

were contained in this convention, difficulties have resulted. The first Assembly of the IMCO, then in session in London, requested the Secretary-General of the United Nations to circulate India's instrument, together with its declaration, to member states for their views. Canada did not raise objections to India's declaration, but at least two other countries did. India thereupon decided to request the inclusion of a supplementary item on the fourteenth session's agenda on this question. In an explanatory memorandum of August 16, 1959,⁽⁶⁾ the Permanent Representative of India stated that this Government had been informed by the Secretary-General, in a letter dated February 6, 1959, that if "no objection to the declaration from a state party to the IMCO Conventions" was received, India would be listed as a party to the Convention.⁽⁷⁾ The Indian Government did not agree with this procedure, and requested to have the question discussed by the General Assembly. In opening the debate, in the Sixth (Legal) Committee, on October 19, 1959, the representative of India stated clearly that the declaration attached to the Indian acceptance was merely "a declaration of policy", not a reservation⁽⁸⁾. This was considered by most delegates as constituting a satisfactory explanation of the nature of India's declaration, and since most of them were anxious to see India participate in IMCO as a full member, this soon created a situation that made it possible for the Committee to adopt⁽⁹⁾ a satisfactory resolution⁽¹⁰⁾ expressing the hope "that in the light of the above-mentioned statement of India an appropriate solution to regularize the position of India may be reached in IMCO at an early date". Canada was a co-sponsor of this resolution, which the representative of India considered as "a very good example of international conciliation and co-operation".

The Broader Question of Reservations

Independent of the question of India's participation in IMCO, this item of the agenda specifically requested that the General Assembly "should pronounce itself clearly on the principle and procedure to be followed" in the controversial matter of admissibility of reservations to multilateral conventions in general⁽¹¹⁾. The debate lasted nearly three weeks and more than 40 speakers participated in the discussion of this broader aspect of the problem. Although the discussion could possibly have provided an opportunity to settle the substantive question of reservations, it soon became clear, in the course of the debate, that no general agreement could yet be reached on a uniform rule that would make it possible for the Secretary-General to discharge his functions as depositary without the present uncertainties.

Most delegations realized that the unsatisfactory situation resulting from Resolution 598 (VI) could not be clarified unless the International Law Commis-

⁽⁶⁾ See Doc. A/4188 of August 17, 1959.

⁽⁷⁾ For a report by the Secretary-General see Doc. A/4235, October 6, 1959.

⁽⁸⁾ For details see provisional summary record of October 19, 1959, Doc. Provisional A/C.6/SR.614, October 21, 1959, pp. 8-18.

⁽⁹⁾ On October 31, by a vote of 65 in favour (including Canada), one against (Peru), with one abstention (U.S.A.), confirmed by the General Assembly by a vote on December 7 of 72 in favour (including Canada), 1 against (Peru), with 2 abstentions (Portugal and the U.S.A.).

⁽¹⁰⁾ See Doc. A/C.6/L. 448 of October 27, 1959.

⁽¹¹⁾ See Doc. A/4188 of August 17, 1959.