

AD HOC COMMITTEE ON GENOCIDE

Meeting held on 30 April 1948 (Afternoon)

PORTIONS OF REPORT ADOPTED IN FIRST READING

Items dealt with in this Document

1. Introduction to Report.
2. The following articles (definitive numbering):
 - Article 2 - Physical Genocide
 - Article 3 - Cultural Genocide
 - Article 4 - Conspiracy, incitement, attempt, complicity
 - Article 5 - Persons liable
 - Article 6 - Obligation for contracting parties to harmonize their legislation with the Convention.

Note: The Rapporteur has made the corrections and additions to the text requested by the Committee.

REPORT OF COMMITTEE (Mr. Karim Azkoul, Rapporteur)

The Ad Hoc Committee on Genocide set up by virtue of the Economic and Social Council resolution dated 3 March 1948 met at Lake Success from 5 to May 1948.

It held meetings.

The Committee was composed of the following members:

Chairman: Mr. John MAKROS (United States of America)

Vice

Chairman: Mr. Platon D. MOROZOV (Union of Soviet Socialist Republics)

Rapporteur: Mr. Karim AZKOUL (Lebanon)

Present: Mr. Lin Mousheng (China)

Mr. Pierre Ordonneau (France)

Mr. Aleksander Rudzinski (Poland)

Mr. Victor M. Perez Perozo (Venezuela)

During its first meeting the Committee elected the Chairman, the Vice-Chairman and the Rapporteur.

The Assistant Secretary-General for the Department of Social Affairs was represented by Mr. E. Schwelb, Assistant Director of the Human Rights Division.

Professor Giraud assisted by Mr. E. Gordon fulfilled the duties of Secretary of the Committee.

The Committee began its work by a general debate during which several delegations expressed their views on the question of genocide.

DETERMINATION OF PROCEDURE AND ORDER OF BUSINESS

The Soviet representative submitted to the Committee a ten-point note (document E/AC.25/7 - 7 April 1948) containing the essential provisions for a Convention on genocide. On the proposal of the Rapporteur the Committee decided that it would first discuss the Soviet note, it being understood that it would retain not the formulas proper, but the principles included in the note, and that secondly it would proceed to draw up the text of a draft convention.

The discussion on principles occupied nine meetings (the third to the eleventh). The Committee then proceeded to the preparation of the articles of the Convention.

It decided not to take as a basis any of the drafts before it, namely, the Secretariat draft (document E/447), the draft of the United States of America (document E/623) and the French draft (E/623/Add.1) but to take them
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into account in its work.

The members were invited to submit proposals to the Committee which could form the basis of articles on each point. Subsequently, however, the Committee considered it expedient to adopt as the basic text a proposal submitted by the representative of China (document E/AC.25/9), the other proposals submitted by members of the Committee being considered as amendments to that text. The members of the Committee also submitted texts of articles dealing with points which were not included in the text of the representative of China.

The preparation of the Convention draft occupied twelve meetings (the twelfth to the twenty-third).

At its twenty-fourth meeting the Committee undertook a second reading of the Preamble and Articles of the Convention with the exception of the final clauses which had been examined by a Sub-Committee composed of the delegates of the United States of America, Poland and the Union of Soviet Socialist Republics (document E/AC.25/10). Only formal amendments to the Convention were made at this second reading.

At the twenty-fifth and meetings, the Committee discussed and adopted the present report.

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For the sake of clarity and in order to avoid repetition the order followed in the debates is not adhered to, and the report consists of explanations appended to the Preamble and each of the Articles of the Draft prepared by the Committee.

The purpose of these commentaries is to indicate, whenever unanimity was not achieved, the reasons why certain provisions were adopted or rejected, and to give a summary of the different opinions expressed.*

Several delegations submitted statements to be included in the report. All these statements will be found in the report in the form of notes appended to the relevant articles of the draft convention. The summary record moreover, give a detailed account of the debates.

The report indicates the results of the majority of votes.

The section of the report dealing with the Preamble and Article 1 have not yet been examined.

* The draft report submitted by the Rapporteur contained commentaries on the scope of the provisions unanimously adopted, based on the opinions expressed in the Committee.

The Committee decided in limine to eliminate all commentaries of this kind (E/AC.25/W.1 and Add. 1, 2, 3, and 4).

ARTICLE 2

(Physical genocide) "In this Convention genocide means any of the following deliberate acts committed with the intention of destroying a national, racial, religious or political group, on grounds of national or racial origin, religious belief, or political opinion,

1. killing members of the group;
2. any act directed against the corporal integrity of members of the group;
3. inflicting on the members of the group such measures or conditions of life which would be aimed to cause their deaths;
4. any act or measure calculated to prevent births within the group."

OBSERVATIONS

Article 2 is the basic article defining genocide. It was the subject of long consideration by the Committee.

A. General elements of the definition

The definition contains four elements:

1. The notion of premeditation. This was accepted by the Committee as a whole.
2. The intention of destroying a human group (accepted by four votes with three abstentions).
3. The third element is that of the human groups protected.

The Committee was unanimously in favour of protecting national, racial and religious groups.

The inclusion of political groups was accepted by four votes to three. The minority pointed out that political groups lack the stability of the other groups mentioned. They have not the same homogeneity and are less well defined. In particular the delegates of Poland and the Soviet Union said that the inclusion of political groups in the definition of genocide would give the words an extension of meaning contrary to the fundamental conception of genocide as recognized by science. The perspective would be distorted and in practice it would end in abandoning the necessary struggle against the destruction of human groups on grounds of race, nationality, (or religion) the prevention of which was the very purpose of the Convention.

Another member of the minority expressed the opinion that the inclusion of political groups would have the effect of making the

Convention unacceptable to certain Governments. Such Governments might fear that the Convention would hamper their action against domestic subversive movements by possibly exposing them to unjustified accusations.

The inclusion of political groups and political opinions was accepted by four votes to three (thirteenth meeting, Tuesday 20 April).

4. The fourth element is that of the motive of genocide.

In the opinion of some members of the Committee it was in the first place unnecessary to lay down the motives for genocide since it was indicated in the text that the intention of destroying the group must be present and in the second place, motives should not be mentioned since, in their view the destruction of a human group on any grounds should be forbidden. They accepted the mention of motives, but only by way of illustration. The text would have read "particularly on grounds of national or racial origin or religious belief". (The question of political groups and political opinions was at that time still reserved). This point of view was not accepted. The word "particularly" was rejected by four votes to three (12th meeting Monday 19 April).

The majority view was that the inclusion of specific motives (*dolus specialis*) was indispensable.

In defining these motives the Committee agreed on the adoption of the following terms: Instead of "grounds of nationality or race" it was decided to say "on grounds of national or racial origin". As regards religion and politics the expressions "religious belief" and "political opinion" were adopted.

The delegate of France who had pointed out that the formula "opinions" contained in the draft submitted by his delegation was wider than the expression preferred by the majority, accepted the majority decision.

B. Indication of the types of acts constituting genocide.

The Committee thought that it would be unsound to list the very varied acts which may constitute genocide. In its opinion, however, in this new matter affecting criminal law, it was essential to know what was envisaged. The Committee therefore established the following four categories:

1. Killing members of the group

This formula was accepted by five votes to two.

2. Any act directed against the corporal integrity of members of the group.

(Accepted by five votes to one, with one abstention).

/3. Inflicting

3. Inflicting on the members of the group such measures or conditions of life which would be aimed to cause their deaths.

(Accepted by three votes to one with three abstentions).

4. Any act or measure calculated to prevent births within the group
(Accepted by four votes with three abstentions).

The representative of France has requested that his abstention be noted.

The article as a whole was accepted in second reading by five votes to two.

The representative of China who voted for the article as a whole has requested that it be noted that he abstained from voting on the four sub-paragraphs.*

The delegate of the Soviet Union has made a statement explaining his reasons for voting against the article.**

* The delegate of China would have preferred to see the sub-paragraphs drafted as follows:

1. Destroying in whole or in part the physical existence of such group;
2. Subjecting such group to such conditions or measures as would cause the destruction in whole or in part of its physical existence

** The representative of the Soviet Union stated that he voted against Article 2 of the Convention as a whole for the following reasons:

It is a mistake to include political groups among the groups protected by the Convention on Genocide, just as it is a mistake to include political opinions among the grounds for perpetrating the crime of genocide.

Crimes committed for political motives are crimes of a special kind and have nothing in common with crimes of genocide. The very word "genocide" derived from the word "genus" - race, people - show that it concerns the destruction of nations or races as such, for reasons of racial or national persecution and not for the particular political opinions of such human groups.

Crimes committed for political motives are not connected to propaganda of racial and national hatred and cannot therefore be included in the category of crimes covered by the notion of genocide. Crimes committed for reasons of racial and national hatred may, in certain cases, also include motives of a religious kind, but motives of this kind are closely linked, in the crime of genocide, to motives of nationality.

The inclusion in the definition of genocide of political groups as groups protected by the Convention and of political opinions among the motives for the perpetration of this crime gives the words an extension of meaning contrary to the fundamental notion of genocide recognized by science.

The extension of the notion of genocide to this degree will in practice end in the distortion of the perspective and consequently in the abandoning of the necessary struggle against the destruction of human groups on grounds of race, nationality (or religion) the prevention of which is the very purpose of this Convention.

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On the other hand the enumeration of specific acts of genocide included in paragraphs one to four of Article 2 is not exhaustive; moreover, any enumeration of possible acts of genocide will necessarily be incomplete; the representative of the Soviet Union therefore considers that Article 2 of the Convention should be drafted as follows:

"In this Convention genocide means any of the following acts aimed at the physical destruction of racial, national and religious groups and committed on grounds of racial, national or religious persecutions:

1. The physical destruction in whole or in part of such groups;
2. The deliberate creation of conditions of life aimed at the physical destruction in whole or in part of such groups.

ARTICLE 3

("Cultural" Genocide)

"In this Convention genocide also means any deliberate acts committed with the intention of destroying the language, religion or culture of a national, racial or religious group on grounds of national or racial origin or religious belief such as:

- (1) Prohibiting the use of the language of the group in daily intercourse or in schools, or prohibiting the printing and circulation of publications in the language of the group;
- (2) Destroying or preventing the use of libraries, museums, schools, historical monuments, places of worship or other cultural institutions and objects of the group."

OBSERVATIONS

The question of cultural genocide gave rise to a fairly full discussion.

Those who supported the inclusion in the Convention of "cultural" genocide emphasized that there were two ways of suppressing a human group, the first by causing its members to disappear, and the second by abolishing, without making any attempts on the lives of the members of the group, their specific traits. According to this opinion, the Convention would fail fully to achieve its object if it left out "cultural" genocide.

Those who opposed the inclusion of "cultural" genocide emphasized that there was a considerable difference between so called "physical" genocide (including biological genocide) and "cultural" genocide. Only physical genocide presented those exceptionally horrifying aspects which had revolted the conscience of humanity. They also pointed to the difficulty of fixing the limits of "cultural" genocide, which impinged upon the violation of the rights of man and the rights of minorities. It was therefore through the protection of the rights of man, the prevention of discrimination and the protection of minorities that acts which would be improperly introduced into the notion of "cultural" genocide should be prevented. Finally, it was said that from the practical point of view, the inclusion of cultural genocide in the Convention might prevent many countries from becoming parties to the Convention and jeopardize its success.

In this connection the United States delegation made a declaration for entry in the record.*

During the discussion of principles, the Committee decided by six votes to one to retain the idea of "cultural" genocide (Fifth Meeting - 8 April).

The Lebanese delegate proposed a more restricted definition of cultural genocide, as follows:

"According to the terms of the Convention, it is also understood that genocide includes all acts and measures which are directed against a national, racial or religious group on ground of the national or racial origin or religious beliefs of its members, and which aim at the systematic destruction by oppressive or violent means of the language religion or culture of that group".

It had been intended to insert the definition of cultural genocide in Article 1 of the Convention, but subsequently it was decided by three votes to two with one abstention to make it the subject of a separate article (Tenth Meeting - 15 April).

The reasons for this decision were as follows:

In the first place it was thought that it would be difficult to arrive at a definition the general terms of which would in every instance be applicable to "cultural" genocide as to other forms of genocide, owing to the fact that the idea of "cultural" genocide could not be applied in practice to political groups. It was also thought that Governments would find it easier to make known their views on the inclusion of cultural genocide if the matter were treated in a separate article.

The Lebanese delegate proposed to add a third sub-paragraph reading as follows:

"(3) Placing the members of the group in conditions calculated to make them renounce their language, religion or culture".

* Declaration of the United States delegation:

The prohibition of the use of language systematic destruction of books, and destruction and dispersion of documents and objects of historical or artistic value commonly known in this Convention to those who wish to include it as "cultural genocide" is a matter which certainly should not be included in this Convention. The act of creating the new international crime of genocide is one of extreme gravity and the United States feels that it should be confined to those barbarous acts directed against individuals which form the basic concept of public opinion on this subject. The acts provided for in these paragraphs are acts which should appropriately be dealt with in connection with the protection of minorities."

/This proposal

This proposal was rejected by three votes to two with two abstentions (Fourteenth Meeting - 21 April).

The text of the entire article was adopted in the first reading by five votes to two (United States of America and France).

In the second reading the entire article was adopted by four votes with three abstentions.

The delegate of Venezuela asked to place on record a declaration.*

* "The representative of Venezuela expressed the fear that sub-paragraph 1 of Article 3 does not protect the parties against accusations when they take measures with a view to protecting their own language".

ARTICLE 4

(Conspiracy,
incitement
attempt,
complicity

"The following acts shall be punishable:

- (a) genocide as defined in Articles 1 and 2
- (b) conspiracy to commit genocide;
- (c) direct incitement in public or in private to commit genocide whether such incitement be successful or not;
- (d) attempt to commit genocide;
- (e) complicity in any of the acts enumerated in this article."

COMMENTS

Article 4 enumerates all the acts connected with genocide which should be punishable.

It gave rise to prolonged debate.

A. Principles included in the Enumeration in Article 4(a) Genocide as defined in Articles 2 and 3.

It seemed to the Committee that as the purpose of Article 4 was to mention all the acts connected with genocide that should be punishable, the list should, to be complete, begin by referring to the principal act of genocide as defined in Articles 2 and 3.

(b) Conspiracy to commit genocide

Conspiracy which is translated in French by the words "entente en vue de l'accomplisse du genocide" is an indictment under Anglo-Saxon law. The Committee considered that conspiracy to commit genocide must be punished both in view of the gravity of the crime of genocide and of the fact that in practice genocide is a collective crime, supposing the collaboration of a greater or smaller number of persons.

(c) "Direct incitement in public or in private to commit genocide whether such incitement be successful or not".

The qualification "direct" in conjunction with the word "incitement" was adopted by three votes to two with two abstentions (Fifteenth Meeting - Thursday afternoon, 22 April).

The qualification "in public or in private" was adopted by five votes with two abstentions (Fifteenth Meeting - Thursday afternoon, 22 April).

Certain members of the Committee considered the final words "whether such incitement be successful or not" to be superfluous. Nevertheless, the Committee decided to insert them by four votes with three abstentions (Fifteenth Meeting - Thursday afternoon, 22 April).

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The United States delegate in voting against this paragraph made a declaration.*

(d) Attempt to commit genocide

There was no debate on this clause.

(e) Complicity in any of the acts enumerated in this Article

The Committee was unanimous on this point.

B. Principles not retained in the Enumeration in Article 4

1. The question of "preparatory acts" gave rise to lengthy controversy.

At a first vote the Committee had decided, by four votes to three, to include preparatory acts in the enumeration in Article 4. (Fifteenth Meeting - Thursday morning, 22 April). At a later vote the Committee decided by four votes to three, to omit them.

The representative of the Union of Soviet Socialist Republics, who supported the inclusion of preparatory acts in the enumeration of punishable acts, said that according to the penal law of various countries the preparatory acts of a crime were not punishable, unless the law expressly provided that they were.

The preparation of genocide should not be left unpunished. The notion of preparatory acts, however, should be limited to certain acts of particular gravity defined as follows.**

- "(a) studies and research for the purpose of developing the technique of genocide;
- (b) setting up of installations, manufacturing, obtaining, possessing or supplying of articles or substances with the knowledge that they are intended for genocide;
- (c) issuing instructions or orders, and distributing tasks with a view to committing genocide."

* The statement was as follows:

"The delegation of United States like the other delegations represented on this Committee considers that the Convention should recognize the criminal responsibility of all those who directly commit acts constituting the crime of genocide, who get together to achieve a purpose which the Convention proposes to prevent, that is to say, to permit an act of genocide or all those who attempt to achieve that purpose. In this connection any "direct incitement" to achieve the forbidden end and which might be feared would provoke by its very nature the committing of this crime would generally partly constitute an attempt and/or a conspiracy to permit the crime. To make such incitement illegal it is sufficient to make the attempt and the conspiracy illegal without their being any need to list specifically in the Convention acts constituting direct incitement."

** These formulas are taken verbatim from the Secretariat's draft (Article II 2 (a), (b) and (c), document E/447 - 26 June 1947).

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That proposal was rejected by four votes to two with one abstention. (Sixteenth Meeting, Thursday, 22 April).

The members of the Committee who did not support the inclusion of preparatory acts stressed the difficulty in defining the notion of preparatory acts and the disadvantage of enumerating them if that difficulty were to be avoided. Furthermore, in the most serious cases where it would be desirable to punish the authors of preparatory acts, that could be effected either under the clause "conspiracy to commit genocide" or the clause "complicity". If the construction of crematory ovens or the adaptation of motor-cars to the purpose of killing the occupants with noxious gases were at issue, such acts requiring the co-operation of a certain number of persons, would accordingly come under the heading of "conspiracy to commit genocide" even if genocide were not finally committed, and under the heading of "complicity" if genocide were committed.

2. Indirect Propaganda in Favour of Genocide

As the representative of the Union of Soviet Socialist Republics considered the text adopted on direct incitement in public or in private to commit genocide, inadequate (see above), he proposed that the following additional paragraph be inserted in the enumeration of punishable acts:

"All forms of public propaganda (press, radio, cinema, etc.....) aimed at inciting racial, national or religious enmities or hatreds or at provoking the commission of acts of genocide."

In opposition to this proposal certain members of the Committee said that the repression of propaganda termed as hateful propaganda would be outside the terms of reference to the Convention. It might be misinterpreted in such a way that it would prove injurious to freedom of information and therefore might jeopardize the Convention's success.

Other members added that in their opinion the repression of such propaganda was covered in so far as it came under paragraph (c) of the article under discussion.

The Soviet proposal was rejected by five votes to two (Sixteenth Meeting - Thursday afternoon 22 April).

ARTICLE 5

(Persons liable, command of the law and superior orders)

"The authors of any of the acts enumerated in Article 3 shall be punished, be they Heads of State, public officials or private individuals".

COMMENTS

Persons Liable

The Committee agreed unanimously that the authors of genocide should be punished, whatever their status.

The discussion dealt with the terminology to be used. Invoking the principles of national constitutions, certain members of the Committee said that the expression "ruler" used in the English text in the absence of a term corresponding exactly to the French word "gouvernant", was not the right term to apply to the head of the State. The expression "ruler" was replaced in the English text by "heads of State" (chefs de l'Etat), whilst the word "gouvernant", which in European civil law covers the Head of the State and the ministers was retained in the French text.

The text of Article 5 was adopted by 7 votes, that is to say by a unanimous vote of all the members of the Committee, (Eighteenth Meeting, Friday evening, 23 April).

REJECTED PROPOSALS

Command of the law or superior orders

The representative of the USSR proposed the following text:

"Command of the law or superior orders shall not justify genocide."

In support of this proposal the delegates of Poland and of the Union of Soviet Socialist Republics advanced the following argument:

"The Convention on genocide must include this principle which has already been recognized in international law (especially by the Statute of Nuremberg.) A rejection of this principle would mean from the practical point of view that all individuals who could put forward the excuse that they acted according to the command of the law or superior orders were proclaimed in advance as exempt from all punishment. On the other hand the acceptance of this principle would signify that the Convention on genocide would have a considerable educative influence by warning those who might be led to commit the crime of genocide.

References to military or any other kind of discipline cannot justify acts of genocide even when committed merely by "Executives".

In opposition to this argument one representative stated that the principle behind armed force was essentially one of obedience and that the constitution of his country guaranteed the non-responsibility of all those

/who only acted

who only acted in obedience to the law or to superior orders and punished only those who gave illegal orders.

The representative of Lebanon observed that Article 2 of the Convention only punished the authors of acts of genocide in cases where they had acted because of racial or national reasons, religious beliefs or political opinions. Thus an individual who committed genocide solely in obedience to the command of the law or to superior orders was not inspired by any of those motives and could not therefore be punished under the rules laid down in Articles 2 and 3 of the Convention. The only exception would be in the case where the crime of genocide accorded with the personal sentiments of the individual who committed it.

In reply to this argument the representative of Poland stated that the Judge would have to determine in each case whether an individual was guilty or not.

The Soviet proposal was rejected by two votes to four with one abstention (Fifteenth Meeting - Friday evening 23 April).

The representatives of Poland* and of the Union of Soviet Socialist Republics made statements.**

* Statement by the representative of Poland.

The representative of Poland stated that the non-inclusion in the Convention of the principle which has already been recognized in international law namely that neither obedience to the command of the law or to superior orders may excuse genocide, is a serious step backwards and in practice places in jeopardy the repression of genocide. This fact prevents the Polish delegation from accepting responsibility for the Convention in its present form.

** Statement by the representative of the Union of Soviet Socialist Republics

The delegation of the Union of Soviet Socialist Republics considers that Article 5 should be completed by the addition of a second subparagraph reading as follows:

"Sub-paragraph 2. Command of the law or superior orders shall justify genocide."

The exclusion of this paragraph by the majority of the Committee is contrary to the principles proclaimed at Nuremberg;

It will constitute a renunciation of principles that are recognized by the United Nations and there is a risk that the fight against genocide will be considerably weakened. It is incorrect to assert that this provision is already included in Article 4, paragraph (a) of the present Convention in view of the fact that Article 5 deals with all the persons who will be responsible for the crime of genocide, a crime which in very many cases was committed systematically and on superior orders, after which the authors of these crimes attempted to exculpate themselves by pleading the command of their superiors or the command of the law".

ARTICLE 6

(Obligation for Contracting Parties to harmonize their domestic legislation with the Convention)

"The High Contracting Parties undertake to enact the necessary legislation in accordance with their constitutional procedure to give effect to the provisions of the Convention".

COMMENTS

The question was raised of the necessity of a special provision to this effect in the Convention. It was contended that States were under the obvious obligation to take every measure for the proper performance of the obligations to which they subscribe. Moreover, the facts constituting genocide are already dealt with by domestic criminal laws (manslaughter, etc.)

Moreover, a delegate remarked that in certain countries where the danger of genocide does not exist, it would not be appropriate to ask that domestic legislation be revised on the subject. Therefore, he proposed that legislative reform be required only if necessary in the particular instance under consideration. This proposition was finally withdrawn by its author when his attention was called to the danger of an obligation qualified by condition, which would then cease to be a real obligation.

It was contended that the provisions of such an article might prevent certain countries from becoming parties to the Convention owing to the difficulty of obtaining the passing of the necessary legislation. This obstacle is particularly serious in federal States where criminal law is in the sphere of individual State legislation.

The answer was that such a provision exists in conventions dealing with crimes in international law* and that it was inserted with the specific purpose of reminding States of an essential duty. It is immaterial whether States have no or little legislative reform to make.

The answer to the argument that national legislation might prevent certain States from becoming parties to the Convention, was that, if a State is not in a position to perform its obligations under the Convention, then it is better that it should abstain. If the government fears that the legislature might not support it, then it should ascertain the fact before ratifying or joining the Convention. Nevertheless, to give satisfaction

* For example: The Convention for the Prevention of Traffic in Women and Children, Geneva, September 30, 1921; Convention for the Repression of Forgery of the Currency, Geneva, April 20, 1929, etc.

/to the delegates

to the delegates who were pre-occupied with the situation of federal States, it was agreed to word as follows the provision concerning the necessary legislative reforms:

"in conformity with their constitutional procedure".

During the discussion on the particular purpose of the measures under consideration, it was debated whether the text should read "for the prevention and repression of genocide" or "to give effect to the provisions of the Convention". The second wording was deemed preferable because it dealt with all the obligations of the States under the Convention and not merely with penal measures. The amendment was adopted by four votes against three.

The article as a whole was adopted by five votes to one with one abstention.

The delegate of the Soviet Union made a statement in support of his vote against the Article.*

* The text adopted by the majority of the Committee for Article 6 is not satisfactory as regards the organization of a genuine campaign against genocide since it does not include an obligation for the signatories of the convention to introduce in their legislation measures for the prevention and suppression of genocide and the prevention and suppression of incitement to racial, national and religious hatred and the obligation to provide criminal penalties for the authors of such crimes. The expression "necessary legislative measures" may in fact be interpreted in various ways because of its vagueness.

The representative of the Soviet Union considers that this Article of the convention should be drafted as follows:

"The High Contracting Parties pledge themselves to make provision in their criminal legislation for measures aimed at the prevention and suppression of genocide and also at the prevention and suppression of incitement to racial, national and religious hatred in accordance with the provisions of this Convention and to provide criminal penalties for the authors of such crimes.