

## DRAFT CONVENTION ON THE CRIME OF GENOCIDE\*

## COMMUNICATIONS RECEIVED BY THE SECRETARY-GENERAL

## 6. COMMUNICATION RECEIVED FROM FRANCE

Ministry of Foreign Affairs

Paris, 7 October 1947

The Secretariat of the United Nations, by letter No. 605-S-1-1/EG of 21 August 1947, requested the French Government to submit such observations or comments as it might wish to make on the draft convention on the crime of genocide prepared by the Secretariat.

The French Government has the honour to offer the following comments:

1. A country with liberal traditions like France, whose Constitution and institutions respect the equality of the human races, cannot but support a measure designed to prevent the recurrence of the racial persecutions whereby the Nazi regime covered Europe with blood, and to make the commission of all similar crimes impossible.

2. Nevertheless, the French Government, anxious to make the said convention more effective by clarifying it and placing in its proper framework, regrets that the question of genocide was not considered in correlation with the principles affirmed in the statute and sentences of the Nuremberg Tribunal, and as a parallel to the conception of crime against humanity, of which genocide is merely one of the aspects.

It considers that the draft convention submitted by the Secretariat is not so much a convention as a maximum programme from which future experts may draw the material for a convention; moreover, this draft is too much concerned with introducing anti-genocide clauses into the body of domestic law of each State - clauses which would seem to be of no more than relative value since this crime can be committed only with the complicity of Governments.

The French Government considers that the definition of genocide should

be:

(a) Limited to physical and biological genocide, for to include

cultural genocide invites the risk of political interference in the domestic affairs of States, and in respect of questions which, in fact, are connected with the protection of minorities;

(b) Conditional on some culpable act or omission by the State.

According to the French conception, the punishment of this crime, as such, should therefore be restricted to rulers, the agents themselves to be prosecuted and punished by international courts (since the courts of their own countries take no action), but on a charge of murder and as common-law criminals.

It goes without saying that the French Government is willing to participate without delay in any discussion likely to lead to the drafting of a convention based on the foregoing considerations. If it refrains from lengthy comment on a subject which it feels deserves the most careful attention of the United Nations, it is because its representative on the Committee on the Progressive Development of International Law and its Codification has already submitted a memorandum on this subject, published by the Secretariat on 19 May last as document A/AC.10/29.

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