

SIXTH COMMITTEE

DRAFT CONVENTION ON GENOCIDE

Note by the Secretary-General

I. The General Assembly at the Second Part of its First Session considered a draft resolution on the crime of genocide presented jointly by the delegations of Cuba, India and Panama (document A/BUR/50).

This was discussed in the Sixth Committee at its twenty-third and thirty-second meetings. On the recommendations of the Sixth Committee the General Assembly at its Fifty-fifth Plenary Meeting, held on 11 December 1946, adopted a resolution* by which, inter alia, it requested the Economic and Social Council "to undertake the necessary studies with a view to drawing up a draft convention on the crime of genocide to be submitted to the next regular session of the General Assembly."

II. This resolution of the General Assembly was considered by the Economic and Social Council at its Seventieth Meeting, on 15 March 1947 (documents E/P.V.70 and E/421).

After further consideration of the matter by its Committee of the Whole on Social Matters (document E/AC/7/15), the Economic and Social Council, on 28 March 1947, adopted a resolution instructing the Secretary-General:

(a) to undertake, with the assistance of experts in the field of international and criminal law, the necessary studies with a view to drawing up a draft convention in accordance with the resolution of the General Assembly; and

(b) after consultation with the General Assembly Committee on the Development and Codification of International Law and, if feasible, the Commission on Human Rights and, after reference to all Member

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* Resolution 96 (I)

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Governments for comments, to submit to the next session of the Economic and Social Council a draft convention on the crime of genocide.

III. In conformity with this resolution of the Economic and Social Council, the Secretary-General, with the aid of experts, prepared a Draft Convention for the Prevention and Punishment of Genocide. This draft was submitted to the Committee on the Progressive Development of International Law and its Codification which met from 12 May to 24 June 1947. The Committee on the Progressive Development of International Law and its Codification, having considered the Draft Convention at its Twenty-eighth and Twenty-ninth Meetings, on 13 June and 16 June 1947, adopted the following resolution, which was communicated by the Chairman of the Committee to the Secretary-General on 17 June 1947 (document A/AC.10/55):

"The Committee fully realizes the urgency, which was expressed in the recommendation contained in the Resolution of the General Assembly of 11 December 1946, of organizing co-operation between States with a view to facilitating the speedy prevention and punishment of the crime of genocide. It notes, however, that the text prepared by the Secretariat (documents A/AC.10/41 and A/AC.10/42/Rev.1), owing to lack of time, has not yet been referred to the Member Governments of the United Nations for their comments, as is contemplated in the Resolution of the Economic and Social Council, and it regrets that, in the absence of information as to the views of the Governments, it feels unable at present to express any opinion in the matter."

IV. In view of the urgency for the presentation of the Draft Convention to the General Assembly, it was submitted to the Economic and Social Council at the beginning of its Fifth Session, for consideration, although no comments had been then received from Member States. The Economic and Social Council at its Fifth Session, on 6 August 1947, adopted a resolution by which the Council, taking note of the fact that the General Assembly's Committee on the Development and Codification of International Law and the Commission on Human Rights had not considered the Draft Convention on the Crime of Genocide prepared by the Secretariat, decided to inform the General Assembly that it proposed to proceed as rapidly as possible with the consideration of the question, subject to any further instructions of the General Assembly. It also requested the Secretary-General, in the meanwhile, to transmit to the General

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Assembly the Draft Convention on the Crime of Genocide prepared by the Secretariat, in accordance with paragraph (a) of the Council's resolution of 28 March 1947, together with any comments from Member Governments received in time for transmittal to the General Assembly.

V. In compliance with the request expressed by the Economic and Social Council, the Secretary-General transmitted to the Second Session of the General Assembly the Draft Convention on the Crime of Genocide for consideration.* Comments have been received as yet only from the Governments of India and Haiti (document A/401).

Document A/362. The Draft Convention together with explanatory notes prepared by the Secretariat has also been distributed to Member States as document E/447.