

AUSTRALIAN AMENDMENTS

The arguments advanced for and against the Australian proposals for a European Court of Human Rights, for Treaty Revision, and for a Treaty Executive Council have been covered in reports on other Commissions. The Italian Commission, pressed for time, gave little serious consideration to the case put forward by Australia, and their amendments secured the support of few delegations.

NO RATIFICATION—NO BENEFITS—(ARTICLE 77A)

Article 78 of the draft treaty provided that the treaty should come into force when ratified by the Four Powers, while those of its provisions relating to any one of the twenty-one signatory States should become effective upon deposit of that State's ratification.

After the voting upon the Italo-Yugoslav frontier and the Statute of Trieste the Yugoslav delegation announced flatly that it would not accept the decision of the Conference, would not sign or ratify the treaty, and would not withdraw its troops from Istria. The United States delegation met this development by proposing that a new provision should be included in the treaty to ensure that none of the Allied and Associated Powers should share the benefits of the treaty if it failed to ratify it.

The United States representative claimed that this new article was not directed against any particular State, but was merely intended to prevent a possible conflict of interpretation over Article 78. In fact, its purpose was clear, and, despite the Soviet and Yugoslav arguments that the new clause was unnecessary, eleven members of the Commission and a two-thirds majority of the Conference agreed that it was reasonable to include such a clause, and voted accordingly.

Mr Vyshinsky protested against this decision, and stated that the United States proposal was not a new article, but an amendment to the agreed Article 78. This being so, he asked that it be recorded that by voting for the amendment of an article previously agreed by the Council of Foreign Ministers the United States and United Kingdom delegates had committed a breach of agreement.