



Seventh session  
Agenda item 56

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

Report of the Sixth Committee

Rapporteur: Mr. J.V. RECHENDORFF (Denmark)

1. The Permanent Representative of China, concurrently with the deposit, on 19 July 1951, of China's ratification of the Convention on the Prevention and Punishment of the Crime of Genocide, made a request by letter to the Secretary-General that the latter should take steps to revise the Chinese text of the Convention. He transmitted a new Chinese text incorporating the amendments desired by his Government with a view to bringing the Chinese text into greater conformity with the other authentic texts of the Convention. The Secretary-General replied that, in view of the provisions of article X of the Convention, under which the Chinese, English, French, Russian and Spanish texts were equally authentic, he was without authority to undertake, by himself, the revision of the Chinese text of the Convention.
2. The Permanent Representative of China thereupon confirmed that his letter should be deemed to constitute the notification envisaged in the first paragraph of article XVI of the Convention by which any party to the Convention may at any time request revision. The Secretary-General accordingly placed on the provisional agenda of the sixth session of the General Assembly this request of China in order that the General Assembly might, in the virtue of the second paragraph of article XVI of the Convention, "decide upon the steps, if any, to be taken in respect of such request."
3. The General Assembly, by resolution 605 (VI) of 1 February 1952, considering that the elements necessary for the discussion of the question were not yet at its disposal, decided to include the question in the provisional agenda of its seventh session.

4. The item "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" was included by the Secretary-General in the provisional agenda of the present session of the General Assembly. On the recommendation of the General Committee, the General Assembly, at its 380th plenary meeting held on 16 October 1952, decided to include the item in the agenda and, at its 382nd plenary meeting on 17 October, decided to consider the item in plenary meeting without reference to a committee.

5. The General Assembly had before it a memorandum by the Secretary-General (A/2221) on the subject. In this memorandum, it was stated that the Language Services Division of the Secretariat had made a comparative study of the original Chinese text of the Convention and the revised Chinese text submitted by the Government of China (annex IV of the memorandum). It appeared 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." Alternative methods were set forth, for the information of the General Assembly, by which effect could be given to such alterations in the Chinese text of the Convention in the event that the General Assembly should decide to do so. These were (1) the drawing up of a protocol listing the alterations agreed upon and (2) the adoption by resolution of the General Assembly of such alterations. Precedents for the latter method were explained in annexes I and II of the memorandum. The revised Chinese text of the Convention submitted by China was reproduced in annex III of the same document.

#### Preliminary consideration in plenary meeting

6. The item was considered at the 400th plenary meeting on 5 December 1952. The delegation of China submitted a draft resolution (A/L.116). In its operative paragraph 1, the draft resolution provided that the General Assembly should approve the revised text of the Convention on the Prevention and Punishment of the Crime of Genocide submitted by the Government of China. Paragraph 2 recommended that States signatories of or parties to the Convention should accept the revised Chinese text as the official Chinese text, in lieu of the existing Chinese text of the Convention. Paragraph 3 requested the Secretary-General to transmit, in accordance with article XVII of the Convention, a certified copy of the revised

Chinese text, as well as a copy of the resolution eventually adopted by the General Assembly, to all Members of the United Nations and to the non-member States contemplated in article XI, and to request States already signatories of or parties to the Convention to notify him, within the period of ninety days from the date of the transmission of the revised Chinese text, of their acceptance of or objection to the revised Chinese text, "it being understood that States which fail to signify their objection within the said period shall be deemed to have accepted the revised Chinese text".

7. A second draft resolution was submitted by the delegations of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua (A/L.123), proposing that the item should be referred to the Sixth Committee during the present session.

8. This last-mentioned draft resolution, being of a procedural nature, was put to the vote first and was adopted by 30 votes to 16, with 3 abstentions. The Chinese draft resolution was not voted upon.

#### Proposals before the Sixth Committee

9. The Sixth Committee considered the item at its 354th to 357th meetings, held on 18 and 19 December 1952.

10. China submitted a draft resolution (A/C.6/L.283), the text of which was identical with that of the draft resolution (A/L.116) introduced by the same delegation in the plenary meeting.

11. The draft resolution was later superseded by a revised text (A/C.6/L.283/Rev.1) submitted by the same delegation at the 355th meeting. In the revised text, the fifth paragraph of the preamble and operative paragraph 1 were deleted. The clause in original paragraph 3, reading "it being understood that States which fail to signify their objection within the said period shall be deemed to have accepted the revised Chinese text," was also deleted. The revised text, furthermore, substituted the notion of "correction" of the Chinese text for that of "revision" and omitted reference to article XVI of the Convention which provided for "revision."

12. At the 356th meeting, China submitted a second revised draft resolution (A/C.6/L.283/Rev.2). This text omitted from the revised draft resolution (A/C.6/L.283/Rev.1) the third and fourth paragraphs of the preamble as well as paragraph 1 of the operative part (i.e., paragraph 2 of the operative part in the original draft resolution). It also deleted, from paragraph 2 of the operative part

of the same revised draft resolution (i.e., paragraph 3 of the operative part of the original draft resolution), the words "within the period of ninety days from the date of the transmission of the corrected Chinese text of the Convention".

13. During the consideration of the second revised text, the representative of China accepted an oral amendment proposed by the representative of France to replace, in the first paragraph of the preamble, the expression "official Chinese text" by "authentic Chinese text" and that of "the other official texts" by "the other authentic texts". With regard to the second paragraph of the preamble, the representative of China accepted a suggestion of the Chairman to amend the paragraph so as to read: "Considering the memorandum submitted to the General Assembly by the Secretary-General (A/2221)". The representative of China further accepted another oral amendment, proposed by the representative of France, to delete the words "to the corrected Chinese text" in the operative paragraph (which was paragraph 3 of the operative part in the original draft resolution).

#### Discussions in the Sixth Committee

14. In opening the debate on the item, the representative of China stated that the sole purpose of his Government's request for revision of the existing Chinese text of the Convention on the Prevention and Punishment of the Crime of Genocide was to bring that text into greater conformity with the other authentic texts of the Convention. He pointed out that the existing Chinese text was defective and gave several examples to substantiate his contention. The Chinese text submitted by his Government (A/2221, annex III) would, in the opinion of experts in China, remove such defects.

15. Some representatives expressed themselves in favour of accepting the request of China in principle. It was emphasized that the Convention on the Prevention and Punishment of the Crime of Genocide did not grant any rights but only imposed obligations on parties to it. In requesting revision of the Chinese text, the Government of China could not be suspected of seeking advantage from the Convention. It was motivated solely by a desire to rectify some inaccuracies in the Chinese text and its good faith was beyond question. On the other hand, refusal by the General Assembly of the request of the Government of China could not fail to do harm to the Convention, since that Convention would suffer from the inability of

that Government to enforce it. The text submitted by China had been studied by the Language Services Division of the Secretariat and the Secretary-General had stated that it introduced changes of a linguistic nature only and that it did not alter the substance or meaning of the Convention as expressed in the other four authentic texts. In the circumstance, it would be inadmissible to maintain a text that was defective in language.

16. It was pointed out also that, in the light of the advisory opinion of 28 May 1951 of the International Court of Justice on Reservations to the Convention on Genocide, the General Assembly was undoubtedly competent to deal with such a question as that raised in the request of China, even if that request were not in the nature of one for revision within the meaning of article XVI of the Convention. This was so for the reason that it was the General Assembly that had prepared and approved the Convention and had proposed it for signature and ratification or accession. It was, therefore, appropriate for the Secretary-General to transmit the Chinese text submitted by China to all the parties to the Convention, which would be free to accept or reject the text. Such a procedure was in conformity with international law.

17. Some representatives stated that, their governments having recognized the Central People's Government of China, they felt that that Government should have an opportunity of considering any revision of the Chinese text of the Convention.

18. Other representatives declared that they could not entertain a request submitted by a government which their governments did not recognize as the government of China. Some of these representatives added that they would not participate in the discussion of the item but would vote against the draft resolution before the Sixth Committee. In reply, some other representatives pointed out that it was out of order to raise the question of the representation of China, since the General Assembly had, by a resolution adopted at its 389th plenary meeting on 25 October 1952 (A/RESOLUTION/1), decided to postpone for the duration of its seventh session consideration of that question.

19. As to the substance of the draft resolution submitted by China, various legal objections were raised to it. It was said that the Convention on the Prevention and Punishment of the Crime of Genocide had entered into force among forty States, of which eleven were not Members of the United Nations. The General Assembly should, therefore, take great care in taking measures that might affect

these non-Member States. Moreover, in the likely event that some States parties to the Convention accepted the new Chinese text while others did not, confusion might result in the relations among such States. Some representatives questioned whether the request of China under consideration constituted one for revision within the meaning of article XVI of the Convention. In the law of treaties, it was urged, revision was usually construed to mean modification of substance or such modifications of language as were substantive in nature. Accordingly, it was suggested that the Chinese draft resolution should refer to "correction", instead of "revision" and any reference therein to article XVI of the Convention should be omitted. This last-mentioned suggestion was accepted by the representative of China.

20. It was also contended by some representatives that, as most of the members were not well versed in the Chinese language and hence could not be in a position to appraise the Chinese text of the Convention submitted by China, the Committee could not recommend that the General Assembly should "approve" that text, as provided in operative paragraph 1 of the Chinese draft resolution. For the same reason, the Committee could not ask the General Assembly to recommend that States signatories of or parties to the Convention should accept the same text, as called for in paragraph 2 of the operative part of the same draft resolution. Nor could the Committee make the assertion that the Chinese text submitted by China was in closer harmony with the other authentic texts of the Convention than the existing Chinese text, as was the purport of the fourth paragraph of the preamble of the Chinese draft resolution. As to the third paragraph of the preamble, stating that the official texts in different languages of a convention should be in as close harmony as possible, this was said to be a truism which it was superfluous to affirm. It was in view of these objections that the representative of China withdrew all these paragraphs. The fifth paragraph of the draft resolution which made reference to article XVI, paragraph 2, of the Convention was similarly withdrawn by the representative of China, since he had agreed with the construction that the request of China did not constitute one for revision, but rather for correction, of the Chinese text.

21. There was also objection to the latter part of operative paragraph 3, which provided for a presumption of consent where a State signatory of or party to the Convention failed to signify its objection within the period of ninety days. It

was said that, since the General Assembly had only the power of recommendation, it was doubtful whether it could make such a binding rule. The time-limit of ninety days provided in the same paragraph within which States signatories of or parties to the Convention were to be requested to signify their acceptance of or rejection to the new Chinese text was criticized as being too rigid. Replies from governments in a treaty matter often required a longer delay. Furthermore, it was also suggested that such replies called for under the draft resolution should not be so restricted as to relate only to "the revised Chinese Text", which phrase should be omitted. All these passages to which objections had been raised were withdrawn by the representative of China.

#### Voting on the proposal of China

22. At the conclusion of its discussions on the item, the Sixth Committee, at its 356th meeting, proceeded to vote upon the second revised draft resolution submitted by China (A/C.6/L.283/Rev.2) as further revised by the representative of China, with the following results:

The first paragraph of the preamble was adopted by 24 votes to 12, with 5 abstentions.

The second paragraph of the preamble was adopted by 23 votes to 16, with 3 abstentions.

The operative paragraph was adopted by 24 votes to 14, with 4 abstentions.

The Chinese second revised draft resolution, as further revised and as a whole, was adopted by 24 votes to 16, with 1 abstention.

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23. The Sixth Committee therefore recommends to the General Assembly the adoption of the following resolution:

CORRECTION OF THE CHINESE TEXT OF THE CONVENTION  
ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF  
GENOCIDE

The General Assembly,

Considering that the Government of China has made a request for correction of the authentic Chinese text of the Convention on the Prevention and Punishment of the Crime of Genocide, with a view to bringing the Chinese text into greater harmony with the other authentic texts of the Convention, and had for this purpose submitted a corrected text (A/2221, annex III),

Considering the memorandum submitted to the General Assembly by the Secretary-General (A/2221),

Requests the Secretary-General to transmit a certified copy of the corrected Chinese text of the Convention on the Prevention and Punishment of the Crime of Genocide, as well as a copy of the present resolution, to all Members of the United Nations and to the non-member States contemplated in article XI of the Convention, and to request States signatories of or parties to the Convention to notify him of their acceptance or objection.