



**Canadian Council on International Law**  
**Conseil canadien de droit international**

46th Annual Conference  
Canada at 150: The Return of History for International Law  
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**Panel 3B: Canada at 150: International Treaties in the Making and Reshaping of Canada**  
**Séance 3B: Le Canada à 150 ans : Les traités internationaux dans la réalisation et le remodelage du Canada**

**Chair/Président**

Gary Luton, Global Affairs Canada

**Speakers/Conférenciers**

Roland Legault, Global Affairs Canada

Béatrice Maillé, Global Affairs Canada

Alain Tellier, Global Affairs Canada

Kenneth Wong, Global Affairs Canada

**Blogueur**

Anne Vianin, Université Laval

Organized by Global Affairs Canada, this panel, chaired by Mr. Gary Luton, Director of the Treaty Law Division, included a broad range of experts: Mr. Roland Legault, Director of the Criminal, Security and Diplomatic Law Division, Mrs Béatrice Maillé, Director General of the Consular Policy Division, Mr. Alain Tellier, Director of the Ocean and Environmental Law Division, and Mr. Kenneth Wong, Legal Officer at the Continental Shelf Division.

After a brief survey of Canadian treaty activity over the past 50 years, each panelist was asked to discuss landmark treaties in his or her areas of expertise.

Today more than ever, international treaties affect our everyday life. As part of a complex web, they shape fundamental aspects of our society and even establish territorial boundaries. This panel, shedding light on unexpected areas of international treaty law, perfectly illustrates the core influence of treaties not only as instruments that reinforce innovation and progress, but as essential to our day-to-day lives.

To illustrate the important role that treaties play, the first panelist, Mr. Legault, chose to explore two major treaties areas that strongly influence our day-to-day life in an unexpected way: mail and undersea cables. He explained that as the postal service expanded in the 19<sup>th</sup> century, it became a bigger part of the economy. The first treaties to be concluded in this area were bilateral treaties between post authorities. By the mid-19<sup>th</sup> century, international mail had expanded and had become more complex. Hence, there was a need for an universal postal union. The Universal Postal Union, established in 1874, is known today as one of the oldest international organizations that still exists. Undersea cables are also an important area of treaty law. First connecting the United Kingdom and France in the mid-19<sup>th</sup> century, today cables form

a world-wide net, crossing oceans to connect the world's population. Furthermore, with the exponential use of the internet as a base for the electronic as well as the physical economy, undersea cables have become even more vital.

Mrs. Maillé, as second panelist, introduced the audience to another vital treaty area: diplomatic relations and consular services. The Vienna Convention on Diplomatic Relations, concluded in 1961, is an important instrument, establishing fundamental principles essential to the performance of diplomatic relations and the provision of consular services to citizens. Highlighting the genesis of this convention and its historical context, Mrs. Maillé explained that its universal membership – 191 Parties – is evidence of its success. Canada was one of the initial signatories to this convention. Together with its protocols and as part of a network of numerous consular bilateral treaties, the Vienna Convention of 1961 is rapidly gaining in importance, as world tourism and air traffic is booming, creating new challenges to diplomatic relations and consular services.

Mr. Tellier addressed the state of the art in other interconnected areas of international law governed by treaties: the law of the sea, fisheries law, and environmental law. He reminded the audience that the law of the sea is governed primarily by the United Nations Convention on the Law of the Sea. The United Nations Convention on Fishing and Conservation of the Living Resources of the High Seas – also known as the Fish Stock Agreement – sets out the key elements of the protection of the resources of the high seas. In relation to environmental law, there is no main agreement. Presenting the three historical phases in development of environmental agreements, he referred to “pre-Rio” treaties, such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the 1992 Rio Conference that saw the adoption of the Rio Declaration, and “post-Rio” treaties, such as the Minamata Convention on Mercury. Mr. Tellier noted the preponderance of the framework convention approach in this area and the recent call for new non-binding instruments instead of formal treaties that offers new means of conducting global environmental governance.

Another significant treaty area is that of the continental shelf, presented by Mr. Wong. Key issues include not only the delimitation of the continental shelf, but also the question of the recognition by the international community of its boundaries, which are currently being debated. The jurisdiction of the coastal State is central when considering the delimitation of the continental shelf. As Mr. Wong stressed, jurisdictional, economic and political interests are at stake in the delimitation context. The issue for Canada is considerable as it is one of the major coastal States, not just in the Arctic, but also on in the Atlantic and the Pacific.