

Article 33, concerning the machinery for the settlement of disputes of a political nature, was the only article of the draft treaty which had not been agreed upon by the drafting Powers and the separate proposals put forward by the U.S.S.R. and the U.K. came up for consideration. The U.S.S.R. proposal made the Ministers of the U.S.S.R. and the U.K. the final arbiters of disputes; that of the U.K. went a stage further and provided that those disputes which remained after other channels of settlement had failed should be referred to the International Court of Justice. The text of Article 33 proposed by the U.K. was accepted by 7 votes (Australia, Canada, France, U.K., India, N.Z., South Africa) to 4 (Byelo-Russia, Czechoslovakia, Ukraine, U.S.S.R.).

Article 34, setting out the procedure for ratification and enforcement of the treaty, was accepted without comment.

Only two other substantive matters were considered by the Commission—the Australian proposals for a European Court of Human Rights and for Treaty Revision. The former was referred by the Finnish Commission to the Legal and Drafting Commission for a report, from the legal point of view, upon the merits and practicabilities of the scheme. When the Finnish Commission accepted by 9 votes to 2 (Australia and New Zealand) the unfavourable report of the Legal Commission, the Australian delegate withdrew the project.

The Australian proposal that machinery for their revision should be provided in the treaties was likewise rejected. The Australian delegate maintained that the rigidity of the Versailles Treaty was a major cause of the Second World War and that the ability to revise the present treaties—treaties which would probably prove to be at least as imperfect as those of 1919—might provide a safety valve which would prevent further outbreaks of violence. The United Kingdom delegate asserted that the present treaties could in the future be revised by mutual consent if there was general will for revision, and that machinery for modification already existed in the United Nations. To Czechoslovakia the idea of revision and “revisionism,” not unnaturally, had a disastrous connotation, and her delegation insisted that to provide machinery for revision would be to set up a constant menace to peace by encouraging the ex-enemy countries to regard the treaties as temporary and the frontiers laid down by them as impermanent. The New Zealand delegation abstained from voting on the issue, because, while disagreeing with the specific Australian proposal, it believed that the New Zealand Government would be prepared to reconsider the treaties in the future through the machinery of the United Nations if a situation constituting a threat to the peace resulted from any of the peace settlements.