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'*Civis Romanus Sum*' and the Legal Protection of Nationals Abroad

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United Kingdom

Canada

United States of America

Positive Obligations

- Diplomatic Protection
- Consular Assistance

Positive Obligations

United Kingdom

- No legal right to consular assistance or diplomatic protection.
- Assistance is provided at the discretion of the State.
- Enforceable only through principles of judicial review.

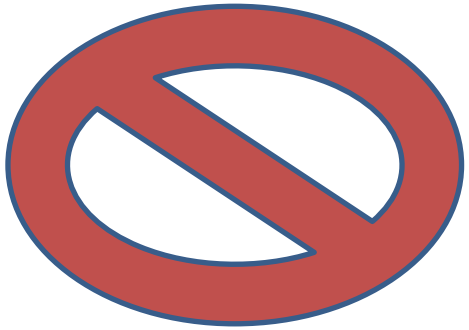
Canada

- Also no legal right to consular assistance or diplomatic protection.
- Assistance is provided at the discretion of the State.
- Enforceable only through principles of judicial review.

USA

- A legal right extended to the bearer of a US passport.
- A codified legal obligation.
- Very rarely litigated.

Negative Obligations



- Here we consider the extent to which a state is prohibited from harming citizens.

Negative Obligations

United Kingdom

- Guided by European Convention on Human Rights 1950 implemented into UK law by Human Rights Act 1998.
- Human rights owed to anyone within a state's 'jurisdiction'.
- Neither regional nor domestic judges award added protection to citizens.

Canada

- Guided by Canadian Charter of Rights and Freedoms.
- Citizenship also not a relevant factor.
- Interpretation instead concerned with principles of public international law and international human rights law.

USA

- Guided by Constitutional Protection.
- Citizenship as a shield, a 'high privilege and 'priceless treasure'.
- Legal protection for the citizen 'against the arbitrary action of their own government'.
- DoJ White Paper – Lawfulness of Lethal Operation Directed Against US citizens

Potential Explanations for Differing Approaches

- Financial explanations
- Historical distinctions in approach to citizenship
- Synergy with international law