Notes renewing for one year the commercial <i>modus vivendi</i> of Oct. 11, 1950 (Caracas).....	Sep. 19, Oct. 11, 1955	1955/26 C
✓ Exchange of Notes renewing for one year from Oct. 11, 1956, the commercial <i>modus vivendi</i> of Oct. 11, 1950 (Caracas).....	Sept. 13, Sept. 29, 1956	1956/25 C
✓ Exchange of Notes renewing for one year from Oct. 11, 1957, the commercial <i>modus vivendi</i> of Oct. 11, 1950 (Caracas).....	Oct. 1, Oct. 11, 1957	1957/33 C
✓ Exchange of Notes renewing for one year from Oct. 11, 1958, the commercial <i>modus vivendi</i> of Oct. 11, 1950 (Caracas).....	Oct. 10, 1958	1958/33 C

Section 2.—Bilateral

Instrument	Date	Treaty Series No.	
VENEZUELA—con.			
<i>Commerce</i>			
X Exchange of Notes renewing for one year from Oct. 11, 1959, the commercial <i>modus vivendi</i> of Oct. 11, 1950 (Caracas).....	Oct. 10, Oct. 15, 1959	1959/15	C
<i>Visas</i>			
X Exchange of Notes concerning visa requirements for non-immigrant travellers of the two countries (Ottawa).....	Oct. 5, Oct. 8, 1959	1959/20	C
WEST INDIES—			
<i>Economic Co-operation</i>			
X Exchange of Notes giving formal effect to the statement of agreed principles for co-operative economic development of the West Indies (Ottawa).....	Oct. 18, 1958	1958/26	C
YUGOSLAVIA—			
<i>Property</i>			
X Agreement concerning compensation for British property, rights and interests affected by Yugoslav measures of nationalisation, expropriation, dispossession and liquidation (with Exchange of Notes) (London).....	Dec. 23, 1948	1948/29	C
<i>War Supplies</i>			
X Exchange of Notes concerning settlement of claims arising out of the war (Belgrade).....	Mar. 25, Mar. 29, 1950	1950/9	A

Legal/A.W.J.Robertson/lmj

20-3-4-CDA

diary
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file

Ottawa, May 10, 1965

Thank you for your letter of May 30th, and for the enclosed copy of your paper. I shall look forward to the results of your checks of the Canadian figures, and to receiving copies of the IBM printouts if you would like to let me have them in due course.

-- In the meantime I enclose photostats of our Subject Word Cards, as I promised.

With best regards,

A. W. J. ROBERTSON

A. W. J. Robertson
Head, Treaty Section

Peter H. Rohn, Esq.
Assistant Professor
University of Washington
Seattle, Washington 98105

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

TO: Mr. Robertson
MAY 10 1965
REGISTRY

TO
A The Under-Secretary of State for
External Affairs, Ottawa

FROM
De Office of the High Commissioner for Canada,
London

REFERENCE
Référence Your letter L-94(M) of March 23, 1965

SUBJECT
Sujet Treaty Procedure - Use of Seals

SECURITY UNCLASSIFIED
Sécurité

DATE May 3, 1965

NUMBER 870
Numéro

FILE	DOSSIER
OTTAWA	20-3-4-CDA
MISSION	81-4/17/17

ENCLOSURES
Annexes

1

DISTRIBUTION

Attached is a duplicate copy of a letter from the Foreign Office dated April 29th with enclosure which we trust provides the information requested in your letter under reference.

R. H. Henry

CANADA HOUSE

FOREIGN OFFICE, S.W.1.

(TNP 12/4)

29 April, 1965.

Dear Mr. Henry,

You will remember I wrote to you on 14 April and undertook to let you have details of the seals used at the Foreign Office for treaty purposes.

2. I can now say that apart from the Great Seal of the Realm (which is affixed to Full Powers and Instruments of Ratification signed by Her Majesty The Queen) the seals are of three kinds:

- (i) the Secretary of State's Seal of Office, $2\frac{1}{2}$ inches in diameter, bearing the Royal Arms and inscribed "Her Britannic Majesty's Principal Secretary of State for Foreign Affairs";
- (ii) the Official Seal, bearing the Royal Arms and inscribed "Foreign Office", which is available both as a wax seal (diameter $1\frac{1}{2}$ inches) and as an embossing seal (oval, $1\frac{3}{8}$ inches wide);
- and
- (iii) Personal Wax Seals belonging to Ministers or Diplomatic Service Officers, which bear coats-of-arms, family crests, other devices or monograms.

3. Seals are, in general, used either to authenticate a signature, or to unite the ends of a ribbon joining together the pages of a document, or both. The enclosed table shows the kinds of seal the Department uses for each type of treaty document, the position of the seal affixed and its function.

4. I hope this information satisfactorily answers your enquiry. If I may be of further assistance, please do not hesitate to let me know.

Yours sincerely,

(R. S. Glover)

Mr. R. K. Henry,
First Secretary Administration,
Office of the High Commissioner
for Canada,
Canada House,
S.W.1.

Seals used by Foreign Office for treaty purposes

<u>Instrument</u>	<u>Seal</u>	<u>Position</u>	<u>Function</u>
Governmental Full Powers	Secretary of State's Seal of Office	Adjacent to signature	Authenticating ✓
Signature copies of treaties in Heads of States form (or in inter-State form, where the testimonium provides for seals to be affixed)	Personal wax seal of Plenipotentiary signing	Adjacent to signature	Authenticating and uniting where the document consists of more than one sheet of paper
Signature copies of treaties in Governmental form (or in inter-State form where the testimonium makes no provision for seals to be affixed)	Official (Wax) Seal if document consists of more than one sheet of paper	Top right-hand corner of front fly-leaf	Uniting ✓
Certified true copies of treaties	1. Official (Embossing) Seal and	Top right-hand corner of front page	Uniting
	2. Official (Ink) Stamp	Adjacent to signature of authenticating officer	Authenticating
Instruments of Ratification, Accession, etc. signed by the Secretary of State	Secretary of State's Seal of Office	Adjacent to signature	✓ Authenticating and uniting where the document consists of more than one sheet of paper
Certificates recording the exchange of Instruments of Ratification	<u>None</u> (No uniting seal necessary, as certificate comprises only one single folded sheet of paper)	-	-

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA.

NUMBERED LETTER

File 20-3-1

TO: THE UNDER-SECRETARY OF STATE FOR
EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: Office of the High Commissioner
for Canada, CANBERRA

Reference: Your letter L-94(M) of March 23/65

Subject: Treaty Procedure - Use of Seals

Security: ... RESTRICTED

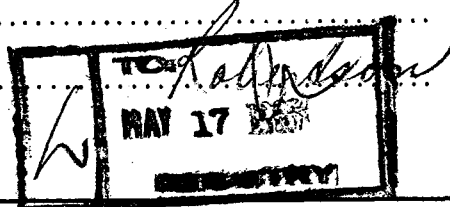
No: ... 20-1

Date: ... April 30, 1965

Enclosures: ... 1

Air or Surface Mail: ... Bag

Post File No: ... 20-3-1



Ottawa File No.	
20-3-4-@DA	
25-	7

References

We are informed by the Department of External Affairs that the use of seals has no basis in legislation and that their use is based solely upon custom.

2. The Commonwealth of Australia Evidence Act 1905-1950, however, does instruct all courts to take judicial notice of official seals. The relevant paragraph is as follows:

"All courts shall take judicial notice of -

(a) the official signature of any person who holds or has held the office of Governor-General, Minister of State, President of the Senate, Speaker of the House of Representatives, Secretary to the Federal Executive Council, Justice of the High Court, Principal Registrar, Deputy Registrar or District Representative of the High Court, President or Deputy President of the Commonwealth Court of Conciliation, Industrial Registrar or President or Judge or member of any Federal Court, or any office to which the Governor-General, by order published in the Gazette, declares this section to apply; and

(b) the official seal of every such person or Court; and

(c) the fact that such person holds or has held such office;

if the signature or seal purports to be attached or appended to any judicial or official document."

3. During our consultation with the Legal Adviser of the Department of External Affairs, we obtained the following additional information:

Internal
Circulation

L

Distribution
to Posts

... 2

- 2 -

- (a) When a treaty has been given Cabinet approval, it is left, by custom, to the Minister for External Affairs or Acting Minister for External Affairs to complete the procedure. The Minister prepares a recommendation to the Governor-General in Council that the treaty be signed by Australia and obtains permission to draw up full powers authorizing himself, or an appropriate Minister, to sign the treaty. The Full Powers document is invariably embossed with the seal of the Minister for External Affairs.
- (b) A formal treaty consisting of several pages is bound by ribbon in a decorated hard cover of morocco leather. The two ends of the ribbon are fastened to the inside back cover by two wax seals which are affixed in circular depressions let into the cover. These seals serve no other purpose than to secure the pages against tampering. In the example we were shown, an agreement recently signed by Australia and France, the seals of the Department of External Affairs and the French Embassy filled the depressions. The first shows the crest of Australia and the words "EXTERNAL AFFAIRS CANBERRA" enclosed within a circle.
- (c) No impress seal of any kind is used in connection with a treaty.
- (d) There is no ministerial seal for use with wax.
- (e) The Department uses two kinds of impress seals, the seal belonging to the Minister, and a Departmental seal. (Specimens are attached.) The Ministerial seal is impressed on documents signed either by the Minister or the Acting Minister. The Departmental impress seal is used to authenticate documents or on authentic copies of unbound one-page instruments of ratification.
- (f) Paper seals for use with impress seals are not used with treaties, instruments of ratification or protocols of exchange but are used solely to authenticate documents.

Thw Read

Office of the High Commissioner.

SPEC-

10/1/10

SPEC-

10/1/10

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA.

(DUPLICATE)

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR
EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: Office of the High Commissioner
for Canada, CANBERRA

Reference: Your letter L-94(M) of March 23/65.

Subject: Treaty Procedure - Use of Seals

Security:.....RESTRICTED.....

No:.....201.....

Date:.....April 30, 1965.....

Enclosures:.....1.....

Air or Surface Mail:.....Bag.....

Post File No:.....

Ottawa File No.

References

We are informed by the Department of External Affairs that the use of seals has no basis in legislation and that their use is based solely upon custom.

2. The Commonwealth of Australia Evidence Act 1905-1950, however, does instruct all courts to take judicial notice of official seals. The relevant paragraph is as follows:

"All courts shall take judicial notice of -

- (a) the official signature of any person who holds or has held the office of Governor-General, Minister of State, President of the Senate, Speaker of the House of Representatives, Secretary to the Federal Executive Council, Justice of the High Court, Principal Registrar, Deputy Registrar or District Representative of the High Court, President or Deputy President of the Commonwealth Court of Conciliation, Industrial Registrar or President or Judge or member of any Federal Court, or any office to which the Governor-General, by order published in the Gazette, declares this section to apply; and
- (b) the official seal of every such person or Court; and
- (c) the fact that such person holds or has held such office;

if the signature or seal purports to be attached or appended to any judicial or official document."

3. During our consultation with the Legal Adviser of the Department of External Affairs, we obtained the following additional information:

Internal
Circulation

Distribution
to Posts

... 2

- 2 -

- (a) When a treaty has been given Cabinet approval, it is left, by custom, to the Minister for External Affairs or Acting Minister for External Affairs to complete the procedure. The Minister prepares a recommendation to the Governor-General in Council that the treaty be signed by Australia and obtains permission to draw up full powers authorizing himself, or an appropriate Minister, to sign the treaty. The Full Powers document is invariably embossed with the seal of the Minister for External Affairs.
- (b) A formal treaty consisting of several pages is bound by ribbon in a decorated hard cover of morocco leather. The two ends of the ribbon are fastened to the inside back cover by two wax seals which are affixed in circular depressions let into the cover. These seals serve no other purpose than to secure the pages against tampering. In the example we were shown, an agreement recently signed by Australia and France, the seals of the Department of External Affairs and the French Embassy filled the depressions. The first shows the crest of Australia and the words "EXTERNAL AFFAIRS CANBERRA" enclosed within a circle.
- (c) No impress seal of any kind is used in connection with a treaty.
- (d) There is no ministerial seal for use with wax.
- (e) The Department uses two kinds of impress seals, the seal belonging to the Minister, and a Departmental seal. (Specimens are attached.) The Ministerial seal is impressed on documents signed either by the Minister or the Acting Minister. The Departmental impress seal is used to authenticate documents or on authentic copies of unbound one-page instruments of ratification.
- (f) Paper seals for use with impress seals are not used with treaties, instruments of ratification or protocols of exchange but are used solely to authenticate documents.

T.H.W. READ

Office of the High Commissioner.

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA.

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR
EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: Office of the High Commissioner for Canada,
Wellington, New Zealand

Reference: Your Letter (Multi)L-94 dated March 23, 1965

Subject: Treaty Procedure -- Use of Seals

Security: RESTRICTED

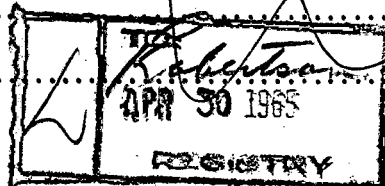
No: 99

Date: April 20, 1965

Enclosures: 1

Air or Surface Mail: Courier

Post File No:



Ottawa File No.	
20-3-4-CDA	
25	17

References

We have discussed with the appropriate authorities in the New Zealand Department of External Affairs the use of seals in connection with treaty procedures.

2. With regard to intergovernmental agreements, full powers and instruments of ratification or accession are issued under the signature and seal of the Minister of External Affairs. The seal used is a red wafer upon which is impressed the words, "Minister of External Affairs New Zealand".

3. When bilateral agreements concluded in New Zealand are signed by the Minister of External Affairs, his seal is normally affixed. If the agreement is being signed and sealed out of New Zealand the seal used is the wafer with the imprint of the local mission upon it.

4. The use of a wafer seal is preferred to that of a waxen one and the latter is only infrequently employed.

5. If the New Zealand Government were a depositary power the authentic texts of treaties would probably bear the seal of the Department of External Affairs, which is again a red wafer with an appropriate impress. There has not yet been a case where New Zealand has been the depositary power.

6. Certificates of Registration with the United Nations are signed by the Secretary of External Affairs and sealed with the seal of the Department.

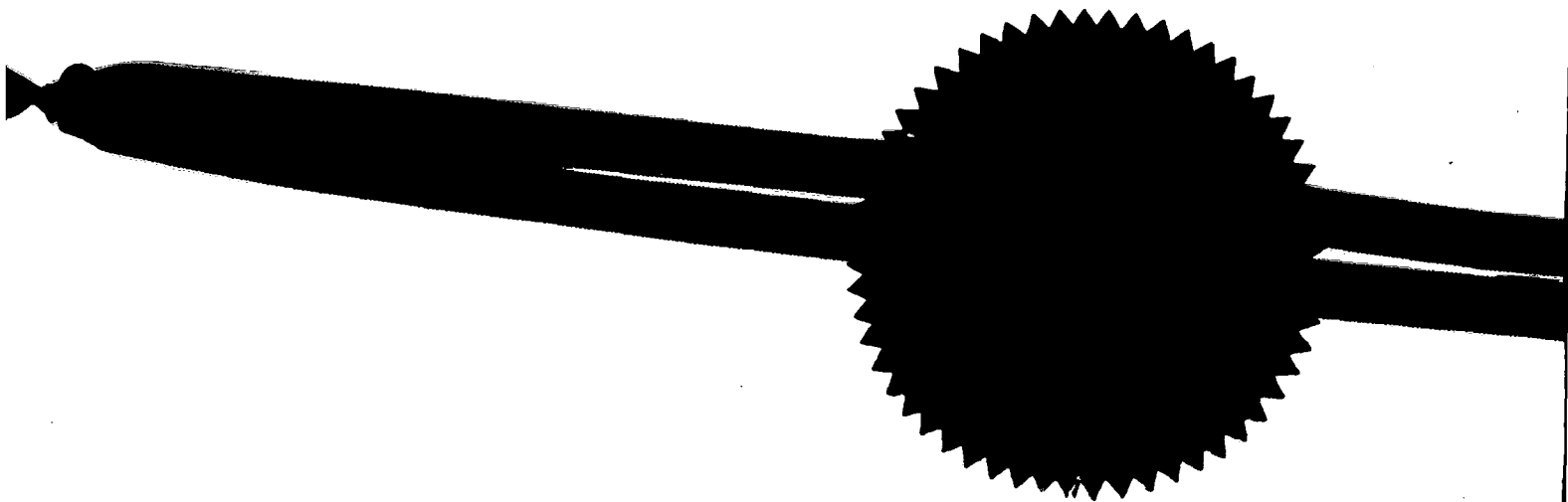
7. With all the above cases there is no rule of law requiring that these various documents be sealed, but the use of seals in New Zealand is a customary and well-established means of authentication. The New Zealand authorities were unable to find any more detailed reasoning behind the use of seals in connection with treaty procedures. A copy of the seal of the Minister of External Affairs of New Zealand is attached.

Internal
Circulation

Distribution
to Posts

[Signature]
High Commissioner.

SEAL OF THE MINISTER OF EXTERNAL AFFAIRS
OF NEW ZEALAND



UNIVERSITY OF WASHINGTON
SEATTLE, WASHINGTON 98105



Department of Political Science

April 30, 1965

Mr. A. W. J. Robertson
Head, Treaty Section
Department of External Affairs
Ottawa, Ontario, Canada

Dear Mr. Robertson:

Upon returning to Seattle I would like immediately to thank you for your wonderful cooperation both via correspondence in the beginning and then in person during my visit in Ottawa.

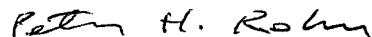
One of the very first things I did here after returning was to ask one of my assistants to go over the Canadian figures in my UNTS data, and to double-check every entry by hand. He will also use some additional material which had been processed during my absence, i.e. UNTS Volumes 427 to 453 inclusive. The IBM printouts which I showed you cover the UNTS only through Volume 426. This should not make much difference but the new version will be more up to date in any case.

I will report the results to you as soon as I get them, presumably early next week.

By then I will also have digested the many items of information which I received at the United Nations, the U.S. State Department and your Department of External Affairs. As I am mulling these matters over in my mind, I am more and more inclined to think that many governments and research institutions would benefit from the existence of an independent "treaty data pool" based on the techniques I developed for my UNTS Project but greatly enlarged to serve the additional needs of a wider clientele. Very tentatively it seems to me that such a project should draw its initial funding from an independent foundation but that it might well accept such payments from cooperating governments as would reasonably reflect the value of usable information.

I realize that some of these notions derive from our recent conversations in Ottawa, and I would be very happy to receive from you any further thoughts or comments that may occur to you.

Sincerely,



Peter H. Rohn
Assistant Professor

Enclosure

UNIVERSITY OF WASHINGTON
SEATTLE, WASHINGTON 98105

Department of Political Science

April 16, 1965

20-3-4-CDA
17-1

Mr. A. W. J. Robertson
c/o The Carnacciolo Family
3056 R Street, N. W.
Washington, D. C.

Dear Mr. Robertson:

Thank you kindly for your letter from Ottawa dated April 7 and for your itinerary.

I agree with you that a meeting in Washington does appear somewhat difficult, given our similar but not quite identical schedules. I will have to spend that particular time in New York City and would not arrive in Washington until a day or two after you left. However, it may well be possible for me to arrange to stop over in Ottawa on my way back. I had planned to come back by way of Mexico City but I just received a letter saying that the chief of the Mexican treaty section would be in Washington at exactly the same time as I, and so I need not go to Mexico at all.

I am tentatively thinking of Thursday April 29, or Friday April 30, as possible dates for my stop-over in Ottawa. Would that agree with your schedule? I will try to reach you in Washington by telephone from New York on April 20. If I can't reach you would you kindly leave word for me with the American Society of International Law (Columbia 5-4313) as to whether my tentative dates for a stop-over in Ottawa may agree with your schedule.

I want to be quite sure that you realize how very much your kind cooperation is being appreciated.

Sincerely,

Peter H. Rohn

PHR:bh

Mr. Robertson:

*With the Compliments of
The United States Embassy*

The enclosed letter is forwarded to you
at the request of Mr. Charles I. Bevans,
Assistant Legal Adviser, Department of
State, Washington.

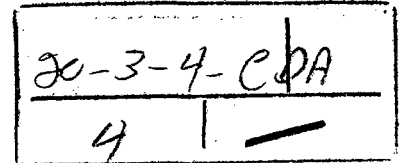
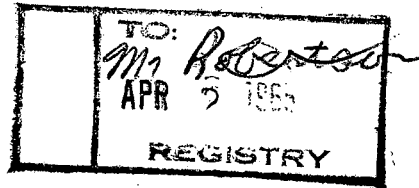
4/8/65
HMcVeigh/hm
Am

Otto 000320

UNIVERSITY OF WASHINGTON
SEATTLE, WASHINGTON 98105

Department of Political Science

March 30, 1965



Mr. A. W. Robertson
Head, Treaty Section
Office of External Affairs
Ottawa, Ontario, Canada

Dear Mr. Robertson:

Mr. M. H. Wershof, Legal Adviser, suggested that I write to you in connection with my research project on the publication of treaties. He told me that you would probably be either in Montreal or in Washington over the Easter weekend, and that you would be willing to talk to me in either place about Canadian practices in treaty publication. This is most kind of you, and I appreciate it very much indeed.

Unfortunately my own itinerary is still far from definite. I will certainly be in Washington from April 22 to 27 and I will probably have some leeway before the Washington meeting but not afterwards. I also have some other university business to attend to in Chicago, Ann Arbor and New York City on my way to Washington. Some of the dates of the stop-overs depend on replies not yet received.

Under the circumstances I am afraid I cannot yet suggest a specific date. Can we leave it for the moment as follows. I will let you know as soon as my itinerary becomes definite enough for me to plan a specific meeting with you. Could you, in turn, let me know when you will have decided between Montreal and Washington for the Easter weekend. I still hope that I can see you. If not this time, there may be a possibility in early June. It would be very helpful for me, and the sooner the better.

May I again express my personal appreciation for your most accommodating offer to see me some time during Easter vacation.

Sincerely,

Peter H. Rohn

Peter H. Rohn
Assistant Professor

1

PHR:bh

cc: 149 Daly Avenue
Ottawa 2, Ontario

000321

diary
div dia
file

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

Legal/A.M.S. Robertson/IMJ
RETURN TO LEGAL DIV. DCO

TO
À

The High Commissioner
Canada House
London, England

SECURITY
Sécurité

RESTRICTED

FROM
De

DATE

March 23, 1965

REFERENCE
Référence

Under-Secretary of State for External
Affairs

NUMBER
Numéro

(multi) L-94(4)

SUBJECT
Sujet

Treaty Procedure -- Use of Seals

FILE	DOSSIER
OTTAWA	20-3-4-CDA
MISSION	25/17

ENCLOSURES
Annexes

DISTRIBUTION

We are making an investigation within the Department at the working level of the use of seals in connection with treaty procedures.

2. The practices which we have followed in the past, other than with regard to the use of the Great Seal in which we are not interested, appear to have little legal sanction and to have evolved more or less by chance.

3. We will be grateful if you would therefore make inquiries from the local authorities concerned with such matters, to ascertain from them -- in as much detail as possible, the practice which they follow in this regard and the legal or customary basis for their doing so. We have in mind particularly the uses of wax, paper, or impress seals in connection with the authentic texts of treaties, instruments of ratification and protocols of exchange.

H. COURTNEY KINGSTONE

Under-Secretary of State
for External Affairs

Identical Letter to:

The Canadian Embassy, Washington, D.C.
The High Commission, Canberra, Australia
The High Commission, Wellington, New Zealand
The High Commission, New Delhi 11, India



DEPARTMENT OF STATE

WASHINGTON

File

April 6, 1965

20-3-4-CDA
251 -

Dear Mr. Robertson:

I am very glad to receive your letter of March 31, 1965 enclosing a list showing the differences between the Canada Treaty Register and the treaties listed in "United States Treaties in Force 1965".

We find this list most interesting and will communicate with you further regarding it as soon as we have completed a detailed review of the differences.

Sincerely yours,

Charles I. Bevans
Charles I. Bevans
Assistant Legal Adviser

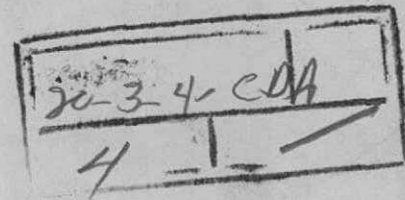
Mr. A. W. Robertson,
Department of External Affairs,
Ottawa, Canada.

Diary
Div. Diary

Legal Div./A.W. Robertson/
mh

RETURN TO LEGAL DIV. DCO

, March 8, 1965



Dear Mr. Rohn:

I refer to your letter of March 1 concerning the research project which you are conducting on the matter of publication of treaties.

In my opinion the person who would best be able to assist you in your enquiries on this matter as regards Canadian practice, would be Mr. A. W. Robertson, the Head of our Treaty Section.

Although Mr. Robertson would be happy to talk with you about Canadian practice, he has unfortunately already made plans which preclude his being in Ottawa over the Easter weekend. Although his plans are not yet firm he has indicated to me that he will either be spending the weekend in question in Montreal or, perhaps, in Washington D.C. itself.

He therefore suggests, if it would be convenient, that you arrange to meet on either the 16th or 19th of April at his home in Montreal or if he should be in Washington, any time during that weekend there.

May I therefore suggest that you write to Mr. Robertson direct, as he will be able to keep you posted on his own plans when they are more certain.

Mr. Peter H. Rohn
Assistant Professor
Department of Political Science
University of Washington
Seattle, Washington 98105

/2...

7, 3, 44(us)

His address is:

A. W. Robertson
149 Daly Avenue
Ottawa 2, Ontario

If you should wish to phone him you can reach him at
one of the following numbers:

Ottawa	-	992-5406	-	(Office)
Ottawa	-	233-8543	-	(Home)
Montreal	-	932-7934	-	(some weekends)

Yours sincerely,

M. H. WERSHOF

M. H. Wershof
Legal Adviser

MP
file
- 1 " for file
- 1 " for Book
- 2 copies to keep.
March 12, 1965

RE TREATIES BETWEEN USA AND CANADA

We have examined the list of the above treaties in David R. Deener's "Canada-USA Treaty Relations" and discover, on comparison, that there are some 20-odd treaties, not in force, which are not registered in the Canadian Treaty Register.

The list of these twenty treaties or executive agreements is annexed.

Those listed in David R. Deener's "Canada-USA Treaty Relations"
and not listed in CTR Treaty Relations

1782	Nov.30	Provisional Articles USA & UK - 1 BSP 773 TS 102	not in force
1783	Jan.20	Armistice Cessation of hostilities between USA & GB - 1 BSP 777, TS 103	not in force
1813	May 12	Cartel for exchange of prisoners of war GB-USA - 1 BSP 1410 - 2 Miller 557 (a reference to this Cartel is noted on Master Card for the Treaty of Nov, 12, 1812 - Prisoners - USA, but no <u>chron</u> or <u>Master</u> card identifies it in the Register.)	
1817	Nov.24	Decision of Commissioners under 4th article of Treaty of Ghent (related to Treaty of Dec. 24, 1814) (noted on MC for the Treaty of Ghent but no CC to identify this entry)	not in force TS III 5 BSP 199
1822	June 18	Decision of Commissioners under 6th Article of Treaty of Ghent (noted on MC for Treaty of Ghent but no CC identify this entry.)	not in force TS 113 9 BSP 791
1853	Feb.8	Treaty USA-UK - Settlement of Claims	not in force 43 BSP 34 TS 123
1854	July 17	Conv'n. USA-UK extending duration of the Commission on Claims authorized by Conv'n. of Feb. 8, 1853	not in force 44 BSP 29 TS 125
1863	July 1	Treaty USA-UK - settlement of claims of of Hudson's Bay and Puget's Sound Agricultural Companies	not in force 53 BSP 6 TS 128
1892	Aug.15	Award of Tribunal of Arbitration under Treaty concluded at Washington, Feb.29, 1892 (Fisheries) between USA & UK. (a reference to this Award is noted on MC for the Fisheries Agreement of Feb.29, 1892 - USA, but no CC identifies this entry)	not in force 85 BSP 1158 TS 140-4
1893	Aug.15	Declaration made by Tribunal of arbitration and referred to USA & UK for consideration	not in force 1 Malloy 759 TS 140-5

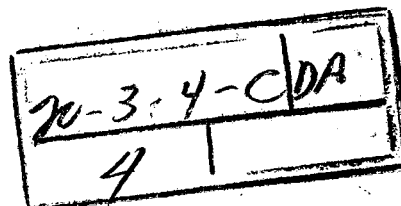
1903	Oct.20	Decision of Alaska Boundary Tribunal under Treaty of Jan.24, 1903 between UK & USA. (a reference to this Decision is noted on MC 1892, July 22 - Boundary - USA, but no CC identifies it.)	not in force 1 Malloy 792 98 BSP 153
1906	Oct.8	Modus vivendi USA-UK inshore fisheries on the treaty coast of Newfoundland USA-UK	not in force 1 Malloy 805 TS 485 BSP 100/578
1907	Sept.6	Modus vivendi - USA-UK inshore fisheries on the treaty coast of Newfoundland	not in force 1 Malloy 811 TS 488 BSP 100/588
1908	July 23	Exchange of notes re Newfoundland Fisheries	note in force 1 Malloy 832 TS 504 BSP 102/908
1909	Sept.8	Agreement effected by Exchange of Notes concerning Newfoundland Fisheries	not in force 1 Malloy 844 TS 533 102 BSP 909
1911	Jan.12	Minutes of conferences held at Washington 9, 10, 11, 12 Jan. 1911 as to application of the Award delivered on 7 Sept. 1910 in the North Atlantic Coast Fisheries Arbitration to existing regulations of Canada and Newfoundland	not in force 3 Malloy 2627 TS 553
1911	Jan.14	Minutes of a conference Washington 13, 14 Jan, 1911 as to objections of the USA to existing laws and fishery regulations of Canada as recorded in Prot.XXX of Proceedings upon the North Atlantic Coast Fisheries Arbitration	not in force 3 Malloy 2628 TS 554
1914	June 2	Agreement by Notes relative to pre-servation of status quo with respect to the protection of oil interests in Mexico.	not in force 3 Malloy 2639 107 BSP 568
1932	May 5	Arrangement USA & Canada concerning radio broadcasting	not in force EAS 34

UNIVERSITY OF WASHINGTON
SEATTLE, WASHINGTON 98105

Department of Political Science

March 1, 1965.

Mr. Max Wershof
Legal Adviser
Department of External Affairs
Ottawa, Ontario, Canada



Dear Mr. Wershof:

Your name has been suggested to me in a rather indirect way. Mr. Avery F. Peterson, United States Consul General in Vancouver, B.C., mentioned your name to Mr. A. E. Manell, resident State Department officer on this Campus, and suggested that I might write to you in the following matter.

I would greatly appreciate your advice and assistance in connection with a research project I am conducting in the field of international law.

The project attempts to answer the following general question: How do governments decide that a given treaty or agreement be published in its national treaty collection and/or in the United Nations Treaty Series? In particular, what criteria does your government use in making these decisions? What are typical borderline cases? How are they resolved? Are there any special circumstances to be kept in mind when your country is compared to others in this respect?

These questions serve only to define my inquiry. I am well aware that this complex subject cannot be adequately resolved by way of correspondence. The only immediate matter in which I am asking for your assistance is that you help me establish contact with the individual officer in your government who is most directly concerned with this subject. I plan to visit most of the capitals of North America and Europe during the Spring and Summer of 1965 and I would like to set up specific appointments in each capital to discuss this matter personally with the appropriate officer in each government.

I could arrange to visit Ottawa on a forthcoming trip to a meeting of the American Society of International Law in Washington, D.C. The only dates on which I could be in Ottawa would be April 16, 17 or possibly 19. This may not be a very good time in view of the Easter holidays but I am afraid it is the only immediate prospect I have for

March 1, 1965

Page 2

a personal visit in that area. Please let me know if I might make an appointment to see you or any other person who would discuss this matter with me.

I should be most grateful for any help you may give me in this regard.

Sincerely,

Peter H. Rohn

Peter H. Rohn
Assistant Professor

PHR:bh

cc: Mr. A. E. Manell
Far Eastern Department

1939	Nov.30	Proclamation by the President of USA issued on Nov.30, 1939, pursuant to Art III of the reciprocal trade agreement USA-Canada signed Nov.17, 1938, respecting allocation of tariff quota on heavy cattle during the calendar year 1940.	not in force EAS 170
1940	Nov.30	Proclamation by USA President issued Nov.30, 1940, pursuant to Art III of the reciprocal trade agreement signed Nov. 17, 1938, respecting allocation of tariff quota on heavy cattle during the calendar year 1941	not in force EAS 190
1943	Nov.11	Agreement between USA-Canada concerning application of the Agreement of May 25/26, 1943 respecting waiver of claims arising as a result of collisions between vessels of war.	not in force EAS 366

cc 40-1-3 (6-18)
O/USSEA/M.H.Wershof/fm "J"

January 21, 1965.

20-3-4-1	CDA
25	/

cc 20-3-5-2

Memorandum for Mr. Nutt, Legal Division

Treaty Procedure and Bilingualism -
Recent Automotive Agreement between
Canada and the United States

Mr. Cadieux told me that he had received a call from Professor André Patry, who is doing a study for the Royal Commission on Bilingualism, of some aspects of this Department's operations. Professor Patry said that he had observed with pleasure that, in this agreement with the United States, we had for the first time used French as well as English as an authentic language in the treaty with a country which is not French speaking. Professor Patry thought that this was a very good move on our part. Mr. Cadieux suggested that Professor Patry's interest in this action should be recorded.

M. H. WERSHOF

M. H. W.

cc -

Mr. Ritchie

Mr. McCordick (Information Div.)

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

TO Treaty Procedure File

A (through Mr. Wershof) *mw*

FROM Legal Division

REFERENCE
Référence

SUBJECT Full Powers for Prime Minister - Automotive Agreement.
Sujet

SECURITY
Sécurité

Unclassified

DATE January 20, 1965.

NUMBER
Numéro

FILE	DOSSIER
OTTAWA	20-3-4-Cda
MISSION	cc 20-3-4-5

ENCLOSURES
Annexes

DISTRIBUTION

Opinions Index

In connection with the final preparation of the necessary documents, it had been our intention to prepare a submission to council for the Minister in which he would ask for authority for either the Prime Minister or himself to sign the proposed Canada - United States Automotive Agreement and in which, additionally, he would request permission to issue Full Powers to the Prime Minister.

Mr. Wershof and later Mr. Cadieux both expressed the view that in the case of the Prime Minister, Full Powers were quite unnecessary. The submission which was sent to council accordingly made no reference to them.

Under Section 4 of the External Affairs Act, R.S.C. 1952, Chapter 68, it states:

"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 or inter-colonial negotiations so far as they may appertain to the Government of Canada."

It might be argued from the foregoing that "the conduct of all official communications" would include the signature of agreements, and that therefore only he has domestic legal authority and would not therefore be required to produce Full Powers if asked so to do. However, Article IV (1) of the proposed draft Law of Treaties, which is under preparation by the International Law Commission, reads as follows: "Heads of states, heads of Government and foreign ministers are not required to furnish any evidence of their authority to negotiate, draw up, authenticate or sign a treaty on behalf of their state".

.../2

- 2 -

In the commentary on this Section of Article IV (1), reference is made to the Eastern Greenland Case, P.C.I.J., Series A/B, 53, page 717 where this rule was expressly recognized with respect to foreign ministers. As far as heads of State are concerned, since they are in themselves the sovereign power manifested, there would obviously be no question of Full Powers either. In the case of heads of Government, similar considerations would presumably prevail, though perhaps to a lesser extent.

As far as Canada is concerned, it was only when Mr. St. Laurent became Minister of External Affairs under Mr. King that the two offices of Prime Minister and Minister of External Affairs were separated. Since that time although there may have been a few instances in which the Prime Minister signed international agreements, the only one of which we are aware, and certainly the latest, was the Columbia River Treaty, which was signed on behalf of Canada on January 17, 1961 by Prime Minister Diefenbaker, by Justice Minister Davie Fulton and by our Ambassador to the United States, Arnold Heeney. In this case, signature and the issuance of a Full Power, which covered all three signatories, was authorized by P.C. 1961-41 of January 16, 1961 (copies of both the relevant order in council and Full Power are attached).

We have checked the relevant file on this matter, 5724-2-40, Vol. Six, but it does not refer specifically to why a Full Power was issued to the Prime Minister. It can, however, be inferred from the Cabinet decision (Jan. 11, 1961) that it was originally not intended that Prime Minister Diefenbaker sign the Treaty, and that Full Powers were first of all to be prepared only for Messrs. Fulton and Heeney. It may therefore be the case that the decision that Mr. Diefenbaker's signature was a last minute one and that he was included in the Full Powers more or less inadvertently.

It is perhaps worth noting, en passant, that departmental practice with respect to the use and issuance of Full Powers has not been entirely consistent in the past even with regard to our own Minister. After the mid 1950's there were a number of instances when the SSEA himself used Full Powers which, somewhat incongruously, he used to issue to himself. Mr. Pearson did so in 1956, and there are later examples as well. For instance, on March 6, 1958, the then Secretary of State for External Affairs, Mr. Smith issued two Full Powers authorizing himself to sign agreements on Atomic Energy Cooperation with Switzerland and Germany (copies of relevant order in council and Full Powers attached). Mr. Green issued one to himself on June 30, 1959, in respect of another Atomic Energy Cooperation Agreement with Japan (copies of relevant order in council and Full Powers attached).

It is recommended that in future, the Canadian practice be brought into line with the provisions of Draft Article 4 of the proposed Law of Treaties and that we cease forthwith to issue full powers to either the Prime Minister or our own Minister.

Agree
M. Wark

[Signature]
Legal Division.

000334

BEST COPY AVAILABLE

I, SIDNEY EARLE SMITH
Secretary of State for External Affairs
in the Government of Canada,
do hereby certify that

SIDNEY EARLE SMITH
is vested with Full Power and Authority
to sign, on behalf of the Government of Canada,
the Agreement between the Government of Canada and the
Government of the Confederation of Switzerland for
cooperation in the Peaceful Uses of Atomic Energy.

IN WITNESS WHEREOF I have signed and
sealed these presents at Ottawa this sixth day
of March, 1958.

Secretary of State
for External Affairs.

Signature.

Authorized by

P.C. 1457-1631

of December 9, 1957

BEST COPY AVAILABLE

BEST COPY AVAILABLE

I, SIDNEY EARLE SMITH
Secretary of State for External Affairs
in the Government of Canada,
do hereby certify that

SIDNEY EARLE SMITH
is vested with Full Power and Authority
to sign, on behalf of the Government of Canada,
the Agreement between the Government of Canada and the
Government of the Federal Republic of Germany for
cooperation in the Peaceful Uses of Atomic Energy.

IN WITNESS WHEREOF I have signed and
sealed these presents at Ottawa this day
of December, 1957.

Secretary of State
for External Affairs.

Signature

Authorized by

*Order in Council P.C. 1957-1631
of December 9, 1957*

BEST COPY AVAILABLE

A/6

PRIVY COUNCIL

CANADA

P.C. 1957-1631

file 12218-418

Certified to be a true copy of a Minute of a Meeting of the Committee
of the Privy Council, approved by His Excellency the Governor
General on the 9th December, 1957.

The Committee of the Privy Council advise

that the Secretary of State for External Affairs be
authorized to sign agreements with the Government of the
Federal Republic of Germany and the Government of the
Confederation of Switzerland for cooperation in the
Peaceful Uses of Atomic Energy and to take appropriate
action in due course to bring these agreements into
force.

R. B. Byer

Clerk of the Privy Council.

BEST COPY AVAILABLE

I, HOWARD CHARLES GREEN,
Secretary of State for External Affairs
in the Government of Canada,
do hereby certify that
HOWARD CHARLES GREEN
is vested with Full Power and Authority
to sign, on behalf of the Government of Canada,
an Agreement between the Government of Canada and the
Government of Japan for Cooperation in the Peaceful
Uses of Atomic Energy with a Protocol and related
documents.

IN WITNESS WHEREOF I have signed and
sealed these presents at Ottawa this 30th day of June,
1959.

Authority to sign
Order-in-Council
P.C. 1959 - 830
June 30, 1959

Sgd H. C. Green
Secretary of State
for External Affairs.

BEST COPY AVAILABLE

P.C. 1959-830

file 12218-40



Certified to be a true copy of a Minute of a Meeting of the Committee
of the Privy Council, approved by His Excellency the Governor
General on the 30th June 1959.

File
[Signature]

The Committee of the Privy Council have had
before them a report dated 30th June 1959, stating:

That an Agreement has been negotiated between
the Government of Canada and the Government of Japan
to provide for co-operation in the peaceful uses of
atomic energy;

That a Protocol has likewise been negotiated
between the Government of Canada and the Government of
Japan stipulating that the provisions of the Agreement
shall apply to source material supplied from Canada
to the Japan Atomic Fuel Corporation after the date
of signature of the Agreement and prior to the date of
its entry into force;

That Canadian interests would derive benefit
if this Agreement and Protocol were concluded between
Canada and Japan;

That the Government of Japan has signified
willingness to sign the Agreement and Protocol and the
Ambassador of Japan has received authority to sign on
behalf of the Government of Japan; and

That it is expedient for Canada to sign such
an Agreement and Protocol between the Government of
Canada and the Government of Japan to provide for co-
operation in the peaceful uses of atomic energy.

The Committee, therefore, advise that the
Honourable Howard Charles Green, Secretary of State for
External Affairs, be authorized to sign on behalf of the
Government of Canada an Agreement to provide for Co-
operation in the Peaceful Uses of Atomic Energy with the
Government of Japan, together with the Protocol thereto,
and to take appropriate action in due course to bring
this Agreement into force.

R. B. Boyer
Clerk of the Privy Council

*Inst. prepared
and signed June 30, 1959*

Agreement signed July 2, 1959

[Signature]

Secretary of State for External Affairs

000339

I, HOWARD CHARLES GREEN,
Secretary of State for External Affairs
in the Government of Canada,
do hereby certify that
RIGHT HONOURABLE JOHN GEORGE DIEFENBAKER, P.C., M.P.,
Prime Minister of Canada,
HONOURABLE EDMUND DAVIE FULTON, P.C., M.P.,
Minister of Justice,
and
ARNOLD DANFORD PATRICK HEENEY,
Ambassador of Canada
to the
United States of America,
are vested with Full Power and Authority
to sign, on behalf of the Government of Canada, subject
to ratification, the Treaty between Canada and the
United States of America relating to the Cooperative
Development of the Columbia River Basin.

IN WITNESS WHEREOF I have signed and
sealed these presents at Ottawa this sixteenth day
of January, 1961.

Signature authorized
by PC 1961-41
of Jan 16/1961
BJS

Sgd H. C. Green
Secretary of State
for External Affairs.

P.C. 1961-41

PRIVY COUNCIL



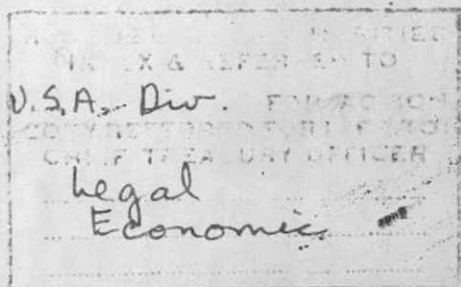
Certified to be a true copy of a Minute of a Meeting of the Committee
of the Privy Council, approved by His Excellency the Governor
General on the 16th January 1961.

The Committee of the Privy Council
advise that the Secretary of State for External
Affairs be authorized to execute and issue an
Instrument of Full Power authorizing the Right
Honourable John George Diefenbaker, Prime Minister,
the Honourable Edmund Davie Fulton, Minister
of Justice and Arnold Danford Patrick Heeney,
Ambassador of Canada to the United States of
America, to sign, on behalf of the Government of
Canada, subject to ratification, the Treaty
between Canada and the United States of America
relating to the Cooperative Development of the
Columbia River Basin.

R. B. Boyce

Clerk of the Privy Council.

Inst. prepared and
signed Jan. 16/61.
delivered to P.M.'s Office
Jan. 16/61 *RBH*



JAN 17 1961

000341

DIVISIONAL
DIARY
FILE
JHON

MESSAGE

This is a precedent we should keep for the record

FM/DE EXTERNAL

TO/A IMPARTIS

INFO

DATE	FILE/DOSSIER	SECURITY
JAN 15/65	20-3-4-CDA	SECURITE
		UNCLASS

NO	PRECEDENCE
DL-56	OPTIMED

Orig: 27-16-3-1 (DL)

REF HILSTAD-MENZIES TELESON

SUB/SUJ FRANCO-CDN CUSTOMS AGREEMENT

IT HAS BEEN DECIDED THAT SINCE CUSTOMS AGREEMENT WILL IN EFFECT BE A ROUTINE ADMINISTRATIVE ARRANGEMENT WHICH DOES NOT INVOLVE POLICY QUESTIONS OR ASSUMPTION OF SIGNIFICANT LEGAL OBLIGATIONS BY CDA, A FORMAL INTERGOVTL AGREEMENT WILL NOT BE NECESSARY. PLANS TO OBTAIN AUTHORITY OF GOVERNOR IN COUNCIL HAVE ACCORDINGLY BEEN CANCELLED AND YOU MAY THEREFORE PROCEED TO SIGN ON BEHALF OF THE MINISTER OF NATIONAL REVENUE WITHOUT FURTHER DELAY.

2. SUBSTANTIVE TEXT SHOULD BE AS IN ANNEX CONTAINED IN OUR TEL DL-2547 DEC 23/64 WITH ARTICLE 4 BEING DELETED. FORMER ARTICLE 5 THEN BECOMES ARTICLE 4 AND SHOULD CONSIST OF WORDING IN OUR TEL DL-2546 AS AMENDED BY FRENCH (POINT B, PARA 2, YOUR TEL 39, JAN 12).

3. WE PRESUME YOU WILL IN DUE COURSE SEND ONE ORIGINAL SIGNED COPY TO US FOR TRANSMISSION TO NATIONAL REVENUE.

*Copies for 1) Opinions Index (precedent)
2) File No. 20-3-4 Cda
20-3-4-5.*

*done Jan 18/65
1 word*

DISTRIBUTION NO STANDARD
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NAT'L REV (CUSTOMS & EXCISE)
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DONE IN DIV

ORIGINATOR/REDACTEUR

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APPROVED/AUTORISE

SIG *A. R. MENZIES*

DL(1)

2-5010

SIG *A. R. MENZIES*

20-3-4-CD 1A	
34	1

July 24, 1964.

To: African and Middle
Eastern Division
Commonwealth Division
Consular Division
D.L.(1) Division
D.L.(2) Division
Economic Division
European Division
Far Eastern Division

Finance Division
Information
Latin American Division
Legal Division
Passport Division
Press and Liaison Division
Protocol Division
United Nations Division
U.S.A. Division

—
—
We attach a circular memorandum of March 16th 1964, together with a related top of file notice. Divisions are requested to follow these directions with regard to notifications concerning treaties.

2. Original notifications (not duplicates) should be sent to Treaty Section, and should have the file numbers inscribed thereon. These are then stamped with the "Treaty Registration" stamp, before they are filed.

3. When duplicates are sent, these are neither stamped nor filed to prevent overloading the files.

A. W. J. ROBERTSON

Legal Division

LEGAL/M. Copithorne/en

DIARY
DIV. DIARY
FILE ✓

CORR

20-3-4-CDA

~~3-7-8-JJ~~

4
25

June 10, 1964

c.c. Mr. Wershof

Dear Professor Deener:

I have gone over chapters 1, 3, and 5 of your manuscript which I am returning to you with this letter. In my opinion, these chapters are a comprehensive and accurate projection of treaty making in Canada. However, I do have a few minor points for your consideration which I am putting forward on a purely private and informal basis:

Chapter 1:

To begin with I am not really qualified to comment on the historical aspects of this chapter and indeed, have myself greatly benefited from your lucid description of the history of Canadian Treaty making.

(a) A small point on page 27 is your reference in the last sentence of the second paragraph to the activity of the External Affairs Committee in studying items relating to foreign relations. It is my impression that the use of the Committee with regard to treaties at least, has been quite uneven over the years and I think that you should avoid the implication that the Committee considers all or even the majority of the treaties that come before Parliament in one way or another. According to our records, for example, prior to the recent consideration of the Columbia River Treaty, the last time the Committee had a treaty to study was in 1952.

(b) In footnote 14, you refer to Karnuth v. United States. While the status of the Jay Treaty is uncertain, you might wish to refer to the State Department publication "Treaties in Force, 1964"

Professor David R. Deener
Department of Political Science
Newcomb College
Tulane University
New Orleans 18, La.

.....2

which says of the Treaty "Only Article 3, so far as it relates to Indians, and Articles 9 and 10 appear to remain in force."

Chapter 3:

(a) In the third paragraph of page 6 you state that "Neither the intergovernmental form of treaty nor the exchange of notes requires the execution of royal instruments of full powers or ratification in Canadian or British practice. In fact, the exchange of notes seldom necessitates formal full powers or ratification at all," I wonder whether the mandatory verbs "requires" and "necessitates" do not suggest that there are formal rules of procedure to be followed in this area. In my opinion, the use of instruments of full powers and ratification is not prescribed by any particular rule but rather is a matter entirely at the discretion of the parties.

(b) The same comment might be made with regard to the first sentence on page 11 concerning the same subject.

(c) In the first sentence on page 12 I have added the words "exercise of the" before the word prerogative.

(d) Also on page 12 I have added the words "instruments of" before the expression "full power" wherever it appears.

(e) In the second paragraph on page 19 you state that "in Canada there has been no firmly set practise of passing an order-in-council to authorize an exchange of notes". Later on the same page you say that "it is not the usual practise in Canada to submit exchanges of notes to Parliament for formal approval". At the top of page 20 you state that "the routine exchange of notes in Canadian practise calls for no express formal exercise of the prerogative." These quotations it seems to me, suggest the existence of a distinction which I quite frankly do not believe exists. While as you quite rightly pointed out in your letter of May 29 the ILC retained the concept of a treaty in simplified form, I do not believe that any juridical effect flows from this distinction. My comment on this point last year was perhaps a case of the wish being father of the thought but I still feel that the question is not whether the relationship is in the form of an intergovernmental agreement or an exchange of notes, but rather whether there is a manifest

.....3

intention to establish a legal relationship. For example, when we prepare lists of treaties for tabling in Parliament we do not distinguish between those treaties which are in the form of exchanges of notes and those which are the form of an inter-governmental agreements. Similarly, I do not think it quite accurate to suggest that the need for an order-in-council turns on whether the agreement is in the form of an exchange of notes, rather than whether the document purports to be an international agreement. If it does so purport, then we believe an order-in-council is required.

(f) The same sort of comment might be made with regard to the second sentence in the second paragraph of page 21 wherein you say that no instruments of full powers or of ratification issue with regard to those exchanges of notes which do not entail a formal exercise of the prerogative. In my view an exchange of notes purporting to be an international agreement requires the exercise of the prerogative which is manifested by an order-in-council.

(g) Throughout your manuscript you cite the Canada Treaty Series as, e.g., 1959 CTS 16. We normally cite the treaty series as "CTS 1959/16".

(h) In footnote 34, you say that the Commonwealth War Graves Agreement with Indonesia has not yet been "perfected". While it is true that it is not yet in force, it has in fact been signed and is only a matter of time until it does come into force.

Chapter 5:

(a) On page 1 of this chapter you state that "statute, executive practise and administrative procedures have all combined to limit the role of the Secretary of State for External Affairs" While this is in part a matter of judgement, I personally do not believe that, apart from the exceptional case of the Post Office Act, there has evolved such a limitation on the role of the Secretary of State for External Affairs. While as you point out many other departments are actively concerned in treaty making, I think it is fair to say that this is largely at the request of or with the consent of the Department of External Affairs, and should not be construed as a limitation on the latter's role.

.....4

- 4 -

(b) On page 21 you quote from three annual reports of the Department and imply that a certain developing unease in the Department's relations with Justice should be read into them. Looking at these quotations from the point of view of one who has had to draft such material, it seems to me that the differences are probably more attributable to the fact that there are generally different authors each year, and that there is usually a desire to get away from the wording used in the previous report. Accordingly, I doubt whether too much should be read into the yearly differences in the descriptions of the functions of Legal Division appearing in the annual reports.

(c) In footnote 39, you note that Canada did not sign the Vienna Convention on Consular Relations. While it is true that this Convention does touch on matters within provincial jurisdiction, there are other purely Federal problems which also stood in the way of Canadian signature. In any event, I think that over the next year or two these will be overcome and that Canada will then accede to the Convention.

Incidentally, with regard to the power to implement Empire treaties under Section 132 of the B.N.A. Act, you might wish to keep an eye out for the decision the Supreme Court should be handing down later in its present term, in the case of *Sikyea v. The Queen* which concerns the competence of the Parliament to implement the Migratory Birds Convention with the United States. Another thought, is that you may find interesting the papers by Mr. Cadieux and Mr. Cohen appearing in a new publication by Oceana for the American Society of International Law entitled "Legal Advisers and Foreign Affairs".

Many thanks for your kind wishes for our stay in Kuala Lumpur.

Yours sincerely,

M. D. COPITHORNE

Maurice Copithorne.

Encs.

NEWCOMB COLLEGE

Tulane University

NEW ORLEANS 18, LA.

Department of Political Science

May 29, 1964

Mr. Maurice Copithorne
Department of External Affairs
Ottawa, Ontario, Canada

Dear Mr. Copithorne:

Many thanks for your letter of May 6th. You have probably received chapters 1, 3, and 5 of my manuscript, and if I can put the finishing touches on chapter 2 so as to airmail it to you in the next day I will send it along. If not, chapter 2 concerns treaty forms and I have tried to handle your comment to the effect that the division into head of state, intergovernmental and simplified treaty forms is outmoded. I have retained the major divisions (which correspond to those found in the ILC draft) but have placed no stress on the forms of treaties found in recent Canadian practice.

I envy your being posted at Kuala Lumpur. I happen to have visited there last fall, and I thought it one of the most pleasant Asian cities I have seen. The Chinese food there is simply delicious.

Who will be your successor? And do you think Mr. Nutt or anyone else in the office might care to see any of the other chapters before they reach the light of day?

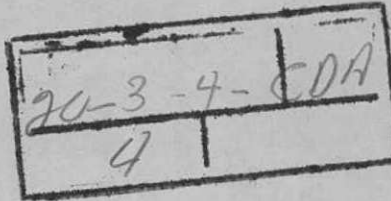
I do want to tell you how much I appreciate your willingness to look over these chapters. It is a very great help to me.

Sincerely,

David R. Deener
David R. Deener

DRD/emc

000348



Mr. Robertson

UNCLASSIFIED

May 27, 1964.

M.D. Copithorne

The Publication of Canadian Treaties and its Juridical Effect.

Another one of the questions that arose during my tenure in Treaty Section which remains unsettled is the juridical effect of the publication of Canadian treaties. Our memorandum to Mr. Wershof dated May 3, 1963 (on attached file 2925-C-40) tells how the question arose. As you will see, we consulted legal officers in London, Canberra and Wellington which revealed a diversity of practice in these countries on the point. We then wrote to Justice whose answer has been awaiting action since last summer.

2. This is part of the larger problem of our parsimonious attitude to publication in the C.T.S. If we were to print all Canadian treaties, the problem would be substantially solved. I personally favour this answer. As a beginning, perhaps it would be useful to have Mr. Scott prepare a list of all the treaties that have not been published in the last five years with an indication

- a) who authorized their non publication;
- b) how much money was at stake; and
- c) whether they appear to affect private rights in Canada.

3. If you are interested in the juridical aspects of the problem, there is a book in the library, "La Promulgation des Traités".

M.D. Copithorne

000349

20-3-4-CDA

71

Our file: 20-3-4

Ottawa, May 6, 1964.

Dear Professor Deener,

Thank you for your letter of May 4 letting me know that chapters of your manuscript will shortly be on the way.

Since last writing to you, I have learned that I am being posted to our mission in Kuala Lumpur and am to leave here about June 13. In these circumstances, I should be grateful if you could let me have those chapters on which you would like my comments before the end of May.

Yours sincerely,

M. D. COPITHORNE

Maurice Copithorne

David R. Deener, Esq.,
Newcomb College,
Tulane University,
NEW ORLEANS 18, LA.

NEWCOMB COLLEGE

Tulane University

NEW ORLEANS 18, LA.

Department of Political Science

file
20-3-4-CDA
7/1
May 4, 1964
RC

Mr. M. D. Copithorne
Legal Division
Department of External Affairs
Ottawa, Ontario
Canada

Dear Mr. Copithorne:

I appreciated very much your willingness to read over the Canadian Treaty-Making manuscript. As usual, I have been slow in getting the material fit for anybody to look at, but you will begin receiving assorted chapters in the near future.

I happened to attend the recent Arden House Conference on Canadian-American relations. You people will probably be interested in the policy statement that resulted therefrom.

Again, many thanks for agreeing to look at the manuscript.

Sincerely,

David R. Deener

David R. Deener

DRD/emc

20-3-	4-0	DA
1-11-1	4	
43	1	

CONFIDENTIAL

TREATY SECTION

ATT'N MR. COPITHORNE

J. S. Nutt

January 9, 1964

Projects

You will recall that we have spoken from time to time on a number of projects which it might be useful to have undertaken when time and bodies permit. These are:

- (1) a circular document to missions supplementing the Departmental instructions on advice regarding the negotiation and conclusion of international agreements. As you know there have been a number of instances recently (particularly in D.L. (1) Division's experience) involving misunderstanding or misinterpretation of treaty procedures by missions abroad which have involved us in some embarrassment. The aim would be to provide missions with more detailed information than is ~~at~~ presently contained in the Departmental regulations and to which their attention might be drawn whenever they might be involved in the negotiation of international agreements.
- (2) A treaty form reference book which would contain facsimiles of the forms normally used in treaty negotiations including submissions to Council, joint resolutions, etc., and also examples of acceptable final clauses. Such a reference book

Mr. Menzies (D.L. 1)

U.N. Div.

Economic Div.

- 2 -

might also prove useful to other Divisions in the Department which are often involved in negotiation of agreements, e.g. Economic Division and D.L. (1) Division, and to other government departments, e.g. Trade and Commerce, D.D.P., National Defence and Transport.

- (3) A review, with other divisions concerned, of unilateral conventions, in the negotiation of which Canada participated but to which Canada is not party with an indication of (a) the status of the convention, (b) Canadian action, if any, (c) the reasons for not adhering, (d) the feasibility of reopening consideration of the Canadian position.

J.S. NUTT

J.S.N.

20-3-4-	CDA
91-	

Administrative Services Division

UNCLASSIFIED

December 20, 1963

Legal Division

1-5-1

Your memoranda dated June 24 and July
29, 1963.

Revision of Chapter X of the Manual of Regulations and Instructio

We very much regret the delay in
replying to your memoranda under reference. As
you know, the papers were mislaid for some time.

2. We attach a revision of Section 318 of
the Manual. Section 319.3.2. is up to date and may
be reprinted in its present form.

Custodian - 81-9-1

J.S. NUTT

Legal Division

December 20, 1963.

"References to Legal Division"

"International Agreements"

318.1

"Whenever it is proposed to negotiate an international agreement, Legal Division should be consulted at an early stage and in any event prior to the opening of negotiations. An officer from Legal Division may be assigned to assist in the negotiations but if not the Division should be kept informed in order to ensure that the proposed agreement can be implemented by Canada, that it is drafted in clear and precise terms, and that it is consonant with Canadian treaty practice. Once a final text is agreed to, the responsible Division shall, with the assistance of Legal Division, draft a submission to the Governor in Council seeking the necessary authority for the signature of the agreement. Treaty Section will then prepare the text in final form and assist if appropriate, at the signing ceremony. Immediately after an agreement has been signed it is to be returned to Treaty Section for registration in the Canada Treaty Register, tabling in Parliament, printing in the Canada Treaty Series and such other action as may be appropriate. The authentic texts are held for safekeeping in the archives of Treaty Section.

When an agreement is being concluded outside of Canada, the mission should be governed by instructions from Ottawa and on matters of treaty protocol, by the Foreign Office of the country in which the agreement is being signed. The mission must have specific authority from Ottawa before signing an agreement and under no circumstances should any alternation of the approved text be agreed without express authority from the Department. After signature, the Department should be notified by telegram and the signed Canadian copy transmitted to the Department for Treaty Section to take the action described above. Where an agreement takes the form of an exchange of notes, a true copy of the outgoing note and the original of the reply should be sent to the Department together with a full description of the signatures, eg. "E. Richard Smith".

- 2 -

COMMENT: The rules contained in this paragraph apply to agreements between Canada and Commonwealth Governments as well as to agreements between Canada and foreign governments; to classified as well as to unclassified agreements; to treaties, conventions and exchanges of notes."

318.2 Reprint as is, except for deletion of word "any" in second line and use of lower case "s" at the beginning the word "status" on the same line.

318.3 "The preparation of other treaty documents such as instruments of full powers, ratification and accession, and protocols of exchange are prepared by Treaty Section and particular advice should be sought in each case".

"Other Legal Services"

318.4 "Other documents of a legal character such as Parliamentary resolutions and submissions to the Governor in Council (except those from Administrative Services and Protocol Divisions) should be approved as to form by Legal Division".

318.5 Renumber existing 318.4 and print without amendment.

20-3-4- CDA
91-
cc: 20-3-5-2

Legal

UNCLASSIFIED

October 30, 1963.

MEMORANDUM TO THE MINISTER

Enquiry in the House concerning the choice
of language used in Canadian treaties

On October 14, Mr. Maurice Côté directed a question to the Parliamentary Secretary to the Minister of Trade and Commerce in the following terms:

"Would the Minister of Trade and Commerce or his Parliamentary Secretary inform the House if, from now on, our trade agreement (s) with foreign countries will be prepared first in the two official languages of Canada, and then in the language of the interested country, because otherwise it is insulting to French-speaking Canadians, as is the case with the Canada-Bulgaria Agreement which, apparently, was written in English and Bulgarian only, according to the Minister's statement of October 10 last?"

Mr. Pépin's reply on October 18 was as follows:

"Mr. Speaker, it was the Bulgarian Delegation itself which asked that English be used during the negotiations preceding the signature of the trade agreement with Bulgaria. These negotiations were therefore held in English, except during talks between the Minister of Trade and Commerce himself and the principal Bulgarian delegate when the services of an unofficial but comparatively qualified interpreter, namely the Parliamentary Secretary, were used only at certain times. The final document itself was drawn up in English only and this on the request of the Bulgarian delegate because since Bulgaria has no diplomatic mission in Ottawa it did not have its own translation facilities. If the Bulgarian Delegation had chosen French, the original documents would have been drawn up in that language. The documents dealing with the Agreement will be tabled in both languages as usual."

International agreements are generally drawn up in the language that is mutually convenient to the contracting parties. Accordingly, Canadian treaties are concluded in either English or French depending on the convenience of the other party. Where there is a common language between two countries, that is obviously the language generally chosen, e.g. English in the case of treaties between Canada and the United Kingdom, and French in the case of treaties between Canada and France. It would be inappropriate to oblige a

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M.
SEEN BY THE MINISTER

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country with whom we had a common language to conclude an agreement in another language as well, e.g. to insist that a treaty between Canada and the United Kingdom, be concluded in French as well as English, or to insist that a treaty between Canada and France be concluded in English as well as French. (Occasionally, however, treaties with French speaking countries have in fact been concluded in both English and French).

The same rule applies with regard to treaties between Canada and countries which do not use English or French. Thus, in negotiating with the Bulgarians, we would have used either English or French. In this case the Bulgarians chose English. It would clearly have been inappropriate to insist that the text be drawn up in both English and French. If a second language were to have been used, it would have been Bulgarian but in this case, because of the absence of suitable translation facilities, the Bulgarians preferred to negotiate in English only.

Whatever language or languages are chosen for an agreement, all agreements, as Mr. Pépin has pointed out in his reply, are tabled in Parliament in both English and French. They are also published in the Canada Treaty Series in both languages.

J.M.

N.A.R.

N.A.R.

20-3-4-CDA	
9	9

[Handwritten signature]

Ottawa, le 21 octobre 1963.

Cher Monsieur Pharand,

Je vous remercie de votre lettre du 3 octobre relative au cours de droit international public que vous dirigez à l'Université d'Ottawa.

Nous nous ferons un plaisir de nous rendre à votre demande et M. Copithorne, le chef de la section des traités de notre Ministère, serait heureux de donner encore un cours sur la procédure suivie par le Canada dans la conclusion des traités. Peut-être pourriez-vous communiquer avec lui par téléphone au numéro 9-25406, dès qu'il vous sera loisible, pour faire les arrangements préalables nécessaires.

Recevez, monsieur Pharand, l'assurance de ma considération distinguée.

M. CADIEUX

M. Cadieux

Monsieur Donat Pharand
Faculté de Droit
Université d'Ottawa
OTTAWA, ONTARIO

UNIVERSITÉ D'OTTAWA
FACULTÉ DE DROIT

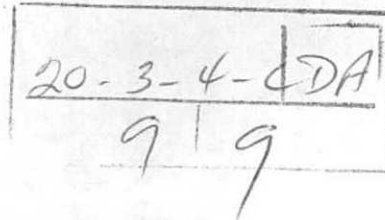


UNIVERSITY OF OTTAWA
FACULTY OF LAW

OTTAWA 2, CANADA

le 3 octobre 1963

Me Marcel Cadieux,
Sous-secrétaire d'Etat suppléant,
Ministère des affaires extérieures,
Ottawa, Ontario.



Cher Monsieur Cadieux,

Comme par le passé, j'apprécierais énormément si votre chef de la section des traités pouvait venir donner une leçon sur la procédure suivie par le Canada dans la conclusion des traités. Cette leçon contribue à rendre l'ensemble de mon cours plus pratique et nous est d'une aide extrêmement précieuse.

J'espère que je peux compter sur votre ministère encore cette année et je vous prie d'agréer, cher Monsieur Cadieux, le renouvellement de haute considération.

Donat Pharand

DP/ma

DEPARTMENT OF EXTERNAL AFFAIRS

MEMORANDUM

TO: Legal Division

Security Unclassified

Date June 24, 1963.

FROM: Administrative Services Division

File No.

~~155-1~~

REFERENCE:
.....

20-3-4-CD A

SUBJECT: Amendments to Chapter X of the Manual of Regulations and Instructions -
Section 318.

Any comments? R.

We are in the process of amending Chapter X
of the Departmental Manual.

2. Would you please look through the attached
Section 318 and let us know if the procedures it outlines
are still up-to-date or if you think any changes should
be made.

CIRCULATION

[Signature]
Administrative Services Division.

Mr. Copithorne

20-3-4+CDA
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RESTRICTED

June 18, 1963

G. Sicotte

Responsibilities of External Affairs in the field of international negotiations.

Recently the Minister has expressed some concern about the extent to which other departments may have engaged in "free wheeling activities" in the discussion of negotiations with foreign governments or agencies of matters of interest to the Department of External Affairs, - this without our Department being consulted or even advised. This sort of situation may very often arise in the course of a Ministerial trip abroad, but not necessarily. We are therefore to consider in the Department the implications of this situation. The Minister should be advised, in the light of precedent and accepted administrative practices, what procedures might appropriately be instituted or revived to ensure in particular that when the heads of other departments - or even perhaps their officials - engaged with foreign authorities with such discussions as may lead to firm understandings of some kind of topics of interest to us, External Affairs should receive advance notice or even be consulted.

2. For this purpose a memorandum is to be prepared - in draft form - to be submitted to Mr. Wershof by next Tuesday giving as much background information for the Minister's guidance as a thorough search of sources may uncover. What is desired is not a list of occurrences nor an examination of the genesis of international agreements which may have eventually come to the attention of Treaty Section as such: it is rather a review of the occasions on which the problem itself may have in some manner or other come to the attention of Ministers either at the instigation of our Department or otherwise. As an example Mr. Wershof had in mind a case where a Minister of the former Administration had been criticized by the Liberal Opposition in Parliament for carrying out some negotiation independently of External Affairs; he thinks that the critic on that occasion may have been Mr. Hellyer, Mr. Drury or Mr. Gordon possibly. Also there might have been, for instance when Mr. Pearson was Secretary of State for External Affairs, some directive either from Cabinet or other recommending to heads of other departments to coordinate their activities with External Affairs.

3. The Legal Division has been asked to undertake the task at hand with the cooperation of the Historical Division. Since the memorandum to be prepared will have to consist mostly of whatever precedents may have been found in the above sense (although the concluding paragraph suggesting some sort of remedial action would seem to be in order) intensive and systematic research is required, - along the following lines, Mr. Wershof suggests:

Mr. R. Duder
Historical
Division

(By Legal Division) a review of Legal files and related sources of information (going back a decade or two).

A search for Cabinet decisions and other Privy Council documentation that might be relevant *.

.../2

** (I should call Gerry Hardy to enlist his assistance for this)

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- 2 -

RESTRICTED

(By Historical Division) a review of Hansard
in the last 10 or 15 years.

(By Historical Division) a review of Departmental
files other than those to be examined by Legal Division.

4. In addition to the sources referred to above, Mr. Wershof pointed to the several references in the Glassco Commission Reports to the need for more coordination among Government departments as of relevance; Legal Division is aware of the Commission's recommendation under its "Legal Services" chapter for a closer integration of the international law activities of the various Government agencies and is to mention it in its memorandum, counting on Historical Division to bring to its attention any pertinent passages in other parts of the Report on Government administration. - Legal Division will also give due prominence, among the documentation of interest to the Minister in regard to this general question, the provisions of the External Affairs Act which charge the Secretary of State for External Affairs with complete responsibility for communications with other governments.

5. Mr. Duder has already undertaken to send us, duly flagged, the files and publications which the research to be undertaken under his responsibility will uncover that is of significance. May I ask you to carry on the research on behalf of Legal Division and, after all material has been assembled, attempt a first draft of the memorandum desired.

GILLES SICOTTE

(Gilles Sicotte)

319 CORRESPONDENCE BETWEEN POSTS AND
CANADIAN DEPARTMENTS319.1 Channel of Communication

319.1.1 The official channel of communication between posts abroad and other departments of government, both federal and provincial is through the Department of External Affairs in Ottawa. Except in the case of routine communications as defined in 319.3 posts having matters which need to be taken up with other departments should communicate their wishes to this department which will then transmit, in the appropriate manner, the information or enquiry to the department concerned. This is essential in order to ensure that the action desired is in conformity with policy which has been applied in similar cases. If communications are received by offices abroad from departments or official agencies in Canada, they should normally be referred back to this department; or in routine matters, copies of the correspondence should be forwarded to this department with advice as to the action taken.

319.1.2 The principles governing telegrams between representatives of other government departments at posts abroad and their departments in Canada shall also apply to written correspondence (see Section 309.9).

319.1.3 Where a report prepared by the representative of another department attached to a post is forwarded by the Head of Post to the Department of External Affairs, advice should be given as to whether or not the report has also been forwarded by the officer who prepared it, to his own department.

319.2 Communications from a Consul

A Consul stationed in a country where there is a diplomatic post should bear in mind the responsibility which he has to the head of that post, and should consult the latter concerning the nature of the correspondence which should be sent to the Department through the diplomatic post and that which may be sent direct to the department. Generally speaking, correspondence on matters of general interest will be conducted through the diplomatic office, while correspondence on routine matters will be sent direct to the department unless special directions to the contrary are given.

318

REFERENCES TO LEGAL DIVISION

318.1

The Legal Division should be consulted on the drafting of a proposed international agreement at the earliest possible stage in the negotiations. Before an agreement is concluded it should be approved in its final form by the Legal Division. After it has been concluded, it should be referred to the Legal Division for registration and other appropriate action, including publication in the Treaty Series. When the agreement is negotiated in Ottawa, the Head of the Legal Division ought to be consulted on the advisability of assigning a legal officer to attend the meetings.

COMMENT: The rules contained in this paragraph apply to agreements between Canada and Commonwealth Governments as well as to agreements between Canada and foreign governments; to secret as well as to non-secret agreements; to treaties, conventions and exchanges of notes.

318.2

In the case of a multilateral agreement to which Canada is a party, ~~any~~ information bearing on the Status of the agreement, such as ratifications, accessions, acceptances, denunciations, and withdrawals, etc. by other states should be immediately notified to the Legal Division in order that the information may be recorded in the Canada Treaty Register. Wherever possible the original copy of the document containing the information should be sent to Legal Division in order that it may be stamped as "Entered in the Canada Treaty Register" and returned to file.

318.3

Other documents of a legal character, e.g. Parliamentary resolutions, full powers, instruments of ratification, submissions to Council (other than certain documents from the Establishments & Organization and Protocol Divisions), should be approved as to form by the Legal Division.

318.4

Correspondence with the Department of Justice should be prepared or approved by the Legal Division. In particular the Division should be consulted before enquiries from abroad on the laws of Canada are referred to the Department of Justice for advice.

DEPARTMENT OF EXTERNAL AFFAIRS

MEMORANDUM

Macmillan

TO: All Officers in Legal Division

Security

G. Sicotte

Date June 17, 1963

FROM: Head of Division

File No.		
20-3-4-CDA		
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REFERENCE: Section II(1) at page 6 of Memorandum under reference

SUBJECT: Canadian Treaty Procedure and the need for reference to Legal Division

The instructions contained in the section referred to of the memorandum describing our treaty procedures sets out the duties of both the Treaty Section and the officer responsible for the substance whenever the text of a proposed international agreement is submitted to us by another Division for approval.

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2. Sub-paragraphs (a) and (b) of the list of duties of the officer normally responsible for the substance (bottom of the page) is extremely important. It records a primordial and long standing* duty of the Legal Division in its function as "legal clearing house" of the agreements negotiated under the eegis of this Department.

3. I fear that this provision may have been honoured in the breach all too often, - thence my wish to recall it to the officer's attention. The procedure should be automatic whereby, whenever a desk officer receives a request from another Division for consideration of a proposed agreement, he should ask Treaty Section at once to make available to him the records of all previous related agreements / cf. para (d) of Instructions regarding Treaty Section responsibilities / in order that he may ensure that no conflict arises with Canada's prior undertakings vis-à-vis foreign countries. This verification is the more significant as it cannot be done elsewhere than in our office, - in most cases at least, I think. Failure on our part to detect any contradiction between Canada's existing treaty obligations and engagements contemplated could of course create real difficulties.

Gilles Sicotte

* Although the memorandum under discussion was last circulated to Divisions a year and a half ago (Nov. 15, 1960) it merely repeats, in respect of the above, directives which have been in force for a decade or two.

CIRCULATION

DEPARTMENT OF EXTERNAL AFFAIRS

MEMORANDUM

TO: All Officers in Legal Division

Security

G. Sicotte

Date June 17, 1963

FROM: Head of Division

File No.

REFERENCE: Section II(1) at page 8 of Memorandum
under reference

SUBJECT: Canadian Treaty Procedure and the need for reference to
Legal Division

The instructions contained in the section referred to of the memorandum describing our treaty procedures sets out the duties of both the Treaty Section and the officer responsible for the substance whenever the text of a proposed international agreement is submitted to us by another Division for approval.

2. Sub-paragraphs (a) and (b) of the list of duties of the officer normally responsible for the substance (bottom of the page) is extremely important. It records a primordial and long standing* duty of the Legal Division in its function as "legal clearing house" of the agreements negotiated under the aegis of this Department.

3. I fear that this provision may have been honoured in the breach all too often, - thence my wish to recall it to the officer's attention. The procedure should be automatic whereby, whenever a desk officer receives a request from another Division for consideration of a proposed agreement, he should ask Treaty Section at once to make available to him the records of all previous related agreements / cf. para (d) of Instructions regarding Treaty Section responsibilities / in order that he may ensure that no conflict arises with Canada's prior undertakings vis-à-vis foreign countries. This verification is the more significant as it cannot be done elsewhere than in our office, - in most cases at least, I think. Failure on our part to detect any contradiction between Canada's existing treaty obligations and engagements contemplated could of course create real difficulties.

GILLES SICOTTE

Gilles Sicotte

* Although the memorandum under discussion was last circulated to Divisions a year and a half ago (Nov. 15, 1960) it merely repeats, in respect of the above, directives which have been in force for a decade or two.

CIRCULATION

M. S. 1111
Voulez-vous
garder cet exemplaire pour
vous-même?

RESTRICTED

30/12/60

November 15, 1960.

MEMORANDUM TO HEADS OF DIVISION

Canadian Treaty Procedure and the need
for reference to Legal Division

1. As you are aware, uniformity of practice is required in concluding and recording the different types of international agreements affecting Canada. I should like to bring to the attention of each Division the responsibility of the Legal Division in the matter of Canadian treaties, as well as the constitutional rules and procedures in force. For this purpose there is attached a memorandum prepared in Legal Division concerning Canada's treaty procedure.

2. I should be grateful if you would draw the attention of your officers to the second part of this memorandum, and remind them of the importance of referring to Legal Division, at an early stage in any negotiations, the documentation relating to proposals intended to become the subject-matter of an international agreement (including Exchanges of Notes).

3. Additional copies of the attached circular memorandum are available in the Legal Division (Treaty Section) for desk officers who may wish to have their own copy for ready reference.

N.A.R.
N.A.R.

MEMORANDUM

RESTRICTED

CANADIAN TREATY PROCEDURE

I. - GENERAL OUTLINE

- I. - Treaty-making, as an act
of the Executive power:-
 - 1. - The constitutional rule, p. 1
 - 2. - Procedure, p. 1
 - a) Negotiations and signature, p. 1
 - b) Ratification, p. 2
 - c) Amendment, renewal and termination. p. 3
- II. - Treaty implementation, as an act
of the Legislative power:-
 - 1) Implementing legislation, p. 3
 - 2) Approval by Resolution, p. 4
 - 3) Tabling. p. 4
- III. - Treaty enforcement, as an act of
the Judicial power:- p. 5

II. - REFERENCE TO LEGAL DIVISION

- 1. - Approval of the text, p. 6
- 2. - Registration and custody of agreements, p. 7
- 3. - Publication. p. 7

November 15, 1960.

CANADIAN TREATY PROCEDURE

I. - GENERAL OUTLINE

I. - The Treaty-making power, as an act of the Executive:-

When a meeting of minds on a subject of negotiation has been reached between two or more States and expressed in a form intended to record agreement with the intention that it should constitute an obligation legally binding under public international law, there is an international agreement. It is immaterial whether it is described as a "Treaty" (the more solemn form), a simple "Exchange of Notes" or some intermediate form of instrument such as a Convention, an Agreement, a Protocol, etc. Apart from formal agreements binding under public international law, governments may also reach agreement on a subject by a simple informal arrangement or understanding.

1.-- The Constitutional rule:-

The treaty procedures explained below, which have been followed in Canada, constitute an illustration of the operation of the separation of government powers (executive, legislative and judiciary) under our constitutional system.

Canada has very few statutory provisions relating to the treaty-making power. The rules followed, so far as can be ascertained, are for the most part founded on unwritten custom. The constitutional authority to conclude international agreements on behalf of Canada (as distinct from the power to perform or implement them) is part of the Royal Prerogative, which normally, in practice, is formally exercised in the name of the Crown by the Governor-General in Council on the advice of the Secretary of State for External Affairs, who is responsible (under the Department of External Affairs Act) for the conduct of official communications and negotiations with foreign countries. The making of a treaty is therefore, in law, the act of the Executive power, which alone unquestionably possesses the authority to enter into legally binding agreements with foreign States and international organizations. There is no statutory rule imposing any obligation on the Government to refer to Parliament international agreements prior to their conclusion; these agreements are entered into in many instances without reference to Parliament. The fact that a government concludes an agreement presupposes, of course, that it is in a position to carry out the legal requirements for its domestic implementation; this aspect will be discussed below. There is, strictly speaking, no direct relation in law between this power of the Executive in Canada to conclude treaties and the principles which govern their submission to Parliament for approval, once they are signed.

2. - Procedure: -

a) Negotiations and signature:

In order to substantiate the exercise of the Royal Prerogative in the field of treaties, there must normally be a formal act by the Executive, such as an Order in Council. This gives the treaty-making process validity in Canadian constitutional law. Each time the Government purports to exercise the

- 2 -

Royal Prerogative in carrying out one of the treaty-making procedures (such as signature, ratification, accession, etc.) it will draw on the Prerogative power by means of an Order in Council. In most cases, however, it is not necessary to seek this formal authority from Council to empower Canadian representatives to negotiate a treaty (Ministerial or Cabinet approval may be sufficient), but it should normally be obtained in order to enable them to sign an agreement (including Exchanges of Notes) on behalf of the Government of Canada.

This authority is sought by means of a Submission to Council, signed by the Secretary of State for External Affairs, and submitted with the concurrence (indicated in the text but not endorsed by signature) of the appropriate Minister(s). The Submission is prepared in the Division mainly concerned with the subject-matter of the agreement and is referred to Legal Division for approval as to form (see Section 334 of the Department's Manual of Regulations and Instructions). After signature by the Governor General, copies of Orders in Council are distributed by the office of the Clerk of the Privy Council. On most occasions a Submission to Council will accompany (or will have been preceded by) a Memorandum to Cabinet outlining the scope and purpose of the proposed agreement and recommending its submission to the Governor in Council. Whenever possible the text of the proposed agreement (including Exchange of Notes) should be appended to the Memorandum to Cabinet (or to the Submission to Council if no Memorandum to Cabinet is submitted). The purpose of the Memorandum to Cabinet is to obtain a policy decision from the Government, while the Governor in Council's authorization is sought to give the legal sanction required for the exercise of Canada's treaty-making power. When it is required that the Canadian representative(s) authorized to sign the agreement be armed with Full Powers, the Submission will seek authorization for the Secretary of State for External Affairs to execute an Instrument of Full Powers. Otherwise the Submission would merely request authority to proceed with the signing of the agreement. (In line with this procedure, Canadian delegates to international conferences at which agreements are likely to be adopted, should be specifically authorized to vote in favour of any resolution adopting them, when such procedure takes the place of signature.)

In the case of bilateral agreements signature usually takes place in the capital of the country where the negotiations were conducted, while the Instruments of Ratification, when needed, are exchanged in the capital of the other country.

b) Ratification:

Ratification (or acceptance, accession, etc.) is the final confirmation of an agreement. It is the expression of consent whereby the States concerned assume definitively the rights and obligations arising out of an international agreement. There is no obligation under international law to ratify unless the agreement so provides (usually Exchanges of Notes are not subject to ratification). Many agreements contain a provision that signature is subject to ratification. Agreements requiring ratification usually come into force on the date of exchange (or deposit) of the Instruments of Ratification or upon a specified date or else upon ratification or accession by a specified number of countries. International law leaves the matter of domestic approval (when necessary) entirely to internal constitutional processes, although the final act of ratification is an act of

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international law. Ratification by Canada can be legally effected only by an exercise of the Prerogative power and has no relation, in law, to the submission of the agreement for Parliamentary approval. The same procedure as outlined above (i.e. Submission to Council, etc.) for signature is followed mutatis mutandis in the case of ratification (acceptance, accession, etc.). Once an Order in Council has been issued, Legal Division prepares the actual Instrument of Ratification which is signed by the Secretary of State for External Affairs. The Instrument is exchanged in the case of bilateral agreements or deposited with the depository State (or Organization) of the treaty in the case of multilateral agreements. If the Departments concerned have already had ample opportunity to study the agreement before its signature and if no implementing legislation is required, there is no impediment in law, when submitting the agreement to the Governor in Council for approval, to obtaining at the same time the authority to ratify.

c) Amendment, renewal and termination:

Except in the case of self-executing or time-expiring treaties and those which expire upon substitution by a subsequent agreement, the authority for the termination of an agreement shall normally be sought from the Governor in Council in the same manner as followed for its conclusion. The same procedure would apply for an amendment, renewal or an extension of an agreement, unless it is provided otherwise in the original Order in Council.

II. - Treaty implementation, as an
act of the Legislative power:

It is a fundamental principle of International Law that States party to a treaty must take the necessary steps to carry out its provisions. This is frequently expressed by the maxim "pacta sunt servanda". When an agreement has been signed, the question arises whether Parliament (or the legislatures) should take official cognizance of it prior to its entry into force. In Canada, legislative approval is not, in law, part of the ratifying process.

1) Implementing legislation:

Action by the Legislative power may, however, be necessary for various reasons. In other words the conclusion of an agreement, although binding on Canada internationally, does not always automatically give it the force of law in Canada. Consequently a treaty (including Exchanges of Notes) entered into by the Federal Government frequently, though not always, requires for its implementation the enactment of domestic legislation either by the Parliament of Canada or by provincial Legislatures, depending upon whether the subject matter is within federal or provincial jurisdiction under the British North America Act. The general principles affecting the implementation of treaties were laid down by the Judicial Committee of the Privy Council in the Labour Conventions' case in 1937.

The constitutional situation with regard to legislative implementation should, of course, be borne in mind at

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all stages in the proceedings leading to the conclusion of an agreement. If private rights are involved and if legislation is required, the Government must induce Parliament (or the Provincial Governments concerned) to make the necessary change in the "law of the land" or to equip the Executive with the necessary power to implement the agreement it intends to conclude. To avoid the difficulty which might arise if provincial legislation, required for the fulfilment of an international obligation, were refused, prior consultations are needed, and agreement must be reached with the Provinces before Canada enters into certain international agreements. Exceptionally, this may not be required when the agreement contains an appropriate "federal clause" (or a suitable reservation), unless the subject-matter of the agreement falls almost exclusively in the field of provincial jurisdiction, in which case it would be meaningless. The types of statutes whereby treaties are implemented vary: they may embody the text of the agreement concluded, confirm ratification of the agreement by giving its provisions the force of law, empower the Governor in Council to bring the agreement into force in Canada by proclamation or order, etc. Such legislative action would of necessity be taken in advance of ratification, and normally by the Minister mainly concerned with the subject in consultation with the Department of Justice and with the concurrence of the Secretary of State for External Affairs. It is advisable, however, that the implementing legislation be made effective only when the agreement itself enters into force for Canada.

There are exceptional instances in which the text of a treaty may specifically require some form of parliamentary action by one or more of the parties.

2) Approval by Resolution:

On many occasions when enabling legislation was not required it has nevertheless been considered desirable, from a political standpoint, to seek Parliamentary approval and consequently, in these cases, the Executive has enabled Parliament to exercise direct control over itself in the treaty-making power. Under a practice evolved during the years between the two wars, Parliamentary approval has usually been sought - at the Government's discretion - in the case of international agreements, the conclusion of which entailed for Canada large expenditures of public funds or heavy responsibilities, either political, economic or military. This form of Parliamentary approval is usually obtained by means of a joint Resolution of both Houses. This method of seeking Parliamentary approval of Canada's treaty action is not, however, in our view, a legal requirement (unless it can be said to have hardened into a constitutional convention). As a matter of policy, whether important agreements are to be submitted to Parliament by Joint Resolution (particularly when enabling legislation is not required) is decided by Cabinet. Parliamentary approval does not affect the international legal validity of the agreement, which is based normally upon ratification.

3) Tabling in Parliament:

Current treaty action is brought to the attention of Parliament by the periodical list of all Orders in Council (including those authorizing the conclusion of international agreements) deposited in Parliament usually by the Prime Minister and the Government Leader in the Senate. It has been the practice of the Department, for a number of years now, to table in Parliament after their signature, the text of all agreements (except minor ones) which have not been (or will not be) otherwise brought to the attention of Parliament. This provides an

- 5 -

opportunity for Parliament to exercise its political supervision over the Executive in its activities under the treaty-making power. Agreements which because of their importance will be submitted to Parliament for approval or will require enabling legislation for their implementation are usually referred to Parliament only at the time when the relevant resolution or legislation is introduced in the Houses. In addition, international agreements have been notified to Parliament on a yearly basis in the Department of External Affairs' "Annual Report" which is tabled in accordance with a statutory requirement in Parliament.

The tabling of agreements is arranged by Legal Division and it is done usually by the Secretary of State for External Affairs, at the beginning and the end of each Session. From time to time because of their nature or importance there may be agreements which are tabled shortly after signature during the Session.

III. - Treaty enforcement, as an act of the Judicial power:-

Many treaties are unlikely to affect citizens' rights and are therefore never called into question in any Canadian court of law. On the other hand, Canadian courts can only administer these laws which the legislatures (Federal or Provincial) and the constitution give them power to enforce. There is no provision in our constitutional law for giving effect to Canadian treaties so as to override existing Canadian law, nor has the Legislative power ever specifically authorized the courts to apply directly and automatically international agreements concluded on behalf of Canada. Canadian courts themselves have not recognized that treaties in force are ipso facto received in our domestic law, nor have they ever decided or admitted that the Crown could, by its own Executive act in concluding a treaty, alter private rights or the "law of the land".

So strict is the requirement of implementation that a court may refuse outright to apply the provisions of a treaty where the competent legislative power has failed to enact legislation, in cases when it was required. It is submitted that our courts can, however, take cognizance of and receive such treaties as do not infringe upon private rights or statutory enactments, inasmuch as their conclusion constitutes a proper exercise of the Royal Prerogative, which in turn as part of the Common Law, is enforceable erga omnes (i.e. against everyone). Our courts look primarily to legislation and to the constitution in giving effect to international agreements in Canada, though in practice Canadian judges have usually sought to reconcile the provisions of a statute with those of a treaty. Whether a Canadian court would declare the implementation of an external act of its own Government illegal and inoperative is another matter, but at least it has the power to do so. Finally, treaties may be used as aids in interpreting domestic law. The courts look primarily to legislation in giving effect to international agreements, but they will often find it necessary to construe that legislation in the light of the treaty pursuant to which it was passed.

II. - REFERENCE TO LEGAL DIVISION

One of the important aspects of the advisory and administrative functions of Legal Division is in the field of treaties. As indicated in the Department's Manual of Regulations and Instructions, Section 318, Legal Division should be consulted at the earliest possible stage in the negotiations, on the form

and legal substance, of any proposed international agreement (including Exchanges of Notes) with which other Divisions may be concerned. When the agreement is negotiated in Ottawa, the Head of the Legal Division should be consulted on the advisability of assigning a legal officer to attend the meetings. As it is Legal Division's responsibility to ensure that the form of agreements conforms with international law and practice and with previous agreements to which Canada is a party, the Division which conducts the negotiations should, when consulting Legal Division, give an adequate briefing on the objectives desired in the agreement, calling attention to any contentious points which may give rise to legal problems. Reference to Legal Division is also desirable in the case of informal international arrangements, between Government Departments of the States concerned.

1) - Approval of the text:

It is also imperative that the final draft should be approved, whenever possible, by the Legal Division. Within the Legal Division, (apart from the consideration of the legal aspects of the points of substance), the Treaty Section assumes the responsibility for passing on the form of the Instrument (including Exchanges of Notes) under negotiation. Treaty Section, in this regard has to determine:

- (a) that the preliminary recitals and formal sections of the proposed treaty or agreement conform to accepted practice;
- (b) that the type of agreement is suitable in the circumstances;
- (c) that the Canadian treaty procedure is adhered to; and
- (d) that all previous agreements to which Canada is a party and which are related to the agreement under consideration, are brought to the attention of the legal officer(s) responsible for the legal substance of the agreement.

Concurrently the officer of the Legal Division who normally deals with questions referred from the particular Division concerned with the subject of the negotiations, may be called upon:

- (a) to compare the draft agreement with any previous draft, or with any previous agreement or correlated agreement, so as to satisfy himself that any changes in wording or substance are clear and acceptable in Federal, Provincial and International law; and
- (b) to ensure that the provisions of the agreement do not conflict with any other agreement to which Canada is a party;
- (c) to determine (in consultation with the Department of Justice) whether implementing legislation (Federal and/or Provincial) may be required or to advise whether or not a Parliamentary Resolution is desirable.

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Formal Instruments (Full Powers, Ratification, etc.) are prepared by Treaty Section, which is also responsible for approving the Submission to Council prepared in the policy Division. Treaty Section is responsible for the typing, binding and sealing of the authentic texts of agreements to be signed in Ottawa (except Exchanges of Notes which are normally typed by the Division mainly concerned). Bilateral agreements are usually drawn up in either of Canada's official languages as well as in the language of the other Party.

If there is to be a signature or ratification ceremony in Ottawa (or a ceremony for the actual exchange of Notes), the Head of Legal Division should be notified so as to arrange, if possible, for someone from Treaty Section or the Division to be in attendance.

2) - Registration and custody of agreements:

All international agreements to which Canada becomes a party are recorded in the Canada Treaty Register, maintained by the Legal Division. Since the Canada Treaty Register is compiled as far as possible from authentic documents, it is essential that all original texts (including Exchanges of Notes) or certified true copies be referred to the Treaty Section for registration and custody. Missions abroad and the Divisions have a special responsibility for seeing that this requirement is met. Canadian international agreements are also registered with the Secretariat of the United Nations or its specialized agencies. Article 102 of the Charter provides that "every treaty and every international agreement" shall be registered with the Secretariat and published by it. This requirement, read in conjunction with the publicity of the Orders in Council authorizing the conclusion of international agreements by Canada, would seem to indicate that, as a rule, international arrangements intended to remain classified ought not to be concluded in a form intended to record an international agreement binding under public international law but in a less formal type of document, such as an exchange of letters or memoranda.

It is advisable that each time a treaty is negotiated, informal agreement be reached between the negotiators as to which party will take the necessary steps to register it as soon as possible after its entry into force. According to the usual international practice, registration is normally done by the country where the agreement is signed.

Treaty Section should also be supplied with pertinent data regarding all types of treaties, both bilateral and multilateral, to which Canada is a party. It is especially difficult to maintain up-to-date records as to the status of multilateral agreements unless the other Divisions of the Department cooperate in ensuring that all information relating to signature, ratification, accession, reservation, etc., and changes in the status of any of the parties to the treaties concerned, is referred promptly in every instance to the Treaty Section. When such information reaches the Department (either in the form of a press release, telegram, letter, despatch, or official notification from the depository authority), the original received should be sent to the Treaty Section by the Division responsible for the file for posting of the relevant information in the Canada Treaty Register.

3) - Publication:

On the basis of its records, the Treaty Section publishes each month, in the "External Affairs" Bulletin, details of Canada's current action in respect of bilateral and multilateral agreements.

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At the end of each year this information is consolidated and appears in the Department's Annual Report. There are no statutory rules governing the publication of the texts of international agreements. Notwithstanding, most agreements (except those of a highly technical nature and some minor ones) are published in English and French in the "Canada Treaty Series" ("Recueil des Traités") - which started in 1928 - for the year of their entry into force for Canada. The "Canada Evidence Act" (section 21, b) provides that evidence of a treaty binding upon Canada may be given by the production of a copy of it purporting to be printed by the Queen's Printer for Canada. A cumulative index covering the issues published since 1946 has recently been sent to the Queen's Printer and will be available as soon as the backlog of unpublished agreements has been printed. In the meantime, one can refer to a cumulative index published in 1953 in the "Catalogue of the Queen's Printer Publications", where annual indexes of the Treaty Series can also be found. Canadian treaties registered with the U.N. Secretariat are published in the "United Nations Treaty Series" and sometimes in the treaty series of other Contracting Parties.
