

I would first like to make some observations on the draft articles relating to the Continental Shelf. In recent years there have been an increasing number of assertions, proclamations and declarations by different countries with respect to their claims to jurisdiction and the extent of that jurisdiction over their Continental Shelves. Some of these declarations have been moderate and contain terms and language which have precise legal connotations. Others have not been so precise and have given rise to doubts and uncertainty. My Delegation therefore welcomes the efforts of the International Law Commission to draft a formula which would establish a uniform code that could be accepted and applied on a universal basis.

The Canadian Delegation considers that there has been altogether too little time between the publication of the International Law Commission's report and our present discussion. I think most delegations will agree that their Governments have not had sufficient time to consider and study the draft articles and to investigate their full implications. In this connection I would like to point out that the draft report of the Commission which was dated August 12, 1953, recommended in its paragraph 38, "that the General Assembly shall take no action, the report having already been published". In its final and printed form the Commission's report, which incidentally was not made available until a few weeks ago, makes an entirely different recommendation in paragraph 91 and urges that the General Assembly actually approve and adopt the draft articles at the present session. This is an extremely important change in the recommendation of the International Law Commission; in our view it calls for further careful consideration and study by governments. We therefore urge that governments be given more time to fully examine the effect and implications of the draft articles on the Continental Shelf, which are now before us.

Turning to the principles involved in these draft articles I would like to make a few observations on behalf of my Government. The first observation concerns the decision of the Commission not to include a separate article relating to sedentary fisheries. The Commission decided to deal with this matter by providing that the sovereign rights of the coastal states should extend to exploiting natural resources, rather than mineral resources. We think that this decision might give rise to further and unnecessary confusion. For instance how can we reconcile the words "sovereign rights" of Article II, which have an accepted legal meaning, with the view expressed in paragraph 71 of the report that the exclusive rights of the coastal state may not be exercised in a manner inconsistent with existent rights of nationals of other states with regard to sedentary fisheries? Are these "sovereign rights" to be more restricted in the case of such natural resources as sedentary fisheries, than in the case of other natural resources? I am not attempting to suggest that established rights should be denied the normal and customary protection of international law. We do, however, think that this apparent inconsistency can be avoided if the Commission were to reconsider its decision not to propose a separate article on sedentary fisheries.