



Statement by

H.E. Ambassador Dr. Martin Ney
German Federal Foreign Office
The Legal Adviser

on the occasion of
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6th Committee

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Reservation to treaties

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Germany acknowledges that the lack of legal clarity in dealing with impermissible reservations may not be satisfactory. We also are aware of the undesirable effect that impermissible reservations have on the integrity of the general application of Human Rights Standards. And we admit that there are treaty settings which allow for an approach as proposed by the Guide to Practice- as for instance in the context of the European Convention on Human Rights. However, at this point in time Germany is not willing to accept the solution offered by the ILC with regard to the impermissibility of a reservation and the consequences thereof as a general rule of public international law.

Allow me to finish by saying that I hope that these remarks are perceived as a positive contribution to an ongoing debate. By no means they are meant to diminish our admiration for the tremendous achievement of the ILC and its Special Rapporteur Alain Pellet in the area of reservations to treaties.

Thank you.