

**United Nations**  
**ECONOMIC**  
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**Nations Unies**  
**CONSEIL**  
**ECONOMIQUE**  
**ET SOCIAL**

UNRESTRICTED

E/AC. 25/SR.2  
6 April 1948

ORIGINAL: FRENCH

AD HOC COMMITTEE ON GENOCIDE

Second Meeting

Lake Success, New York.

Monday, 5 April 1948, at 3 p.m.

Chairman: Mr. MAKTOS (United States of America)

Vice-Chairman: Mr. MCROZOV (Union of Soviet Socialist Republics)

Rapporteur: Mr. AZKOUL (Lebanon)

China	Mr. Mousheng LIN
France	Mr. ORDONNEAU
Poland	Mr. RUDZINSKI
Venezuela	Mr. PEREZ-POROZO

Continuation of the general discussion on the establishment of the working method and order to be followed by the Committee.

The CHAIRMAN asked the Committee if it desired to hear a statement from the World Jewish Congress.

Mr. AZKOUL (Lebanon) wished to know the object of the statement.

The CHAIRMAN, referring to the conclusion of the request submitted by the Jewish Congress, stated that, in his opinion, it was a question of a statement on genocide in general, based on information which the Jewish Congress claimed to possess on the subject.

The Chairman then pointed out that no representative of the Jewish Congress was present in the room.

Mr. ORDONNEAU (France) stated that the Committee was composed of experts brought together to draw up a draft convention, and that there

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was no question of reopening the general debate which had taken place at the General Assembly and in the Economic and Social Council, when the Jewish Congress had had an opportunity of stating its views.

The CHAIRMAN agreed with Mr. Oudonneau's remarks, adding that the Committee had only two weeks in which to complete its work.

Mr. AZKOUL (Lebanon) said that he was in agreement with the sentiments expressed by the representative of France and by the Chairman.

The CHAIRMAN then pointed out that the Jewish Congress could, if it wished, submit a written declaration to the Committee.

Mr. MOROZOV (Union of Soviet Socialist Republics) felt, on the contrary, that the Jewish Congress should be asked to submit its declaration to the Committee, as it would be a useful factor in the drafting of the convention on genocide. The Committee was entirely free to choose the method to be followed in completing its work and the time factor was of secondary importance.

Mr. SCHWELB (Assistant Director of the Human Rights Division) pointed out that certain statements by the Jewish Congress on the subject of genocide had already been reproduced in documents E/623 and E/C.2/

The CHAIRMAN stated that he would ask the members to decide by vote whether or not the Jewish Congress was to be called to appear before the Committee, adding that it was also necessary to decide whether the representative of the Congress would be restricted to submitting a statement, or whether he might take part in the discussion in an advisory capacity.

Mr. ORDONNEAU (France) thought that, even if the Committee

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decided, for purposes of information, to hear the representative of the Jewish Congress, there could be no question of allowing that representative to take part in the debate, as the Congress was not one of the organs of the United Nations.

Mr. RUDZINSKI (Poland) also felt that the representative of the Jewish Congress could not, under any circumstances, take part in the debates of the Committee, and that, therefore, it was merely a question of authorizing him to submit a declaration, oral or written, which might perhaps be useful to the Committee.

The Committee decided by 3 votes to 1, with 3 abstentions, to hear a declaration by the World Jewish Congress.

Mr. AZKOUL (Lebanon) considered that, before preparing a draft convention, it was of primary importance for the Committee to establish a definition of the term "genocide", which would be free from all ambiguity and would constitute a criterion of the specific nature of that crime.

Existing definitions stressed only certain characteristic features of the crime of genocide, the existence of which was based on the actual and intentional destruction of a human group as such. If that argument were taken as a basis, it would entail giving any group an absolute entity which it would be criminal to attack.

It was not certain that the conscience of mankind was prepared to consider such a group from that angle and to react spontaneously against any attempt to cut short its existence or development. World conscience seemed to take offence only at physical destruction which eliminated, either suddenly or gradually, a certain number of individuals. Therefore, it was the destruction of individuals which had an effect, rather than  
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the destruction of a group. Nevertheless, certain higher considerations led world conscience also to revolt at the thought of the destruction of a group, even though the individual members survived. One of these considerations was the loss likely to be suffered by humanity if it were deprived of the possible or actual cultural contribution of the group destroyed. In the General Assembly resolution on the subject, that argument was used to condemn genocide.

Such considerations might, however, succumb either to more urgent issues, such as national or international security, which might be endangered by the activities of a group, or to more positive interests, as, for example, the interest of the human group in question. The case might also arise of a group which itself habitually committed the crime of genocide, or which endangered the fundamental rights and essential liberties of its own members; such a group should not be permitted to exist, whatever the cultural benefit that might be expected from it.

The delegation of Lebanon considered it was essential to establish a criterion which would enable mankind to define the reprehensible destruction of a human group. It believed that that criterion was to be found in the motive provoking such destruction. Included in the crime of genocide, therefore, would be all acts tending towards the destruction of a group on the grounds of hatred of something different or alien, be it race, religion, language, or political conception, and acts inspired by fanaticism in whatever form. Only fanaticism constituted, in a positive manner, an evil revolting to the conscience of mankind. In fact, fanaticism as such was never openly admitted, but it was not impossible to detect its presence in the declarations, acts and measures which it inspired, and in the circumstances which attended it.

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It was possible that such a criterion would reduce the number of cases having the character of genocide, but it would enable absolutely certain cases to be defined. A convention based on this criterion would perhaps have a more limited scope, but it would be all the more equitable and efficacious on that account.

The adoption of this criterion would allow mankind to solve all the problems raised by the definition of genocide; it would permit the punishment of all those who committed that crime -- rulers, officials, private persons or political organizations -- and the repression of all acts threatening the physical, religious or cultural existence of a human group. This criterion would, moreover, enable protection to be given to any threatened group, whether of a racial, religious or cultural character, and to any social class or political organization.

The definition of this concept of fanaticism had an advantage which the delegation of Lebanon considered essential. It would permit the prevention or punishment of any attempt to destroy or break up a human group; to compel it to change its religion or nationality, or even to modify its political conceptions. Again, this definition would make it possible to prevent a group from retaining its own members within its ranks by violence.

The convention should safeguard the right of the group to exist and to develop without let or hindrance, while it should also protect the freedom of its members both as individuals and as parts of the group. If the convention failed to guarantee such freedom, it would become an instrument of reaction, an obstacle to the progress of humanity towards the complete freedom of groups and, more especially, of the individual.

The CHAIRMAN, after having noted that no representative of the World Jewish Congress was present in the conference room, pointed out that the Committee would hear his statement at a subsequent meeting.

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Speaking as the representative of the United States, Mr. MAKIROS stated that his country had always attached the utmost importance to the question of genocide.

Mr. MOROZOV (Union of Soviet Socialist Republics) said he understood that the Chairman was about to close the general discussion. He requested the adjournment of the debate until the following day, so that he might put the finishing touches to a statement which he had been prevented from completing for technical reasons.

Mr. ORDONNEAU (France) was of the opinion that the Committee could not take up item 5 of the agenda regarding the drawing up of a draft convention before it had heard the statement of the representative of the USSR, which should be included in the general debate.

The CHAIRMAN thought that the representative of the USSR could present his statement in the course of the debate without it being necessary to modify the order on that account.

Mr. ORDONNEAU (France) pointed out that if the Committee agreed to the Chairman's suggestion, the discussion of individual items would be interrupted by the USSR representative's general statement. This would result in a waste of time and not in a gain.

Mr. MOROZOV (Union of Soviet Socialist Republics) endorsed the remarks of the previous speaker and again pointed out that the continuation of the general debate should be deferred to the following day. He expressed his regret to the Committee for the technical difficulty which forced him to ask for an extension of time.

/Mr. RUDZINSKI

Mr. RUDZINSKI (Poland) said that he also would like to make a general statement in the course of the discussion which should be postponed to the following day. Moreover, he thought that, after hearing the statements to be made by the representative of the USSR and himself, the Committee would not be able to take up immediately the consideration of item 5 of the agenda, because the question of the method to be used in drawing up the draft convention had not yet been settled. He considered that the best procedure would be to draw an initial distinction between certain principles on which agreement would be easily established and questions which would be liable to controversy.

The CHAIRMAN, on the contrary, thought that it would be advisable to choose a basic document and to carry on the discussion article by article. In fact, his experience had shown him that discussions of a general nature ran the risk of being long-drawn-out and that it was, moreover, impossible to determine beforehand which points would be liable to controversy.

Mr. MEROZOV (Union of Soviet Socialist Republics) insisted on the postponement of the discussion to the following day for the reasons he had already outlined.

The CHAIRMAN stated that as a result of the various observations that had been made it was clearly understood that the general discussion was not closed and that members could make whatever statements they thought advisable, in particular with regard to the methods to be used in drawing up the draft convention.

Mr. AZKOUL (Lebanon) thought the best procedure would be to take a document as a basis for discussion on the draft convention, and that the

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various delegations could raise as they pleased any questions of a general nature during the discussion.

The CHAIRMAN shared the opinion of the representative of Lebanon,

Mr. Mousheng LIN (China) pointed out that the Note by the Secretary-General on the Committee's terms of reference (document E/AC.25/2) could be taken as the basic document because it raised a series of general questions, especially in section II, paragraphs 1 to 5.

Mr. MCROZOV (Union of Soviet Socialist Republics) reiterated that the statement he intended to submit to the Committee as soon as the translation was ready should provide a useful factor in the debate and facilitate a solution on certain essential points.

Mr. CRDONNEAU (France) supported the point of view of the representative of the USSR.

The CHAIRMAN decided to postpone the continuation of the debate to the following day, so as to enable the representative of the USSR to submit his proposals.

The meeting rose at 4:15 p.m.