

The Commission was able to discharge the task set it by the General Assembly of drafting an article on the self-determination of peoples. The text as adopted by the Commission is as follows:

Article for Inclusion in the International Covenants on Human Rights

The Commission on Human Rights

Resolves to insert in the draft Covenants on Human Rights, the following article on the right of peoples and nations to self-determination:

1. All peoples and all nations shall have the right of self-determination, namely, the right freely to determine their political, economic, social and cultural status.

2. All states, including those having responsibility for the administration of non-self-governing and trust territories and those controlling in whatsoever manner the exercise of that right by another people, shall promote the realization of that right in all their territories, and shall respect the maintenance of that right in other States, in conformity with the provisions of the United Nations Charter.

3. The right of the peoples to self-determination shall also include permanent sovereignty over their natural wealth and resources. In no case may a people be deprived of its own means of subsistence on the grounds of any rights that may be claimed by other States.

As noted above, the Canadian view is that there is a strong objection to including such a "group right" in a Covenant on individual rights. Moreover, the wording of the resolution is so vague and insusceptible to legal interpretation and enforcement that it must raise grave doubts as to whether a Covenant containing this article could be accepted by a large number of nations.

Another task entrusted to the Commission, which it was unable to attend to because of pressure of time, was the framing of a "federal state clause" for the Covenants. In a country with a federal constitution, the central government, which assumes treaty obligations for the whole country, may have no legislative right to implement obligations in fields which are assigned to the legislatures of the country's constituent parts. The object of a federal state clause would be to meet the constitutional problems of federal states while at the same time extending the effect of the Covenants as far as possible to the constituent units of the states. Canada, of course, attaches a great deal of importance to an article of this kind. The Canadian memorandum of March 14, 1951 states: "Indeed . . . in the absence of a satisfactory federal clause, Canada, because of the nature of its constitution, which distributes legislative powers over the field of human rights between the national parliament and the provincial legislatures, could not become a party to the Covenant". The drafting of the federal state clause is still on the agenda of the Human Rights Commission and it is hoped that the Commission will be able to carry out this task in 1953.