

## CANADA

### LEGAL BASIS

**1. Has your State signed and/or ratified the United Nations Convention on special missions (1969)? If not, does your State intend to sign/ratify the Convention?**

Canada has not ratified or signed the United Nations Convention on special missions (1969). Any future intent to accede to the Convention would be subject to a decision by the Governor in Council, and thus not information that can be shared publicly.

**2. Does your State apply other international legal instruments in this area (ex.: bilateral, multilateral agreements or headquarters agreements)?**

No, Canada does not apply any other international legal instruments with respect to the immunities of special missions.

**3. Has your State adopted a specific national legislation in the field of immunities of special missions?**

**a. If so, please provide information concerning the relevant legislative provisions (in particular title, source and content; if possible, please provide official translations in French or in English and/or references to online sources);**

**b. If not, is the issue of immunities of special missions covered by another part of your legislation? If so, please provide information concerning these relevant legislative provisions (in particular title, source and content; if possible, please provide official translations in French or in English and/or references to online sources).**

Canada has not adopted specific national legislation in the field of immunities of special missions. To the extent that immunities of special missions exist under customary international law, they are present within Canada. It would rest with the courts to determine the extent of any such immunities, although the Government of Canada would likely assert a role for the executive in determining whether it had consented to the presence of a special mission in the first place, even in the absence of the express system created in the United Kingdom.

**4. Have the authorities of your State released official statements, reports or any other document concerning the status and the immunities of special missions? If so, please provide any relevant information relating to these documents.**

No, Canadian authorities have not released official statements, reports or any other documents concerning the status and immunities of special missions.

**5. Does your State consider that certain obligations and/or definitions regarding immunity of special missions derive from customary international law? If so, please provide a brief description of the main requirements of customary international law in this respect.**

Yes, Canada considers that certain obligations and/or definitions regarding the immunity of special missions are derived from customary international law, but has not undertaken to define the requirements of customary international law.

**6. Please provide information on the scope of the immunities of special missions, in particular:**

**a. The extent of the privileges and immunities granted to special missions and to their members;**

- b. The scope *ratione personae* (categories of individuals who may enjoy an immunity of special mission);**
- c. The scope *ratione materiae*, in particular by specifying if there are exceptions to the granting of the immunity;**
- d. The temporal limits of the immunities accorded to special missions.**

Canada has not undertaken to define the limits of the immunities of special missions under customary international law.

#### **NATIONAL PRACTICE AND PROCEDURE**

**7. Is there national case law in the field of immunities of special missions? If so, please provide information on these decisions (date of the judgment, authority that issued the judgment, name of the parties, main points of law, French or English translation of the judgment or summary of the judgment in English or in French).**

There is no national case law in Canada in the field of immunities of special missions.

**8. Is there a mechanism of formal agreement of special missions, namely a process under which your State can accept in advance that an official visit constitutes or not a special mission?**

**a. If yes, which authority delivers these agreements? What weight do the courts attach to such agreements? Is there a formal notification or communication procedure between the governmental authorities and the courts?**

**b. In the absence of such a formal agreement, can an implied consent derive from the behaviour of the governmental authorities?**

There is no mechanism of formal agreement of special missions in Canada; the existence and extent of such immunities would be something for the courts to determine.