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Chairman: Prince WAN WAITHAYAKON (Thailand).

Request of the Government of China for revision of the Chinese text of the Convention on the Prevention and Punishment of the Crime of Genocide (A/2221, A/C.6/L.283/Rev.2) (continued)

[Item 56]*

1. Mr. HSU (China), introducing his second revised draft resolution (A/C.6/L.283/Rev.2), pointed out that, in deference to the requests of a number of representatives on the Committee, he had deleted the third and fourth paragraphs of the preamble and the first paragraph of the operative part of the first revised draft resolution (A/C.6/L.283/Rev.1) and had incorporated some of the other amendments that had been suggested (354th and 355th meetings). Those changes were calculated to meet practically all the criticisms of the delegations inclined to support the draft resolution, and he hoped that, in view of the conciliatory attitude his delegation had shown, the second revised draft resolution would gain their full support.

2. His Government had brought the question to the General Assembly's notice not for selfish motives but simply because a satisfactory Chinese text was needed if the Convention on the Prevention and Punishment of the Crime of Genocide (General Assembly resolution 260 (III)) was to be properly implemented by China. The Chinese Government had considered it its duty to request the rectification of the text and to see that the corrected version was brought to the notice of all parties to the Convention, so that the incorrect Chinese text could not be used in the future by any party with ulterior motives.

3. Some delegations might have apprehensions concerning the fact that there would be two official Chinese texts; the old and the new. That difficulty was unavoidable, but he could assure the Committee that there would be no untoward results. The corrected text would be mainly for the use of the Chinese people. In the unlikely event that any international complication

should arise on the basis of the Chinese text, any country accepting the corrected text would naturally be bound by it. It was most unlikely that the party starting the controversy would have accepted the new text. On the other hand, China would certainly not invoke the old text against its opponent, since the Chinese Government had made it clear that the old text was inaccurate.

4. The Chinese delegation, realizing the difficulty of the question, was ready to make every possible concession and to accept as many suggestions as it could. It appealed to the good sense of the Committee, which, as a body of sensible lawyers, should be able to find some method of solving the question satisfactorily.

5. The Yugoslav representative had stated at the previous meeting that he had consulted certain authorities, who had informed him that the revised Chinese text was not suitable for a legal instrument. Mr. Hsu felt obliged to disagree and could only conclude that the authorities in question were not qualified to pass judgment.

6. Mr. PETREN (Sweden) said that his delegation, which had declared itself (354th meeting) unable to vote for the original Chinese draft resolution (A/C.6/L.283), was equally unable to support the second revised draft resolution (A/C.6/L.283/Rev.2), which implied that a text proposed by the Chinese Government, as represented in the United Nations, would be submitted to the other Member States for their acceptance or objections. Several Member States, however, of which Sweden was one, had recognized the Peking Government and not that of Taiwan. It was obvious, therefore, that the Swedish Government could not entertain a proposal submitted by the Taiwan Government.

7. Furthermore, as a matter of general principle, the Swedish delegation considered that there should be only one text of the Convention for each official language, and it could not accept any new text unless that were accepted also by every party to the Convention.

* Indicates the item number on the agenda of the General Assembly.

8. In view of the special reason he had given, the Swedish delegation would be unable to vote in favour of the second revised Chinese draft resolution.

9. Mr. NISOT (Belgium) paying a tribute to the spirit of conciliation shown by the Chinese delegation, said he could vote for its second revised draft resolution, which made it clear that no State would be bound by the revised Chinese text of the Convention unless it formally accepted that text.

10. Mr. BARTOS (Yugoslavia), replying to the Chinese representative, maintained that his delegation had every justification for not placing confidence in the revised Chinese text contained in the Secretary-General's memorandum (A/2221). An examination of that text would reveal many inaccuracies, which would affect its substance.

11. Mr. HSU (China) assured the Yugoslav representative that he did not question the motives or the honesty of the authorities who had criticized the revised Chinese text of the Convention on Genocide. The Chinese language abounded in difficulties, and even authorities on the language were not always able to judge the accuracy of a translation. The Chinese delegation had placed its reliance upon the Secretary-General's memorandum although it realized that the statement contained therein to the effect that the revised text in no way changed the substance of the Convention was based mainly on the opinion of the Chinese translation section of the Secretariat.

12. Mr. MENDEZ (Philippines) said that his delegation was prepared to support the second revised draft resolution (A/C.6/L.283/Rev.2). That new draft demonstrated the Chinese delegation's goodwill.

13. Mr. MOROZOV (Union of Soviet Socialist Republics) and Mr. LACHS (Poland) made statements challenging the qualifications of the Chinese representative to speak for the Chinese people.

14. Mr. CUTTS (Australia) thanked the Chinese representative for the conciliatory spirit he had shown. The Australian delegation would support the second revised draft resolution.

15. Mr. MITCHELL (Liberia), briefly tracing the history of the Convention on Genocide back to 1946, said that surely the Chinese Government could have drawn attention to any inaccuracies before the Convention was finally approved in 1948 (General Assembly resolution 260 (III)). The Convention had been ratified by about forty States, and it would be most unsuitable at the present stage to produce a revised Chinese text which would have to be accepted by all the parties.

16. The Liberian delegation would be unable to vote for the second revised Chinese draft resolution.

17. Mr. BARTOS (Yugoslavia) said that it was precisely because of the difficulty of the Chinese language and the fact that the Secretary-General's memorandum did not wholly endorse the proposed changes that his Government, unable to judge for itself, had consulted experts on Chinese.

18. In view of the uncertainty of the linguistic question, the Yugoslav delegation, in all goodwill and dis-

regarding the political situation, maintained its reservations with respect to the revised Chinese text and preferred to wait until a non-controversial text could be drafted.

19. Mr. SUAREZ (Chile) said that the Sixth Committee was not competent to deal with the question of Chinese representation, which had already been settled by the General Assembly (resolution 609 A (VII)) for the duration of the current session.

20. Commenting on the second revised Chinese draft resolution, he said that he could not support the second paragraph of the preamble, since his delegation did not agree on all points with the Secretary-General's memorandum referred to therein. Hence, unless that paragraph was deleted, he would be obliged to vote against the second revised draft resolution as a whole.

21. He also wondered whether the word "revision" in the title might not be changed to "correction", in accordance with a similar change made in the body of the text.

22. The CHAIRMAN noted that, while it would be impossible to alter the title of the item, if the draft resolution was adopted, its heading would be changed as suggested.

23. Mr. NISOT (Belgium) explained that, by adopting the second revised Chinese draft resolution, the General Assembly would not itself be expressing an opinion as to whether the revised Chinese text was better than the text in force, but would merely be giving individual States the possibility of deciding that matter.

24. Mr. MAKTOOS (United States of America) said that the question of Chinese representation, which the USSR representative had raised, had been settled by the General Assembly (resolution 609 A (VII)) at the beginning of the session.

25. In reply to some of the objections raised to the Chinese draft resolution (A/C.6/L.283, Rev.1 and Rev.2), he stressed that the proposed changes in the Chinese text of the Convention on Genocide were purely linguistic and designed to bring that text into conformity with the four other authentic texts.

26. The difficulties mentioned by the representatives of Sweden (354th meeting), Liberia (355th meeting) and Israel (354th and 355th meetings) would not arise in practice. China was not trying to arrogate to itself special rights under the revised text; on the contrary, it was trying to increase its obligations so as to make them equal to those deriving from the other official texts. According to a letter to the Editor of *The New York Times* written by Mr. Tsiang and published in the newspaper's issue of 18 December 1952, the existing Chinese text referred to only one of the four groups of people covered by the Convention. To refuse, on grounds of legal formality, to fill such an important gap would be contrary not only to common sense but also to equity.

27. It had also been argued that it was too late to propose corrections to the Convention. That was equal to pleading a period of limitation which did not exist in international law. Even in domestic law, however, where it did exist, the period of limitation was usually longer than the time which had elapsed since the ap-

proval of the Convention. Furthermore, the Chinese delegation could hardly have been expected to verify the text while the Convention was being drafted, at the third session, since changes were made almost until the moment of the approval of the Convention by the General Assembly (resolution 260 (III)).

28. In practice, the existence of two Chinese texts would not give rise to any difficulty, for whichever text was invoked, the court could rely on authentic texts in the four other languages.

29. The second revised draft resolution should allay all fears and should be generally acceptable.

30. Turning to another subject, he noted that the Press release (GA/L/27) on the Committee's 330th meeting, held on 20 November 1952, had incorrectly reported him as stating that two of the Baltic States were not independent. What he had said was that in the view of the USSR Government those States were not independent. The United States Government, on the other hand, recognized those States and their independent legations at Washington.

31. Mr. ROBERTS (Union of South Africa) said that he had followed the discussion with great interest and an open mind. The Sixth Committee should not be concerned with the political issues involved, but should confine itself to the question of the drafting of the Chinese text referred to it by the General Assembly. He understood the attitude of the USSR delegation (354th meeting) which was based on a position of principle. In his own delegation's opinion, the only question arising in connexion with the Chinese request was whether it would change the meaning of the Convention. For his part, he was satisfied that the changes were merely stylistic. It was regrettable that the matter had not been settled before the Convention had been opened for ratification, and the General Assembly must now do what it could to remedy the situation.

32. In view of those considerations, he would vote for the second revised Chinese draft resolution, subject to the deletion of the second paragraph of the preamble. It would be improper for the General Assembly to compel, or even influence, States to adopt the revised text.

33. Mr. RECHENDORFF (Denmark) shared the doubts expressed by the Swedish representative (354th meeting) concerning the advisability of changing a multilateral convention already ratified by a large number of States, some of which were not members of the United Nations, and by the Government which now proposed the changes. Moreover, his Government had recognized the new Government of China and therefore felt that no decision should be taken on the subject at the moment. Accordingly, he would vote against the Chinese draft resolution, even in its second revised form.

34. Mr. QUENTIN-BAXTER (New Zealand) said that the New Zealand delegation would not have been able to support the original Chinese draft resolution (A/C.6/L.283), despite its sincere feeling that any delegation which took the pains to discover and correct defects in the text of an international document deserved sympathetic consideration from the United Nations.

35. His delegation could, however, support the Chinese draft resolution in its second revised form (A/C.6/L.283/Rev.2). In explanation of that position, he said that the question as to which delegation put forward a proposal of that kind was quite irrelevant. In drafting any text of an international instrument, it was normal to assume that the persons participating were those whose credentials had been recognized by a decision of the General Assembly.

36. Referring to the United Kingdom representative's statement (355th meeting) that, in a sense, the United Nations was in the position of a depositary, he noted that the Convention on Genocide was now the property of the States parties thereto, and the United Nations was not entitled to impose any change on those States.

37. While the action contemplated in connexion with the Chinese text formally constituted revision under article XVI of the Convention, he agreed that it was an advantage to refer to the changes as corrections. The difference was not one of kind but of quality and would merely affect the Committee's decision as to what action should be taken. On the basis of the precedents cited in the Secretary-General's memorandum (A/2221), the Committee must decide whether similar action was proper in the present case. While it could not recommend what action the parties to the Convention should take, it must exercise some judgment in prescribing the procedure to be followed. The Secretariat's experts should be relied upon unless there was reason to believe that they were wrong. The New Zealand delegation relied on the Secretary-General's memorandum, especially Annex IV thereto, and felt that the doubts which had been expressed in the Committee related to the statements those experts had made rather than to their competence.

38. The representative of Pakistan (354th meeting) had made a valuable contribution to the discussion in stressing the substantive point concerning the word used in article II of the Convention to describe and define genocide. After careful consideration of the entire matter, the New Zealand delegation had reached the conclusion that genocide, a coined word, could have only the definition and the meaning specifically ascribed to it. He therefore considered that the question of the ideograms used in Chinese was unimportant. Moreover, it was his view that the revised Chinese text covered the words "as such", to which the representative of Pakistan had referred (354th meeting), while the original Chinese text did not. In his opinion, the revised text appeared adequate to convey the meaning of the corresponding English text. Furthermore, since there were four unchallenged authentic texts and it was the declared intention to bring the Chinese text into conformity with them, there seemed no reason to fear that correction of the Chinese text could affect the interpretation of the Convention.

39. He thanked the Chinese delegation for its initiative in drawing attention to the quality of the Chinese text of the Convention. Admittedly it was regrettable to have to suggest changes in the text of an international instrument. In future it would be advisable to verify the accuracy of texts more carefully.

40. Mr. ROBLEDO (Mexico) said that the Mexican delegation was compelled to maintain its opposition (355th meeting) to the Chinese draft resolution, even

in its second revised form (A/C.6/L.283/Rev.2), because the confusion to which his delegation had drawn attention at the preceding meeting still existed. The argument that the General Assembly would not approve or recommend the proposed changes in the Chinese text failed to take account of the great prestige enjoyed by the General Assembly and the positive influence which transmission by the Assembly of a proposal was likely to have in securing acceptance of that proposal.

41. Mr. SHCHERBATYUK (Ukrainian Soviet Socialist Republic) said that his delegation, for obvious reasons, had not participated in the substantive discussion and would vote against the proposal contained in document A/C.6/L.283/Rev.2.

42. Mr. TZOUNIS (Greece) said that the Chinese Government's request should be examined with great care since it raised certain questions of principle—for example, whether the correction of the Chinese text might not affect the entire Convention, which had been ratified by many States. The second revised Chinese draft resolution removed his doubts, since it merely drew attention to certain defects in the existing Chinese text without prejudging the question of the acceptance of the corrected text by governments, and he would therefore vote for it.

43. Mr. TABIBI (Afghanistan) said that his delegation would not support the second revised Chinese draft resolution for the reasons of principle to which the representatives of Denmark, Yugoslavia (355th meeting), Israel (354th and 355th meetings) and others had referred in connexion with multilateral conventions.

44. Moreover, the Government of Afghanistan had recognized the Central People's Government of the People's Republic of China and a request from any other source for revision of a Chinese text was unacceptable to it.

45. Mr. MAKSIMOV (Byelorussian Soviet Socialist Republic) said that his delegation could not consider the question of the revision of a Chinese text in the absence of the true representatives of the Chinese people. Accordingly, he had not participated in the substantive discussion and would vote against the proposal contained in document A/C.6/L.283/Rev.2.

46. Mrs. BASTID (France) said the Chinese representative had shown a commendable spirit of compromise in submitting the second revised Chinese draft resolution A/C.6/L.283/Rev.2.

47. She pointed out that the French and English versions of the first paragraph of the preamble were not consistent: the second line of the English referred to "official Chinese text" while the French merely said *texte chinois*. She also suggested that, in keeping with the terms of the Convention, the word "authentic" should be used instead of "official" in the first paragraph of the preamble.

48. She hoped that the Chinese representative would agree to the deletion of the following words at the end of the operative paragraph: "to the corrected Chinese text". States should be at liberty to comment not only on the text but also on the procedure and the principle involved.

49. In supporting the second revised Chinese draft resolution, subject to the amendments she had just suggested, the French delegation would in no way prejudice France's position on the acceptance of the revised Chinese text. That support indicated acceptance of the procedure proposed but involved no commitment concerning final acceptance. Furthermore, no affirmative vote would not prejudice the situation which would exist when all replies from governments had been received or the conclusions to be drawn from those replies.

50. Subject to those reservations, the French delegation would vote for the second revised Chinese draft resolution.

51. Mr. HSU (China) accepted the amendments proposed by the representative of France.

52. Referring to the objections which two delegations had raised to the second paragraph of the preamble, he said that, if there was no objection from representatives who supported his second revised draft resolution, he was prepared to delete the paragraph in question.

53. Mr. VALLAT (United Kingdom) said the second revised Chinese draft resolution should mention that the Secretary-General had examined the question and was satisfied that no substantive changes were involved. It would therefore be regrettable, he felt, if the second paragraph of the preamble were deleted.

54. Mr. GREEN (United States of America) noted that the change of "official" to "authentic" in the first paragraph of the preamble would create a discrepancy between that paragraph and the quotation from the Secretary-General's memorandum (A/2221) in the second paragraph of the preamble. It might perhaps be preferable for the text to be consistent throughout.

55. Mrs. BASTID (France) could not agree with the United States representative. An error had been made in the drafting of the Secretary-General's memorandum, but the Committee should be accurate in the draft resolutions it prepared.

56. Mr. NISOT (Belgium) asked the French delegation to withdraw its amendments, which were liable to reopen the debate. He pointed out that in international law the expression "official text" was correct, since it applied to the authentic text.

57. Mrs. BASTID (France) noted that the Chinese representative had already accepted the French amendments. Moreover, accuracy was most important.

58. Mr. SERRANO GARCIA (El Salvador) said that, in his opinion, it would be preferable to delete the words *en el mayor número de los casos* from the quotation in the Spanish version of the second paragraph of the preamble. Those words created doubts which were not apparent in the English and French versions.

59. He also suggested that in the Spanish version of the operative paragraph, the repetition of the word *pide* should be avoided by the substitution of the word *solicite* in the second clause.

60. Mr. AMADO (Brazil) said that, while he did not have the English or French versions before him,

it was his impression that the representative of El Salvador was correct in his comments on the quotation contained in the second paragraph of the preamble.

61. Mr. STAVROPOULOS (Secretary of the Committee) said that the Secretariat admitted that the word "authentic" would be more proper than the word "official" which was used in the text from the Secretary-General's memorandum quoted in the second paragraph of the preamble to the second revised Chinese draft resolution. He noted that the quotation marks could be ended after the word "four" in that paragraph, so that the words "authentic texts" could be substituted for the words "official texts".

62. Mr. CUTTS (Australia) said that the doubts which had been expressed provided valid reasons for the deletion of the second paragraph of the preamble. The point raised by the representative of El Salvador related to a quotation from the Secretary-General's memorandum, which the Committee could not alter. He would abstain from the vote on the second paragraph of the preamble, in the hope that it would be rejected and the difficulty would thus be resolved.

63. Mr. VALLAT (United Kingdom) could not agree with the Australian representative that the second paragraph should be deleted from the preamble. The quotation from the Secretary-General's memorandum was an essential element.

64. He proposed that the second paragraph of the preamble should be amended to read: "*Considering* that it is stated in the memorandum (A/2221) submitted to the General Assembly by the Secretary-General that the Chinese text submitted by the Government of China introduces only corrections that do not in any sense alter the substance or meaning of the Convention".

65. Mr. HSU (China) accepted the United Kingdom amendment.

66. Mr. ROBLEDO (Mexico), speaking on a point of order, opposed the deletion, from the second paragraph of the preamble, of the statement from the Secretary-General's memorandum to the effect that the Chinese text introduced only corrections "which are in the main of a linguistic nature". That statement had been one of the factors determining the position of the Mexican delegation. Its deletion would be misleading and would create confusion.

67. It had been the original intention of the Mexican delegation to abstain from the vote but, if the second paragraph of the preamble was changed, it would be forced to cast a negative vote.

68. Mr. HENAO Y HENAO (Colombia) noted that the Spanish words *en el mayor número de los casos* was not consistent with the English "in the main" or with the French *essentiellement*.

69. Mr. HSU (China) explained that he had accepted the United Kingdom amendment to the second paragraph of the preamble not because of any discrepancy between the two parts of the quotation from the Secretary-General's memorandum but because the emphasis properly belonged on the second part, which indicated that there had been no alteration of substance.

70. Mr. BARTOS (Yugoslavia) said that the second paragraph of the preamble distorted the meaning of the quotation from the Secretary-General's memorandum. The Yugoslav delegation would therefore abstain from the vote on that paragraph.

71. Mr. ROBERTS (Union of South Africa) said that, in the circumstances, perhaps the Chinese representative should be given an opportunity to reconsider the drafting of the second paragraph of the preamble. If, however, a vote was to be taken immediately, the South African delegation was prepared to accept only a reference to the Secretary-General's memorandum. Acceptance of the wording which was now proposed would give a new turn to the Secretary-General's statement, which had probably not been categorical in nature.

72. Mr. TZOUNIS (Greece) felt that the wording of the second paragraph of the preamble ought to be verified because of an apparent inconsistency between the French and English texts of the quotation contained therein. In his opinion, the second paragraph of the preamble should quote the entire text of paragraph 5 of the Secretary-General's memorandum.

73. After a further exchange of views regarding the drafting of the second paragraph of the preamble, the CHAIRMAN proposed the following wording: "*Considering* the memorandum (A/2221) submitted to the General Assembly by the Secretary-General".

74. Mr. HSU (China) accepted the Chairman's proposal.

75. The CHAIRMAN put to the vote the first paragraph of the preamble to the second revised Chinese draft resolution (A/C.6/L.283/Rev.2), with the word "authentic" substituted for the word "official" in the two places where it appeared.

The first paragraph, as amended, of the preamble was adopted by 24 votes to 12, with 5 abstentions.

76. The CHAIRMAN put to the vote the second paragraph of the preamble, reading: "*Considering* the memorandum submitted to the General Assembly by the Secretary-General (A/2221)".

That text of the second paragraph of the preamble was adopted by 23 votes to 16, with 3 abstentions.

77. The CHAIRMAN put to the vote the operative paragraph subject to the second revised Chinese draft resolution (A/C.6/L.283/Rev.2), with the deletion of the final phrase "to the corrected Chinese text" and the consequential deletion of the word "of" before the words "or objection".

The operative paragraph, as amended, was adopted by 24 votes to 14, with 4 abstentions.

78. The CHAIRMAN put to the vote the second revised Chinese draft resolution (A/C.6/L.283/Rev.2) as a whole, as amended.

The draft resolution as a whole, as amended, was adopted by 24 votes to 16, with 1 abstention.

The meeting rose at 1.15 p.m.