

by these three governments. In the Canadian view, ample evidence was available "to indicate beyond doubt that these states have misused their power in order to deprive or curtail the individuals under their jurisdiction of their inherent natural right to their own beliefs". The Canadian Representative emphasized that a fundamental disagreement now existed regarding the interpretation of the dispute clauses in the Peace Treaties and urged the Assembly to refer this disagreement to the International Court of Justice. On the basis of this statement, Canada joined with the United States and Bolivia in sponsoring a joint resolution\* which expressed increased concern at the accusations made against Bulgaria, Hungary and Roumania, particularly in view of the refusal of these governments to cooperate in an examination of the charges. In its operative part, the resolution proposed to refer certain questions on the applicability and functioning of the dispute machinery in the Peace Treaties to the International Court of Justice. By a vote of 41 to 5 with 9 abstentions, the General Assembly concurred in this proposal, and as a result the International Court will be asked for an advisory opinion on the following four legal questions:

- I. Whether the diplomatic exchanges between Hungary, Roumania, Bulgaria and the protesting signatories concerning the human rights articles of the Peace Treaties disclose disputes to which the Peace Treaty procedures would apply;
- II. Whether Bulgaria, Hungary and Roumania are obligated to cooperate in carrying out the procedures, including the appointment of their representatives to the Commissions;
- III. In the event of an affirmative reply and if within thirty days from this reply the three governments have not appointed representatives, whether the Secretary-General of the United Nations could appoint the third member of a Treaty Commission upon the request of the other party in each dispute; and
- IV. Whether a Treaty Commission composed of a representative of one party and a third member appointed by the Secretary-General would constitute a commission competent to make a decision in settlement of a dispute, if the other party failed to appoint its representative.

The Assembly agreed to place this item on the agenda of its next session, by which time it is hoped that the advisory opinion of the International Court will be available.

There is admittedly little hope that the action taken in 1949 by the United Nations on this question will result in any substantial modification of the policies now being pursued by the Governments of Bulgaria, Hungary and Roumania. However, the reference of certain legal questions to the International Court and the decision to keep the issue alive in the United Nations may have some useful effect by bringing the moral force of non-Communist public opinion to bear upon these governments. While the United Nations has been unable to do more than this, the debates which have taken place in the General Assembly during 1949 may at least be said to have fulfilled two useful purposes. They have demonstrated to the Communist states in Eastern Europe the degree of international dis-

\*For the text of the resolution, see Appendix 10, pp. 246-248.