

October 11, 1965.

Text of Statement to be made in the 6th Committee
Debate on Agenda Item 87, the Reports of the
International Law Commission on the work of its
sixteenth and seventeenth sessions, by the
Canadian Delegate, Mr. Max Wershof, Q.C., on
Monday, October 11th

Mr. Chairman:

As this is the first occasion on which a representative of the Canadian Delegation has spoken this year in the Sixth Committee, I should like to begin by adding both my personal and my Delegation's felicitations to you, on your election to the Chair, and as well respectively to Mr. Fritan and Dr. Alcibar on their elections as Vice-Chairman and Rapporteur.

2. I should also like to record the appreciation of my Delegation for the exceptionally interesting remarks on the work of the I.L.C. at its 16th and 17th sessions, and on the importance of the Commission's work at the present time, which were made by Professor Bartos and Professor Ago when they introduced the Reports of those sessions of the Commission over which they had presided. Both these speeches were of the greatest value.

3. Of the matters which are dealt with in the Reports of the ILC on its 16th and 17th sessions, the draft articles drawn up with respect to the Law of Treaties and to Special Missions are undoubtedly of the greatest importance, since it is these which most urgently need to be put into final form before the term of membership of the Commission, as at present constituted, expires. My Government has already submitted its observations on the first and second parts of the draft Law of Treaties, however, and it proposes to submit observations on the third part of the Law of Treaties and on the draft articles on Special Missions early in 1966. I do not, therefore, propose today to comment substantively on either of these projects; suffice it to say that Canada is anxious that both these drafts be completed by the International Law Commission in time for them to be considered by the Sixth Committee next year. It is for this reason that Canada will actively support the programme of work which the ILC has proposed in Chapter IV of the Report on its 17th session, and why in particular we favour the holding of the proposed winter session in January of 1966 and, if necessary, the extension of the regular 1966 summer session as well.

The report of the Commission on the activities of the
 Communist Party in the United States, published in
 1951, is a landmark document in the history of
 the Cold War. It provides a detailed account of
 the Party's efforts to infiltrate and subvert
 the American government and society. The report
 is based on extensive investigations and
 the cooperation of many informants. It
 details the Party's activities in various
 fields, including education, labor, and
 the arts. The report also discusses the
 Party's efforts to recruit and train
 members, and its attempts to influence
 public opinion and policy. The report
 is a valuable resource for understanding
 the role of the Communist Party in
 the United States during the Cold War.

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4. Further to the Law of Treaties I should also like to refer briefly to a number of other matters. Of these, the first is the present intention of the ILC to draw up the draft articles of the Law of Treaties in the form of a single unified convention. My Delegation is in favour of this proposal since it is our belief that the emergence of a convention from the many years of effort which have led up to the ILC's present task of revising in final form the draft Law of Treaties, would contribute in a marked degree to the establishment of greater certainty between nations in this extremely important field of International Law.

5. The second matter to which I should like to refer in this context is the suggestion, made by the representative of Israel when he addressed this Committee on October 1, that the Secretariat might be asked to prepare for submission to the 21st session of the General Assembly a paper on the concrete questions likely to arise if a diplomatic conference were to be convened to deal with the draft convention. It is the opinion of the Canadian delegation that the time is not far off when consideration should indeed be given to what is to be done in due course with the ILC's draft convention on the Law of Treaties. We therefore agree with the Israel representative's suggestion that this is a matter to which the Secretariat might be asked to devote its attentions prior to the 21st session of the General Assembly.

6. Before leaving the subject of the Law of Treaties I should also like to refer to the work of the latest rapporteur in that field, Sir Humphrey Waldock, whose labours over the past years have so greatly facilitated not only the work of the International Law Commission itself but also the appreciation and understanding by governments of the purpose of the draft articles. It is true that the work of the ILC is a corporate one to which many members have contributed but for the draft articles on the Law of Treaties, at this present stage, Sir Humphrey Waldock deserves both our thanks and high praise.

7. It only remains for me to refer to Chapter V of the International Law Commission's Reports. The Canadian Delegation has noted with great interest the reference in both the 1964 and 1965 Reports to co-operation with other bodies and to the exchange and distribution of the Commission's documents. Canada is in favour of the sort of co-operation which is provided for under Article 26 of the Statute of the ILC and it supports the principles laid down in paragraph 64 of the

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6. Before the Commission on International Law, the Secretary-General has also suggested that in this context we should consider the possibility of having a general convention on the Law of Treaties. My delegation is in favour of this proposal.

7. It is noted that the Commission on International Law has also suggested that in this context we should consider the possibility of having a general convention on the Law of Treaties. My delegation is in favour of this proposal.

ILC's Report on its 17th session concerning the distribution of the Commission's documents. My Delegation was pleased to note that steps have already been taken by the Secretariat, as you, Mr. Chairman, mentioned at our meeting on September 29, to put the proposed measures into effect. We have also noted the suggestion, in paragraph 72 of the Report on the 17th session, with regard to the Seminar on International Law which was held earlier this past summer, that the General Assembly might wish to consider the possibility of granting fellowships to enable nationals of the developing countries to attend future seminars. Subject to the necessary financial approval, the establishment of a limited number of such fellowships seems most worthwhile. We also believe however that the total attendance at future seminars should remain limited, since, if they are to be of real benefit, it is necessary that they be small enough to enable fruitful interchange of views to take place between participants. The first Seminar was attended by only 16 students who were described in the Report as having had excellent qualifications. It would not, we consider, serve a useful purpose if the gathering became too large or the standard of qualification of attendance was allowed to fall.

8. In conclusion, I am glad to state that the Canadian Delegation will support the draft resolution tabled by Lebanon and Mexico and appreciates the initiative of the distinguished delegates of those countries in assisting the Committee by presenting us with this resolution.

