

TWO HUNDRED AND EIGHTH MEETING

Held at Lake Success, New York, on Monday, 28 November, 1949, at 11.15 a.m.

Chairman: Mr. LACHS (Poland).

Consideration, at the request of the Third Committee, of certain articles of the draft convention for the suppression of the traffic in persons and of the exploitation of the prostitution of others (A/C.6/329 and A/C.6/329/Add.1) (concluded)

MEMORANDUM TO THE THIRD COMMITTEE (A/C.6/L.102)

1. Mr. CHAUMONT (France) said that the French delegation had been very surprised to note that the only reference to the question of introducing a federal clause into the convention on the exploitation of prostitution, a question which had been discussed during four meetings, was a footnote to the introductory paragraph of part IV of the memorandum. That question had been the most important of all those the Committee had had to discuss. In fact, the Third Committee which had had before it a proposal for the insertion of a federal clause submitted by the United States, had not discussed the proposal but had sent it directly to the Sixth Committee. It was therefore inaccurate to class that question

with the various additional suggestions made by the Sixth Committee in respect of certain articles of the draft convention.

2. Moreover, although the Committee had not adopted any of the formulae proposed, it had nevertheless recognized the need to introduce a federal clause, a fact which was not mentioned in the memorandum.

3. The French delegation was therefore critical of the way in which the memorandum reported the discussions and requested that the necessary corrections should be made.

4. The CHAIRMAN invited the French representative and any other representatives who had comments to make on the memorandum to be good enough to submit them to the Rapporteur of the Sub-Committee, who was responsible for drafting that part of the report to the General Assembly.

5. Mr. FITZMAURICE (United Kingdom) noted, on a point of order, that the agenda of the General Assembly for 29 November included the discussion of certain recommendations from the Sixth Committee. The Committee had nevertheless been asked to meet three times on that day. He re-

quested that the Committee should not meet at the time when its recommendations came up for discussion, so that its members could attend the debate in the General Assembly.

6. The CHAIRMAN said that there was every reason to believe that the discussion of the Sixth Committee's recommendations would not begin on the following day. Should it do so, however, the necessary steps would be taken to ensure that the Sixth Committee did not meet during the discussion of its recommendations by the General Assembly.

Invitations to be addressed to non-member States to become parties to the Convention on the Prevention and Punishment of the Crime of Genocide: report of the Secretary-General (A/942)

7. The CHAIRMAN opened the discussion on the question.

8. Mr. WENDELEN (Belgium) asked, on a point of order, whether the question of designation of non-member States to become parties to the Convention on Genocide was being intentionally brought up for discussion before that of the designation of non-member States to become parties to the Revised General Act for the Pacific Settlement of International Disputes; the second question came before the first on the General Assembly's agenda.

9. The CHAIRMAN said that an error had crept in during the preparation of the agenda; it had been the intention of the Assembly to give priority to the question of genocide because it had been the subject of resolution 260 (III), adopted during the first part of the third session, whereas resolution 268 A (III), revising the General Act of 1928, dated from the second part of the third session.

10. Mr. RENOUF (Australia) said that his Government, which attached the greatest importance to the entry into force of the Convention on Genocide, had noted with satisfaction that it had already been signed by twenty-eight States, four of which had ratified it. Nevertheless, the Australian Government believed that an urgent appeal should be addressed to all Member States which had not so far signed or ratified the Convention, asking them to do so as soon as possible. The appeal could appear in the joint draft resolution under discussion (A/C.6/L.99) or in the report of the Rapporteur.

11. With regard to the draft resolution, he explained that the delegations of Cuba and Australia had tried to find a criterion which would permit the greatest possible number of non-member States to adhere to the Convention, on condition that they had expressed a desire to advance international co-operation. Those delegations had considered that active membership in one or more of the specialized agencies of the United Nations, or the fact of being a party to the Statute of the International Court of Justice, could constitute such a criterion. The word "active" had been purposely introduced in order to exclude certain States whose participation in the work of two specialized agencies had been suspended.

12. In conclusion, Mr. Renouf explained that the resolution was intended to cover most non-member States.

13. Mr. GARCÍA AMADOR (Cuba) agreed with the statements of the representative of Australia and wished to stress the importance which his country attached to the question of genocide, recalling that Cuba, together with India and Panama, had been an author of the first draft resolution on genocide adopted by the General Assembly as resolution 96 (I) in 1946.

14. With regard to the Philippine delegation's amendment (A/C.6/L.103), he considered that, although it did not alter the substance of the joint draft resolution, it had the advantage of drawing the attention of Governments to the necessity of ratifying the Convention as soon as possible. That appeal was a useful one, since the delay of most Member States in ratifying the Convention was due only to technical difficulties and in no way prejudged their position in so far as principles were concerned.

15. Miss BELARMINO (Philippines) stated that in view of the fact that the Convention had so far been ratified by only four States — namely, Australia, Ethiopia, Iceland and Norway — her delegation had considered it advisable to submit an amendment calling upon Member States to sign or ratify the Convention as soon as possible. Her delegation therefore proposed the addition of the following paragraph:

"Invites Members of the United Nations who have not yet done so to sign or ratify the Convention on the Prevention and Punishment of the Crime of Genocide as soon as possible."

16. The Philippine delegation considered that the rapid implementation of the decisions of the General Assembly was essential to international co-operation. That was why it was submitting an amendment which, in its opinion, would accelerate the entry into force of the Convention.

17. The CHAIRMAN pointed out that the title of the agenda item and of the joint draft resolution was: "Invitations to be addressed to non-member States . . ." He wondered whether, in the circumstances, it would be advisable to introduce a paragraph relating to Member States.

18. Mr. CHAUMONT (France) formally requested, on behalf of his delegation, that the question be referred to the next session of the General Assembly.

19. Article XIII of the Convention provided that it would enter into force only when the first twenty instruments of ratification had been deposited. Nevertheless, as the representative of the Philippines had pointed out, only four States had as yet ratified the Convention. The French delegation considered that it was inopportune and premature to invite non-member States to accede to the Convention before the Member States themselves had acceded to it. It would indeed be strange for the United Nations to request non-member States to bring about the entry into force of the Convention by acceding to it, since that would be tantamount to admitting that the Organization had failed to secure the ratification of the Convention by twenty of its Members. If the Convention were to enter into force as a result of its ratification by non-member States, those

States would not fail to play a decisive part in its application.

20. In reply to those who might object that France was among the countries which had not ratified the Convention, he would state that it had already gained the approval of the Council of State and that its ratification by the French National Assembly was assured.

21. Even if the principle of addressing invitations to non-member States were recognized, the question of which States should have invitations addressed to them must still be solved. There were two possible alternatives. The General Assembly might either designate the non-member States by name, or it might establish an abstract and general criterion for the invitation of certain States. The first method should be ruled out from the outset, since it would inevitably give rise to long political debates. What, then, could be the best general criterion to be adopted for the designation of the non-member States to which such invitations should be addressed? The draft resolution proposed as a criterion participation in one or more of the specialized agencies, since such participation served as a proof of a desire to advance international co-operation. Although he did not wish to minimize the importance of the specialized agencies, Mr. Chaumont felt obliged to point out that they had been established by inter-governmental agreement and were not organs of the United Nations. By adopting participation in those agencies as a criterion, the United Nations would show that it was unable itself to lay down the factors which should determine its choice.

22. Moreover, it could not be alleged that participation in the activities of the specialized agencies represented the most valid expression of a desire to advance international co-operation. He considered that a request for admission to the United Nations was a better proof of such a desire than participation in a specialized agency.

23. Furthermore, the draft resolution did not specify the date on which that criterion should begin to operate. The expression "active member" was not a juridical one. He recalled that article XVII of the Final Protocol of the Convention of the Universal Postal Union provided that Germany, Japan, Korea and Spain were temporarily precluded from acceding to the Convention. That meant that one or more of those States might become active members of that organization at a given moment. What date should be fixed in order to determine whether or not a given State was an active member of a specialized agency? If the authors of the draft resolution had in mind the date of the adoption of the resolution, they had not taken into consideration the fact that certain States might become active members of a given specialized agency after that date. Thus, a purely factual criterion could not be turned into a legal criterion. He could not see why the Committee should not adopt the most simple procedure, which would be to invite all non-member States to become parties to the Convention, subject to the resolutions in force.

24. He repeated that it would be inopportune at the present time to invite non-member States to accede to the Convention, when it had been ratified by only four Member States. The French delegation was therefore asking that the question be postponed until the next session, since it hoped

that the Convention would have come into force in the meantime. If, however, the Committee wished to invite non-member States to accede to the Convention immediately, it should invite them all without distinction, and subject only to the resolutions in force.

25. Finally the French delegation whole-heartedly supported the Philippine amendment since, though that amendment did not — strictly speaking — relate to the item on the agenda, it was closely connected with it. It was indeed highly important to invite Member States to ratify the Convention as soon as possible, for it would be strange if that Convention were to enter into force after ratification by only four Member States and by sixteen non-member States, if such a number were possible.

26. Mr. KERO (Assistant Secretary-General in charge of the Legal Department), in reply to the French representative's remarks on the participation of certain non-member States in the Universal Postal Union, read the following provisions of the Final Protocol (article XVII, paragraphs 1 and 2) concerning the participation of Spain, Germany, Japan and Korea:

"1. Spain, Morocco (Spanish Zone) and the whole of the Spanish Colonies, temporarily precluded from acceding to the Convention and the Agreements in consequence of a decision of the XIIth Universal Postal Congress taken in conformity with a resolution of the General Assembly of the United Nations of the 12th December, 1946, may accede to these Acts, without submitting to the formalities prescribed by Article 3, as soon as that resolution is repealed or becomes objectless.

"2. Germany, Japan, and Korea, temporarily precluded from acceding to the Convention and the Agreements, may accede to these Acts, without submitting to the formalities prescribed by Article 3, when the time is considered opportune by the responsible authority."

27. He recalled that an amendment for the exclusion of Spain had been proposed for the constitution of the International Civil Aviation Organization. Nevertheless, since the amendment had not yet been ratified, that country continued to form part of the organization legally, but was not an active member, since it did not pay its contributions.

28. Mr. CHAUMONT (France) thanked Mr. Kerno for his explanations, which confirmed that the Final Protocol was drafted in general terms that justified considering the wording "active member" to be ambiguous.

29. Mr. ZIAUDDIN (Pakistan) recalled that his country had taken an active part in debates on genocide and stated that his delegation supported the joint draft resolution and would vote against any proposal to refer the question to the next session.

30. Mr. MAÚRTUA (Peru) stressed that the Convention on Genocide constituted one of the most important chapters in the history of international law. As a result of crimes and persecutions perpetrated before and during the war by certain Governments which had adopted a policy of discrimination, the international community had qualified genocide as a crime against human rights and had drawn up a convention to ensure its

prevention and suppression. Moreover, the General Assembly had instructed the International Law Commission to formulate the principles of Nürnberg, which were closely connected with the question of genocide.

31. Although it was true that the Convention on Genocide had not yet been ratified by many States, it had to be borne in mind that that Convention expressed certain new principles that States would have to study carefully in order to be able to incorporate them in their national legislation, which, in many cases, contained provisions incompatible with those of the Convention. Thus, many States, including Peru, had been prevented by technical difficulties from ratifying the Convention as rapidly as they might have wished.

32. The Peruvian delegation considered that the accession of non-member States, far from weakening the scope of the Convention, would strengthen its efficacy, since progress in international law was to be achieved by the accession of the greatest possible number.

33. With regard to the amendment of the Philippine delegation, he pointed out that the ratification of a Convention was an act of sovereignty and that no State could, therefore, be invited to perform an act which lay exclusively within its competence.

34. The Peruvian delegation was prepared to support the joint draft resolution, but it would prefer the draft not to contain the specific provision that, in order to be invited, States had to be active members of one or more specialized agencies.

35. Mr. RENOUF (Australia) pointed out that the political argument put forward by the French representative in favour of referring the question to the next session might be countered by a legal argument based on article XIII of the Convention on the Prevention and Punishment of the Crime of Genocide. That article did not lay down that the first twenty ratifications that had to precede the entry into force of the Convention should emanate from States which were Members of the Organization. It would therefore be contrary to the intention of the authors of the Convention to refuse non-member States the privilege of being among those whose ratification would result in the implementation of that Convention.

36. The French delegation had objected to the criterion of participation in the activities of specialized agencies, which was mentioned in the joint draft resolution, on the grounds that those agencies were not principal organs of the United Nations. Although it was true that those agencies had only been established by inter-governmental agreement, it could not be denied that the United Nations had taken the initiative in setting up most of them. Moreover, those agencies were closely connected with the Organization under Article 63 of the Charter, which provided for the conclusion of agreements between the Economic and Social Council and the agencies concerned, and thus promoted their integration within the framework of the United Nations. It was therefore justifiable to state that participation in the activities of those agencies was clear evidence of the desire of non-member States to advance international co-operation.

37. Finally, Mr. Chaumont had alleged that the expression "which is an active member" was too vague. The representative of Australia would not object to a specific statement in the report, for instance, that the authors of the resolution had intended the word "active" to apply to members who had not been suspended. Thus, Spain, which had been automatically suspended from membership of the Universal Postal Union for ceasing its contributions and which had withdrawn its delegation from the International Civil Aviation Organization, could not be considered as an active member of those two specialized agencies. That clause would therefore prevent Spain from signing the Convention and from acceding to it in the existing circumstances.

38. With regard to the French delegation's suggestion that all non-member States should be invited to sign the Convention or to accede to it, he stated that the authors of the joint draft resolution had considered that possibility in drawing up their text, but had thought that such a solution would place the Secretary-General in the very delicate position of having to prepare a list of all the non-member States in the world. He did not consider that an administrative organ such as the Secretariat should be called upon to carry out work of such purely political character.

39. Miss BELARMINO (Philippines) thought that the question of the invitation of Member States should be considered to be included in the agenda of the General Assembly, since the Secretary-General's annual report (A/930, page 134) dealt with the signature of the Convention by Member States, and the inclusion of the question of invitation to non-member States in the agenda was based on the same part of that report.

40. She did not consider that the Peruvian delegation's objection to the Philippine amendment, based upon the sovereignty of States, was well founded. There was no question of obliging Member States to sign the Convention. It was understood that they were absolutely free to take the decision in the exercise of their sovereign autonomy. The purpose of the amendment was to accelerate the deposition of signatures or instruments of ratification by the States that were prepared to adopt the Convention.

41. Mr. CHIARI (Panama) intended to vote for the joint draft resolution and the Philippine amendment and against the French proposal for adjournment.

42. Mr. IMRU (Ethiopia) stated that his country, which had already signed and ratified the Convention, was anxious that it should enter into force as soon as possible. He regretted that the Convention, which had been proved necessary by the experience of the war, and the drawing up of which had been considered as one of the greatest successes of the United Nations, had as yet been ratified by so few States. His delegation would, therefore, support both the joint draft resolution and the Philippine amendment, which were both intended to urge States to ratify the Convention as soon as possible.

43. Mr. WENDELEN (Belgium) pointed out that the question at issue related to the procedure of applying the Convention and should not, therefore, give rise to any discussion on the substance of the problem of genocide.

44. The Belgian delegation would confine itself to following the majority of the Committee when a vote would be taken on the motion of adjournment proposed by France. With regard to the criterion for the selection of the non-member States to be invited to sign the Convention or accede to it, he considered that the solution provided for in the joint draft resolution was perfectly satisfactory. The proposed criterion was sufficiently general, on the one hand, to make it possible to avoid any political discussion with regard to the invitations and, on the other hand, to apply the criterion in cases other than that of the Convention on Genocide.

45. Mr. MORGAN (Guatemala) approved the joint draft resolution and the Philippine amendment, since they would serve to accelerate the implementation of the Convention. The Convention was supported by Guatemalan national sentiment and also by the American University Congress, recently held in Guatemala, which had decided to lend its authority to the speedy ratification of the Convention by the States represented at the Congress.

46. Mr. FITZMAURICE (United Kingdom) said he unreservedly supported the motion of adjournment submitted by France. At all events, it was too late now for non-member States to have time to accept an invitation and sign the Convention before 31 December 1949. In practice, therefore, the only question that arose was that of the adherence of non-member States, for which no time-limit was laid down in the Convention. In any case, it must be admitted that it would be irregular and contrary to usage to have to be indebted to an overpowering majority of non-member States for the coming into force of a convention drawn up under the auspices of the United Nations. It would, therefore, be better to defer consideration of the question until the next session, in the hope that meanwhile many Member States would have been able to ratify the Convention.

47. On the other hand, the United Kingdom delegation did not share the French representative's point of view on the criterion proposed by Australia and Cuba. That criterion was expressed in very general terms and was capable of almost automatic application. It was perfectly acceptable, for the work of the specialized agencies was closely connected with that of the United Nations itself.

48. Mr. Chaumont seemed to fear that the terms "which is an active member" would allow certain States to become active members of any specialized agency when they thought fit to do so, and consequently to acquire the right to be invited to adhere to the Convention. It was pointed out, however, in the case of Spain, that that country could resume an active part in the work of the agencies of which it was a member only after certain resolutions of the General Assembly had been revoked or become void; and in the case of other countries, the consent of the responsible authority was required. In the opinion of the delegation of the United Kingdom, there was no valid reason to keep the ex-enemy countries out of the Convention. On the contrary, it was those States, and especially Germany, which should be the first to be invited, since they would thus be able solemnly to undertake to prevent and punish a crime, which they had to some extent been the first to perpetrate.

49. Contrary to the French delegation's opinion, he thought that the wording of the joint draft resolution restricted invitations to non-member States which were active members of one or more specialized agencies at the present time. To avoid such restriction, and in order that any State which subsequently became an active member of a specialized agency should be able thus to manifest its desire to contribute to international collaboration and be invited to adhere to the Convention, he would ask the authors of the draft resolution if they would agree to change that wording, and to substitute for it the words "which is or may become hereafter an active member".

50. Mr. LOUTFI (Egypt) recalled the part which Egypt and the Arab States had played in drawing up the Convention on Genocide. If Egypt had not yet ratified it, it was only because of the time required for that purpose by constitutional procedure.

51. With regard to the invitation to be addressed to the non-member States, the Egyptian delegation was of the opinion that the criterion suggested by the Australian and Cuban delegations was too vague and lacked legal validity. He, too, would suggest the deletion of the word "active" in the operative part of the draft resolution. Such a criterion should be very general and should avoid all discrimination between the non-member States which were members of specialized agencies and those which were not. He would therefore vote against the joint draft resolution.

52. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department) thought it was the United Kingdom representative's intention that the modification he proposed should apply not only to the first condition — active participation in the work of the specialized agencies — but also to the condition respecting adherence to the Statute of the International Court of Justice. The Principality of Liechtenstein, for example, would certainly not have had time to adhere to the Statute of the International Court of Justice before the date of the adoption of the General Assembly resolution recommending the invitation of non-member States. But, if the wording "which is or may become hereafter" were to apply to the last part of the final paragraph of the joint draft resolution, the Principality could be invited later, after it had become a party to that Statute.

53. Mr. MATTAR (Lebanon) recalled that his country had been one of the promoters of the Convention on Genocide and had taken an active part in its preparation.

54. Whatever might be the validity of the objection raised by the French representative, he did not think the prestige of the United Nations would be jeopardized if non-member States adhered to the convention before it had been ratified by twenty Member States. He would, therefore, vote against the French proposal.

55. On the other hand, he supported the principle of the joint draft resolution, but would like to eliminate all the restrictive elements from it. He, therefore, proposed that in the second paragraph of the preamble, the words "by their participation in the activities of the United Nations" should be deleted, and that the whole of the third paragraph should be replaced by the following:

"Decides to request the Secretary-General to dispatch the invitations above-mentioned to all

non-member States who have indicated or will indicate their desire to accede to the Convention, and in so doing to take into account the resolutions of the General Assembly now in force."

56. Mr. RENOUF (Australia) said that it had been the intention of the authors of the draft resolution that the date on which the General Assembly resolution concerning the invitation of non-member States was adopted, should be used for deciding which States were active members of the specialized agencies or parties to the Statute of the Court. Nevertheless, the Australian and Cuban delegations saw no objection to that provision being extended to the future, as the United Kingdom representative had requested.

57. The CHAIRMAN noted that in consequence of the agreement between the Australian and Cuban delegations, the operative part of the joint draft resolution should read as follows:

"Decides to request the Secretary-General to despatch the invitations above-mentioned to each non-member State which is or may become hereafter an active member of one or more of the specialized agencies of the United Nations or a party to the Statute of the International Court of Justice."

58. Mr. CHAUMONT (France) supported the amendment proposed by the Lebanese delegation. The fact was that the restricted meaning which the authors of the joint draft resolution had agreed to attribute to the phrase "an active member" made that phrase still more unacceptable to the French delegation. The phrase would amount to giving a free hand to any specialized agency, whatever its importance and the technical nature of its work, to decide which States should be called upon to adhere to a convention that was of such political importance. It seemed to follow from the provisions of the Final Protocol to the Convention of the Universal Postal Union, which had been read by the Assistant Secretary-General, that it was the responsible authority of the Union itself which should determine the time at which the exclusion of Japan and Germany should cease. That was a further reason for rejecting the new wording suggested by the United Kingdom. The French delegation was of the opinion that the General Assembly could not give *carte blanche* to the specialized agencies to determine by their future attitude what countries should be invited to adhere to the Convention on Genocide.

59. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department), in reply to a question by Mr. KORETSKY (Union of Soviet Socialist Republics), said that, if the criterion chosen by the authors of the joint draft resolution were adopted, the following non-member States would not be invited: Andorra, the Republic of Korea, Germany, Japan, the People's Republic of Mongolia, Nepal, the Republic of San Marino, and Spain.

60. Mr. KERNO added that the Secretariat had considered the consequences of adopting a different criterion, such as application for membership in the United Nations, but had come to the conclusion that any other criterion would raise many more difficulties — particularly political difficulties — than that of active participation in the work of the specialized agencies, chosen by the delegations of Australia and Cuba.

61. Mr. KORETSKY (Union of Soviet Socialist Republics) recalled that, under article XI of the Convention on Genocide, it was for the General Assembly to choose which non-member States should be invited to sign that Convention. The General Assembly should obviously make the choice itself and, without amending the Convention, it could not follow any other procedure; that was precisely what it would be doing if it left the specialized agencies to decide which were their active members.

62. It was for the Committee to decide whether the question of invitations to be addressed to non-member States should be postponed until the fifth session of the General Assembly or whether it should be settled during the current session. If the Committee adopted the latter solution, it would have to submit for approval to the General Assembly a list of the non-member States that should be invited to become parties to the Convention.

63. As the representatives of France and Lebanon had emphasized, the Convention should be open for signature to all non-member States. It should be remembered that it was a Convention intended to prevent and suppress one of the most heinous crimes from which humanity had suffered, particularly during the Second World War, and that consequently care should be taken that all States should pledge themselves, by signing the Convention, not to commit that crime and to punish those who might be guilty of it. In the opinion of the USSR delegation, no non-member State that expressed the desire to do so should be prevented from becoming a party to the Convention, except, naturally, any State with which the General Assembly had recommended the suspension of diplomatic relations. Moreover, that would appear to be the intention of the authors of the joint draft, since the second paragraph of the preamble mentioned that it was desirable to send invitations to those non-member States "which . . . have expressed a desire to advance international co-operation". In the circumstances, there was reason to wonder why that desire should be expressed exclusively by participation in the work of the specialized agencies. Those agencies had an essentially technical task to fulfil and it might well be that States — whether Members or non-members of the United Nations — should, though animated by the keenest desire to co-operate with the community of nations, be obliged to refrain from participating in certain specialized agencies because of the trend of their activities.

64. Moreover, it should be borne in mind that participation in the work of the specialized agencies was in no way compulsory for Member States of the United Nations. If, as the joint draft resolution proposed, the criterion of active participation in the specialized agencies were chosen, it would appear that not only was blame attached to Member States that did not participate in some of these agencies, but the duty of taking part in their activities was even imposed on non-member States. Such a criterion might conceivably be adopted if it were a question of conventions on economic or social questions, but in the case in point participation in organizations that had no political character could not be taken as a basis for judging the desire of non-member States to advance international co-operation.

65. In conclusion, Mr. Koretsky said that, without prejudging the question as to whether invitations to sign the Convention on Genocide should or should not be sent during the current session of the General Assembly, his delegation would urge that all non-member States be invited to become parties to that Convention, and would therefore vote for the Lebanese delegation's amendment, supported by the French delegation.

66. Mr. FITZMAURICE (United Kingdom) agreed with the French representative that, by adopting the criterion of active participation in the work of the specialized agencies, the General Assembly would be leaving them to decide which non-member States should be invited to sign the Convention on Genocide. He wished to point out, however, that as the membership of the specialized agencies was to a great extent the same as that of the United Nations, it might be concluded that any non-member State qualified to participate in one of these agencies was also qualified to accede to the Convention. But it should be understood that the expression "non-member States" meant sovereign, completely independent States, responsible for the conduct of their own foreign relations. In view of the fact that entities which did not fulfil all these conditions might be members of some specialized agencies, the Universal Postal Union, for instance, and that it was not desirable to invite these entities individually to accede to the Convention, either the joint draft resolution should be amended or the report to the General Assembly should specify the meaning to be attached to the words "non-member States".

67. The United Kingdom delegation had no formal objection to the Lebanese amendment supported by France and the Union of Soviet Social-

ist Republics, provided that it was understood, there again, that the reference was to sovereign, independent States, responsible for the conduct of their own foreign relations. It drew the Committee's attention to the fact that the adoption of so general an expression would place the Secretary-General in a difficult position, for he would have to decide whether he should send invitations to States such as Andorra or the Republic of San Marino, which were not responsible for their own foreign relations, or to entities that were not considered as States by all Members of the United Nations.

68. In the circumstances, there appeared to be only two possible solutions: either a list of the non-member States which should be invited to become parties to the Convention should be drawn up, or else a general expression should be found, the application of which would raise no difficulties for the Secretary-General. The United Kingdom delegation inclined towards the second solution, particularly as there was little time to draw up a list of States to be invited, and would support the joint draft resolution if the meaning of the expression "non-member States" was defined either in the draft resolution or in the report to the General Assembly.

69. The CHAIRMAN put to the vote the French delegation's proposal that consideration of the question of invitations to be addressed to non-member States to become parties to the Convention on Genocide be postponed until the fifth session of the General Assembly.

The proposal was rejected by 17 votes to 9, with 12 abstentions.

The meeting rose at 1.10 p.m.

* In the meeting the discussion summarized in paragraphs 4 to 7 inclusive occurred after adoption of the joint draft resolution concerning the Convention on

Genocide.

¹ See the summary record of the 207th meeting, the roll-call vote following paragraph 91.