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ORIGINAL: FRENCH

AD HOC COMMITTEE ON GENOCIDE

SUMMARY RECORD OF THE TWENTY-FIFTH MEETING

Held at Lake Success, New York,

on Friday, 30 April 1948, at 11 a.m.

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| Chairman: | Mr. MAKTOS | United States of America |
| Vice-Chairman: | Mr. MOROZOV | Union of Soviet Socialist Republics |
| Rapporteur: | Mr. AZKOUL | Lebanon |
| Members: | China | Mr. LIN MOUSHENG |
| | France | Mr. ORDONNEAU |
| | Poland | Mr. RUDZINSKI |
| | Venezuela | Mr. PEREZ-PEROZO |
| Secretariat: | Mr. SCHWEIB | Assistant Director of the Human Rights Division |
| | Mr. GIRAUD | Secretary of the Committee |

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Mr. MCROZOV (Union of Soviet Socialist Republics), proposed that the Committee should examine the final clauses of the convention on genocide, vote on the whole of the convention and then proceed with the examination of that part of the report which had been translated into the two working languages and Russian.

The CHAIRMAN noted the suggestion made by the representative of the USSR and informed the Committee of the communications he had received from the delegation of Panama and from the delegation of the Cuban Republic requesting that the convention should not contain any reference to the International Tribunal of Nurnberg.

The members of the Committee praised the quality of the report presented by the Rapporteur and the manner in which it had grasped the meaning of the discussion and defined the ground on which agreement had been reached.

Mr. AZKOUL (Lebanon), Rapporteur, thanked the representatives for their appreciation and stressed the part played by Mr. Giraud, Secretary of the Committee, and his assistants, in the drawing up of the report.

The CHAIRMAN drew attention, however, to the way the report had interpreted the first articles of the convention; that interpretation could be regarded as binding all the members of the Committee. He stressed the drawbacks inherent in a report based upon interpretations for it would have to record all the points of view expressed on debatable proposals.

For instance, he pointed out that the general elements of the definition given on page 2 of document E/AC.25/W.1 ruled that there was genocide even if those who were guilty of the acts in question were aiming only at the partial destruction of a group of human beings. Should the wording of this definition remain unchanged, the Chairman would,

/as representative

as representative of the United States, have to make reservations. Indeed, he believed that the word "group" required definition and felt that its interpretation should be left to the Courts which would have to deal with acts of genocide.

Although he did not disagree on the whole with the interpretations given in the report, he felt it would be wiser either:

- 1) to omit any interpretation binding the Committee as a whole, or else
- 2) to have such interpretations preceded by the following expression: "Some members of the Committee believe that..."

The adoption of either of those methods offered tangible advantages particularly, when it applied to interpretations which had not been discussed or which had not been approved by a vote.

Mr. MOROZOV (Union of Soviet Socialist Republics), spoke in favour of omitting interpretations of articles which had been passed unanimously. Such interpretations could not bind the Governments and were of no legal value. He proposed:

- 1) that clauses adopted unanimously should be presented without comments;
- 2) that clauses adopted by a majority should be followed by a mention of the opinion of the majority and of the minority;
- 3) that the result of the vote should be given, showing the countries which had voted for or against;
- 4) that the reservations made by members of the Committee should be recorded when necessary.

He hoped that the report, which was not yet quite ready would also deal with the historical foundations of the convention and outline the working methods adopted by the Committee.

Mr. GRONIFAU (France), felt it was essential that the report should give a summary of the meetings and of the opinions expressed. He thought that the comments included in the report were in conformity with the intentions of the Committee, but pointed out that, by including them, the document submitted to the

Committee was exceeding the usual scope of a report; he thought that it would be better to present them, as was usual, in the form of a survey of the session, of a description of the working methods, followed by an account of the decisions taken during the meetings, so as to build up the final result step by step.

He agreed with the representative of the USSR that the interpretations could not be regarded as binding the Governments represented on the Committee; they could be retained only as personal remarks by the Rapporteur.

Mr. AZKOUK (Lebanon), Rapporteur, pointed out that the report contained interpretations of clauses only in connexion with the first articles defining genocide and only when the members of the Committee had unanimously agreed on the interpretation to be given; as regards other clauses, the report mentioned the opinions of the majority and of the minority.

He pointed out that the Committee's task had been to draw up a convention on a subject which, for many States, was completely new. Many questions would arise in connexion with articles 1, 2 and 3. Moreover, as representative of Lebanon, his vote had always been determined by the explanations given on the way each clause should be interpreted; other members of the Committee had no doubt also based their vote on the explanations given; he felt, therefore, that it was necessary to supply Governments with elucidations concerning the interpretations to be given the first articles so as to acquaint them of the manner in which the Committee had viewed the problem. If some members disagreed with the interpretation given or wished to make reservations, the Rapporteur suggested that that should be recorded after the interpretations contained in the report.

By entrusting the Economic and Social Council with the task of drawing up a convention on genocide, the General Assembly, in its resolution on 180 (II), had also asked the Council "...to submit a report..." on the "question" together with the text of the convention.

/It seemed

It seemed perfectly clear that such a report had been requested precisely for the purpose of enabling Governments to realize the meaning of the legal action they were called upon to undertake. As the Council would base itself on the report of the Committee, it was essential that it should be supplied with the necessary elucidations regarding debates.

Mr. RUDZINSKI (Poland), wished to say, in the first place, that he had been surprised by the remarks made by the representative of the United States of America concerning the general elements of the definition of the crime, which stated that the perpetrators of the act in question were guilty of genocide even when the act was aimed only at the partial destruction of a group (document E/AC.25/W.1, page 2). He reminded the Committee that this question had been discussed at length. If divergent views were now expressed, the report should mention the delegations expressing them and record their reservations.

Mr. Rudzinski also said that he did not agree with those who felt that the report should be presented in the form of a historical survey of the debates.

He pointed out that the Committee of Experts which had drawn up the rules of procedure of the Security Council, the rules of procedure of the Military Staff Committee, etc. had always included evaluating statements in its reports. If that had appeared necessary in drawing up rules of procedure for such bodies, it was still more indispensable when the report had to do with a convention as important as that for the repression of genocide.

Mr. Rudzinski understood quite well that it was now too late to adopt such a method, but he wished to point out that it should have been followed.

/Mr. ORDONNEAU

Mr. ORDONNEAU (France) remarked in reply to Mr. Rudzinski that the Committee of Experts had not included any comments in its report, but had confined itself to indicating the minority view on any question involving a difference of opinion. He advocated the same method for the report of the Ad Hoc Committee on Genocide, since such procedure made it possible to attach to the opinions embodied in the report a definite interpretative value derived from statements made in the course of meetings rather than on the report itself. In the case of clauses adopted unanimously, Mr. Ordonneau hoped that they were sufficiently clear to make comment unnecessary. The Lebanese representative would thus be able to define his interpretation of any article which was of special interest to him, and to make clear that his vote was based on that interpretation.

As far as the General Assembly resolution on genocide was concerned, he did not think that any particular significance should be attached to the request for a report. It was common practice for the General Assembly to ask for a report on questions it selected for study.

Mr. SCHWELB (Secretariat), in reply to a question by the Rapporteur, said that the General Assembly had instructed the Economic and Social Council to submit a report on genocide. It was for the Council to decide whether the question of genocide should be included in its annual report to the Assembly or should form the subject of a special report. He did not think that any formal task had been assigned to the Committee in that connexion, but pointed out that its report would be transmitted to the Human Rights Commission.

The CHAIRMAN proposed to take a vote on the USSR proposal which advocated the following structure for the sections of the report dealing in turn with the articles of the convention:

- 1) The text of the article or clause;
- 2) If the text had been adopted unanimously, it should be given without comment. If it had been adopted by a majority of votes, both the arguments of the majority and of the minority should be stated.
- 3) Result of the vote on the article or clause in question, showing the countries which had voted for and against; and where necessary,
- 4) Statements or reservations made in connexion with the clause in question, or explanatory statements regarding the vote.

Mr. MOROZOV (Union of Soviet Socialist Republics) asked the Committee likewise to define the structure for the presentation of the most important clauses which had been proposed or rejected, and suggested the following arrangement:

- 1) Subject of the proposal, with mention of its author and a brief description of its motives;
- 2) Arguments advanced against its adoption;
- 3) Result of the vote, with mention of the reasons leading to the rejection of the proposal.

Mr. PEREZ-PERCZO (Venezuela) opposed the procedure advocated by the USSR representative in connexion with rejected proposals. He stated that it was unnecessary to go into details where rejected proposals were concerned; it would be enough to give a brief description of the minority arguments against each adopted proposal. There was no need for a separate mention of each rejected proposal, which would make the report excessively lengthy. He remarked that the procedure advocated in the USSR proposal would amount to a duplication of the summary records of meetings.

As regards the presentation of adopted articles, the representative of Venezuela agreed with and would vote in favour of the USSR proposal.

/Mr. AZKOC

Mr. AZKOUL (Lebanon), Rapporteur, asked for the right to state in the report that his vote on certain articles had been based on assurances given, during the course of the meetings, with regard to the exact interpretation. That was particularly important in the case of articles adopted unanimously.

The representatives of the Union of Soviet Socialist Republics, the United States of America, and France thought that no representative should have the right to commit other delegations in such a way.

Mr. RUDZINSKI (Poland) recalled that a similar request made to the Committee of Experts in connection with the rules of procedure of the Security Council had been rejected.

Mr. AZKOUL (Lebanon) stated that if that was the case, he clearly had the right, as representative of the Lebanon, to include the interpretation which had led him to vote for or against a given article. Other members would no doubt wish to insert statements expressing their disagreement or, as the case might be, their reservations in respect to that interpretation, with the absurd result that a reproduction of the whole debate would be embodied in the report. He, therefore, insisted strongly on the inclusion in the report of comments on unanimously adopted articles.

If the USSR representative's proposal concerning the structural presentation of each article was put to the vote, he asked for a separate vote on the question whether the report should or should not contain comments on unanimously adopted articles.

The CHAIRMAN asked for a vote on the USSR proposal to give unanimously adopted articles without comment.

The proposal was adopted by five votes to one, with one abstention.

/The CHAIRMAN

The CHAIRMAN then asked for a vote on the remainder of the proposal submitted by the USSR representative.

The other points of the proposal were adopted without objection.

Mr. LIN MOUSHENG (China) thought that there was no need for great changes in the report. Certain sections could be dropped when the report was discussed in detail. He thought that rejected proposals, or at least the most important ones, should be included in the report, as the Economic and Social Council might wish to take note of them and might even reopen discussion on them before submitting its report to the General Assembly.

Mr. MOROZOV (Union of Soviet Socialist Republics) was of the same opinion. In reply to Mr. Perez-Perozo, who thought that such a procedure would make the report too lengthy, he remarked that it was already possible to form an idea of its length, as it was complete but for, at most, some four pages. The rejected proposals already mentioned in it were sufficient. He did not wish to add any others.

Mr. ORDOINEAU (France) requested the Secretariat to prepare a redraft of the report based on the decision adopted with regard to its structure.

The meeting rose at 1.10 p.m.