

**ECONOMIC
AND
SOCIAL COUNCIL**

**CONSEIL
ECONOMIQUE
ET SOCIAL**

UNRESTRICTED

E/AC.25/SR.1
7 April 1948
ENGLISH
ORIGINAL: FRENCH

AD HOC COMMITTEE ON GENOCIDE

SUMMARY RECORD OF THE FIRST MEETING

Lake Success, New York,
Monday, 5 April 1948, at 11.15 a.m.

Acting Chairman: Mr. LAUGIER (Assistant Secretary-General in charge
of the Department of Social Affairs)

Chairman: Mr. MARCOS (United States of America)

Present:

Mr. LIN	(China)
Mr. ORDONNEAU	(France)
Mr. AZKOUL	(Lebanon)
Mr. RUDZINSKI	(Poland)
Mr. MOROZOV	(Union of Soviet Socialist Republics)
Mr. PEREZ-PIEROZO	(Venezuela)

Secretariat:

Mr. SCHWELB	(Assistant Director of the Human Rights Division)
Dr. LIANG	(Director of the Division on the Progressive Development of Inter- national Law and its Codification)
Dr. KLIAVA	(Division on the Progressive Development of International Law and its Codification)
Mr. GIRAUD	(Secretary of the Committee)

OPENING OF THE MEETING

Mr. LAUGIER (Secretariat) in declaring the meeting open, welcomed the members of the Ad Hoc Committee on Genocide on behalf of the Secretary-General, and conveyed the latter's wishes that the Committee might achieve /well-defined

NOTE: Corrections of this summary record provided for in the rules of procedure should be submitted in writing within the prescribed period to Mr. Delavenay, Director, Editorial Division, Room CC-119, Lake Success. Corrections should be accompanied by or incorporated in a letter written on headed notepaper and enclosed in an enveloped marked "Urgent" and bearing the appropriate symbol number.

RECEIVED

APR 10 1948

UNITED NATIONS
ARCHIVES

well-defined and concrete results, such as would facilitate the work of the United Nations bodies, which would have to take the final decision on the important problem of genocide.

He would not venture to make a legal statement to the distinguished jurists who formed the Committee; he wanted to stress, however, the deep interest he had taken in that question even since it had first come before the United Nations, as the problem of genocide appealed to him at once as a biologist, as a former president of the Ligue des Droits de l'Homme, as an Assistant Secretary-General, and as a man and citizen of the world.

The Committee's task was made easier, in certain respects, by the fact that its terms of reference were based on a unanimous resolution of the General Assembly. The General Assembly had indicated, by its unanimous vote, its desire to introduce into international law provisions for the prevention and punishment of this crime against humanity, which was genocide. The Committee's work would be an important step towards the preparation of a draft convention to which all the members of the General Assembly could accede. Among the various documents prepared by the Human Rights Division, the draft convention (document E/447) comprised all the elements which might be included in a convention on genocide; the Committee would have to make the necessary choice in order to create an instrument which would be both complete and acceptable to all.

He regretted the absence of Mr. Humphrey, Director of the Human Rights Division, who was detained at Geneva by the Conference on Freedom of Information, but he felt sure that with the able assistance of Mr. Schwelb, Assistant Director, of Mr. Giraud and of the Division's staff, the Committee would achieve concrete, brilliant and rapid results.

/ He then called

He then called upon the Committee to proceed with the election of its officers.

ELECTION OF THE CHAIRMAN

Mr. ORDONNEAU (France) proposed Mr. Perez-Perozo (Venezuela) as Chairman of the Committee.

Mr. PEREZ-PEROZO (Venezuela) although very conscious of the honour, nevertheless felt obliged to decline the offer owing to his many other responsibilities.

Mr. MARTOS (United States of America) proposed that Mr. LIN (China) be nominated.

Mr. LIN (China) suggested that Mr. Martos (United States of America) be nominated as Chairman.

Mr. MARTOS (United States of America) said that he would prefer not to be Chairman, but that he would accept if the next nomination was refused by the person concerned.

Mr. MOROZOV (Union of Soviet Socialist Republics) proposed the nomination of Mr. Rudzinski (Poland).

Mr. RUDZINSKI (Poland) asked for an adjournment of the meeting so as to enable the members of the Committee to exchange views unofficially.

The meeting adjourned from 11.40 a.m. to 11.55 a.m.

Mr. RUDZINSKI (Poland) said that he would withdraw in favour of Mr. Morozov (Union of Soviet Socialist Republics).

/ Mr. MOROZOV

Mr. MOROZOV (Union of Soviet Socialist Republics) withdrew his nomination in order to avoid the need of a vote.

Mr. MARCOS (United States of America) was elected Chairman, and took the Chair.

ELECTION OF THE VICE-CHAIRMAN

Mr. RUDZINSKI (Poland) nominated Mr. Morozov (Union of Soviet Socialist Republics) as the Committee's Vice-Chairman.

The CHAIRMAN particularly welcomed this proposal, in view of the public spirit which Mr. Morozov had just shown.

Mr. MOROZOV (Union of Soviet Socialist Republics) was elected Vice-Chairman of the Committee.

ELECTION OF THE RAPPORTEUR

Mr. GIBDONNEAU (France) supported by Mr. LIN (China) and Mr. PEREZ-FEROZO (Venezuela), nominated Mr. AZKOUK (Lebanon) as Rapporteur.

Mr. AZKOUK (Lebanon) was elected Rapporteur of the Committee

PLAN OF WORK OF THE COMMITTEE: GENERAL DISCUSSION

Mr. PEREZ-FEROZO (Venezuela) said that he did not, for the moment, intend to deal with the substance of the question, but would confine himself to examining certain aspects of the terms of reference given to the Ad Hoc Committee on Genocide by the Economic and Social Council.

He began by drawing the Committee's attention to the vicissitudes undergone by the problem of genocide since it had been submitted to the United Nations. It had come before the United Nations for the first time during the second part of the General Assembly's first session. In December 1946 the General Assembly had adopted its

memorable resolution No. 96 (I), which marked the first stage of a salutary progress towards the protection of mankind from the horrors of genocide. The very promising unanimity which was shown on that occasion had not been followed by the results hoped for. The General Assembly had entrusted the Economic and Social Council with the preparation of a draft convention on genocide. At its fourth session the Council, in turn, had entrusted the matter to the Secretary-General. The draft prepared by the Secretariat had been submitted to the Commission on the Progressive Development of International Law and its Codification, and to the various Governments concerned. The above Commission had not examined the substance of the draft and most of the Governments had failed to submit their observations as they had been asked. At its fifth session, the Economic and Social Council had decided to refer the question to the second session of the General Assembly. In November 1947, the latter had again referred the matter to the Economic and Social Council which, at its sixth session, had set up the Ad Hoc Committee on Genocide. In the circumstances, he felt justified in speaking of "vicissitudes", and he deplored the delay in implementing the General Assembly resolution, to the great disappointment of those who believed that that resolution in itself would be sufficient to outlaw genocide.

The moment had come to act. The Committee's first duty was to draw up a draft convention, cautiously and with an eye to facts, so as to ensure that the draft should be approved by all the members of the United Nations.

In the compromise solution to be achieved, the measures designed for the suppression of this crime should not infringe the principle of national sovereignty, as any draft in which that principle was not duly observed would be doomed to failure. In that respect the

/most delicate

most delicate problem was the establishment of an international penal jurisdiction, and the inclusion of political groups from among the categories of victims of genocide. It was necessary to advance carefully over ground so strewn with difficulties; a large measure of the success of the international understanding achieved would depend, to a great extent, on the spirit in which the treaties were signed; for that reason it was better to go slowly but surely.

The convention on genocide would create a new crime and new jurisdiction of a mandatory nature for its prevention and punishment.

The present draft involved the risk of serious conflict between national and international jurisdictions. The Committee should strive to avoid such cases of friction by making the national jurisdiction mainly responsible for the punishment of genocide. To achieve this, the Committee should restrict itself to a less comprehensive draft which respected the national sovereignty of the States. When an international community had been established on firmer foundations, and the conception of national sovereignty had become less rigid, a system of international jurisdiction might be adopted.

As to the inclusion of political groups amongst the categories of victims of genocide, that was the only aspect of the crime which directly concerned the Latin-American countries, where racial and religious persecution was unknown. This might, however, discourage certain countries from acceding to the convention, as such a provision might be interpreted as hampering the action of Governments with regard to subversive activities directed against them.

Furthermore, it should be noted that that type of genocide would elude justice more easily than other types: if it were brought before the national courts, the Governments would be at once judge and party

/ to the crime,

to the crime, and if it came before an international court, States would probably be reluctant to deliver up their own governing authorities. As Sir Hartley Shawcross had said at the General Assembly's sixth session the most effective sanction would be war.

In drawing up a draft convention on genocide, the Committee should try to prepare a text which could be adopted by the General Assembly at its third session. By virtue of a recent resolution of the Economic and Social Council, that text would be submitted to the Commission on Human Rights, which would probably confine its examination to the humanitarian aspect of the question, leaving aside its legal and political aspects. It might also be assumed that the Economic and Social Council, which has so far refrained from considering the substance of the question, as it did not consider itself to be a competent legal organ, would maintain that attitude, and would refer the draft to the General Assembly without making any major modifications. It was, therefore, incumbent, on the Ad Hoc Committee on Genocide to prepare with all possible care the draft upon which the General Assembly would be required to decide.

If the consideration of the draft seemed likely to evoke too long a discussion, the General Assembly, whose agenda was already very heavy, might not find it possible to deal with the matter in the present year. It was therefore the duty of the Ad Hoc Committee, a body composed of the accredited representatives of Governments, to draw up a short and precise draft convention which it had carefully studied from a political point of view, and which should be as flexible as possible. The Committee should refrain from submitting either a maximum programme, which would necessitate the General Assembly choosing between alternate texts for certain parts of the draft, or a minimum programme which would leave other bodies to fill

/ in the gaps.

the gaps. In a matter as new as genocide, for which no legal precedent existed, any enumeration would be particularly dangerous, as enumeration always involved the risk of omissions, and therefore, in certain cases, the risk of admitting impunity.

In conclusion, he expressed the hope that the Ad Hoc Committee on Genocide would achieve rapid and complete success in the task it had been set.

After a brief discussion, the Committee decided that it would henceforth hold one meeting per day, from 2 p.m. to 6 p.m., and would use simultaneous interpretation until the technical phase of the work was reached.

The meeting rose at 1.25 p.m.