

Statement made on November 12, 1953.

The representative of Saudi Arabia asked a very pertinent question yesterday which I believe deserves an adequate reply. He requested a number of us who represent federal states to express our opinion on the suggestion advanced by the representative of Egypt that the "reserve" or "reservation" clauses in the covenants can meet all the legitimate concerns of the federal states.

I can assure you that if we were convinced that our difficult problem of divided jurisdiction between the federal and provincial authority in matters relating to human rights could be satisfactorily met by any "reserve" clause, we would not be persisting as stubbornly as we are in our contention that this Committee should not shut the door in our face and bolt it, on the federal state clause.

May I ask, first of all, what "reserve" clause? Is there any such clause in the draft covenants at the present time? Is there any assurance that there will be a reserve clause in the covenants when they are completed? Is it not the fact that the position of the "reserve" clause in the covenants at the present time is very much the same as the position of the federal state clause itself? At the present time the draft covenants contain no such clause.

There are no doubt a number of draft texts in existence and these will no doubt be considered in good time by the Human Rights Commission, unless in the meantime the General Assembly decides to give a directive to the Commission not to include a reserve clause. But up to the present moment, the federal state clause and the reserve clause are to all intents and purposes in exactly the same position. Both of them are on the plate of the Human Rights Commission, -- part of its unfinished business. But what assurance can we have that before these covenants are completed, some other equally zealous, devoted, and eloquent advocate of the principles of universality and 100 per cent equality of obligations will not come along, as our Egyptian colleague has done on this occasion and shout "Away with this reserve clause! On guard! Beware of this trap! It is nothing more than a booby-trap to ensnare unwary idealists! It is nothing more than an escape hatch for the mischievous colonial powers, for irresponsible conscienceless federal states like Australia and Canada, and for the unitary states themselves, to welch on the responsibilities which the covenants impose on them!"

I expect, of course, that my Egyptian colleague will instantly assure me that he has no intention of proposing that the reserve clause should be eliminated. The Government of Egypt may well be anxious to have a reserve clause for reasons which, in its view, are entirely justifiable. That may be equally true of every government represented around this table. But I would point out with great respect that on every occasion when the reserve clause is invoked by any state, it will by that very fact be diminishing and weakening that principle of universality and 100 per cent equality of obligations on which the representatives of Egypt and of Yugoslavia have laid such great emphasis. I will go further than that and state that every time a unitary state invokes the reserve clause, it will be deliberately refusing to accept an obligation laid down in the covenants which it is constitutionally perfectly capable of assuming but which it does not choose to assume for reasons of domestic policy. Those reasons of domestic policy may be understandable; but, to use again the arguments of our Egyptian colleague, why inject