

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



GENERAL

E/CN.4/515/Add.1
20 February 1951

ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS
Seventh session
Item 3 of the provisional agenda

OBSERVATIONS OF GOVERNMENTS OF MEMBER STATES ON THE DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS AND MEASURES OF IMPLEMENTATION, AS DRAFTED AT THE SIXTH SESSION OF THE COMMISSION ON HUMAN RIGHTS, RECEIVED BY THE SECRETARY-GENERAL UNDER GENERAL ASSEMBLY RESOLUTION 421 G (V) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTION 303 I (XI)

2. Union of South Africa

(Note dated 13 February 1951 from the
Deputy Permanent Representative of the Union of South Africa
to the United Nations)

The Deputy Permanent Representative of the Union of South Africa to the United Nations presents his compliments to the Secretary-General of the United Nations and with reference to the Secretary-General's note SOA 317/1/01(1) of the 12th January 1951, has the honour to state that bearing in mind the discussions which took place at the Fifth Session of the General Assembly, the Union Government does not consider that any detailed comment on the Draft International Covenant on Human Rights, as formulated by the Human Rights Commission, is at this stage necessary or desirable.

In the opinion of the Union Government, the discussions showed that there still exists a wide divergence of views as to which rights and freedoms are susceptible to enforcement by international machinery. Furthermore, a great deal of further study is necessary of the actual drafting of each article in order to find a text which would effectively cover an enormous variety of differing standards, conditions and circumstances. Finally, the Union Government believes that if the tendency to expand the field to be covered by an international instrument carrying with it full legal obligations continues, the position will be reached where any such instrument will in practice prove unenforceable or that it may not command allegiance of a sufficient number of

/States so
E/CN.4/515/Add.1

States so as to permit of its being regarded as of universal international application.

The vast majority of rights and freedoms described in the Human Rights Commission's draft are in principle, and subject to details of drafting, acceptable to the Union Government for inclusion in an instrument of full legal validity but there are certain articles to which the Union Government could not fully subscribe in their present form. The Union Government feels that this is no doubt true of a number of other states. The heterogeneous nature of communities, traditional customs and circumstances of nations which comprise United Nations membership should be fully recognised.

Having regard to the very complex difficulties in finding formulae and words to cover all circumstances, the Union Government is of the opinion that the most earnest consideration should be given to arrangements whereby it would be possible for Member States to accede to the Covenant with reservations as to particular articles. The Union Government believes that on this basis more articles of the Covenant would become effective of application in a larger number of States than would be the case on a basis which did not permit of reservations since if a State is not permitted to accede to the Covenant with reservations in respect to one or two articles, it will in practice not be able to accede to the Convention at all.
