

The concern of the Dominions at the limitations of the Moscow procedure was expressed in their statement of 20 September, 1945 :—

“ . . . either the active belligerents . . . must be given the right of participation on a footing of equality with the representatives of the five Powers, or it must be clearly understood that conclusions reached by the Council as to the terms of the peace settlements shall be submitted to a conference in which all the active belligerents will take part and at which it will be agreed that the draft terms of the settlement shall be opened to full and free discussion and amendment.”

It was always recognized by the New Zealand Government that the Great Powers were entitled to assume leadership, and that their preliminary consideration of the peace treaties was a proper incident of such leadership, provided their decisions were not final and could be revised by a conference of those Powers who had played a full and honourable part in the war. It was assumed that the Berlin and Moscow communiques⁽¹⁾ would be interpreted to mean that the draft treaties would be regarded as “ annotated agendas ” for the convenience of the Conference, rather than as final decisions. In practice, however, the Paris Conference had no power to change the agreed clauses prepared by the Council of Foreign Ministers, and, even if it had, the membership and voting procedure was such that it was extremely difficult to get a majority vote against any agreed clause. The agreed clauses numbered 196 ; the unsettled clauses 35.

The main function of the Conference was, therefore, to allow the seventeen nations not members of the Council of Foreign Ministers⁽²⁾ to express their views upon the draft treaties, and thus to give the Council of Foreign Ministers an indication of the size and composition of the opposition to drafts. It is worth recording that Mr Molotov, before the Plenary Conference on 31 July, said :—

“ Here every one of us has the opportunity to state his views freely . . . Such views will be heard with due respect and may be of considerable value in the final consideration of the draft treaties.”

Mr Bidault (France), before the Plenary Conference on 29 July, stated :—

“ Ample assurances have been given that the discussion would be as broad and as thorough as possible and that the peace treaties would be finally drafted only after your recommendations had received full and complete consideration.”

⁽¹⁾ *Report of Berlin Conference*, 2 August, 1945 : “ . . . the Council shall be authorized to draw up, with a view to their submission to the United Nations . . . ”

Moscow communique, 28 December, 1945 : “ . . . when the preparation of all these drafts has been completed, the Council of Foreign Ministers will convoke a conference for the purpose of considering treaties of peace with Italy, Roumania, Bulgaria, Hungary, and Finland.”

⁽²⁾ China was associated with the other four members of the Council of Foreign Ministers in the issue of invitations, but had taken no part in the drafting of the treaties.