

C 280170

in New Zealand reports that one of the points made by the New Zealand Government relating to Trieste, includes provision that "whatever decision is made regarding Trieste, the United Nations should be responsible for guaranteeing the protection of the rights, persons and property of nationals of the disappointed power in the adjacent region".

Under the terms of the Charter the members of the United Nations are committed under Article 1 (The Purposes) to promote and encourage respect for "human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion". Under Article 2 (relation to "The Principles"), all members are obligated to refrain in their international relations from acting in any manner "inconsistent with the Purposes of the United Nations".

These obligations, however, relate to members of the United Nations only. Under Article 2 there is a provision that the "Organization shall ensure that states which are not members of the United Nations act in accordance with these principles", but with the proviso only "so far as may be necessary for the maintenance of international peace and security". Moreover, under Article 2, clause 7, it is expressly provided that "nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state". (A proviso is added that this shall not prejudice the application of enforcement measures under Chapter 7).

It is, therefore, doubtful whether the Charter can be applied for the purpose of working out a satisfactory procedure for the enforcement of any guarantee of individual or minority rights. In effect, the Charter envisaged special arrangements in relation to the enemy states under Article 107, which states that "nothing in the present Charter shall invalidate or preclude action, in relation to any State which during the present World War has been an enemy of any signatory of the present treaties, taken or authorized as the result of that war by the Governments having responsibility for such action".

4. Conclusions

From the foregoing it will be seen that there is no intention to seek guarantees for minorities as such under the peace treaties, as after the last war. Instead there are to be more general provisions, designed to protect civil liberties of all the subjects of the enemy states in question. The treaties do not appear to envisage any specific method for enforcing these particular clauses of the peace treaties.

As the measures stand, the proposed clauses on civil liberties are hardly more than sign-posts pointing in the right direction. As such they merit the support of the Canadian delegation. On the other hand, unless the clauses are backed by a collective guarantee of all the States signatory to the treaties in question, they might offer opportunity to individual