

Our second observation also relates to another potential complication regarding sedentary fisheries. It arises under draft Article 6 which reads: "The exploration of the Continental Shelf and the exploitation of its natural resources must not result in any unjustifiable interference with navigation, fishing or fish production". The question may arise whether the intention of the Commission in framing this article was to provide that the exploitation of sedentary fisheries must not result in unjustifiable interference with other forms of fishing. Whether the Commission had this in view, such would appear to be the effect of the present wording. It seems to my delegation that this amounts to a curious and even illogical rule and is probably the result of an attempt to assemble too much under one heading. My purpose in drawing attention to the matter of sedentary fisheries in some detail is not academic. It arises out of very realistic and practical considerations at the present time. My delegation therefore feels that there may be great advantage if further consideration were given to the topic of sedentary fisheries in the light of these observations.

My third observation relates to Article 1 which now limits the Continental Shelf to a depth of water not exceeding two hundred meters. In this regard the Commission has abandoned the criterion of exploitability which it adopted in 1951 in favor of a more or less arbitrarily fixed criterion of two hundred meters. This may work to the advantage of some states and to the disadvantage of others. There may be serious doubt whether the advantages in satisfying the requirement of certainty will in the final analysis outweigh the advantages of a more flexible formula based on the practical possibilities of exploration and exploitation. We must bear in mind that, with the steady advance of scientific and technical knowledge, what is not exploitable on a practical basis today might well be exploitable in the near or distant future. My Government would like to reserve its position in this change until it has given the matter further study.

I turn now to the draft articles on "Fisheries". This is a subject of great interest and practical concern to many nations including Canada. I need not stress here that fisheries are a basic means of livelihood and even sustenance of large segments of the population of many countries. Consequently, we can expect that maritime nations will have great interest in any proposals which the United Nations might adopt with a view to regulating fisheries on an international scale. In this connection, there may be serious and widespread opposition to a far-reaching set of rules which are drafted by a commission on which governments are not represented. We appreciate that governments have been given the opportunity to express their views, but I suggest that in this instance this may not be adequate to command sufficiently widespread support to ensure their adoption on a universal basis.

The Canadian delegation is particularly concerned about the fact that three of the most important fishing countries in the world, the United States, Japan, and Canada have as yet not expressed their views on this subject to the International Law Commission. Furthermore, the United States and Canada