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AND
SOCIAL COUNCIL**

**CONSEIL
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ET SOCIAL**

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AD HOC COMMITTEE ON GENOCIDE

SUMMARY RECORD OF THE TWENTY-FIRST MEETING

Held at Lake Success, New York
on Tuesday, 27 April 1948, at 11 a.m.

<u>Chairman:</u>	Mr. MAKTOS	United States of America
<u>Vice-Chairman:</u>	Mr. MOROZOV	Union of Soviet Socialist Republics
<u>Rapporteur:</u>	Mr. AZKOUL	Lebanon
<u>Members:</u>	Mr. LIN MOUSHENG	China
	Mr. ORDONNEAU	France
	Mr. RUDZINSKI	Poland
	Mr. PEREZ-PEROZO	Venezuela
<u>Secretariat:</u>	Mr. SCHWELB	Assistant Director of the Human Rights Division
	Mr. GIRAUD	Secretary of the Committee

CONTINUATION OF THE DISCUSSION OF A NEW ARTICLE 1 TO BE ADDED TO THE DRAFT CONVENTION

The CHAIRMAN asked the representative of Poland to submit the amendment which the Polish delegation wished to make to the new article 1 of the draft convention.

/Mr. RUDZINSKI

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Mr. RUDZINSKI (Poland) thought that the General Assembly had certainly intended that genocide should always be regarded as a criminal offence, whether committed in time of peace or in time of war. He therefore proposed that the following phrase should be inserted in the text of the new article 1, immediately after the words "...international law...": "...regardless whether committed in time of war or time of peace..."

Mr. PEREZ-PEROZO (Venezuela) said he would vote in favour of the first part of the phrase proposed by the Chinese delegation. The addition proposed by the Polish representative was useless and he would vote against it.

The addition proposed by the Polish delegation was adopted by the Committee by three votes to one, with three abstentions.

The CHAIRMAN announced that he had received a communication from a non-governmental organization with regard to the draft convention and that he held it at the disposal of the Committee members.

He then put to the vote the full text of the new article 1.

The Committee adopted the full text of the new article 1 by six votes to one.

Mr. MOROZOV (Union of Soviet Socialist Republics) explained that he had voted against the new text of article 1 not because he wished to limit the definitions which could be applied to genocide, but because he thought that the text of the draft convention applied in fact at all times. The provisions of article 1 were not precise and did not completely express the nature of the crime. Those definitions should appear in the preamble. He was against the wording which had just been adopted, because, in his opinion, it included a certain element of fatalism and implied that war was inevitable. He requested that his remarks be included in the Committee's report.

DISCUSSION OF THE PREAMBLE OF THE DRAFT CONVENTION

The CHAIRMAN opened the discussion of the proposed preamble to the draft convention submitted by the Chinese delegation (document E/AC.25/9). He explained that the USSR representative had submitted a number of amendments to the draft, which he asked the Committee to consider paragraph by paragraph.

Mr. MOROZOV (Union of Soviet Socialist Republics) said that the text submitted by the USSR delegation did in fact include four different amendments which required to be considered one at a time. He urged, therefore, that the USSR text should be considered paragraph by paragraph so as to avoid the risk of the Committee rejecting outright a proposal, some elements of which might be acceptable to it.

The CHAIRMAN stated that that procedure would be followed. Speaking as the representative of the United States of America, he added that the first paragraph of the USSR delegation's text contained a definition of genocide already included in articles 2 and 3 of the draft convention. He thought it was useless to repeat that definition and that the text of the Chinese proposal seemed preferable.

Mr. MOROZOV (Union of Soviet Socialist Republics), on a point of order, observed that the text of the Chinese delegation had been adopted at the previous meeting as a basis of discussion. The proposals of the USSR delegation were, in fact, an amendment to that text. In keeping with its rules of procedure, the Committee should first take a decision on the USSR amendments.

The CHAIRMAN in reply to the point of order raised by the USSR representative, pointed out that the draft submitted by the Chinese delegation was worded in a more general manner. Speaking as the representative of the United States, he proposed the addition in

/the text

the text of the Chinese draft, after the words "...which the civilized world condemns...", of the following words "...and which shock the conscience of mankind..." He thought it proper to insert in the proposed preamble some condemnatory phrases of a general character.

Mr. LIN MOUSHENG (China) felt that the United States representative was adding a new conception to the preamble. It was true that the preamble should permit a definition of certain general ideas, but matters should be dealt with in the proper order. He therefore proposed that the Committee should begin by voting on the USSR proposals.

Mr. PEREZ-PEROZO (Venezuela) expressed his preference for a preamble which had the merit of being brief, clear and definite, three conditions which the text submitted by the Chinese delegation seemed to fulfil. It was understood that that text could be amended in accordance with members' proposals. He would willingly vote in favour of the Chinese proposal, to which he suggested adding, after the words "...international law...", the following words "...contrary to the principles and purposes of the United Nations..." which would establish a close link between the draft convention and the principles of the United Nations.

The CHAIRMAN pointed out that the Committee had agreed to adopt the term "mankind" for "humanity". He thought that the correct procedure would be to make certain additions in the text of the Chinese proposal.

Mr. AZKOUL (Lebanon) then proposed certain changes in the USSR proposals, suggesting the substitution of the words "human groups" for "particular groups" and the deletion of the words "...of the population on racial, national or religious grounds..."

These changes would maintain the general character of the preamble.

/Mr. MOROZOV

Mr. MOROZOV (Union of Soviet Socialist Republics) subscribed to the first part of the amendment proposed by the Lebanese delegate, but was against the second. The preamble should include at least a short list of the motives of the crime.

Mr. PEREZ-PEROZO (Venezuela) was opposed to the amendment, which he considered a useless repetition, as the motives in question were expressed in article 1 which had already been adopted (becoming article 11 after the adoption of the new article 1).

Mr. AZKOUL (Lebanon) remarked that the Committee had decided at a previous meeting to include those motives in the preamble.

The Committee rejected the proposal of the Lebanese delegate by four votes to three.

The CHAIRMAN proposed the addition of the word "political" to the list of motives.

Mr. AZKOUL (Lebanon) proposed that the enumeration of motives should be omitted in order not to re-open a debate on points which had already been discussed at length.

Mr. LIN MOUSHENG (China) thought that any addition to the text he proposed would be tantamount to including in the preamble the provisions set out in articles 1 and 2. The text of the amendment proposed by the USSR delegation was ambiguous in places and it was impossible to see what consequences it might entail in the future. He considered that a single phrase should suffice to express the Committee's concepts in the preamble.

Mr. MOROZOV (Union of Soviet Socialist Republics) felt that the new Lebanese amendment was merely a negative version of the proposal which had just been rejected.

/With regard

With regard to the objections raised by the representative of China, he said that it was incorrect to consider the preamble as a mere repetition of articles 1, 2 and 3 of the convention itself. Any preamble should naturally set forth in very general terms the principles contained in the main text.

He considered that it was impossible to do justice to the text of the preamble which he proposed by studying it paragraph by paragraph, because the four paragraphs explained and completed each other.

The CHAIRMAN asked the Committee to vote on the new Lebanese amendment.

Mr. AZKOUL (Lebanon) explained the difference between the two amendments he had proposed. The first consisted in keeping the explanatory part -- "...which aims at the destruction of human groups..." and in deleting the motives -- "...on racial, national or religious grounds..." The second amendment consisted in omitting the whole phrase including the explanatory part.

Mr. MOROZOV (Union of Soviet Socialist Republics), supported by Mr. LIN MOUSHENG (China), thought that the second Lebanese amendment was nothing but the expression of a negative attitude towards the USSR amendment.

Mr. RUDZINSKI (Poland) asked for a formal vote as to whether the Lebanese amendment could be accepted by the Committee.

Mr. AZKOUL (Lebanon) withdrew his amendment in view of the interpretation placed on it by Mr. Morozov.

The CHAIRMAN consequently proposed that a vote be taken on the USSR amendment as amended by the United States delegation, i.e., with the addition to the Soviet text of the words "or political" at the end of the list of motives.

/Mr. MOROZOV

Mr. MOROZOV (Union of Soviet Socialist Republics) asked that a separate vote be taken on the United States amendment in view of the existence of a minority opinion on that question.

A vote was taken on the United States amendment to introduce the words "or political" at the end of the motives enumerated in paragraph 1 of the USSR amendment.

The United States amendment was rejected by four votes to three.

Mr. ORDONNEAU (France) pointed out that in the absence of the words "or political", the first paragraph of the USSR preamble was in contradiction with the actual text of the convention which provided for genocide for political motives.

The CHAIRMAN proposed that a vote be taken on the whole of the first paragraph of the preamble, modified by the first Lebanese amendment as follows: "on grounds of national or racial origin or religious belief".

Mr. AZKOUL (Lebanon) and Mr. LIN MOUSHENG (China) thought that after the rejection of the United States amendment, it was necessary to take a vote on the USSR amendment properly so-called, namely, the phrase "which aims at the destruction of human groups on grounds of national or racial origin or religious belief".

Mr. PEREZ-PEROZO (Venezuela) having proposed that a vote be taken first on the introductory sentence of the preamble, namely, "The High Contracting Parties declare that the crime of genocide is one of the gravest crimes against mankind", the representative of POLAND said that that text was nothing more than the text proposed by China which had been adopted the previous day.

/Mr. AZKOUL

Mr. AZKOUL (Lebanon), as Rapporteur, pointed out that the text adopted the previous day differed from that proposed by China, the term "mankind" having been substituted for "humanity".

Mr. PEREZ-PEROZO (Venezuela), after stating that he preferred the original Chinese text for its conciseness, requested that a vote be taken in the first place on the said Chinese text, of which only the principle and not the final wording had been adopted the previous day.

The meeting rose at 1.15 p.m.