

No. 53/71

Inclusion of a Federal-State Clause
in the Covenant on Human Rights

The following are three statements made in the Third Committee of the eighth session of the United Nations General Assembly by Mrs. A.L. Caldwell, Canadian Representative, on agenda item 12 - "Report of the Economic and Social Council", with reference to inclusion of a federal-state clause in the Draft Covenants on Human Rights. The first statement was given on November 11, 1953 and the other two on November 12.

NOTE - Resolutions Nos. 157, 158 and 159 relating to human rights were adopted by the General Assembly on November 28, 1953.

Statement made on November 11, 1953

This morning the distinguished Representative of Egypt spoke to the resolution requesting the Commission on Human Rights not to include provisions relating to Federal States in the draft International Covenants on Human Rights.

The arguments which are contained in the preambular paragraphs of the resolution of our Egyptian colleague, the arguments which Dr. Azmi used himself in his opening statement in this debate are the same with very few exceptions as those which were presented and rejected in 1950.

It is true of course that since 1950 one of the most important federal states, the United States of America, has announced that it does not plan to sign the covenants. That announcement, that decision, no doubt, has greatly influenced the Egyptian representative's decision to introduce this resolution. Whether that be true or not, may I say to the distinguished representative of Egypt with great respect, and in all earnestness, that there are other federal states in the United Nations besides the United States of America. They are not so important, perhaps, but they do nevertheless exist, and these other federal states have constitutional arrangements and problems of divided jurisdiction between federal authority, and state or province, which are just as clear-cut and inflexible as in the United States of America, in some cases much more so. I hope that our distinguished colleague from Egypt will realize this. I hope other members of the Committee will not jump to the erroneous conclusion that the federal state clause was intended only for the United States of America, and that, now that the United States has announced its intention not to sign the covenants, there is no longer any need for the federal state clause. I hope that the Egyptian representative and the members of the Committee will recognize that, while one federal state, the United States, has announced its position in the way it has, this does not mean that there is no need for other federal states to sign the covenants. There may in fact be other federal states which intend to do so if these constitutional positions are safeguarded.