

I am unable to agree that the work of the International Law Commission consists of struggles involving one area against another and that the outcome is determined by the number of votes assigned to each area. Regional considerations and ideological differences must be given their proper weight, but the rule of law is, I would hope, something else and something more than the mathematical expression of a geographical allocation of votes or of political compromises.

Having regard to the essentially legal role which the International Law Commission must play, it will clearly be inappropriate and contrary to the spirit and the letter of the Statute of the Commission to attempt to give the allocation of seats in the Commission political emphasis which it has been suggested such allocations should have.

Expansion with Reallocation limited to Geographical Areas Represented by New Members.

The second alternative, expansion associated with reallocation, is not impossible as a theoretical course but it does seem to involve great practical difficulties and dangers for the future work of the Commission and for the successful outcome of our deliberations.

We are therefore led to examine a third possibility, expansion without reallocation, except in so far as it relates to the new region represented, i.e., the 21 new member states.

It is the view of the Canadian delegation that this alternative represents a fair compromise in regard to the two related problems of expansion and allocation and that it deserves support, representing as it does the resolution which has been co-sponsored by Cameroun, Colombia, India, Japan, Liberia, Nigeria, Sweden and the U.S.A.

On the problem of expansion, this proposal calls for a modest increase which takes into account the larger membership of the organization and yet is not likely to affect the nature of the Commission or alter its expert character.

On the problem of allocation, the proposed resolution has it is true the effect of leaving the 1956 overall allocation of seats untouched. Its sole purpose is to increase the membership of the Commission by two seats designed to cover the geographical area represented by the new African states.

Ambassador Plimpton, the distinguished U.S.A. representative, in proposing this resolution pointed out that what was being considered was not a general enlargement of the Commission but rather a specific enlargement limited to the one geographical region not presently represented on the Commission, namely, the central and southern region of the African continent.

The impression has been gained from some of the discussion that the two new seats being proposed are intended to represent the whole geographical region of Africa which is, of course, not the case at all. The other portions of Africa were considered to be represented under the overall agreement reached in 1956.