

*(b) Human Rights Clauses and Treaty Supervision*

Another problem which is considered to have important implications has its origin in the operation in certain ex-enemy countries of the human rights clauses of the peace treaties.

Since the signature of the peace treaties it has become increasingly apparent that the treaty provisions are inadequate to ensure protection of human rights against a government which chooses to withhold them.

At the Paris Conference Australia proposed the formation of a European Court of Human Rights in order that full effect might be given to clauses binding the ex-enemy countries to take all measures necessary to secure to all persons under their jurisdiction the enjoyment of human rights and fundamental freedoms. New Zealand, however, was alone in supporting the Australian resolution. Nor did the Australian proposals for the creation of a body to see that the treaties were carried out meet with any more success.

It will be remembered that the peace treaties did no more than to place upon the Ambassadors of the Four Powers the responsibility for representing the Allied and Associated Powers in dealings with the ex-enemy Governments on matters concerning the execution and interpretation of the treaties. Attempts by the United States and United Kingdom representatives to assert these supervisory powers in Bulgaria and Roumania have, however, proved unsuccessful. For instance, in reply to a protest by the United States and United Kingdom Ambassadors against certain political arrests in Roumania, the Roumanian Government contended that the treaty does not confer upon any other Powers the right to interfere in Roumania's domestic affairs. The protest of the Ambassadors, in the opinion of the Roumanian Government, constituted such interference and therefore could not be entertained.

The importance for New Zealand of this and similar refusals by ex-enemy Governments is not direct, since this country has few economic or political relations with the Balkans. However, as a signatory of the peace treaties, New Zealand has a special responsibility to interest herself in the respect given by the ex-enemy States to their treaty obligations. Moreover, the proven inadequacy of the human rights clauses and of the machinery for supervision of the treaties already concluded has shown that it is imperative that the equivalent procedures in the peace settlements with Germany and Japan, in which New Zealand is vitally interested, should be more effective. The possible form of these procedures has accordingly been specially examined.