

GENERAL
ASSEMBLYASSEMBLEE
GENERALEA/401
27 September 1947
ENGLISH
ORIGINAL: ENGLISH-
FRENCH

DRAFT CONVENTION ON THE CRIME OF GENOCIDE*

COMMUNICATIONS RECEIVED BY THE SECRETARY-GENERAL

1. At its fifth session, the Economic and Social Council adopted on 6 August 1947 a resolution relating to the draft Convention on the Crime of Genocide which had been prepared by the Secretariat. The resolution inter alia called upon the Member Governments, in view of the urgency of the matter, to submit to the Secretary-General, as soon as possible, their comments on the draft Convention transmitted to them by the Secretary-General on 7 July 1947.

By the same resolution, the Secretary-General was requested to communicate to the General Assembly any comments received in time for transmittal.

2. In compliance with the request made by the Economic and Social Council, the Secretary-General has the honour to transmit to the General Assembly the following communications received from Member States:

1. COMMUNICATION RECEIVED FROM INDIA

New Delhi, 27 August 1947.

The Minister for External Affairs and Commonwealth Relations presents his compliments to the Secretary-General of the United Nations and has the honour to say that the Government of India have no comments to offer on the draft Convention on the Crime of Genocide received with the Secretary-General's note No. 605-8-1-1 EG, dated 7 July 1947.

2. COMMUNICATION RECEIVED FROM HAITI

ORIGINAL: FRENCH

Secretariat of

State for

Foreign Affairs

Port-au-Prince 12 September 1947

In reply to your communication No. 605-8-1-1 EG, dated 21 August 1947 last, I have the honour to send you herewith some comments and suggestions regarding the Convention on Genocide which this Department feels called upon to submit to the General Assembly of the United Nations.

The idea on which these changes are based is that the principal purpose of the United Nations is to maintain lasting peace in the world and to be a centre for harmonizing the actions of nations in the attainment of the common ends stated in Article 1 of the San Francisco Charter.

If none but the contracting parties are to report genocide committed by, or in complicity with one of them, the normal development of the Organization may be seriously prejudiced and the final establishment of international peace materially endangered.

There is also reason to believe that by granting greater freedom of action to the Secretary-General, who is directly responsible to the Assembly, the purposes of the United Nations will more easily be achieved and the progress of the Organization better ensured.

With particular reference to the reporting of genocide, this Department therefore supports the opinion of Mr. Pella and Mr. Lemkin as stated on page 46 of document E/447.

(Signature)

COMMENTS

Article IX - It is proposed to add the following paragraph to the two at present contained in this Article:

"In both cases, in addition to the State on whose territory acts of genocide have been committed, any one of the High Contracting Parties or the Secretary-General acting on his own initiative, or in the name of members of the human group victims of such acts, may report the authors of such acts to the Economic and Social Council or the Security Council."

Article X - The Government of Haiti favours the first draft in order to avoid the difficulties inherent in the constitution of provisional tribunals. It also considers that the International Court of Justice should have jurisdiction in all matters connected with international crimes or coming within the scope of international law.

Article XII - The following wording is proposed:

"Irrespective of any provisions in the foregoing articles, should the crimes as defined in this Convention be committed in any part of the world, or should there be serious reasons for suspecting that such crimes have been committed, the High Contracting Parties or the human groups affected may call upon the competent organs of the United Nations to take measures for the suppression or prevention of such crimes.

"In such case the said Parties shall do everything in their power to give full effect to the intervention of the United Nations."

Article XVI - The Government of Haiti favours the second draft as being more explicit and providing a shorter time limit for the entry into force of the Convention as provided for by Article XVIII.

Article XIX - The Government of Haiti agrees to the first draft.

Article XX - The Government of Haiti considers that the Convention on Genocide is essential to the normal development of the world and the defence of mankind. Accordingly it proposes that the following paragraph should be added to Article XX as it now stands:

"In that event the Secretary-General of the United Nations shall submit a new Convention to the vote of the General Assembly at its first subsequent session. Such new Convention shall take into account the reasons given for each one of the denunciations of the earlier Convention."
