

light of the comments received from Member Governments and should have the collaboration of an ad hoc committee consisting of four members of the Council—France, Venezuela, Denmark and the United States—which had made substantive comments; Members which had not already done so were to be urged to submit their comments at the earliest possible date. The United Kingdom proposed an amendment (E/AC.7/65) to the Venezuelan proposal to consider the desirability of referring genocide in the strict sense to the International Law Commission and other aspects of genocide to the Sub-Commission on the Prevention and Protection of Minorities. In view of the lack of support for the proposal, the United Kingdom representative stated that he would not press it. The U.S.S.R. representative proposed verbally that the Secretariat draft convention should be referred to the Commission on Human Rights for report at the Council's next session. This was rejected in the Social Committee by 10 votes to 2, with 5 abstentions. The Committee, by 13 votes to 0, with 4 abstentions, adopted the Venezuelan proposal incorporating amendments suggested by various delegations, but rejected by 9 votes to 5, with 3 abstentions, a United States amendment to have the Secretary-General prepare a second draft of the convention. The Council at its 160th plenary meeting on March 3 on the Committee's recommendation adopted by 17 votes to 0, with 1 abstention, resolution 117(VI) as follows:

"The Economic and Social Council,

"Taking cognizance of General Assembly resolution 180(II) of 23 November 1947,

"Requests the Members of the United Nations which have not yet done so to transmit at the earliest possible date their comments on the draft Convention, prepared by the Secretary-General (document E/477);

"Establishes an ad hoc Committee composed of the following members of the Economic and Social Council: China, France, Lebanon, Poland, the United States of America, the Union of Soviet Socialist Republics and Venezuela;

"Instructs the Committee:

"(a) To meet at the Headquarters of the United Nations, in order to prepare the draft Convention on the crime of genocide in accordance with the above-mentioned resolution of the General Assembly, and to submit this draft Convention, together with the recommendation of the Commission on Human Rights thereon to the next session of the Economic and Social Council; and,

"(b) To take into consideration in the preparation of the draft Convention, the draft Convention prepared by the Secretary-General, the comments of the Member Governments on this draft Convention, and other drafts on the matter submitted by any Member Government;

"Requests the Secretary-General to take appropriate

measures to enable the Committee to carry out effectively the tasks entrusted to it."

b. DRAFT CONVENTION PREPARED BY THE ad hoc COMMITTEE

The ad hoc Committee on Genocide met at Lake Success from April 5 to May 10, 1948, and prepared a draft Convention on the Prevention and Punishment of the Crime of Genocide (E/794) which it submitted to the seventh session of the Council.

The draft Convention consisted of a preamble and 19 articles.

The preamble to the draft Convention emphasized that genocide is a crime against mankind and that its prevention and punishment require international co-operation.

Article 1 of the draft Convention stated that genocide is a crime under international law whether committed in time of war or of peace. Articles 2 and 3 defined this crime, first as regards physical genocide and then as regards cultural genocide. Physical genocide was defined as deliberate acts committed with the intent of destroying a national, racial, religious or political group by killing its members, impairing their physical integrity, inflicting on them conditions aimed at causing their deaths or imposing measures intended to prevent births within the group. Cultural genocide the draft Convention defined as any deliberate act committed with the intention of destroying the language, religion or culture of a national, racial or religious group, such as, for example, prohibiting the use of the group's language or its schools or places of worship.

In addition to genocide, conspiracy, incitement and attempts to commit genocide would also be punishable under the Convention as well as complicity in any of these acts. Any persons who commit these crimes would be punished whether they are heads of states, public officials or private individuals. They were to be tried by the courts of the countries where the crime is committed or by a competent international tribunal. Parties to the Convention would undertake to pass the necessary laws to give effect to its provisions and to grant extradition in cases of genocide. They were to be able to call on the appropriate body of the United Nations to take action for the prevention and suppression of genocide or bring to its attention any case of violation of the Convention.

Other clauses of the draft Convention related to the submission of disputes concerning the Convention to the International Court of Justice, the states