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Press release No. 14
October 12, 1970

Statement on United Nation Commission on
International Trade Law delivered by
Mr. J.A. Beesley, Canadian Representative
to the Sixth Committee at XXV UNGA.

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Communiqué de presse no. 14
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Déclaration sur la Commission des Nations
Unies pour le droit commercial international
prononcée par M. J.A. Beesley, représentant
canadien à la Sixième Commission de la XXVe
Assemblée générale.

VERIFIER LORS DU DISCOURS

**CANADIAN DELEGATION
TO THE UNITED NATIONS**

**DELEGATION DU CANADA
AUPRES DES NATIONS UNIES**

Statement on United Nation Commission on
International Trade Law for delivery by Mr. J.A.
Beesley, Canadian Representative to the Sixth
Committee at XXV UNGA, on Monday, October 12, 1970

Mr. Chairman,

As this is my first intervention in the Sixth Committee this year I should like to take this opportunity to offer my personal congratulations to you and the members of your bureau for the skillful and workmanlike manner in which you are guiding our discussions.

2. In intervening on this subject I shall deliberately keep my comments brief, in keeping with the desire you have expressed to get through our heavy work load as quickly as possible. My comments will also be of a general nature due mainly to the relatively early stage of the work of the Commission.

3. May I begin by paying tribute to the Chairman of UNCITRAL, Professor Albert Lilar, for his most illuminating and helpful statement introducing the report of the Commission. His introduction reflects the same high standards of legal precision evident in the work of UNCITRAL. I should like at this time to associate my delegation with views of previous speakers who complimented the Commission both on its working methods and on the scientific quality of its work.

4. Although not a member of UNCITRAL, Canada, as a major trading nation, naturally has a keen interest in any effort leading towards the increased harmonization and rationalization of the rules of private international law and customary practice governing international commercial transactions. For this reason interested government departments, academics, practicing lawyers and banking and trading institutions in Canada are taking an increasing interest in the work of UNCITRAL.

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We see every reason to assume that as the work of the Commission progresses general awareness of the importance and relevance of its work will bring with it an even more widespread interest in the Commission, and we intend to contribute to this process by informing the Provincial governments in Canada as well as other public and private agencies and individuals of the Commission's work.

5. When UNCITRAL was established in 1966 Canada fully endorsed the work programme and priority study topics of the Commission as a realistic and realizable range of tasks, given the intricacy of this field of law and the likely staff and financial resources of the Commission. My delegation now notes with satisfaction the substantive and useful work done by the Commission on these priority topics. In particular, the Commission has made encouraging progress in analyzing and making recommendations for the rationalization and improvement of the rules of private international law in the field of international sale of goods and time limits and limitations. This progress is attributable in very large part to the thorough preparatory work of the Working groups on these subjects established at the second session of the Commission. International sale of goods and time limits are among the most complicated and technical areas of international trade law and custom, and, judging from the third session report, the working groups are to be congratulated for the objective and businesslike way they have thus far undertaken their demanding tasks.

6. The Commission is also making good progress in its comparative survey of negotiable instruments currently used for settling international payments. The comprehensive nature of this survey, which will likely be

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completed in the coming year after some further information is obtained from interested governments, banking and trading institutions, will provide a solid basis upon which the Commission may determine the best means of harmonizing international practice in this field. May I say, in passing, that we share the view of the distinguished representative of Iraq that this process of harmonization of law based on an analysis of existing practice is the most important and while also perhaps the most delicate task of UNCITRAL.

7. My delegation is pleased to note that in approaching the question of international shipping legislation the Commission is conscious of the necessity of thorough and careful preparation of a work programme which concentrates on those areas where the Commission can most usefully complement the efforts of other international organizations active in this field, particularly the Shipping Committee of UNCTAD and IMCO. My delegation urges the fourth session of UNCITRAL to examine this subject in depth with a view to determining study topics which are within the staff and financial resources of the Commission, and, taking account of the many tasks it has already undertaken, to concentrate on only a few selected areas where it can make a positive contribution to the harmonization and development of maritime law.

8. The publications issued under the auspices of UNCITRAL, or under consideration, will provide an excellent source of reference for academicians, practicing lawyers and business enterprises concerned with international trade. On earlier occasions my delegation has cautioned against an over-ambitious publications programme by the Commission. We are happy to note that the Commission shares this concern

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and we commend it for the concrete measures which have been taken, or will be taken, to restrict costs on a number of publications, particularly the proposed register of organizations and the bibliography on international trade law.

9. Much research and painstaking analysis remains to be done in the fields of study undertaken by UNCITRAL to determine whether existing law and custom are adequate for the effective and equitable regulation of international commercial transactions and to what extent improvements must be made and new rules formulated. By wisely choosing to concentrate its efforts on a limited number of subjects, the Commission promises to make a genuine contribution to the harmonization and development of international trade law. May I conclude, Mr. Chairman, by expressing the hope and expectation that the Commission will continue its good work in this important field of private international law.