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GENOCIDE

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\* This paper supersedes Paper No. 27, dated 8 January 1948 and Add.1 (26 March 1948) and 2 (21 July 1948), and Paper No. 52, dated 31 August 1949.

## I. INTRODUCTION

The General Assembly of the United Nations on 9 December 1948, unanimously adopted a Convention on the Prevention and Punishment of the Crime of Genocide - the crime of destroying a group of people because they belong to a particular group. This action was hailed as an important event in the development of international law - that law which must be built up to safeguard the international community, as the national law protects the ordinary man and woman in their day-to-day lives. It took two years of hard work for the United Nations to draw up the Convention. Many different points of view had to be expressed and, as far as possible, met in order that the Convention could be adopted unanimously and made as effective as possible. But to understand the importance of the Convention and of the fact that it was adopted unanimously we must remember that genocide (though it has only recently been given that name) is a crime that has been committed through the centuries.

### A. What is Genocide?

Genocide is a new name for an old crime. It derives from two Latin words: "genus", a group, and "caedere", to kill. It means the destruction of whole groups of people just because they belong to particular groups. The group may be racial, national or religious; it may be a particular ethnical or racial group. Its destruction may take the form of massacres, of executions, of subjecting the group to such conditions (for example, deprivation of food, housing or the right to work) that it cannot continue to live. It may take the form of restricting its birth-rate - by segregation of the sexes, for instance. It may take the form of destroying the special characteristics of the group by such means as the forced transfer of its children.

### B. Genocide is Not New

These were all techniques used by the Nazi Government of Germany as part of

its deliberate policy. They were used particularly against a racial and religious group - the Jews - and against a national and linguistic group - the Poles. But although this destruction was practised in a much larger and more systematic way by the Germans after Hitler came into power, it was nothing new. Since the destruction of Carthage by the Romans the crime of genocide had been practised. Right through the Middle Ages there were Jewish pogroms (mass killings) in various countries of Europe. More recently - in the last century - there were the massacres of Armenians and the destruction of the Herreros in Africa; and in this century there was the persecution of Armenians under the Ottoman Empire.

#### C. A Matter of Domestic Jurisdiction

Although individuals and groups in other countries, and even foreign governments, were often roused to protest against such massacres, there was no action short of war which they could take to prevent them. What action the government of any country took (or permitted other groups in that country to take) against its own citizens was, in international law, its own affair. But the systematic brutalities practised by the Nazi régime shocked the conscience of the Twentieth Century out of this exaggerated respect for "matters within domestic jurisdiction". It was recognized that the world community must be concerned with such crimes. The International Military Tribunal at Nürnberg recognized that there were "crimes against humanity" for which those guilty should be held responsible, and that these crimes must be punishable by law. The United Nations in its Charter declared as one of its main purposes the achievement of international co-operation "in promoting and encouraging respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language, or religion". It became clear that international law would have to be developed to deal with the international crime of genocide.

#### D. International Crimes

A pattern already exists for dealing with certain international crimes, for example, slave trading, illegal production and trade in narcotics, piracy, trade in women and children. International conventions have been signed on these crimes and anyone guilty of them can be tried and punished not only in his own country but in whatever country he escapes to, provided that that country has adhered to the convention in question. The same procedure, it was thought, should apply to genocide.

### II. ACTION BY THE UNITED NATIONS

#### A. Question first Brought before the General Assembly in 1946

The question of genocide was first brought before the General Assembly of the United Nations in November 1946 in a draft resolution submitted jointly by the delegations of Cuba, India and Panama. The draft resolution drew the attention of the Economic and Social Council to the crime of genocide and invited it to study the problem and report on the possibilities of: (1) declaring genocide an international crime, (2) assuring international co-operation for its prevention and punishment, (3) recommending that it should be treated by national legislations in the same way as other international crimes.

The matter was discussed by the Assembly's Sixth (Legal) Committee, and certain suggestions were made by other delegations. For example, it was proposed that the Assembly should itself declare that genocide was an international crime for which those concerned should be punished. Another proposal was that the Assembly should call on Members to see that their national laws treated genocide on an equal footing with piracy, traffic in women, children and slaves, and other crimes violating the dignity of human beings. It was suggested that a draft protocol should be drawn up defining genocide, enumerating the acts that fell within the definition, and including



provisions for assuring the prevention and repression of genocide. It was also proposed that those responsible for the propagation and dissemination of hatred against national, racial, or religious groups as a step preparatory to the crime of genocide should be punished. On the basis of these proposals, a sub-committee drew up a resolution which was unanimously accepted by the Sixth Committee and by the General Assembly in plenary meeting on 11 December 1946.

B. General Assembly at its First Session in 1946 Requests Draft Convention

In this resolution the General Assembly affirmed that genocide was a crime under international law which the civilized world condemned and that those guilty of it, whoever they were and for whatever reason they committed it, were punishable. The Assembly invited Member States to enact the necessary legislation for the prevention and punishment of this crime and recommended that international co-operation should be organized for its speedy prevention and punishment. It requested the Economic and Social Council to undertake the necessary studies for drawing up a draft convention for submission to the Assembly's next regular session.

Accordingly, the Economic and Social Council at its fourth session, on 28 March 1947, instructed the Secretary-General, with the assistance of experts, to undertake studies with a view to preparing a draft convention. After consulting the General Assembly's Committee on the Progressive Development of International Law and its Codification and, if possible, the Commission on Human Rights, and after referring it to Member Governments for comments, the Secretary-General was to submit a draft convention to the Council's fifth session.

C. Draft Convention Prepared by the Secretariat in 1947

A Draft Convention with a commentary was accordingly drawn up by the Secretariat with the assistance of three experts: Professor Donnedieu de Vabres, former French Judge

of the International Military Tribunal, Professor Pella, President of the International Association for Penal Law, and Professor Raphael Lemkin, former Adviser to the United States Prosecutor at the Nürnberg Trials.

The draft Convention and commentary were submitted on 13 June 1947, to the Committee on the Progressive Development of International Law and its Codification. The Chairman of the Committee, however, in a letter of 17 June, stated that as the text had not yet been submitted to Member Governments, the Committee felt unable at that time to express any opinion on the matter. On 7 July 1947, the Secretary-General transmitted the draft Convention and commentary to Member Governments for their observations.

At its fifth session, the Economic and Social Council on 6 August 1947, adopted a resolution noting that the draft Convention had not been considered by the General Assembly Committee on the Development and Codification of International Law or by the Commission on Human Rights, and that comments from Members had not been received in time for the Council's consideration. The Council called on Members to submit their comments as soon as possible, and asked the Secretary-General to transmit to the General Assembly the draft Convention and any comments received in time from Members. The Council also decided to inform the Assembly that it proposed to proceed as rapidly as possible with the consideration of the questions, subject to any further instructions from the Assembly.

#### D. Consideration by the General Assembly at Its Second Session in 1947

Observations were received from France, Haiti, India, Philippines, the United States and Venezuela. These were transmitted to the General Assembly.

After taking into account the various views as to which body should consider the draft Convention, the General Assembly on 21 November 1947, decided to request the

Economic and Social Council to continue the work it had begun concerning the suppression of the crime of genocide, including the study of the draft Convention prepared by the Secretariat. The Council was to proceed with the completion of a convention, taking into account that the International Law Commission had been charged with the formulation of the principles recognized in the Charter of the Nürnberg Tribunal and the preparation of a draft code of offences against peace and security. The Council, the General Assembly decided, need not await the receipt of observations from all Members before commencing its work. It was to submit a report and the Convention on genocide to the Assembly's third regular session.

E. Establishment in March 1948 of an ad hoc Committee to Draft a Convention

The Council, therefore, considered the question again at its sixth session. On 3 March 1948, it adopted a resolution requesting Members of the United Nations which had not yet done so to transmit at the earliest possible date their comments on the draft Convention prepared by the Secretary-General. At the same time the Council established an ad hoc Committee, composed of China, France, Lebanon, Poland, the USSR, the United States and Venezuela to prepare a draft convention, in accordance with the General Assembly's resolution. The Committee was to submit the draft, together with the recommendations on it of the Commission on Human Rights, to the Council at its seventh session. In preparing a draft convention the Committee was to take into consideration the draft prepared by the Secretary-General and the comments on it of Member Governments, as well as other drafts on the matter submitted by any Member Government.

F. Draft Convention Prepared by the ad hoc Committee

The ad hoc Committee met at Lake Success from 5 April through 10 May 1948 and by a majority adopted a draft Convention consisting of a Preamble and nineteen articles.

At its third session, the Commission on Human Rights was not able to consider

thoroughly the draft Convention prepared by the ad hoc Committee and therefore limited itself to expressing the opinion that the draft Convention represented an appropriate basis for urgent consideration and decisive action by the Council and the General Assembly.

The Commission on Narcotic Drugs, at its third session, recommended that the Council ensure that the use of narcotics as an instrument to commit genocide should be covered by the proposed Convention.

G. Consideration by the Economic and Social Council at Its  
Seventh Session in 1948

The draft Convention was submitted to the Economic and Social Council at its seventh session in July-August 1948. Because of pressure of business the Council decided that each delegation should have an opportunity to make in plenary session one general statement of its position but that there should be no detailed discussions and that the Council should merely transmit to the General Assembly the documents and the statements of the position of delegations.

Accordingly, statements were made in plenary meeting. Most of the members of the Council spoke in favour of transmitting the draft Convention prepared by the ad hoc Committee to the General Assembly, and of action being taken upon it in 1948. Various members, while recognizing that there were differences of opinion on certain questions, thought that the Convention should contain the greatest possible proportion of generally accepted principles, since it would then be more likely to be ratified by a large number of governments.

Opinions differed on whether it was advisable to include provisions regarding incitement to genocide, some holding that this was important, others that it was difficult to define. Some members thought that provisions should be included to prevent "cultural" genocide (i.e. acts aimed at destroying the particular culture of a group, for example by

destroying its literary works or closing its schools); others opposed the inclusion of such provisions, holding that cultural genocide was not on a par with actual physical genocide and that too wide a definition of genocide would make the Convention meaningless. Some members thought it important to include a provision for protecting political groups, others that such a provision might provide a pretext for interference with national measures for internal law and order. Some members approved in principle the creation of an international court to try crimes of genocide but thought that the problem required further study; others spoke against the establishment of such a court on the grounds that it would violate national sovereignty, and that it might give rise to disputes and differences necessitating international police action and would entail practical difficulties.

Other points which were made in the statement included those which stated that: it was important to include in the Convention a specific undertaking to pass national laws in conformity with it; the punishment of offenders might be helped by an extension of the existing practice as to extradition (the practice by which one country has agreed to surrender those charged with certain criminal offences in another country to that country for trial); genocide committed under superior orders is equally punishable; that the connexion between Fascist ideological theories and the crime of genocide should be made clear; and the importance of narcotic drugs as an instrument of genocide should be remembered. (Such drugs were used to destroy the resistance of the Chinese to the Japanese in Occupied China in the Second World War.)

The draft Convention and the records of the Council's discussions were transmitted to the General Assembly and were considered by the Assembly at the first part of its third session in September-December 1948.

H. Consideration by the General Assembly at the first part of Its Third Session in 1948

At its 142nd plenary meeting on 24 September 1948, the General Assembly referred the question to its Sixth (Legal) Committee which, after a general discussion, examined the draft Convention item by item in the course of forty-four meetings lasting from 5 October to 9 November. Following this, the Sixth Committee referred the text to a drafting committee of thirteen members, and, a further seven meetings from 29 November to 1 December, considered the text revised by the drafting committee. The Sixth Committee's report was discussed by the General Assembly at its 178th and 179th plenary meetings on 9 December 1948, and adopted.

During this detailed consideration, many amendments were offered and opposing views were expressed. In the main, the points raised were similar to those raised in the discussions of the Economic and Social Council. The following were some of the main points in which discussion centred.

Should the Preamble to the Convention refer to the connexion between genocide and Fascist and Nazi philosophy and similar race theories? Some representatives felt that this connexion was of primary importance; others held that to state such an organic link would alienate Germany and Italy and make it difficult for them to accede to the Convention in the future. It was decided not to refer to such a connexion.

Should "cultural" genocide, e.g. the destruction of schools and cultural institutions of a country or the prohibition of its language, be included? This question occasioned much debate; some representatives held that cultural genocide led towards physical genocide and it was therefore necessary to include it; others thought that this was really a matter involving the protection of human rights and that the Convention would have more force if the definition were not too wide.

Should political groups be covered in those protected by the Convention? Some held that such groups were not sufficiently defined to be included; some thought that to include them might lead to interference in the internal affairs of countries; others felt that to omit them would leave a large gap in the Convention. It was finally decided to omit political groups from the Convention.

Should incitement to genocide be punishable? Some representatives held that this would be difficult to define, others that to prevent genocide it was necessary to include steps leading to it. It was decided to include incitement as a punishable offence. It was suggested further that the Convention should include an undertaking by the signatory countries to disband and prohibit organizations aiming at the incitement of racial, national and religious hatred and at provoking acts of genocide, but this proposal was not accepted.

Should the Convention contain a statement that "command of the law or superior orders shall not justify genocide"? Those holding that such a statement should be included thought that without it the Convention could have no practical effect, since those guilty of genocide could always claim immunity on these grounds. Those opposing such a provision thought that it was better to define acts of genocide positively and state that all offenders were to be punished.

Should the Convention contain a provision for the trial of those charged with genocide by an international tribunal? Some representatives thought that the only sure way of securing that those guilty of genocide would be punished, no matter how powerful they were, was to have an international criminal court. Others considered that the establishment of such a court might lead to intervention in the internal affairs of states and a violation of their sovereignty. They argued further that such a court could only prove effective if there were adequate means of enforcing its decisions.

The Assembly decided that those guilty of genocide should be tried by national courts

in the country in which the crime was committed or by an international criminal court, the jurisdiction of which had been accepted by the countries which had accepted the convention. The Assembly also passed a resolution asking its International Law Commission to study how far it was desirable and possible to establish an international judicial body for trying those charged with genocide or other crimes covered by international conventions. It requested the Commission to pay attention to the possibility of establishing a Criminal Chamber of the International Court of Justice.

Should signatory nations be obliged automatically to extend the provisions of the Convention to the dependent territories for the administration of which they were responsible, or should it be left to them to do so? Those arguing that the Convention should automatically be applied to such territories stated that weak and small nations needed the most protection against genocide and that the usefulness of the Convention depended on its applying to all territories regardless of their status. Those arguing in favour of leaving it to the administering countries to extend the application of the Convention to territories for whose foreign relations they were responsible stated that these territories could not be committed in advance since the adoption of the Convention by them would require legislation in the territories themselves. It was decided to leave it to the administering countries to extend the Convention to these territories by notifying the Secretary-General. At the same time the Assembly adopted a resolution recommending that they should take the necessary measures to extend the provisions of the Convention to the dependent territories as soon as possible.

In the Assembly's plenary meetings, many representatives stressed that the Convention was a compromise and that, while it did not please everyone, the differences of opinion were not on the principle of barring genocide, but on the methods to be employed. The Convention embodied those points on which agreement could be reached then; later



it could be improved. The Convention was adopted unanimously on 9 December 1948. The following is a summary of its main provisions.

### III. SUMMARY OF THE PROVISIONS OF THE CONVENTION ON GENOCIDE

The Convention on the Prevention and Punishment of the Crime of Genocide contains a preamble and nineteen articles (for text, see Annex I below).

In the Preamble the Contracting Parties refer to a previous declaration by the General Assembly in December 1946 that genocide is a crime under international law, recognizes that humanity has suffered great losses from this crime, and states its conviction that international co-operation is necessary to liberate mankind from it.

Article I states that genocide is a crime whether committed in time of peace or war.

Article II attempts to define this crime. It lists five kinds of acts aimed at destroying "a national, ethnical, racial or religious group, as such". These are: killing members of the group; causing them bodily or mental harm; inflicting conditions on the group to bring about its destruction; imposing measures to prevent births within the group; and forcibly transferring children from it to another group.

Article III lists the different categories of acts which are punishable. These are, first, genocide itself; then, certain steps directly leading to it, i.e., conspiring to commit genocide or inciting others directly and publicly to do so. Attempting to commit genocide and complicity in the crime are also listed, just as, for example, in national law an attempt to commit murder and being an accessory to a murder are punishable by the state.

Article IV makes it clear that all persons guilty of these crimes are to be punished. It states that guilty persons "shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals".

Under Article V, the countries which accept the Convention undertake to pass the necessary laws to give effect to it and in particular to provide effective penalties for those guilty of genocide.

Article VI states that persons charged with genocide are to be tried in the country in which the crime was committed or by an international tribunal, the jurisdiction of which has been accepted by the countries concerned.

Article VII makes it clear that genocide is not to be considered a political crime and therefore those charged with it are not to be given the right of asylum. The states accepting the Convention pledge themselves to grant extradition in the case of genocide (i.e. to hand over those charged with it for trial).

Article VIII gives any State which accepts the Convention the right to call on the competent bodies of the United Nations to take appropriate action under the Charter of the United Nations for preventing or suppressing acts of genocide.

Article IX provides that any disputes relating to the Convention are to be submitted to the International Court of Justice.

The other articles of the Convention cover such matters as its signature and ratification; invitations to non-members of the United Nations to become signatories; the extension of the Convention to dependent territories of Members; and the entry into force, duration, denunciation and revision of the Convention.

The Convention, once in force,\* would remain in force for ten years and thereafter for five-year periods for those countries which had not denounced it. It would, however, cease to be effective should the number of countries still adhering to it fall below sixteen.

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\* The Genocide Convention came into force on 12 January 1951.

#### IV. SIGNIFICANCE OF THE CONVENTION

After the General Assembly had unanimously approved the Convention on the Prevention and Punishment of the Crime of Genocide, the President, Mr. H. V. Evatt of Australia, summed up its significance as follows:

"I should like to say this as President, that the approval of the Convention on Genocide by this Assembly is an epoch-making event.

"The wholesale or partial destruction of religious, racial and national groups has long shocked the conscience of mankind. In past centuries endeavours were occasionally made to preserve human groups from destruction through so-called humanitarian interventions undertaken by one nation acting usually alone, but at times in conjunction with other powers. This was a diplomatic action, and governments which undertook such interventions were frequently accused of pursuing other than humanitarian ends.

"Today we are establishing international collective safeguards for the very existence of such human groups. Whoever will act in the name of the United Nations will do it on behalf of universal conscience as embodied in our great Organization. The intervention of the United Nations and other organs which will have to supervise the application of the Genocide Convention will be made according to international law and not according to unilateral political considerations. In this field, which relates to the sacred right of existence of human groups, we are proclaiming today the supremacy of international law and, I hope, for ever."

#### V. QUESTION OF RESERVATIONS TO THE GENOCIDE CONVENTION

##### A. Consideration by the General Assembly at Its Fifth Session in 1950

In a report (A/1372) to the fifth session of the General Assembly in 1950, the Secretary-General stated that, while exercising his functions as the depositary of the conventions which had been adopted or approved by the Assembly and of the many other multilateral instruments which had been concluded under the auspices of the United Nations, he had from time to time been concerned with the procedure to be followed with respect to reservations as to the terms of such conventions which might be made by States as a condition to their accession.

While it had been universally recognized that the consent of the other Governments concerned must be sought before they could be bound by the terms of a reservation, there had not been unanimity either as to the procedure to be followed by a depositary in obtaining the necessary consent or as to the legal effect of a State's objecting to a reservation.

The question, the Secretary-General stated, had acquired a current importance in connexion with the Convention on the Prevention and Punishment of the Crime of Genocide. According to article XIII of that Convention, it would come into force on the ninetieth day after the date of deposit of the twentieth instrument of ratification or accession. On the day of receiving the twentieth instrument the Secretary-General was to draw up a procès-verbal to that effect, and the receipt of the twentieth instrument was to be expected at any time. A number of States, however, had at the time of signature, ratification or accession made reservations concerning various articles of the Convention, and other States had objected to some of the terms of these reservations. It had consequently appeared to the Secretary-General that the legal effect of objections to reservations would require an early determination in order to establish whether States making reservations to which objection had been raised were to be counted among those necessary to permit the entry into force of the Convention.

The question was considered by the Assembly's Sixth Committee at its 217th to 225th meetings inclusive, from 6 to 20 October 1950. The essential problems dealt with in the course of the debate in the Committee were, broadly: whether the Committee was competent to make any determination governing the larger aspects of the question; to what organ of the United Nations would it be appropriate to refer the question; should interim guidance be given to the Secretary-General by the General Assembly pending the results of any such referral; what rule would it be preferable for the Secretary-General to follow in the event of such a provisional instruction; and, finally, what general recommendations

to States might serve to eliminate the occurrence of the difficulties previously encountered in connexion with reservations.

The character of the problem before the Sixth Committee altered when, on 16 October 1950 at the Committee's 222nd meeting, the Assistant Secretary-General in charge of the Legal Department announced that the Convention on the Prevention and Punishment of the Crime of Genocide had received a number of ratifications and accessions on 14 October, so that the twenty instruments necessary for its entry into force were then at hand, irrespective of the theory used in determining the validity of those containing reservations. The majority of the representatives on the Committee felt that this fact removed much of the urgency of any answer from the International Law Commission or the International Court of Justice, and significantly affected the formulation of the questions which had thus far been proposed for submission to either body.

After considering the report (A/1494 and Corr.1) of the Sixth Committee, the General Assembly at its 305th plenary meeting on 16 November 1950 asked the International Court of Justice to give an advisory opinion on three questions concerning reservations to the Genocide Convention. It referred the broad problem of reservations to multilateral conventions to the International Law Commission.

#### B. Advisory Opinion by the International Court of Justice in 1951

On 28 May 1951, the Court delivered its advisory opinion on these questions. First, the Court decided by 7 votes to 5 that, in so far as concerns the Genocide Convention, a State which has made and maintained a reservation which has been objected to by one or more of the parties to the Convention, but not by others, can be regarded as being a party to the Convention if the reservation is compatible with the object and purpose of the Convention; otherwise, that State cannot be regarded as being a party.

In reply to the General Assembly's second question concerning the effect of the reservations with respect to parties objecting and parties accepting it, the Court held, also by 7 votes to 5, that if a party to the Convention objects to a reservation which it considers to be incompatible with the object and purpose of the Convention, it can in fact consider that the reserving State is not a party to the Convention. If, on the other hand, a party accepts the reservation as being compatible with that object and purpose, it can in fact consider that the reserving State is a party.

The Court decided, third, by the same vote, that an objection made by a signatory State which has not yet ratified the Convention can have legal effect only upon ratification; until that moment it merely serves as a notice to the other States of the eventual attitude of the signatory State. Further, an objection made by a State which is entitled to sign or accede, but which has not yet done so, is without legal effect.

ANNEX I

TEXT OF THE CONVENTION ON THE PREVENTION AND  
PUNISHMENT OF THE CRIME OF GENOCIDE

The following is the text of the Convention on the Prevention and Punishment of the Crime of Genocide as adopted by the General Assembly at its 179th plenary meeting on 9 December 1948, in resolution 260 A (III).

The Contracting Parties,

Having considered the declaration made by the General Assembly of the United Nations in its resolution 96 (I) dated 11 December 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world;

Recognizing that at all periods of history genocide has inflicted great losses on humanity; and

Being convinced that, in order to liberate mankind from such an odious scourge, international co-operation is required;

Hereby agree as hereinafter provided.

ARTICLE I

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

ARTICLE II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

ARTICLE III

The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;

- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

#### ARTICLE IV

Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

#### ARTICLE V

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in article III.

#### ARTICLE VI

Persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

#### ARTICLE VII

Genocide and the other acts enumerated in article III shall not be considered as political crimes for the purpose of extradition.

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

#### ARTICLE VIII

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III.

#### ARTICLE IX

Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

#### ARTICLE X

The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall bear the date of 9 December 1948.

#### ARTICLE XI

The present Convention shall be open until 31 December 1949 for signature on behalf of any Member of the United Nations and of any non-member State to which an invitation to sign has been addressed by the General Assembly.



The present Convention shall be ratified, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

After 1 January 1950, the present Convention may be acceded to on behalf of any Member of the United Nations and of any non-member State which has received an invitation as aforesaid.

Instruments of accession shall be deposited with the Secretary-General of the United Nations.

#### ARTICLE XII

Any Contracting Party may at any time, by notification addressed to the Secretary-General of the United Nations, extend the application of the present Convention to all or any of the territories for the conduct of whose foreign relations that Contracting Party is responsible.

#### ARTICLE XIII

On the day when the first twenty instruments of ratification or accession have been deposited, the Secretary-General shall draw up a procès-verbal and transmit a copy of it to each Member of the United Nations and to each of the non-member States contemplated in article XI.

The present Convention shall come into force on the ninetieth day following the date of deposit of the twentieth instrument of ratification or accession.

Any ratification or accession effected subsequent to the latter date shall become effective on the ninetieth day following the deposit of the instrument of ratification or accession.

#### ARTICLE XIV

The present Convention shall remain in effect for a period of ten years as from the date of its coming into force.

It shall thereafter remain in force for successive periods of five years for such Contracting Parties as have not denounced it at least six months before the expiration of the current period.

Denunciation shall be effected by a written notification addressed to the Secretary-General of the United Nations.

#### ARTICLE XV

If, as a result of denunciations, the number of Parties to the present Convention should become less than sixteen, the Convention shall cease to be in force as from the date on which the last of these denunciations shall become effective.

#### ARTICLE XVI

A request for the revision of the present Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General.

The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

#### ARTICLE XVII

The Secretary-General of the United Nations shall notify all Members of the United Nations and the non-member States contemplated in article XI of the following:

- (a) Signatures, ratifications and accessions received in accordance with article XI;
- (b) Notifications received in accordance with article XII;
- (c) The date upon which the present Convention comes into force in accordance with article XIII;
- (d) Denunciations received in accordance with article XIV;
- (e) The abrogation of the Convention in accordance with article XV;
- (f) Notifications received in accordance with article XVI.

#### ARTICLE XVIII

The original of the present Convention shall be deposited in the archives of the United Nations.

A certified copy of the Convention shall be transmitted to all Members of the United Nations and to the non-member States contemplated in article XI.

#### ARTICLE XIX

The present Convention shall be registered by the Secretary-General of the United Nations on the date of its coming into force.

## ANNEX II

### STATES RATIFYING OR ACCEDING TO THE GENOCIDE CONVENTION

Article XIII of the Genocide Convention provided that it would come into force on the 90th day after the 20th instrument of ratification or accession had been deposited. The required number was received by 14 October 1950, and the Convention therefore came into force on 12 January 1951. Thirty-one Governments had ratified or acceded to the Convention by November 1951. States which have submitted instruments of ratification or accession to the Convention are (in chronological order):

- Ethiopia - 1 July 1949 (ratification)
- Australia - 8 July 1949 (ratification)
- Norway - 22 July 1949 (ratification)
- Iceland - 29 August 1949 (ratification)
- Ecuador - 21 December 1949 (ratification)
- Panama - 11 January 1950 (ratification)
- Guatemala - 13 January 1950 (ratification)
- Israel - 9 March 1950 (ratification)
- Monaco - 30 March 1950 (accession)
- Hashemite Kingdom of Jordan - 3 April 1950 (accession)
- Liberia - 9 June 1950 (ratification)
- Philippines (with reservations to article IV, VI, VII, IX) - 7 July 1950 (ratification)
- Saudi Arabia - 13 July 1950 (accession)
- Bulgaria (with reservations to articles IX and XII) - 21 July 1950 (accession)
- Turkey - 31 July 1950 (accession)
- Viet Nam - 11 August 1950 (accession)
- Yugoslavia - 29 August 1950 (ratification)
- El Salvador - 28 September 1950 (ratification)
- Ceylon - 12 October 1950 (accession)
- Haiti - 14 October 1950 (ratification)
- Costa Rica - 14 October 1950 (accession)
- Korea - 14 October 1950 (accession)
- France - 14 October 1950 (ratification)
- Cambodia - 14 October 1950 (accession)
- Romania (with reservations to articles IX and XII) - 2 November 1950 (accession)
- Poland (with reservations to articles IX and XII) - 14 November 1950 (accession)
- Laos - 8 December 1950 (accession)
- Czechoslovakia (with reservations to articles IX and XII) - 21 December 1950 (ratification)
- Denmark - 15 June 1951 (ratification)
- China - 19 July 1951 (ratification)
- Belgium - 5 September 1951 (ratification)

ANNEX III

SUGGESTIONS FOR DISCUSSION AND FURTHER STUDY

1. What is genocide? (Try to define it in your own words.)
2. Give examples of acts of genocide committed in this and previous centuries. Was anything done about them, and if so, what?
3. One representative stated in the General Assembly that he did not think that a convention on genocide would be effective even if adopted by a large number of States. Do you agree with him?
4. What other methods do you think could be used to protect groups against destruction?
5. During the discussions in the Economic and Social Council and the General Assembly various points of view were expressed. A broad indication of them is given above. Do you agree with the decisions which were adopted by the majority? If not, what would you have decided on these controversial questions?
6. Bearing in mind that the aim of the Convention on Genocide is to prevent the kind of treatment Hitler and his subordinates gave the Jews and the Poles, draw up a convention and compare it with that adopted by the United Nations. (This might be useful for more advanced students only.)
7. Conduct a "model" session of the Sixth (or Legal) Committee of the General Assembly. Divide the group into national "representatives". All Member Nations are represented on the Committee. If the group is not sufficiently large, one person might take the part of one country which is representative of the points of view shared also by a group of other countries. Certain key articles of the Convention can be selected for debate and copies distributed. The different points of view expressed by different delegations are contained in the summary records of the meetings of the Sixth Committee (See A/INF/28) and the 178th and 179th plenary meetings of the

General Assembly. See if your "model" session can agree - as all the Members of the United Nations agreed - on a compromise which can be adopted unanimously.

NOTE: There is a filmstrip on genocide produced by the Films and Visual Information Division, United Nations Department of Public Information. It might well serve the purpose if shown before the discussion.

United Nations film strips, notes and discussion guides are available in the five official languages of the United Nations - Chinese, English, French, Russian and Spanish - and those ordering film strips should state the language they desire. In the United States, film strips may be ordered at a nominal cost from:

Text-Film Department  
McGraw-Hill Book Company  
330 West 42nd Street  
New York 17, New York

and in Canada:

Text-Film Department  
McGraw-Hill Company of Canada, Ltd.  
Toronto, Ontario

Current price lists and order forms may be obtained directly from the McGraw-Hill Book Company or from the Department of Public Information, United Nations, New York.

Other Countries:

Non-Governmental Organizations and educational institutions in other countries desiring to use the United Nations film strips should write to the nearest United Nations Information Centre or to United Nations Headquarters, for information regarding their availability.