Although several delegations had misgivings about this resolution, they supported it in the light of the interpretation given by the Legal Counsel of the UN, Mr. Stavropoulos, who stated that the decision involved in it was merely "an administrative one which did not give the Secretary-General the power or ask him to pass upon questions of substance relating to reservations". It is an interim practical solution rather than a theoretical one. The purpose of the full co-sponsorship of the compromise resolution was precisely to make it clear that, under the circumstances, the final text, though it represents merely a stop-gap administrative procedure, was the best possible compromise between the opposing views. Obviously, the majority in the Committee were not prepared to tackle any of the substantive problems related to this practice. On the other hand, the compromise resolution will not have the effect of inhibiting the positions countries may wish to take in future on the substantive problem of reservations. Thus Canada would be quite free to re-introduce in its original version or in an amended form the majority formula advanced by our Delegation at the close of the 1952 debate[15].

The debate revealed once again a profound divergence of views among delegations on the substantive aspect of reservations. On the other hand, it was noticeable that the idea of the absolute integrity of conventions, requiring unanimity of acceptance before a state making a reservation could be admitted as a contracting party, is losing ground, the majority of UN members favouring greater flexibility in the obligations of treaties by permitting the contracting parties to enter reservations necessary to make the agreement acceptable, thus making it possible for a larger number of countries to participate.

As pointed out by the Canadian representative, Professor M. Cohen, this year's debate has once again given evidence of the increasing importance for negotiators of all future UN multilateral agreements to consider the insertion therein of provisions relating to the admissibility or non-admissibility of reservations and to the effect to be attributed to them[16]. If this practice could be adhered to strictly until a rule of international law on this controversial subject is adopted, then the disadvantages and uncertainties of the present practice of the Secretary-General would be offset.

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[15] There are alternatives to the two extreme positions of requiring unanimity of agreement upon reservations and of leaving it to each state to pass upon their effect, which can only lead to legal chaos. For instance, reservations, it was suggested in 1952 by the Canadian Delegation, might be permitted, if a majority of three-fourths of the contracting parties agree to them, in which case the reserving state would become a party to the agreement, although, of course, only as between itself and the states accepting its reservation. In other words, where the large majority of contracting parties are prepared to accept them, reservations may be countenanced. This slight modification of the traditional rule of unanimity would normally ensure that any clearly improper reservation was rejected, while preventing the unreasonable objections of one or only a few isolated states from hindering the participation of the reserving state. See also "Canada and the United Nations 1951-52", p. 131.

[16] As was recommended in 1952 in Paragraph 1 of General Assembly Resolution 596 (VI).