

could make clear their intention to adhere to the principles of universal collective security, and to work together to seek to establish the conditions in which the Security Council could exercise effectively its "primary responsibility for the maintenance of international peace and security". They could state that they had temporarily adopted the expedient, open to them under Article 51 of the Charter, of a collective security arrangement only because the Security Council had been unable to take the necessary measures to carry out its responsibility.

*Pt. II. Additions to and Changes in the Draft Articles*

*A. Proposed Additions to Draft Articles*

The following suggestions introduce points of some importance which are not covered in the draft articles.

1. *Peaceful Settlement.* An article might be added on the general lines of Article 8 of the Brussels Treaty. This would contribute to the positive and moral content of the Treaty, by making clear the intention of the parties to settle peacefully all disputes between themselves. Such an article should, however, go beyond the existing obligations of the parties, by eliminating, in respect of justiciable disputes between themselves, the reservations made by some of the parties in accepting the jurisdiction of the International Court. This purpose might be attained by adding an article on the following lines:

"The parties agree as follows in respect of disputes which may arise between any of them:

(a) all disputes falling within Article 36, paragraph 2, of the Statute of the International Court of Justice shall be referred to the Court and the decision of the Court shall be final and binding;

(b) all other disputes shall be submitted to conciliation;

(c) any party to a dispute which involves questions for which conciliation is appropriate, and other questions for which judicial settlement is appropriate, shall have the right to require that the judicial settlement of the legal questions shall precede conciliation.

The provisions of this Article shall not be interpreted as affecting the application of relevant provisions or agreements prescribing some other method of peaceful settlement, whether provided for in the Charter of the United Nations or otherwise."

2. *Special Arrangements.* It seems advisable to include an article which would permit the parties by agreement to make special arrangements with countries which are not full parties to the Treaty. If some of the countries whose membership is desired are unwilling to undertake the full obligations of membership, special arrangements with them may become necessary. Furthermore, it may prove wise to enter into special arrangements with some countries not bordering on the North Atlantic, such as Italy. An article might therefore be added after Article 9 on the following lines:

"The parties may by agreement between themselves, and on terms to be agreed with the state concerned, extend some or all of the provisions of this Treaty to