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Chairman: Mr. G. J. VAN HEUVEN GOEDHART (Netherlands).

Draft first international covenant on human rights and measures of implementation (A/1384, A/C.3/534, A/C.3/535, E/1681 and A/C.3/L.76) (continued)

[Item 63]*

DRAFT RESOLUTION SUBMITTED BY BRAZIL, TURKEY AND THE UNITED STATES OF AMERICA (A/C.3/L.76) (continued)

1. The CHAIRMAN informed the Committee that the consultation between the United States and Yugoslav delegations had led to agreement on a text (A/C.3/L.101) which the two delegations were submitting as a joint amendment to the original draft resolution (A/C.3/L.76).

2. Mr. AZKOUL (Lebanon) said he would welcome an explanation from the authors of the amendment regarding the reasons for it and its scope, because the text did not make it quite clear whether it implied a criticism of the Commission on Human Rights for not having adequately taken into account the purposes and principles of the United Nations Charter or whether it was simply warning the Commission against the danger of not bearing them in mind.

3. Mr. VLAHOVIC (Yugoslavia) explained that the sole aim of the proposed amendment was to indicate once again to the Commission on Human Rights the lines along which it should work. The authors of the amendment reiterated that the Commission should bear in mind the principles of the Charter and safeguard them against all abuses. The purpose was not to criticize the Commission but to place its work on a solid foundation.

4. Mr. MENDEZ (Philippines) thought the amendment served no useful purpose; he did not believe that the Commission on Human Rights had ever lost sight of the United Nations Charter.

5. Mr. GARCIA BAUER (Guatemala) said the text of the amendment was on a par with that of the pre-

amble of the draft resolution under consideration and should therefore be put to the vote when the Committee took up the preamble.

6. He asked the Chairman to call upon the Committee to take a decision on that point.

7. The CHAIRMAN put to the vote the proposal that the joint amendment of the United States and Yugoslavia (A/C.3/L.101) should not be voted on until the Committee took up the preamble.

That proposal was rejected by 15 votes to 5, with 22 abstentions.

8. Mr. DE LACHARRIERE (France) and Mr. GARCIA BAUER (Guatemala) having stated that it was difficult for them to vote on a text not yet available to them in French and Spanish respectively, the CHAIRMAN proposed that the Committee should pass on to paragraph 2 (c) of the original draft resolution (A/C.3/L.76) and the amendments relating thereto as shown in the synoptic table (A/C.3/L.100).

9. The Committee would resume consideration of the joint amendment (A/C.3/L.101) after taking a decision on sub-paragraph (c).

It was so decided.

10. Mr. VLAHOVIC (Yugoslavia) withdrew his proposal (A/C.3/L.92), because he thought that its adoption by the Committee would prejudice the proposals put forward by the Lebanese and USSR delegations.

11. Mr. PRATT DE MARIA (Uruguay), while fully aware of the difficulties felt by some Member States regarding acceptance of the federal clause, stated that his delegation would vote for the Mexican amendment (A/C.3/L.89), which corresponded most nearly to the requirements of the situation.

12. Mr. NORIEGA (Mexico) thought the Committee had reached one of the most delicate stages in its work: the point at which it must decide whether to study, or completely reject, the so-called federal clause. Apart from its effects on the covenant on human rights,

* Indicates the item number on the General Assembly agenda.

the decision about to be taken would decide the fate and value of a large number of the multilateral instruments which would be signed by the Members of the United Nations in years to come.

13. He wondered in what relationship unitary and federal States stood to one another and whether there was equality among the signatories when the instrument which they had signed was not applied, for local administrative reasons, in part of the territory of one of them. Was it fair to grant a State sheltering behind the federal clause the right to report a violation of an instrument which it had signed, when it was itself unable to ensure observance of that instrument in one or more of its own component parts?

14. He recalled that reservations were the most delicate point in the legal structure of a covenant or treaty, for they might frustrate an agreement completely. The colonial and federal clauses were reservations embodied in the actual text of treaties. The colonial clause was on the point of vanishing and the federal clause had received rude shocks.

15. To show how dangerous the insertion of a federal clause might be, he cited the convention between the United States of America and the United Kingdom on liquor traffic and a decision by the Tribunal of Arbitration in a dispute between the United Kingdom and the United States concerning North Atlantic fisheries. In 1927, the experts who had been instructed by the League of Nations to study the codification of international law had devoted a report to the problem of reservations to multilateral conventions. As regards the international labour conventions, he recalled that each State had a triple representation (employers, workers and governments), a fact which justified the introduction of the federal clause. He also cited a resolution adopted by attorneys and jurists of North America which emphasized the necessity of an escape clause applicable to the covenant on human rights and to the Convention on the Prevention and Punishment of the Crime of Genocide, thus safeguarding the position of local legislations in relation to the international obligations which the federal government might assume. Finally, paragraph 27 of the report of the Commission on Human Rights (E/1681) indicated that Belgium, Denmark and the United Kingdom had submitted proposals concerning reservations which States might make with regard to provisions of the covenant, although those proposals had been rejected by the Commission.

16. Replying to the argument that federal States could not assume obligations on behalf of their component parts, he remarked that an excess of absolute local power might lead to the ruin of any federal State. It was also difficult to imagine that a covenant signed by sovereign States should have to await the assent of the component parts of those States. To admit the federal clause would be to admit that the States concerned possessed two personalities: one on the international level, the other on the federal level. Accordingly, it was to be inferred from the draft declaration on rights and duties of States that some States, although sovereign, formed parts of other States. But international law was binding upon all States, whether or not they formed part of a federation.

17. In conclusion, he reserved the right of his delegation to intervene again in the debate.

18. Mr. LESAGE (Canada) pointed out that the question of the legal effect of reservations to multilateral conventions, which the Sixth Committee had decided to refer to the International Law Commission, should not be confused with that of the insertion of a federal clause in an instrument before signature.

19. He reviewed the amendments submitted by the various delegations to paragraph 2 (c).

20. The phrase which the USSR suggested for insertion at the end of the sub-paragraph (A/C.3/L.96) seemed to him incompatible with the spirit of the joint proposal, for if there were to be no restrictions there would be no purpose in having the federal clause at all.

21. The Mexican amendment (A/C.3/L.89) proposed that paragraph 2 (c) should be replaced by a new text, which the Canadian delegation could not accept because the question was one of principle and the federal government could not incur obligations regarding questions that were not within its competence.

22. As regards the Lebanese amendment (A/C.3/L.86), it met the requirements of the situation and his delegation was prepared to support it.

23. Mr. PAZHAWAK (Afghanistan) observed that the majority of the Committee seemed to be opposed to the federal clause. It would remain for the Commission on Human Rights to consider the question, taking into account the discussions held in the Third Committee.

24. His delegation considered that the covenant should apply to all the territories under the jurisdiction of the signatory States. It was therefore opposed to the federal clause and consequently to all the amendments that had been submitted.

25. Mr. BOKHARI (Pakistan) said that his delegation would abstain from voting on the question of the federal clause because, in whatever form it was submitted, that clause seemed to him to be basically inappropriate.

26. In the first place, he considered that the Members of the United Nations were sovereign States, each of which was responsible to the others for the territories under its control. It would be anomalous to recognize them as sovereign States on the one hand and, on the other, to admit that they were not competent to deal with certain questions, thus allowing them to evade their obligations. The States in question did not hesitate to vote on the substance of international instruments; it should be assumed that, when they voted, they did so because they had the consent of their constituent units. Even if the difficulties raised by the federal States actually existed, those States should be able to consult their constituent units before ratifying the instrument, and the other signatories would doubtless give them a certain amount of time to do that. Lastly, the federal clause was inequitable for, wherever it appeared, the instrument was not binding to the same extent on all the contracting States.

27. He had already expressed those ideas earlier and none of the arguments advanced had convinced him that they were wrong. The federal States should be encouraged to consider their position carefully, for there was reason to believe and to hope that there would be a continually increasing number of international conventions on human rights. It was not for the Commission

on Human Rights, the Economic and Social Council or the General Assembly to settle the question; it was for the federal States themselves to reflect upon their own constitutions and to consider the ever-increasing difficulties which were likely to arise. They should ask themselves how long they would be able to shelter behind the federal clause and thus evade their obligations.

28. In conclusion, he emphasized that his delegation's attitude in the vote should not in any way be considered as prejudging its position on the question for the future.

29. AZMI Bey (Egypt) said that the Committee was faced with two contradictory arguments. The representatives who wanted the federal clause to be inserted said that their attitude was dictated by constitutional considerations, while those who opposed its insertion based their attitude on the fear that a State might be able to use it as an excuse for refusing to apply the rights set forth in the covenant to all its constituent units.

30. His delegation considered that both theories were equally valid. It would therefore vote in favour of the Lebanese amendment (A/C.3/L.86), which took them both into account. If sub-paragraph (c) was adopted with the Lebanese amendment, the purpose of the recommendations to be made by the Commission on Human Rights would be, on the one hand, to secure the maximum extension of the covenant to the constituent units of federal States and, on the other hand, to meet the constitutional problems of federal States.

31. He proposed, however, that the word "maximum" should be deleted from the text of the Lebanese amendment since it left some uncertainty as to the extent to which the covenant would be applied to the constituent units of federal States.

32. Mr. MOODIE (Australia) said that he would vote against the amendments submitted by the USSR and Mexico for they would have exactly the same effect as the Yugoslav proposal (A/C.3/L.92) to delete sub-paragraph (c) completely, and would make it very difficult for federal States to subscribe to the covenant.

33. He could not agree to the change which the representative of Egypt suggested making in the Lebanese amendment, because the deletion of the word "maximum" would deprive that amendment of any meaning and would make its application impossible.

34. His delegation would vote in favour of the Lebanese amendment, which was in the nature of a compromise. It would, however, be advisable to clarify the text by inserting the word "possible" after the word "maximum".

35. He also suggested that the words "constitutional problems" in the original text of sub-paragraph (c) should be replaced by the words "constitutional positions".

36. There were two trends of thought which had been expressed more or less openly in the Committee. One was the suggestion that the federal States were trying to avoid applying the provisions of the covenant to their constituent units—there was some echo of that trend in the Mexican amendment. The other was expressed by those who took it for granted that the federal States were trying to keep themselves in a privileged

position in comparison with other States and to retard development of those other States of certain advantages.

37. He found it difficult to understand those two trends of thought, for it was obvious that human rights were applied no less extensively in the territories of federal States than they were in other territories. As to the second point, some representatives seemed to be confusing the federal clause with the colonial clause.

38. Moreover, he did not see how the argument could be applied to the federal States in question. He referred to Australian assistance and sponsorship of national movements and to the British Commonwealth scheme for economic development and technical assistance to South and South-East Asia, which were supplementary to even more comprehensive United States schemes.

39. Logically, therefore, it seemed quite unjustified to doubt the good faith of the federal States and their genuine difficulties arising from the nature of their constitutions.

40. There were different types of federal States and the insertion of the federal clause in the covenant might not be necessary for some of them, owing to their particular character. Australia, however, was not in that category, and its central government was under strict obligation to observe the powers and functions which the six autonomous states had reserved for themselves at the time of federation. The Australian Government did not in all cases need a federal clause. That depended on the subject matter of the convention or agreement in question.

41. It had been suggested that the federal States should consult the governments of their constituent units before ratifying the covenant. As the United States representative had observed, that would cause delays and difficulties in proportion to the number of constituent units. The central government of the State concerned might well, however, be prepared to accede to the covenant immediately in regard to whatever matters and areas came within its own competence. To deprive it of the chance of doing that would be regrettable.

42. For the reasons he had given he would vote against the Yugoslav, USSR and Mexican amendments and would support the Lebanese amendment.

43. U KYA BU (Burma) noted that, as the committee had adopted the draft resolution contained in document A/C.3/541 at its 302nd meeting, it no longer had to consider sub-paragraph (c) of the joint draft resolution of Brazil, Turkey and the United States (A/C.3/L.76). It had no alternative but to adopt the Yugoslav amendment (A/C.3/L.92) proposing the deletion of that sub-paragraph.

44. Mr. ROSHCHIN (Union of Soviet Socialist Republics) recalled that he had explained his delegation's position regarding the federal clause at some length during the general debate (293rd meeting). He would therefore confine himself to stating that the USSR delegation did not believe that a federal clause was necessary. The application of an international convention inside the borders of a sovereign State—and that applied to federal States—was the concern only of the State in question, and to issue instructions to it on the subject was to interfere in its internal affairs.

45. Moreover, it was equally indisputable that all parties to a legal instrument designed to organize inter-

national co-operation in social and economic matters should be on a completely equal footing respecting the obligations assumed. It was inadmissible that States should be able to take refuge in constitutional difficulties in order to evade implementation of an instrument like the covenant on human rights.

46. The question was admittedly a complicated one and raised practical problems and he therefore had no objection to its being studied by the Commission on Human Rights, as suggested in the joint draft resolution. That study, however, could have only one purpose: to ensure the application of the covenant ultimately in all parts of the territory of a federal State, with no exceptions. A covenant on human rights could have no authority or value unless it was universally applied.

47. That was the meaning of the USSR amendment (A/C.3/L.96).

48. Mrs. ROOSEVELT (United States of America) pointed out that the amendments proposed by the USSR and Mexico to paragraph 2 (c) of the joint draft resolution amounted to a proposal for deletion because they made that text entirely unnecessary.

49. During the general debate (293rd meeting), the United States delegation had explained why it considered it necessary to include a federal clause in the draft covenant. She recalled briefly the reasons given: in the United States, the federal government had very wide powers in the fields within its competence; but the Constitution reserved certain powers to the states. Furthermore, the provisions of the Constitution did not lay down any procedure for consultation in the manner indicated between the federal government and local authorities on matters in which they exercised their respective powers. The states were not territories dependent upon the central authority.

50. The representative of Pakistan appeared to doubt the genuineness of the constitutional difficulties pointed out by the representatives of federal States. He seemed to consider the federal clause as an escape clause which would enable some signatories of the covenant to evade the obligations imposed upon them if they wished. That was, to say the least, a surprising view especially as the peoples of the federal States represented in the Committee already enjoyed wide human rights and fundamental freedoms. The United States delegation could not but protest against such statements.

51. The representative of Pakistan was embarking on a dangerous course by insisting that federal States should accede to the covenant only if they were assured of the agreement of all their constituent units. Such a condition was likely to delay the implementation of the covenant considerably. Moreover, the United Nations had been founded on the principle of mutual respect for different systems of government, and it would be inequitable not to take into account the special conditions arising from the particular structure of some States. Those States had shown their desire to seek a satisfactory solution and were prepared to consider the recommendations submitted to them by the Commission on Human Rights when it had completed its study. There could be no question of their good faith.

52. In reply to the representative of Mexico, she pointed out that the two legal examples he had mentioned, the 1924 convention on the liquor traffic and the

dispute regarding the North Atlantic fisheries, had no relation to the powers reserved by the constitution to the States. In the one case, it was a matter of applying a federal liquor law on the high seas, and in the other, it was a matter which came within the framework of subjects traditionally dealt with in treaties.

53. While expressing appreciation for Mr. Noriega's idealism, she stressed that idealism was always strengthened when it did not disregard facts. In the case under discussion, it would be impractical not to take account of the very real difficulties indicated by Canada and Australia.

54. For those reasons, the United States delegation, desiring that the covenant on human rights should be applied as rapidly and as nearly completely as possible, would vote against the USSR and Mexican amendments against the Yugoslav proposal for deletion, and in favour of the Lebanese amendment (A/C.3/L.86), in a spirit of conciliation.

55. Mr. ROY (Haiti) noted that the question of inserting a federal article in the draft covenant had been exhaustively studied by the Committee, and delegations knew how they intended to vote on the amendments.

56. He therefore formally moved the closure of the debate.

57. Mr. CHANG (China) agreed that it would be well to save time but pointed out that the situation was not as simple as it might appear at first glance, and that it was still possible to reach a more satisfactory text than that submitted in the draft resolution or in the amendments. He therefore opposed the motion for closure.

58. The CHAIRMAN put to the vote the motion for closure of the debate.

The motion was rejected by 19 votes to 13, with 15 abstentions.

59. Mr. TEINEIRA SOARES (Brazil) said that he had already explained why the Brazilian delegation favoured the insertion of a clause applying to federal States in the covenant on human rights. He merely wished to add that he could not accept the argument that the federal clause would enable federal States to evade their obligations towards the people residing in their territory; the federal States merely wanted to solve the constitutional problems confronting them.

60. The Brazilian delegation would vote in favour of the Lebanese amendment and against the Mexican and USSR amendments.

61. Mrs. AFNAN (Iraq) stated that her delegation understood that, if a federal clause was included in the covenant, federal States and unitary States would not assume equal obligations at the time of ratification. But that argument, while true, was not vital. Signature of the covenant on human rights by a government would indicate the intention to assume the obligations imposed by that instrument; the question whether other States might seize upon a certain clause to escape those obligations should be of only secondary importance. Moreover, a State which sought to evade its obligations could always do so whether or not it could invoke a specific clause. The delegation of Iraq therefore would not dwell on those considerations; from the point of view of principle, it considered that the United Nations, in view of its international character, could not agree to the inclusion, in a covenant which should be universal, of a dis-

criminary clause restricting the scope of the entire instrument.

62. In a previous statement, her delegation had already contested the right of a State, even if it so wished, to defray the entire cost of the services of the United Nations which it needed; the delegation felt that the collective character of the services in question must be maintained—to that end the United Nations as a whole must make some kind of contribution, however small, to the operation of those services. The delegation of Iraq was once more defending that spirit of collective responsibility by urging that the covenant on human rights should not contain any restrictive clause.

63. It had been stated that there was a difference between the federal clause and the colonial clause. In that connexion the representative of Iraq noted that during the General Assembly's consideration of a draft federal clause to be inserted in the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the representative of the United Kingdom on the Sixth Committee had stated that it "was inconsistent" to include a federal clause in the convention and yet to exclude the colonial clause (E/1721 and Corr.1, paragraph 21).

64. Mr. RODRIGUEZ ARIAS (Argentina) asked whether the representative of Lebanon was willing to accept the amendment proposed by the Egyptian delegation, an amendment which seemed to offer a reasonable compromise formula.

65. If that was impossible, the Argentine delegation would support the Mexican amendment (A/C.3/L.89/Rev.1), which called for the study of the problem of the so-called federal clause in order to obtain a formula that would definitely preclude the possibility of the non-application of the covenant in any one or more of the territories forming a federation.

66. Mr. AZKOUL (Lebanon), introducing the amendment of the Lebanese delegation (A/C.3/L.86), stated that, as far as principles were concerned, Lebanon was in complete agreement with those delegations urging the need for reciprocity and absolute equality as regards the commitments undertaken by States in signing the covenant. Nevertheless, in practice, it was clear that some governments, because of their constitutional position, were faced with problems which prevented them from implementing the provisions of the covenant to the same extent as other governments, and that therefore absolute equality among signatory States was impossible. The logical reaction to such a situation would be to tell those governments not to sign the covenant.

67. Nevertheless, it clearly was desirable that the covenant should be ratified by a large number of States. Federal or non-unitary States were in a position to apply a majority of the provisions contained in the draft covenant and, if they signed that instrument, would be bound to implement those provisions. Moreover, ratification of the covenant by States would exert some moral pressure on federal States which, although not bound to comply with a covenant which they themselves had not signed, would nevertheless endeavour to prevent violations on their territory of the provisions contained in the covenant. Finally, if federal States such as the United States of America, Canada or Australia signed and ratified the covenant, it would certainly have greater weight.

68. The preceding considerations indicated that it would be desirable, on the one hand, for the greatest possible number of States to be able to accede to the covenant, after overcoming the constitutional difficulties besetting them, and, on the other hand, for the covenant to be applied to the entire territory of federal States. The Lebanese amendment sought to attain that two-fold result.

69. Considering the three other amendments to the joint draft resolution, he pointed out that the USSR and Mexican amendments recognized, but did not solve, the problems involved in the study of the article on the federal clause. The formula proposed by the USSR would make the study recommended to the Commission on Human Rights unnecessary. The only logical position open to the opponents of the inclusion of any reservation would be to vote for the Yugoslav proposal.

70. With regard to the Lebanese amendment, he did not accept the addition proposed by the representative of Australia or the deletion requested by the representative of Egypt.

71. Lord MACDONALD (United Kingdom) said the three proposed amendments showed that there was a measure of agreement on the original text of sub-paragraph (c) in that they recognized the reality of the constitutional difficulties referred to by representatives of federal States and admitted that the best way to solve those difficulties was to request the Commission on Human Rights to re-examine the problem further. Those three amendments, however, differed in spirit.

72. He refused to attribute secret motives to the representatives of federal States pressing for the inclusion of a federal clause in the covenant. True, the federal clause would place federal States in a special position in relation to other signatories, but he felt that their request was perfectly justified in view of the reasons they had given. He did not think that, because the Committee had taken a wrong decision in connexion with the colonial clause, it should go from one mistake to another by adopting the USSR or Mexican amendments.

73. The United Kingdom delegation would therefore vote for the Lebanese amendment, which, in its opinion, seemed most likely to conciliate the different points of view.

74. Mr. CHANG (China) thought that with goodwill it should be possible to draft a text which would gain the approval of all delegations.

75. The problems raised by the federal clause could not be compared with those raised by the colonial clause. If the problems of the federal clause were to be seen in their true perspective, they should be examined in the light of history. At the time of the establishment of federal States international relations pertained primarily to military or political problems while economic and social questions came essentially within the domestic jurisdiction of States. Since that time the situation had developed and those questions were becoming more and more the subject of international conventions. Hence the constitutional difficulties which had been indicated in connexion with the covenant on human rights.

76. Consequently the problem was to bear those difficulties in mind and at the same time to seek to remedy that state of affairs. The proposal in sub-paragraph (c) of the basic text (A/C.3/L.76), requesting the Com-

mission on Human Rights to study the federal State article—that is, to work on texts—was not enough; the Commission should be requested to grapple with the deep-rooted causes of the problem.

77. After an analysis of the text of sub-paragraph (c) and the various amendments proposed to it, he suggested the following text:

“(c) To study the problems envisaged in draft article 43 with a view to extending the application of the covenant in all the constituent states or provinces forming a federation.”

78. That was simply a suggestion which he was inviting the members of the Committee to consider, in the hope that the authors of the various drafts could use it as a basis in the preparation of a single text acceptable to all.

79. Mr. BOKHARI (Pakistan) wished to rectify any misunderstanding that might have arisen as the result of his previous statement.

80. In describing the federal clause as an escape clause, he had not intended to question the motives of its defenders. He was fully aware of the difficulties experienced by federal States, but would request them, in turn, to understand the difficulties of other Member States, which were called upon to subscribe to an international instrument the obligations of which would not be fully shared by certain other sovereign signatory States.

81. Viewing the problem with the same objectivity as the representative of China, he thought that if federal States wished to follow the march of history, they should not hesitate to revise any of their constitutional provisions which were incompatible with their new international obligations. It was for them, and not for the Commission on Human Rights, to solve their own difficulties.

82. He had already said he would abstain from voting on the federal clause, in order to give federal States time to reach a solution before the covenant was finally drafted.

83. Mr. LAMBROS (Greece), referring to what had been said earlier by the representative of Burma, stated that the resolution adopted by the Committee concerning the application of the covenant to all territories, whether trust, non-self-governing or colonial territories, which were being administered by the signatory States (A/C.3/541) could not, as the representatives of Burma and Afghanistan seemed to believe, be taken to refer also to the federal States.

84. Before a vote was taken on the resolution at the 302nd meeting, the representative of Greece had asked its sponsors, the representatives of Syria and the Philippines, to specify whether their draft resolution was meant to apply only to the colonial clause, or to the federal clause also, that is, to article 2 (c) of the draft resolution (A/C.3/L.76). The Syrian representative referred the Greek representative to the Philippine representative, who declined to reply, saying merely that his proposal was self-explanatory.

85. The Greek delegation therefore believed that the view of the Afghan and Burmese representatives was entirely unsubstantiated. Thus, the text proposed in sub-paragraph (c) should be judged on its own merits; it would be unjustifiable, not to say wrong, to relate the question concerned to the problem of the colonial clause.

86. Mr. NORIEGA (Mexico) supported the Greek representative's statement in part, because it would be unfair to impose upon the federal States which administered Non-Self-Governing Territories the obligation of applying the provisions of the covenant to all those territories, whereas the federal States which were not in that position could invoke the federal clause to evade the obligations laid down in the covenant.

87. He did not think that the Mexican amendment could give rise to confusion, since it related to article 1, paragraph 2, of the draft covenant, whereby “where not already provided for by existing legislative or other measures, each State undertakes to take the necessary steps . . . to adopt . . . such legislative or other measures as may be necessary to give effect to the rights recognized in this Covenant”. In view of that provision, the covenant fell in the category of the provisions described in American jurisprudence as “non-self-executing treaties”. There seemed to be no need to insert a federal clause in the covenant, in view of the fact that the signatory States were obliged, under that provision, to take the necessary measures to ensure the implementation of the covenant.

88. The most eminent jurists had agreed that a reservation—which the federal clause was—could be incorporated in international conventions in the form of an article. Certain delegations objected to the clause not because they wished to exclude the federal States, but, on the contrary, because they thought that such States should be included among the signatories of the covenant on a footing of complete equality. He was extremely anxious that his delegation's views on the subject should not lead to any misunderstanding.

89. In reply to the United States representative, he wished to point out that he had quoted the 1924 convention on the liquor traffic merely in order to give an example of a treaty which contained a clause which did not subordinate its own application to a legal decision or a legislative instrument of one of the contracting parties. The case of the dispute on the North Atlantic fisheries was interesting as showing the attitude of the United States to internal administrative or legislative action by the United Kingdom on the basis of a treaty. His intention had not been to quote examples of federal clauses, but to show the dangers which might arise from such clauses.

90. In conclusion, he welcomed the Chinese representative's appeal and hoped that the sponsors of the various amendments would be able to reach agreement on a single text.

91. Mr. CAÑAS FLORES (Chile) moved the adjournment of the meeting.

The motion was adopted by 31 votes to 2.

The meeting rose at 6.10 p.m.