

While I would prefer the above wording, I should think if the last phrases were omitted it would not seriously impair the effectiveness of the Article.

*Article 5, paragraph 1*

No changes were suggested by the Working Group.

*Article 5, paragraph 2*

The principal problem arising out of this Article is that of the inclusion or exclusion of Algeria and most of the discussion was on this. The French instructions seem to be completely intransigent and on the working level Berard has made some rather rash statements about the complete inacceptability to the French of a Pact which did not include at least the three Departments of Algeria. At both meetings of the Working Group there has been some pretty plain talk. The United States representatives have brought out into the open their two principal objections—

(a) That the inclusion of Algeria would bring up the whole controversial problem of overseas territories, and

(b) That their military people are fearful lest the Pact might be called into operation in the event of native tribal troubles in these areas.

The British representative put it on the record that his instructions are to “urge the French not to press the matter of the inclusion of Algeria in view of United States and Canadian resistance”. Our representative spoke strongly against the inclusion of North Africa and expressed the opinion that the matter had gone as far as it could in the Working Group and should now be referred to Ambassadors and, if necessary, back to Governments for further consultation between them. He added that quite apart from the question of the inclusion of North Africa and Italy, further thought would obviously have to be given to the exact definition of Africa. The Working Group generally agreed on this and it was pointed out that in addition to the question of the inclusion of North Africa and Italy it would be difficult to define the area exactly until it was known what other countries would be members. Paragraph 2 of Article 5, therefore, has still to be worked on.

*Article 6, paragraph 1*

The Canadian revise of paragraph 1 is tentatively accepted with one amendment, and now reads as follows:

“1. This Treaty does not affect, and shall not be interpreted as affecting, in any way the obligations of the parties under the Charter of the United Nations, whereby they recognize the authority and responsibility of the Security Council to take at any time such action as it deems necessary to maintain or restore international peace and security.”

*Article 6, paragraphs 2 and 3*

The United States representatives said that they had had further discussions with the United Nations authorities in the State Department on these paragraphs out of which certain points have arisen. The United Nations experts pointed out that it could be argued that paragraph 2 invokes Article 54. Therefore it might be maintained that, if the Treaty is supposed to come only under Article 51 and not under Chapter VIII of the Charter, its text should be restricted to Article 5 alone. No