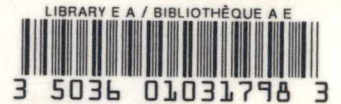


~~45-13-3-4~~

Statement in Explanation of Vote on the
Draft International Convention on the
Elimination of All Forms of Racial
Discrimination



Third Committee, December 15, 1965.
Professor R. St. John Macdonald

Mr. Chairman,

My delegation was as pleased to be able to vote in favour of the convention as a whole as it felt honoured to be able to participate in the debate that produced it. We regard this document as another of the great pioneering instruments by means of which the United Nations is laying the ground rules for civilized life on an ever widening scale. We hope that it will attract wide support, and that it will enjoy a long, useful life.

The Canadian delegation had some doubts about article 4 and we abstained on article 15. Article 4 came at a time when our own domestic law was under review by a Royal Commission, and we were understandably anxious to do nothing that would be premature pending the publication of the Commissioners' report. Article 4 carries forward ideas that are expressed already in the statute and common law of Canada, and though we do not expect that there will be major difficulties in accepting the substance of the article's provisions, we are still in the process of examining its compatibility with the domestic standards. As everyone agrees, the matter is not without its complexities.

We abstained on article 15 because we think that it is bad politics and worse law. We have no confidence in the validity of the rule as put forward, and we are extremely doubtful about the wisdom of accepting it as any kind of a precedent for any purposes whatsoever.

The main object of this explanation of vote, Mr. Chairman, is to refer to the issue of the federal-state clause. My delegation is very conscious of the fact that the sentiments of this Committee and indeed of the General Assembly itself are not favourable to the federal state clause, and it was out of deference to these and other views of our friends and colleagues that we refrained from speaking on the matter when it was raised during the debate on final clauses. We would at this point, however, like to remind our friends that Canada always has been and probably always will be a federally organized state; and that, since many of the provisions of the draft before us fall squarely within the exclusive legislative jurisdiction