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TECHNICAL ASSISTANCE IN INTERNATIONAL LAW

(Statement to be made by the Canadian Representative
in the Sixth Committee, Mr. M.H. Wershof, O.C. 1203
Wednesday, November 3, 1965)

Because of the nature of the draft resolution A/C.6/L.567 which has been tabled by 33 members of the Committee, and in view of the proposed amendments to that resolution which were tabled yesterday (L/568), I think that the Canadian position on this item should be made clear.

2. I would like to begin by taking advantage of the opportunity this affords me to express my delegation's appreciation for the work done by the Special Committee under the distinguished chairmanship of Ambassador Dadzie of Ghana and for the admirable report (A/5887) drawn up by its rapporteur M. Bal of the Belgian delegation.

3. My delegation has listened with great attention to the remarks on this item which have been delivered in this Committee. We are fully aware of the strong wish of, I think it would be fair to say, all the members of the 6th Committee that constructive steps be taken to implement as much as possible of the programme suggested by the Special Committee in its report. The question of prime importance which appears to be at issue in this Committee is how best to provide for that implementation and its financing.

4. Canada's early views on the subject matter of this item were provided to the Secretary-General some time ago and are set out in part on pages 4 and 5 of the official records of the UNGA for the 18th Session in document "Agenda Item 72: annexes", which comprises documents A/5455 and Addenda. I do not think it necessary to refer to these views again at this time except to note that they did indicate our general intention to continue to make available, within the overall terms of the bilateral programmes of economic assistance in which Canada participates, scholarships and fellowships to provide for training in international law at Canadian universities.

5. After the comprehensive and multitudinous activities in the particular field of technical assistance with regard to international law which various countries undertake and to which their delegations have referred in this Committee, my own country's activities in that field may appear somewhat limited. However, I would like to draw to the attention of the Committee the fact that within the wider field of technical assistance in which Canada participates it has always been interested in the narrower field of technical assistance in education at the university level. This interest has been manifested primarily in the form of bilateral assistance in connection with the

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various aid programmes which Canada operates. Under these, students, either as individual candidates for scholarships offered on a global basis, or as the nominees of their particular governments, have been enabled to study at Canadian universities. Since 1950 the Canadian Government has spent nearly \$41.5 million under various technical assistance bilateral programmes with developing countries in Asia, Africa and the West Indies. Within these programmes nearly four thousand students have been brought to Canada for the study of various university subjects including law, while almost 1,500 Canadian teachers and advisers have, during the same period, been sent to those countries to provide instruction in various subjects, again including law. For example an official of one African government very recently came to Ottawa to study the organization and administration of Canada's treaty registry section in the Legal Division of the Canadian Department of External Affairs. The Canadian Government's economic aid to developing countries through bilateral aid programmes includes participation in the Colombo Plan, the Special Commonwealth African Aid Programme, the Programme of Educational Assistance for French-speaking Countries in Africa, the Commonwealth Caribbean Assistance Programme and the Commonwealth Technical Assistance Scheme.

6. Nor do I think it necessary to emphasize to this Committee Canada's extensive contributions in the general field of technical assistance within the United Nations framework. This is and has been from the inception of the United Nations a firmly established part of Canada's foreign policy. It was reflected only yesterday in the announcement by the Canadian Ambassador at the Special Fund - EPTA Pledging Conference that Canada will contribute \$9.5 million to the combined programme for 1966 of the United Nations Special Fund and the Expanded Programme for Technical Assistance. This sum represents an increase of almost one-third, specifically some \$2.2 million over the combined Canadian contributions to those separate programmes in 1965. I mention this in order to stress the fact that any objections by my delegation to certain aspects of draft resolution L/567 are clearly not on the ground that the envisioned costs of the proposed programme are excessive. I think we are all agreed that the estimated costs represent a modest outlay in return for which considerable benefits to the developing nations would certainly result.

7. Here I must also stress, however, the fact that within the United Nations context that Canada has always favoured the centralization of the various technical assistance programmes conducted under United Nations auspices. This approach would seem also to have been in the minds of those delegations which suggested the inclusion on the agenda of this Assembly of the item (No. 100) on the general review of the assistance activity of the United Nations family of agencies. In order that they may be better co-ordinated and that priorities between them and within them may be more readily

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established, we have also favoured and continue to favour the maintenance of strict budgetary discipline within the United Nations. In that respect with your permission I would like to refer briefly to certain remarks made by the Canadian representative to the 5th Committee on Wednesday, October 27, in the general debate on the 1966 Budget Estimates. At that time he stated the following:

"Now that the imminent possibility of the application of Article 19 has been removed and the General Assembly is proceeding in normal fashion, there is a natural tendency to conclude that the policy of budgetary restraint followed by the Secretary-General in recent years is no longer applicable. In the view of my Delegation, Mr. Chairman, such an attitude would be most unfortunate in the face of the substantial debt yet to be liquidated, the continuing peace-keeping operations that must be paid for and the considerable increases which are occurring in the programmes of the various components of the United Nations family.

My Delegation agrees with the Secretary-General that, in attempting to balance the precarious cash position of the Organization with the legitimate desires of most members for expanded social and economic programmes, one must draw a distinction between budgetary policy and the current financial crisis, which cannot be solved merely by reducing or containing the regular budget. Nevertheless it is impossible to escape the realities of a \$100 million deficit which demands, as pointed out by the Advisory Committee, that expenses be kept to a minimum consistent with efficiency."

8. Canada is opposed to any increase in the amount for technical assistance in the Regular Budget. My delegation is therefore unable to support operative paragraph 4 of draft resolution L/567 and instead is in favour of the amendment to that paragraph proposed in paragraph 3 of L/568. Here however I would like to refer to the Report of the Technical Assistance Committee (E/3933) based on a note by the Technical Assistance Board, and set out in part in document A/5791 of November 30/64 and to the elaborating statements made further to that report in this Committee last week by Miss Seymour and Mr. Coomaraswamy of the Secretariat. I, myself, on Monday, October 25 had expressed the hope that the Secretariat might speak to this Committee on the financial implications of the proposed programme which had been elaborated by the Special Committee and I have already expressed my thanks for the extremely useful and clarifying remarks which they made when they appeared before us. I do not, however, find myself able to endorse the somewhat restrictive views which the TAC set forth with regard to the sort of technical assistance in the field of international law which might be provided to member states under EPTA.

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9. I therefore listened with sympathy to the remarks on this subject which were made last Wednesday, October 27 by the distinguished representative of Israel. We have noted that other delegates also seemed to be concerned by this aspect of the financial problem. It is certainly the hope of the Canadian Delegation that if the Technical Assistance Committee should have another opportunity to consider this matter in relation to EPTA, it could do so in a less restrictive manner. Canada has also noted with interest the roles which other organizations of the United Nations family and, in particular, UNESCO, might play in this field. We would also favour any initiative which UNITAR might choose to adopt to further the teaching, study, and wider dissemination of international law.

10. To sum up, let me say that Canada voted in favour of Resolution 1968 (XVIII) and that the Canadian Delegation is very much in favour of this Assembly's taking all the steps which are practicable to implement a programme for technical assistance in international law. Where we and some of our colleagues in this Committee part company is in our views on how best this should be done. As I have already indicated, Canada is not in favour of deciding now on the future inclusion of a separate provision in the regular budget for this item. We prefer to await the outcome of another appeal for voluntary contributions before giving further consideration to that possibility.

11. Canada would not be in favour of limiting an appeal for voluntary contributions only to "additional activities" other than those which this Committee might wish to recommend, as seems at present to be provided under operative paragraph 6 of draft resolution L/567. We think that whatever programme is proposed, the possibility of financing any part of it by voluntary contributions should be provided for.

12. We are, of course, entirely in agreement with those delegations which, in speaking earlier on this item, have stressed the need for the closest co-ordination between the United Nations, its various agencies, and the bilateral programmes of individual countries or national agencies, and which have referred to the necessity of avoiding wherever possible any duplication of effort in this field.

13. My delegation therefore supports the amendments proposed in A/C.6/L.568 and could not vote in favour of Op. para.4 of A/C.6/L.567.

14. Finally, I would like to assure the Committee that regardless of what resolution is in due course proposed by us, it is the definite intention of the Canadian Government officials concerned to re-examine our technical assistance programmes in order to determine whether Canada might make further contributions towards the promotion, teaching, study, dissemination, and wider appreciation of international law.

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