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President: Mr. Lester B. PEARSON (Canada).

Progress of the work of the seventh session of the General Assembly: report of the General Committee (A/2288)

1. The PRESIDENT: The recommendations of the General Assembly are contained in document A/2288.

2. Mr. ALI (Pakistan): We supported these recommendations in the General Committee, and we strongly feel that the session of the General Assembly should continue until 20 December and, if need be, that the period should be extended until 23 December, so as to enable some of the committees to finish their work.

3. There is one idea which I should like to urge on behalf of my delegation. Sub-paragraph (d) of the recommendations states the following:

"That, in view of the interest of many delegations in the items now being considered by the First Committee and *Ad Hoc* Political Committee, night meetings for each of these Committees should be scheduled alternately during the next few days."

My delegation feels that perhaps the First Committee and the *Ad Hoc* Political Committee may not be able to finish their work during the current session of the General Assembly. In order to enable other committees to finish their work, night meetings of those committees are necessary and priority should therefore be

given to them so that they may be able to finish their work and not have to reconvene if the Assembly adjourns. As I have said, in view of certain circumstances, the First Committee will have to meet after the adjournment.

4. The PRESIDENT: May I say in reply to what the representative of Pakistan has just said, that if other committees, in order to finish their work before 20 December, require night meetings, priority could of course be given to them for that purpose, and sub-paragraph (d) should be read in that light.

5. As there are no other observations, I consider that the General Assembly has approved this report for the guidance of the work of the committees, and possibly another report will be made to the Assembly after the meeting of the General Committee on 15 December.

The recommendations of the General Committee were adopted.

Consideration of the various items on the agenda of the meeting

Pursuant to rule 67 of the rules of procedure, it was decided not to discuss items 58, 55, 52, 22, 66, 62 and 46 of the agenda of the General Assembly.

Giving priority to the codification of the topic "Diplomatic intercourse and immunities" in accordance with article 18 of the Statute of the International Law Commission: report of the Sixth Committee (A/2252)

[Agenda item 58]

6. Mr. WIKBORG (Norway), Rapporteur of the Sixth Committee: I have the honour to submit to the General Assembly for its consideration the report of the Sixth Committee on agenda item 58.

7. At its first session, in 1949, the International Law Commission, in consonance with article 18, paragraph 1, of its statutes, selected the item "Diplomatic intercourse and immunities" as one of the topics for codification. Paragraph 3 of the same article stipulates that "the Commission shall give priority to requests of the General Assembly to deal with any question".¹ Conformably to this, the Yugoslav Government has brought before the General Assembly the question of asking the International Law Commission to give priority to the topic "Diplomatic intercourse and immunities". The reason for this request was stated to be certain incidents that had made it a matter of urgency to have diplomatic rights clearly and definitely established.

8. Some delegations denied the contention that accepted diplomatic privileges had been violated in the cases mentioned by the Yugoslav representative. These delegations considered it unnecessary to give the topic priority. However, the majority of the delegations were of the opinion that an early codification of these important questions might serve to ease some of the international tension now prevailing and the draft resolution now before the General Assembly was approved in the Committee by 42 votes to 5, with 4 abstentions.

9. In the debate, some representatives proposed that consular intercourse and immunities should be included in the coming codification and that the International Law Commission should also at the same time deal with the problem of diplomatic asylum. They claimed that the right of asylum must be considered to constitute an inseparable part of diplomatic immunity. The amendments which were presented to this effect failed, however, to obtain a majority in the committee. Several representatives expressed the view that it ought to be left to the discretion of the members of the International Law Commission to decide to what extent they considered it necessary to enter into the problems of diplomatic asylum as part of diplomatic intercourse and immunities. As the proposal now stands before the General Assembly, it will be left to the International Law Commission to decide when it considers it possible to undertake the codification of the topic.

The draft resolution contained in the report was adopted by 42 votes to 5.

10. The PRESIDENT: I call on the representative of Venezuela for an explanation of vote.

11. Mr. PEREZ PEROZO (Venezuela) (*translated from Spanish*): For specific reasons, I was unable to vote. I request the President to consider my vote as affirmative.

12. The PRESIDENT: That will be done.

¹ See *Official Records of the General Assembly, Second Session, Resolutions, No. 174 (II)*.

Ways and means for making the evidence of customary international law more readily available: reports of the Sixth Committee (A/2258) and Fifth Committee (A/2280)

[Agenda item 55]

Mr. Wikborg (Norway), Rapporteur of the Sixth Committee, presented the report of that committee (A/2258).

The draft resolution contained in the report was adopted by 44 votes to none, with 5 abstentions.

International criminal jurisdiction: report of the Sixth Committee (A/2275)

[Agenda item 52]

Mr. Wikborg (Norway), Rapporteur of the Sixth Committee, presented the report of that committee (A/2275).

13. The PRESIDENT: When we proceed to the vote on this item, I shall put to the vote first the amendments which have been presented by the delegation of the Netherlands [A/L.119].

14. The representative of the Netherlands has asked to speak in order to explain his vote on the draft resolution and amendments thereto. Before calling on him, I would suggest that the General Assembly should follow what has become its normal practice—it was that practice, indeed, which was adopted at the last plenary meeting—and should limit explanations of votes to seven minutes. If there is no objection, I shall take it that that procedure is adopted.

It was so decided.

15. Mr. ROLING (Netherlands): I should like to explain the vote of my delegation. The Netherlands delegation has submitted amendments because it received the impression that the voting in the Sixth Committee on the topic of international criminal jurisdiction did not express the majority opinion in that committee. When the voting took place, fourteen delegations were absent.

16. During our discussion of the topic of international criminal jurisdiction, it transpired that some delegations, as for instance the Soviet delegations, were opposed to the very idea of an international criminal court because such a court is incompatible with their concept of absolute State sovereignty. Other delegations expressed the opinion that international criminal jurisdiction was a topic which it was worth while to consider and to work on, but something not likely to be realized in a short time. For those delegations, which formed the large majority in the Sixth Committee, the only question was, "what is the best method of dealing with the various and complicated problems related to the establishment of an international criminal court?"

17. The Sixth Committee had before it the report of the Committee on International Criminal Jurisdiction, based on the assumption that an international criminal court would be established by multilateral convention. It appeared that the advantages and disadvantages of establishing an international criminal court within the framework of the United Nations had not been sufficiently explored. For that reason, it was proposed that an intersessional sub-committee should be set up to

study these questions and to report thereon to the ninth session of the General Assembly. If the discussion at that ninth session should show the desirability of an amendment of the Charter, the tenth session could be so advised. On the other hand, Sweden proposed that more governments should be requested to give their comments on the aforementioned report and to refer the matter to the next session of the General Assembly. It may be noted that the Swedish representative, the distinguished Dean of Upsala University, Dr. Holmback, expressly stated that the purpose of his proposal was not to manoeuvre the issue on to a side-track.

18. The Swedish draft resolution, embodying what my delegation considered to be the wrong approach to the problem, was adopted. Our opinion that this approach was the wrong one was strengthened by the fact that the Swedish proposal was supported by those delegations which were in principle opposed to the very idea of international criminal jurisdiction, as, for instance, the USSR delegation. Indeed, without it being so intended, it could easily be that the Swedish draft resolution will prove to be "the end of the affair". The chance would be great that next year the General Assembly, in view of the absence of sufficient new comments by governments, would drop the item from the agenda and postpone the deliberations until some other year. I may remind the General Assembly of the similar fate of the "draft code of offences against the peace and security of mankind" which, at two successive sessions, has been stricken from the agenda.

19. My delegation considers the development of international criminal jurisdiction to be too important to risk a similar fate. It considers it to be too important for two essential reasons.

20. First of all, there is the appearance of the individual as a subject of international law. The individual has been introduced in international law by our Charter, dealing with the promotion and realization of human rights. We see an elaboration of that in the Universal Declaration of Human Rights. Human rights presuppose human duties. The new loyalties of the individual towards mankind as a whole were taken account of in the charters of Nürnberg and Tokyo by the recognition of the crime against peace and the crime against humanity. In the judgment of Nürnberg, the principles of which were reaffirmed unanimously by the General Assembly [*resolution 95 (I)*], it was expressly stated that there existed supra-national duties for the individual transcending the individual obligations to the national State. We recognize that the ultimate consequence of individual criminal responsibility towards mankind inevitably must result in international criminal jurisdiction executed by an international criminal court.

21. There is another reason. During our discussions in the Sixth Committee, the deep impression made by the judgments of Nürnberg and Tokyo was repeatedly stressed. These judgments have indeed made a deep impression. They have placed upon us an irrevocable moral burden to apply their principles and to recognize that, in principle, international justice shall be meted out not only to individuals of vanquished nations.

22. However, we recognize that international criminal jurisdiction will not and cannot be established in a

short time. It took centuries to develop a full-fledged domestic criminal jurisdiction. Simple comparison teaches us that international criminal jurisdiction will not be achieved overnight. The idea has to grow, has to take roots in the public conscience, and has to ripen during public discussions. Here is a function of the United Nations in which the United Nations should not fail.

23. Those who watch closely the activity of the United Nations realize that the United Nations often fails, and is bound often to fail, in its primary function, the maintenance of peace by peaceful means. In its spectacular performances, the United Nations often fails and becomes only the tragic theatre of cold war. However, the United Nations has other functions, less spectacular and dealing with long-range projects—projects where the United Nations is called upon to promote economic co-operation, to promote the realization of human rights, to promote political advancement and to promote the development of international law. Here, on these issues, the activity of the United Nations is not spectacular. Here we are dealing with long-term planning. Here the United Nations is prepared to achieve only a very slow progress. Here, however, in this undercurrent of United Nations activity, lies perhaps its most significant function. To put it briefly, perhaps more important than the work slowly achieved in the Second, Third, Fourth and Sixth committees.

24. That is why my delegation, conscious of the significance of this long-term activity, is inclined to emphasize the importance of international criminal jurisdiction, is anxious to avoid this issue being shunted on to a side-track, and is eager to ascertain that the problem of international jurisdiction will be approached in the correct and most efficient manner. That is also why my delegation has introduced the amendments [*A/L.119*] which are now before the Assembly. They do not prejudge anything about international criminal jurisdiction. Their only purpose is to ensure the submission to the ninth session of the General Assembly all the data and legal implications necessary to decide the issue. I need not speak of the details of these amendments; they speak for themselves. It will be noted that the Headquarters is mentioned as the meeting place for the proposed sub-committee, so that, consequently, no financial implications are involved. It will be noted, too, that the nomination of the members is left to the wisdom of the President of the General Assembly.

25. Mr. NISOT (Belgium) (*translated from French*): The Belgian delegation will vote for the amendments submitted by the Netherlands delegation, since they serve to clarify the problem, which is what the Belgian delegation wants.

25. This vote, however, in no way indicates that my delegation is prejudging the question of principle, that is, whether an international criminal court should be established. My delegation will not be able to take a position on this point until the problem as a whole has been further elucidated.

27. Mr. PETREN (Sweden) (*translated from French*): Since the draft resolution submitted by the Sixth Committee is based on the Swedish proposal as

amended during the debate in committee, my delegation feels that it should offer some comments on the Netherlands amendment.

28. The draft resolution contained in the Sixth Committee's report was admittedly approved in the absence of a number of delegations, but that is not abnormal. My delegation still believes, however, that this draft provides a good solution and we therefore oppose the Netherlands amendment. To make my delegation's position clearer, I should point out that we are not in any way against the continued consideration of the question of the establishment of an international criminal court; but we do not think that the time is ripe for appointing another special committee to study the question.

29. Let me review the situation. We already have before us the report of the International Law Commission and the report submitted in 1951 by the committee which dealt with the question. The latter report was submitted to the governments with a request for their opinions, but only thirteen out of sixty have responded, and of that number only a minority have favoured the establishment of an international criminal court. Consequently, so far as we know, the majority of States are not now inclined to favour the establishment of such a court.

30. As the Netherlands representative stressed, the debate in the Sixth Committee this year related to fresh suggestions, and, in particular, the suggestion that the court should be established within the framework of the United Nations and not by a separate multilateral convention. Now, my delegation feels that nothing practical will be accomplished in this respect unless the attitude of governments is first known. We feel that, before any fresh action is taken, the governments which have not yet expressed an opinion on the Special Committee's report of 1951 should do so. At the same time, they can take into consideration the ideas and the suggestions put forward during the discussion in the Sixth Committee this year.

31. If it becomes apparent that a large majority of States do not for the moment favour the idea of the establishment of an international criminal court, that will necessarily influence our future approach to the problem. It may therefore be preferable to wait until the time is ripe, not to establish a new committee at once to study the question.

32. My delegation's position in the Sixth Committee was also motivated by economic considerations. This factor was taken into account by the Netherlands amendment, which proposes that the Special Committee should meet in New York, not at Geneva. But even in that case, the governments represented on the committee would have to defray some considerable expenses in connexion with their participation.

33. One other aspect of the question should be taken into account. The number of experts in international law is, after all, not unlimited and there, too, we should husband our resources. My delegation therefore feels that we should not set up committees of this kind unless we have some kind of guarantee that their work can actually produce practical results.

34. For the reasons I have just set forth, my delegation regrets that it cannot support the Netherlands amendment, and will vote against it.

35. Mr. LACHS (Poland): The attitude of my delegation on the item which we are now discussing was fully explained in the Sixth Committee. We have opposed and do oppose any proposal to this effect, for we hold the view that the principle of territorial jurisdiction, as well as that of personal jurisdiction, is closely linked with the competency of the State and with its sovereign rights. Any infringement affecting either of these two principles of jurisdiction is, in our view, bound to result in an infringement of the sovereign rights of the State itself. The establishment of an international criminal court, to which it is intended to transfer a considerable part of the criminal jurisdiction which is now within the province of each State as the subject of international law, is bound, in our view, to cause a serious and unjustified limitation of the rights of States. The formation of an international criminal court would thus be contrary to the interests of sovereign States and the international law regulating relations amongst States.

36. We have also explained that, as far as the prosecution of so-called international crimes is concerned, it is the duty of every State to take care of this. States ought, in the exercise of their obligations, really to undertake the prosecution of those who disturb or threaten peace. If they do so, if they fulfil these obligations imposed upon them by international instruments, these problems will find their proper solution. No international criminal court is required. We have also made it clear, in the committee, that, while opposing the establishment of a permanent international criminal court, we consider it useful to set up, if the need arises, international criminal courts of an *ad hoc* character for the prosecution of specific criminals, as was the case in Nürnberg and Tokyo. We have constantly maintained that the principles of the Nürnberg and Tokyo trials should be upheld by the United Nations. It was we who proclaimed those principles as principles which cannot be changed. It is therefore very strange that the idea supported today by the representative of the Netherlands—the establishment of a permanent international criminal court—comes from a delegation which tried in the discussion both this year and last year to weaken the principles of the Nürnberg trials. Here we have a strange conflict of the basic ideas, because it was the delegation of the Netherlands which was conspicuous among these delegations which tried to weaken the authority of the judgments at the Nürnberg and Tokyo trials. So much for the principles.

37. The amendments submitted by the delegation of the Netherlands to a draft resolution approved by the Sixth Committee have compelled us to rise again and to express our view on an issue which was so thoroughly discussed in the Sixth Committee. This discussion led to the adoption of a draft resolution recommending the adjournment of the consideration of the international criminal court.

38. The Secretariat has been instructed to collect and publish the views of Member States on this subject and, first of all, their views as to whether the General Assembly should take further action in order to set up an international criminal court. The discussions in the Sixth Committee on this item and the vote there taken confirmed the fact that there were very few who supported the idea of an international criminal court. Even those who expressed themselves in favour of

such a principle had many doubts and reservations. This is the real state of affairs, confirmed by the vote taken in the Sixth Committee, and this result is now being questioned and challenged by the Netherlands delegation which uses, to my mind, what are unwarranted assumptions to justify the submission of these amendments.

39. These amendments concern vital issues. They do, in fact, obviate the real purpose of the draft resolution approved by the Sixth Committee, which postpones the problem in order to collect adequate material which may form a basis for a later decision. The amendments of the delegation of the Netherlands go back to the view put forward and criticized during the discussion in the Sixth Committee, to the view of establishing a special intersessional committee to work out a draft statute of such a court. This view was presented in the Sixth Committee in a draft resolution, but that draft resolution was not accepted. Now the delegation of the Netherlands comes forward using strange arguments which it thinks may help to substantiate its case. Its claim is that the decision of the Sixth Committee did not correspond to the wishes of the committee; the representative of the Netherlands repeated this claim this morning. Strangely enough, he stated that the vote took the Sixth Committee by surprise. This is strange logic, I submit. The matter which is now before the General Assembly was thoroughly discussed in the committee during seven of its meetings, at which about sixty speeches were made. In this situation it is difficult to claim that the vote took the committee by surprise.

40. I submit that this is an attempt to lower the prestige of the Sixth Committee. It is our view that the Netherlands amendments prejudge, as it were, the case for the establishment of an international criminal court. We are therefore faced here with an attempt to transfer the essential question of whether to establish an international criminal court to the question of how to establish this court. It has already been pointed out that we are not bound by any decision of the General Assembly to set up an international criminal court. All of us are aware of the fact that the issue has not yet passed the stage of research and preliminary consideration concerning the utility and possibility of such a venture. We are only gathering material, which is far from adequate, and, what is more, out of sixty Member States of the United Nations, as was pointed out by the representative of Sweden, only very few have given replies to the request for comments on the problem of an international criminal court. Of these replies, seven were in the affirmative.

41. In the face of such a small number of replies and statements by governments, it is highly premature to deal with the issue at all. The representative of the Netherlands this morning invoked the question of the delay in the presentation and analysis of the draft code of crimes against international peace and security. The representative of the Netherlands knows very well why that draft has not been submitted to the General Assembly, and he knows what are the real reasons for the delay. Therefore this case cannot be compared with the case of the international criminal court. All these facts were obviously omitted and bypassed by the representative of the Netherlands in the

submission of his amendments. In a similarly arbitrary way, we believe, the representative of the Netherlands approaches the problem concerning the method by which the court is to be established, and I think that he has used an argument which is not plausible. He linked this question with the tenth session of the General Assembly at which, as he submits, amendments to the Charter will probably be discussed.

42. The Polish delegation is opposed to the adoption of the Netherlands amendments and feels that the General Assembly should reject them. The Polish delegation will vote against these amendments because it feels that they are unfounded and are not based on the real state of affairs, which was thoroughly discussed and dealt with by the Sixth Committee.

43. Mr. BARTOS (Yugoslavia) (*translated from French*): The Yugoslav delegation will vote for the Netherlands amendment, which, as we understand it, proposes the establishment of a committee and not the establishment of an international criminal court. Consequently the matter is at a preliminary stage, not at the final stage.

44. We consider that the decision to establish such a court will certainly be of historic significance and hence that it is in the interests of the United Nations that the question should be reconsidered before so far-reaching a decision is made.

45. At the present stage, we are neither for nor against such an institution. Accordingly, we shall vote for the Netherlands amendment without expressing a judgment as to substance. We shall cast our vote as a wise procedural decision, though, of course, we reserve the right not to express an opinion as to substance until the committee for which we are going to vote has completed its study.

46. Mr. Zafrulla KHAN (Pakistan): I feel that I should give a word of explanation regarding the vote which my delegation proposes to record in favour of the Netherlands amendments. My delegation feels that they are an improvement upon the Swedish draft resolution which was presented in the Sixth Committee and which has been passed on to the General Assembly.

47. Regarding the draft resolution proposed by Sweden, I recorded my vote against it in committee and I shall so record it again at this plenary meeting. My delegation is completely in accord with Sweden in expressing appreciation to the Special Committee for its valuable work on the draft statute. My delegation is also in agreement with Sweden that the consideration of the draft statute should be postponed for the time being, but not for the reason which has been adduced.

48. In the operative part of the draft resolution, paragraph 2 would have the consideration of the statute be kept in abeyance because a large number of Member States have not submitted their views on the report of the Special Committee. Paragraph 3 requests the remaining Member States to submit their views early and paragraph 4 requests the Secretary-General to publish the comments and suggestions received from the various governments.

49. My delegation feels that these portions of the draft resolution will hardly be of any appreciable use

to the General Assembly and that they will serve little practical purpose. They propose no fresh fields to traverse, no new line to follow, no missing link to discover. The character and context of further discussion on the report of the Secretary-General conveying the comments of the remaining Member States will be practically the same as they were this year.

50. Then, again, no one exactly knows how many years will be taken by the remaining States to complete the submission of their observations, if, indeed, all of them do so. It was evident from the discussion in the committee this year that a large majority of the representatives desired that further exploration of additional possibilities in hitherto unapproached avenues should be made by a new special committee formed for the purpose. The draft resolution as it stands puts the necessity and the importance of such an inquiry into the background and makes no provisions whatsoever for the early resumption of the question. The draft resolution looks, therefore, like an unconscious attempt to shelve the entire project. My delegation therefore found it impossible to lend its support to these three paragraphs of the draft resolution. In the view of my delegation, the proposed international criminal court may justly take some time to come into being, but the idea is pregnant with immense possibilities, and there should therefore be no slackening in our efforts for its early realization.

51. Mr. MUNRO (New Zealand): The draft resolution before us would require us to take up the study of this question at the next session of the General Assembly. We should not have made any progress and our discussion next year would obviously not break any new ground. The Netherlands amendments, on the other hand, would ensure that there would be some adequate and continuous study of this important question, and the Assembly would then have the advantage of the special committee's report. Therefore my delegation will support the Netherlands amendments. That does not imply, however, that my delegation has made any decision as to the desirability of setting up an international criminal court. But we do wish, in a practical way, to ensure the continuous study of this question before the next session of the General Assembly, and I repeat that for that reason we shall support the Netherlands amendments.

52. The PRESIDENT: We shall now take a decision, first, in regard to the Netherlands amendments (A/L.119) to the draft resolution submitted by the Sixth Committee.

Amendment 1 was adopted by 32 votes to 11, with 6 abstentions.

Amendment 2 was adopted by 30 votes to 16, with 7 abstentions.

53. The PRESIDENT: Amendment 3 is a consequential amendment in regard to the numbering of paragraphs. That can be left for subsequent action, I think, if required.

Amendment 4 was adopted by 28 votes to 12, with 7 abstentions.

Amendment 5 was adopted by 32 votes to 7, with 11 abstentions.

54. The PRESIDENT: The Assembly will now vote on the draft resolution submitted by the Sixth Committee (A/2275), as amended.

The draft resolution, as amended, was adopted by 33 votes to 9, with 8 abstentions.

Request of the Government of China for revision of the Chinese text of the Convention on the Prevention and Punishment of the Crime of Genocide

[Agenda item 56]

55. Mr. TSIANG (China): The item under discussion deals with the request of my Government for a revision of the Chinese text of the Convention on genocide. This item is not involved in political or legal controversy. It is a matter of language. In so far as there has been controversy, it is among linguists and stylists. If I should take up the province of language in detail at this meeting, I would be inflicting upon my fellow representatives a long, dreary dissertation on this subject. Now, please relax; I promise you not to do anything of that kind.

56. You have before you three documents: a draft resolution submitted by my delegation [A/L.116]; a draft resolution submitted by Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua [A/L.123]; and a memorandum prepared by the Secretary-General [A/2221].

57. I wish to call the attention of the Assembly particularly to the memorandum by the Secretary-General. First of all, this memorandum gives the history of this item. The Secretary-General calls our attention to the fact that the item was put on the agenda of the sixth session. The Sixth Committee, to which the item had been referred, considered that the elements necessary for the discussion of the question were not yet at its disposal and decided to include the question in the provisional agenda of the Assembly's seventh session. That is the language of the committee. What the Sixth Committee had in mind in coming to this conclusion was the fact that no complete revised Chinese text had been put before it and that there had not been expert study of the revisions which my Government requested.

58. In view of the decision of the Sixth Committee to postpone for one session the consideration of this item, my delegation, following the instructions of my Government, worked with the language experts of the Secretariat on a revised text. And I should like to state here that not all the Chinese language experts in the Secretariat are of Chinese nationality; there are a few of other nationalities. The revised text was then sent to my Government and circulated among all people in both the executive and legislative branches throughout the Government for consideration. The report which came back from my Government was favourable and resulted in the present revised text which is before the Assembly. It is now the duty of my delegation to ask the Assembly to approve this revised text.

59. The Secretary-General in his memorandum states "that the revised Chinese text submitted by the permanent representative of China introduces only revisions which are in the main of a linguistic nature and does not in any sense alter the substance or meaning of the Convention as expressed in the other four

official texts" [A/2221, para. 5]. The remainder of the Secretary-General's memorandum discusses the procedure which should be adopted in revising an official text of this nature. He has taken the trouble to study similar cases which occurred in the League of Nations. He has also inquired into stipulations of international law on a matter of this kind. In section IV of his memorandum, the Secretary-General suggests a procedure for the Assembly to adopt. The procedure suggested by him is the one proposed in the draft resolution which my delegation now places before the Assembly.

60. My Government has signed and ratified the Convention on the Prevention and Punishment of the Crime of Genocide. The revisions which we seek are limited entirely and strictly to language and not to substance. In the discussions in the Legislative Yuan of my Government, the debate aroused no controversy as to substance. In fact, the Legislature authorized the Executive to ratify the Convention with the five official texts as they stood; but the Legislature asked the Executive to seek a revision of the official Chinese text after ratification. Thus I wish to make it perfectly clear that this revision concerns only language and not substance.

61. Experts in both the legislative and executive branches of my Government raised three types of questions in regard to the Chinese text. In the first place, they found that the original Chinese text was not in such close harmony with the other four official texts as could be achieved. On this point I might add a simple and obvious observation, that the difficulty in translating a document from a Western language into Chinese is at all times considerable. Experts equally proficient in languages often differ.

62. In the second place, experts in my Government thought that the language used in the original Chinese text departed unnecessarily at certain points from phrases in long use in the criminal code of China and in administrative regulations and ordinances. They felt that, wherever possible, phrases already in use should be preferred to phrases newly coined. The use of phrases already familiar would facilitate the administration of this Convention. A convention of this type depends for its full implementation on the co-operation and understanding of many judicial and administrative organs, from the district and town to the central government. In order to discharge the obligations which may arise under this Convention, my Government has accepted the advice of experts in preferring phrases already in use to newly-coined phrases.

63. In the third place, the experts in my Government pointed out that this Convention embodies certain ideas and ideals which it would be well for the people of China to understand and appreciate as much as possible. For popular understanding, the experts thought that wherever possible the phraseology must be clear, precise and simple.

64. To summarize the reasons why my Government seeks a revision of the Chinese text, I can say that there are three. First, we wish the Chinese official text to be in greater harmony with the other four official texts. Secondly, we wish the official Chinese text to be easily understood by various ranks in the executive and judicial branches of our Government. Thirdly, and finally, we wish the people of China to understand

and appreciate the ideas and ideals underlying the Convention.

65. I shall not go into the technical aspects of this problem. The Secretary-General's memorandum gives, in annex III, the complete revised Chinese text and, in annex IV, a detailed comparison of every revision involved. Those who are interested in the linguistic problems will get an accurate and detailed explanation in annex IV. In this connexion, I wish only to make a correction of two typographical errors in the copy of the revised Chinese text as it now stands in annex III of the memorandum. On page, article V of the revised Chinese text, two characters in Chinese, *fan-yu*, were left out and should be inserted immediately before the characters *ts'an-hai*. On page 6, article XVI, a character, *mien*, was left out and should be inserted immediately after the character *shu*.

66. Furthermore, I wish to call the attention of the Assembly to the fact that if the Assembly should now approve the revised Chinese text, the governments of Member States and of such other States as may become parties to the Convention, have a further period of ninety days to examine this new text and to notify the Secretary-General after this period of examination whether or not they accept this new text. I hope that after due examination all signatories will find that the new text, without changing in the least the substance of the Convention, is a better text and will give it their individual approval.

67. Before I close, I should like to say a word of thanks to the Secretary-General and his associates for the time and labour which they have devoted to this highly technical problem. We in China are deeply interested in the Convention on genocide. We hope it will become the accepted international law of the new age. It is only because of the importance we attribute to the ideas and ideals embodied in the Convention that we have taken the trouble to establish a Chinese text as perfect as humanly possible, and have taken the trouble to ask the General Assembly to accept this new revised text.

68. Only this morning I learned that the delegations of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua had submitted a draft resolution relating to this matter. These delegations ask that this matter be referred again to the Sixth Committee. I have no strong objections to that procedure. I should like to call the attention of the Assembly, however, to the fact that the General Committee recommended that these items should be considered in the plenary meeting and not be referred to the Sixth Committee. That recommendation was accepted by the General Assembly [382nd meeting]. There is considerable wisdom in that recommendation for, after all, the problem involved is a problem of language and not a problem of law. The language problem can best be handled by the experts in the Secretariat in the first instance, and finally by the experts in the individual Member States, which will have ninety days in which to study this new text and to signify to the Secretary-General whether they accept or reject this new text. I feel that it is wiser and simpler to deal with this matter right here and not refer it back to the Sixth Committee.

69. Mr. MOROZOV (Union of Soviet Socialist Republics) (*translated from Russian*): The USSR delega-

tion deems it necessary to make the following statement in connexion with the draft resolution submitted by the Kuomintang clique for a revision of the Chinese text of the Convention on the Prevention and Punishment of the Crime of Genocide.

70. It is obvious that the General Assembly would be able to hear and take a decision on a request for a revision of the Chinese text of the convention only if such a request were made by the only legal government of China—the Government of the Chinese People's Republic. As it has stated on repeated occasions, the USSR delegation considers that no application by the representative of the Kuomintang group, which does not represent China, can or should be considered by the General Assembly. For that reason, as everyone knows, the USSR delegation opposed in the General Committee the inclusion of this item in the General Assembly agenda.

71. Our delegation now again strongly opposes the consideration and adoption of any decisions on the draft resolution (A/L.116) submitted by the Kuomintang group. It is indisputable that the General Assembly has no authority and no basis for considering a matter submitted by a private individual who in fact represents no one in the United Nations.

72. The Soviet Union delegation will therefore vote against the adoption by the General Assembly of any decisions based on an application of the Kuomintang representatives. Any decisions to alter the Chinese text of the Convention on genocide that the General Assembly might adopt on the basis of an application by the representative of the Kuomintang clique would undoubtedly have no basis in law and would consequently have no legal force whatever.

73. In view of these indisputable considerations, the Soviet Union delegation will consider any decision regarding revision of the Chinese text of the Convention on genocide taken on the basis of the Kuomintang request as having no legal significance. For the same reasons, the USSR delegation will also vote against the proposal that this question should be referred to the Sixth Committee of the General Assembly for consideration as to its substance.

74. The PRESIDENT: Since there are no further speakers on this item, the General Assembly will now take a decision on the draft resolution submitted by the delegation of China [A/L.116] and the draft resolution submitted by the delegations of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua [A/L.123]. As the latter draft is a procedural one and would not dispose of the question finally, but would merely refer it to the Sixth Committee, I wonder whether there would be any objection to voting on it first.

75. Since there is no objection to that course, a vote will be taken on the draft resolution of the five delegations (A/L.123).

The draft resolution was adopted by 30 votes to 16, with 3 abstentions.

76. The PRESIDENT: In view of the fact that this resolution has now been adopted and that the matter is to be referred to a committee, which will report back to the General Assembly, I suggest that it would

be unreasonable to take a decision at this time on the original Chinese draft resolution.

77. Since there is no objection, the adoption of a decision in this matter will be postponed until the Sixth Committee has presented its report.

Question of the adoption by the Economic and Social Council and its functional commissions of Spanish as a working language: report of the Fifth Committee (A/2283)

[Agenda item 62]

Mr. Brennan (Australia), Rapporteur of the Fifth Committee, presented the report of that committee (A/2283).

The draft resolution contained in the report was adopted by 44 votes to 8, with 3 abstentions.

78. The PRESIDENT: I call on the representative of the Union of South Africa for an explanation of vote.

79. Mr. JOOSTE (Union of South Africa): When the present resolution was under consideration in committee, the South African delegation voted against it. It is my intention to explain our reason for doing so. Our opposition was based on the financial implications, on important reasons of economy. Our opposition should not, therefore, be interpreted as in any way detracting from the sympathy which my country and the people of my country have for the peoples and the Member countries primarily concerned, and for their great language. We cannot ignore the great contributions which have been made to the work of the United Nations by the Member countries whose language is Spanish.

80. On the vote which has just taken place, my delegation abstained. We did so because we did not wish to adhere to an attitude which could be interpreted as a lack of sympathy for the Spanish-speaking Members of the Organization.

81. The PRESIDENT: I call on the representative of the United Kingdom for an explanation of vote.

82. Lord CALDECOTE (United Kingdom): The United Kingdom delegation supported the draft resolution of the Fifth Committee which the General Assembly has now adopted because it wishes to make clear its sympathy with the Spanish-speaking countries on this question. My Government is not opposed in principle to the adoption by the Economic and Social Council of Spanish as one of its working languages. But, as we explained in the Fifth Committee, we are much concerned at the very heavy cost of adopting this proposal. The Advisory Committee on Administrative and Budgetary Questions is similarly concerned, and we cannot lightly overlook the recommendation of that committee, that, on financial and administrative grounds, an expenditure of the magnitude proposed should be deferred for the present.

83. My delegation therefore declared in the Fifth Committee—and with the President's permission I should like to repeat that declaration—that while it approves this proposal in principle, it could only agree to its implementation in 1953 and to the necessary appropriation of funds if substantial reductions were made

elsewhere in the budget. The Fifth Committee, in the draft resolution appears in paragraph 43 of document A/2283, not only makes a favourable recommendation in principle, but also, in paragraph (iii), takes the first step towards the provision of the necessary money. While we voted for the draft resolution as a whole, my delegation abstained from voting on that particular paragraph, to make our position clear, as I have just explained it.

84. My delegation considers that, since the General Assembly has adopted the draft resolution submitted by the Fifth Committee, that committee should consider later, in the light of the decisions taken on the further economies which the Secretary-General will propose, whether or not to recommend that the money should be appropriated. As matters now stand, this decision will be taken on the second reading of the budget estimates in the Fifth Committee, and my delegation will defer until that stage its decision whether or not to vote for the financial provision required to implement the resolution on which we have just voted.

85. The PRESIDENT: I call on the representative of Israel for an explanation of vote.

86. Mr. TOV (Israel) (*translated from Spanish*): In explaining my delegation's vote I am happy to have this opportunity of reaffirming our support of the adoption of Spanish as a working language of the Economic and Social Council. I shall not refer to sentimental considerations, although in this case they are based on important, practical needs.

87. The peoples of America, united in their common and unswerving love of freedom, have, by their efforts opened a new path to progress and civilization. They have tirelessly continued in that noble undertaking, and in the process have achieved a synthesis of the best elements of civilization.

88. The discovery of the American continent was the beginning of a new era. Not only was the physical world enlarged, but an opportunity was offered of moulding from the common clay a new type of man whose vigour would enrich the heritage of mankind. The peoples of America, shaped in that tradition, joined the family of nations and have been present here—as they have been in all international organizations—since the very inception of our Organization, which they have supported with zeal, intelligence, enthusiasm and generosity.

89. In the Fifth Committee [356th meeting] I had the honour of saying on behalf of my delegation that Latin America's contribution had become even greater since the adoption of Spanish as a working language of the General Assembly.

90. A great newspaperman has said that Spanish is one of the great linguistic empires of the world. Since they have been given the opportunity of expressing themselves in a language with which they are familiar, the Latin American delegations have not only contributed more to our efforts, but have increased the knowledge of our work in their own countries. Thanks to the adoption of Spanish as a working language of the General Assembly every Spanish-speaking country has been converted into a sounding board for the United Nations ideals of peace and progress.

91. I also had the honour of stating in the Fifth Committee that those results were apparent to anyone who followed the work of the United Nations step by step and who was familiar with the life and aspirations of the vigorous nations of America. What I said with regard to that continent is true of all the other regions where Spanish is a familiar language, preserved like a precious treasure through the centuries, as in the Philippines and in my own country, where hundreds of thousands of Sephardic Jews continue to cultivate it with love and nostalgia.

92. I shall not on this occasion enter into the historical considerations which I had the honour of outlining in the Fifth Committee and which show how closely we are linked with the origins of this great language. I should like to refer to the logical and practical advantages of which I also spoke in the Fifth Committee. I am thinking, for example, of the extraordinary diversity of the nations concerned, which in my opinion justifies the adoption of this resolution. This fact is in itself more important than the number of persons who speak Spanish, although that number, too, is impressive. What must be borne in mind is that we have presented here eighteen countries whose official language is the same but whose political, social and economic characteristics vary, in some cases widely. As a working language, the need for Spanish is self-evident; it is necessary in the same way as the other working languages, important as they are. By enabling the Spanish-speaking representatives to discuss problems in their own language, we shall certainly make the work of the Economic and Social Council more effective and further increase the knowledge of the purposes and accomplishments of the United Nations among Spanish-speaking peoples.

93. Those countries, which make up one-third of the Member States, are particularly concerned with economic and social questions, and their governments and peoples are striving to raise the standard of living through a process of evolution. There could be no more useful and advantageous means of assisting those efforts than by adopting Spanish as a working language of the Economic and Social Council, as the Assembly has done. In this way the United Nations will not only pay tribute to the sister countries of America but will at the same time be itself enriched by the increased direct contribution of the Spanish-speaking delegations to the attainment of its fundamental aims.

94. In conclusion, I should like to mention the impression which the discussion of this matter caused in the Latin-American Press. The enthusiasm with which the approval of the draft resolution by the Fifth Committee was greeted proves that the arguments of its supporters were not merely theoretical. The most important Latin-American newspapers and magazines commented on the event in their editorial columns and published extensive reports. *La Nación*, the great Buenos Aires newspaper, said that the Spanish language counted for much in the political field, and that the decision was the result of the determination of a continent which had demonstrated that, despite superficial differences, it had since the earliest days of its independence possessed a feeling of solidarity and a spirit of co-operation which were unshakable.

95. For these reasons, and those previously set forth by my delegation, we immediately appreciated the

soundness of the Latin American delegations' request that Spanish should be adopted as a working language in the Economic and Social Council and its functional commissions. During this last stage we have again given our modest but firm and enthusiastic support to that request.

96. Mr. BARTOL (Argentina) (*translated from Spanish*): I should have liked to give some account of the work of the four Latin American delegations in the Economic and Social Council when, last year, the first steps were taken, under happy auspices, in the process that has been completed today with the adoption of this resolution which will make Spanish a working language of the Economic and Social Council as from 1953. In view of the occasion, however, I shall confine myself to a brief explanation of our vote and position on this question. My delegation feels that the arguments were exhausted in the discussion in the Fifth Committee and were excellently summarized in the report of the Rapporteur of the Fifth Committee whom we heard a few moments ago.

97. The desirability and necessity of adopting Spanish as a working language of the Economic and Social Council were brilliantly expounded by the representatives who spoke on the subject in the Fifth Committee and it would be repetitious to go over the arguments again. My delegation will therefore take it for granted that all are aware of the historical and cultural reasons which justified the adoption of Spanish as a working language by the General Assembly some years ago and its adoption as a working language of the Economic and Social Council beginning in 1953.

98. We should like to point out that, in furthering this aspiration, the Latin American delegations have made every effort to keep the financial implications of the resolution down to a minimum. The need for economy has been a matter of constant and genuine concern to all our delegations, and at every stage we have done our best to show how the resolution could most economically be implemented. I believe that the records of the relevant meetings of the Fifth Committee [356th to 360th meetings] are sufficient proof of our constant concern in this matter.

99. From the political point of view, the importance of this decision to the Latin American nations will be apparent to every representative. It will permit the extension of the fruitful efforts of the Latin American countries which take part in the important work of the Economic and Social Council since those countries will be able to use an attribute of their sovereignty to express their views on economic and social matters; it will also make the work of the Economic and Social Council and its functional commissions accessible to the people of the eighteen countries which have pressed for the adoption of Spanish as a working language.

100. We believe that languages, far from separating peoples, unite them. The fact that they are expressing their own ideas in their own language will give added strength and force to the proposals of the Latin American countries concerning the economic and social questions which are of increasingly great importance to the political balance of the world. For these reasons, we feel that the financial burden involved by the implementation of this resolution is to be regarded not as a

burden but as a contribution to the basic aims and objectives of the United Nations.

101. The arguments which have been advanced have convinced my delegation that the warmth of the debate in the Fifth Committee—a debate that was as heated and ardent as the subject deserved—has been perfectly understood by all representatives.

102. It is hardly necessary to remind the Assembly of the remarks of the representatives of the Arab countries, who praised our language and used, in advocating its adoption, not their language, but ours—which was an honour for us—or of the attitude of the delegations of Israel, Egypt and Poland, who drew attention to the great, historic culture of which the American peoples are the guardians. We—and I am sure that in saying this I am expressing the views of all who speak the Spanish language—have indeed considered it an honour to our language and to our cause that speakers should have lifted the veil of centuries of history and revealed the ancient ties which unite the different cultures represented here. The Spanish language, as has been shown, and its traditions, as has been said, are bonds of unity. We hope that its use in the Economic and Social Council will help in the attainment of the ideals of peace which the United Nations promotes and to which it aspires; our experience in the General Assembly permits us to entertain this hope.

103. As everyone here knows, the resolution adopted is a combination of the Latin American proposals and the United States proposal. It thus has, as it were, continental force. Finally, the fact that the Arab and Jewish cultures—which are closest to our own—have been united in support and approval of our aspirations, and the statements of other custodians of the Latin culture—France and Belgium—bring me to the conclusion—immodest, perhaps, but, I believe, just and sincere—that the principles on which this resolution is based are universal in character and that their rightness has been demonstrated by the understanding shown by all Member States, even those which voted against the resolution or abstained from voting.

104. Mr. BOURGES-MAUNOURY (France) (*translated from French*): I wish today on behalf of the French delegation to express the particular satisfaction and pleasure I feel in the decision the General Assembly has just taken. The Fifth Committee's report gave us ample evidence to show how necessary it was to adopt Spanish as a working language of the Economic and Social Council.

105. Permit me, in the name of the French delegation, to say how logical it is that a language spoken by more than one-third of the present Member States of the United Nations should be used in this manner. France, which at the present time is the only one of the great Latin nations of the Old World to be a Member of the United Nations, is particularly pleased with this new sentimental bond that has been forged. But we do not wish to refer only to this culture which is so near to our own, to the language of Cervantes. We also know how rapidly the numbers of technicians and engineers are increasing at the present time in the countries speaking that language. We know how essential it is that all economic and technical publica-

tions which are read by engineers should be easily accessible in all those countries. Accordingly I am very happy today to see that we have taken a decision which will permit of a fresh development of all the work done in the Economic and Social Council.

106. In conclusion, I am going to permit myself to express a personal sentiment, and I ask pardon for doing so. In my capacity as the deputy for Toulouse, where Spanish is understood and spoken so widely, I should like to testify in this forum to my sincere personal satisfaction at the decision taken.

107. Mr. MUNRO (New Zealand): My delegation abstained from the vote solely on budgetary grounds and not out of any lack of sympathy with the substance of the proposal. My delegation fully appreciates the difficulties of those Spanish-speaking Members of the United Nations which have to use Council and commission documents prepared in English or French, but we were unable to vote affirmatively on the resolution, since it involved the expenditure during 1953 of a sum of \$350,000 which the Advisory Committee recommended should be deferred for the present on financial and administrative grounds.

108. Furthermore, the Fifth Committee has asked for the submission of proposals by the Secretary-General reducing expenditure to a ceiling of \$48,700,000. If this ceiling is to be observed, reductions will almost certainly be necessary in the amounts for certain items which have been recommended by the Advisory Committee and approved by the Fifth Committee—at first reading. We feel, to say the least, that there is some inconsistency in attempting to limit the United Nations budget in this way and at the same time adding a large item of expenditure whose deferment has been recommended by the Advisory Committee. But obviously such logic is not very persuasive. In short, we abstained because we were not prepared to accept the financial implications for the budget of 1953 which flow from an affirmative vote.

109. Mr. WILEY (United States of America): My delegation is proud and happy to support this resolution. I shall be very brief in my remarks. I do want to say just why we are happy and proud to support this resolution. If there is anything that the United Nations needs, it is a little more harmony, a little more good will and a little more understanding. So, my own personal opinion is that we who in Washington and in New York for years have heard that sonorous language of old Spain and we who have been privileged to attend the Pan-American Union, feel that we have done a good deed today towards understanding and harmony.

110. I can report to this General Assembly with much satisfaction that there was common sentiment that this great melodious and historic language of old Spain and of the Spanish-speaking friends should be a working language of the Economic and Social Council and its functional commissions. Yes, my delegation was actually delighted to collaborate with the Latin-American and Philippine delegations in the drafting of the final text of this resolution. A long record of friendship and co-operation between my people and my Government and the governments and people of the Latin-American good neighbours to the south is so well known that our whole-hearted support and sincere

and active efforts on behalf of this resolution, of course, is no surprise.

111. With respect to pan-American solidarity, what the world needs is world solidarity. And how are we going to get it? We are going to get it by creating harmony and good will and understanding. Pan-American solidarity, with its modern beginnings in 1889 when the first Inter-American Conference was convened in Washington, has continued and flourished for more than sixty years. Two continents are drawing closer, closer and closer together, and this action today is just another step towards better understanding, more harmony and better good will. During that period of sixty years, my Government and the governments of the Latin-American nations have continued, as I say, to grow closer together until today we enjoy the closest possible ties, based upon mutual respect and a genuine understanding of our mutual needs and problems. But today, with the utilization of this language, with our colleges teaching Spanish and with more and more of the people from this continent going south, Spanish will be just another instrument creating that better spirit.

112. It is a fact that my Government's active participation in organized international efforts, through the United Nations and through regional organizations such as the Organization of American States, to improve social and economic conditions throughout the world, has placed heavy burdens upon my people. But we have continued to offer to conclude bilateral technical assistance agreements with our Latin-American neighbours with a view to assisting them to relieve their problems in those fields. We hope and expect to continue these efforts to the fullest possible extent.

113. We do have to count our dollars. We are facing a problem in this country. But getting friends to understand us is going to help us, and creating harmony, good will and understanding is going to make that problem easier. It has been commented here today that the one problem which was involved in this specific proposal was the cost of implementation. Fortunately, this problem, I believe, was solved in the Fifth Committee by the adoption of the United Kingdom proposal [A/C.5/L.184] to set an upper limit on the budget for 1953 of \$48,700,000. Something was said to the effect that that might result in cutting out certain items that might hurt. In my opinion, basing it upon what I have observed, I think a few more efficiency experts in the picture here can do the job without hurting anybody or any activity of this fine Organization. This proposal of the United Kingdom ensures that the gross budget would not exceed approximately this year's level. It also ensures that the cost of adopting Spanish as a working language would be necessarily offset by these other economies which I think can be effected without damage. This important factor serves to remove any hesitancy on the part of any member of my delegation.

114. Our friends and neighbours to the south, the governments of the Latin-American nations and the Government of the Philippines, have been devoted to the principles of the United Nations Charter from the earliest possible days, and that is an asset. Their delegations have laboured unceasingly with all of us here in tireless efforts to deal with the problems which con-

front us daily. They have contributed immeasurably to the solution of these problems, and my little experience here as a representative this year has enriched my own life in my getting personally acquainted with many of our friends from South America. I knew that this General Assembly would endorse this proposal, and I am very happy that it has.

115. I anticipate that the great mass of Spanish-speaking people, as has been indicated here today, throughout the world will be warmed and heartened

by this act of good will—and, oh, how the world needs acts of good will!—which will create more harmony and understanding, as an act of the United Nations.

116. The PRESIDENT: If the General Assembly agrees, we shall conclude the explanations of vote in connexion with this item when we reconvene at 3 p.m.

It was so agreed.

The meeting rose at 1 p.m.