

GENERAL
ASSEMBLYASSEMBLEE
GENERALE

SIXTH COMMITTEE

SUB-COMMITTEE 2 ON THE PROGRESSIVE DEVELOPMENT OF

INTERNATIONAL LAW AND ITS CODIFICATION

DRAFT CONVENTION ON GENOCIDE: REPORT OF

THE ECONOMIC AND SOCIAL COUNCIL

Draft Report Submitted by the Rapporteur

During the second part of its first regular session, the General Assembly received a draft resolution on the crime of genocide, submitted jointly by the delegations of Cuba, India and Panama (A/BUR/50).

After declaring in its resolution of 11 December 1946 (96 I) that genocide - a denial of the right of existence of entire human groups - was a crime against human rights, the General Assembly instructed the Economic and Social Council to undertake the necessary studies with a view to drawing up a draft convention on the crime of genocide to be submitted to the present session of the General Assembly.

On 28 March 1947, the Economic and Social Council adopted a resolution whereby it instructed the Secretary-General: (a) to undertake, with the assistance of experts in the field of international and criminal law, the necessary studies with a view to drawing up a draft convention in accordance with the resolution of the General Assembly; and (b) after consultation with the General Assembly Committee on the Progressive Development of International Law and its Codification, and, if feasible, the Commission on Human Rights, and after reference to all Member Governments for comments, to submit to the next session of the Council a draft convention on the crime of genocide.

In consultation with three experts, the Secretary-General prepared a draft convention and study which was submitted to the Assembly Committee on the Progressive Development of International Law and its Codification on 13 June 1947. As it did not have the comments of Member Governments on the draft convention, the Chairman stated by letter of 17 June that the Committee felt unable at that time to express any opinion in the matter. On 7 July 1947, the Secretary-General transmitted the draft convention and study to Member Governments for their comments.

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UNITED NATIONS

/On 6 August 1947,

On 6 August 1947, at its fifth session, the Council adopted a resolution instructing the Secretary-General to collate the comments of the Member Governments; informing the General Assembly that it proposed to proceed as rapidly as possible with the consideration of the question subject to any further instructions of the General Assembly; and requesting the Secretary-General, in the meanwhile, to transmit to the General Assembly the draft convention on the crime of Genocide prepared by the Secretariat in accordance with paragraph (a) of the Council Resolution of 28 March 1947, together with any comments from Member Governments received in time for transmittal to the General Assembly.

At its ninety-first meeting on 23 September 1947, the General Assembly referred to the Sixth Committee paragraph 86 of the report of the Economic and Social Council, (document A/382), on the draft convention on Genocide.

After a general debate, which took place at its thirty-ninth, fortieth, forty-first, and forty-second meetings, on 29 September and 2, 3 and 6 October 1947, the Sixth Committee referred this report to Sub-Committee 2, expressing the wish that this Committee confine itself to considering the procedure to be followed.

Sub-Committee 2, accordingly, discussed at its sixteenth meeting on 4 November 1947, the question of the body to which the draft convention on Genocide should be referred and the terms of reference to be given to that body.

Three different opinions were expressed with regard to the choice of the body. Certain delegations emphasized the sociological aspects of the study to be undertaken and the political nature of the problem and declared in favour of the Economic and Social Council. Other delegations, emphasizing the legal nature of the work, recommended reference to the International Law Commission. Others, in order to save time, proposed that the work be begun by the Committee which, in accordance with the intentions of the Sub-Committee will act as an interim body until the members of the International Law Commission have been elected, after which the work would be continued by the International Law Commission.

Finally, the Sub-Committee decided, by eight votes to two, to refer the question to the Economic and Social Council. On the understanding that the Council may, if it wishes, request the assistance of the Interim Committee on the progressive development of international law and its codification.

With regard to the terms of reference to be given to the Economic and Social Council, the delegations of the United Kingdom and of the Union of Soviet Socialist Republics wished to leave the body instructed to study the problem full freedom to declare itself in favour either of a convention or

/of any other

of any other appropriate method.

The other delegations considered, however, that this question had already been decided by the resolution of the General Assembly of 11 December 1946, instructing the Economic and Social Council to undertake the necessary studies with a view to drawing up a draft convention on the crime of genocide. The latter opinion prevailed and was adopted by ten votes to two.

This vote shows that, in proposing that the draft convention on Genocide should be referred to the Economic and Social Council, Sub-Committee 2's intention was that a draft should be drawn up in the form of a convention, without specifying whether an independent convention or part of such a convention should be envisaged or whether the various aspects of genocide should be dealt with in separate instruments.

The Sub-Committee accordingly proposes that the Sixth Committee recommend to the General Assembly the adoption of the following draft resolution:

DRAFT RESOLUTION

DRAFT CONVENTION ON GENOCIDE

THE GENERAL ASSEMBLY

WHEREAS the Economic and Social Council has stated in its resolution of 6 August 1947 that it proposes to proceed as rapidly as possible with the consideration of the question of genocide subject to any further instructions of the General Assembly:

REQUESTS the Economic and Social Council to continue the study it has begun on the repression of the crime of genocide, and to pursue the study of the draft convention prepared by the Secretariat, with the help, if it so wishes, of the Committee on the progressive development of international law and its codification;

REQUESTS the Economic and Social Council to submit a report on this question to the third regular session of the General Assembly.
