

exploitation of fishing grounds which, if unchecked, would lead to complete extinction of the fish concerned and thereby constitute a loss to all mankind.

The draft articles are also open to objection on other grounds. In some ways they are more restrictive than existing practice, for instance I refer to the first sentence of Article 1. Does this mean, as it appears to mean, that for any purpose other than prevention "against waste or extermination", a state could not regulate its own nationals where only its own nationals are involved in a fishery? Again Article 2, as it now reads, would give rise to an undesirable situation whereby two countries, situated side by side, could not make regulations affecting only their own nationals in areas where fishing is done only by the nationals of one or the other country. This, in the opinion of my delegation, is contrary to existing practice and does not seem to be either a practical or a progressive provision.

These are only some of the more obvious points which in the opinion of the Canadian delegation give rise to serious questions concerning the proposed draft articles on Fisheries. They are points which require further study and careful examination by governments before they can be expected to pronounce themselves on these articles. We think that the answer to many of these questions will be determined only as a result of further practical experience arising from the work of international commissions which now exist. These commissions are relatively new ventures in the field of international co-operation as it relates to the beneficial use and control of fisheries. Not only participating countries but all nations will have much to learn from these experiments. It is only after the experience of their operations and after careful observations and study of the inherent problems that the International Law Commission and the United Nations will be in a position to consider the establishment of an overall international supervisory body. The experience of Canada shows that advances in this field are best made by gradually and progressively building upon foundations already laid. My delegation takes the position that it is altogether premature to attempt to establish now such an international body to govern and regulate Fisheries as is envisaged in Article 3.

To sum up the Canadian Delegation cannot support the recommendation of the International Law Commission that the General Assembly at this session should adopt by resolution the draft articles on "Fisheries". We strongly urge that governments be given a further period of time to study, and if they feel so inclined to comment on, the effect and implication of these articles which represent a radical departure from international practice in this important field, as we have known it up to the present time. We also have considerable misgiving concerning the recommendation that consultation should be entered into with the United Nations Food and Agriculture Organization and would like to reserve our position with respect to that suggestion. We maintain that any convention which incorporates the principles of the draft articles on Fisheries, like the proposed code on International Arbitral Procedure, must be accepted by as many countries in the world as possible and particularly by those countries which have a direct interest in fisheries, if such a convention is to achieve its objectives.