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Ninth Session

SUMMARY RECORD OF THE THREE HUNDRED AND NINETY-EIGHTH MEETING

held at the Palais des Nations, Geneva,
on Friday, 22 May 1953, at 3 p.m.

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Present:

Chairman: Mr. AZMI (Egypt)
Rapporteur: Mr. KAECKENBEECK (Belgium)

Members:

Mr. WHITLAM	Australia
Mr. ABDEL-GHANI	Egypt
Mr. CASSIN	France
Mrs. CHATTOPADHYAY	India
Mr. INGLÉS	Philippines
Mr. DRUTO	Poland
Mrs. RÖSSEL	Sweden
Mr. KRIVEN	Ukrainian Soviet Socialist Republic
Mr. MOROSOV	Union of Soviet Socialist Republics
Mr. HOARE	United Kingdom of Great Britain and Northern Ireland
Mrs. LORD	United States of America
Mr. PEROTTI	Uruguay
Mr. JEVREMOVIĆ	Yugoslavia

Also present:

Mr. ROY	Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
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Representative of a specialized agency:

United Nations Educational, Scientific and Cultural Organization	Mr. METTRAUX
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Representatives of non-governmental organizations:

Category A

World Federation of United Nations Associations	Mr. de MADAY Mrs. SALMON
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Representatives of non-governmental organizations (continued):

Category B and Register

Catholic International Union for
Social Service

Miss de ROMER

Consultative Council of Jewish
Organizations

Mr. BRUNDSCHWIG

Co-ordinating Board of Jewish
Organizations

Mr. WARBURG

International Federation of Business
and Professional Women

Mrs. SCHRADER-RIVOLLET

International Federation of
University Women

Miss BOWIE

Liaison Committee of Women's International
Organizations

Miss BOWIE

Pax Romana

Miss ARCHINARD

Women's International League for Peace
and Freedom

Mrs. BAER

World Jewish Congress

Mr. RIEGNER

World Union for Progressive Judaism

Mr. WOYDA

World Union of Catholic Women's
Organizations

Miss de ROMER

Secretariat:

Mr. Humphrey

Representative of the
Secretary-General

Mr. Das)
Mrs. Bruce)

Secretaries to the Commission

REPORTS OF THE FOURTH AND FIFTH SESSIONS OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES (item 4 of the agenda) (continued):

Draft resolutions annexed to the report on the fourth session (E/CN.4/641, E/CN.4/641/Corr. 1):

Draft resolution V: Position of persons born out of wedlock; and United States amendment thereto

The CHAIRMAN explained that draft resolution V, on the position of persons born out of wedlock, submitted by the Sub-Commission in Annex I to the report on its fourth session for the Commission's consideration, was derived from resolution D of the Sub-Commission itself (E/CN.4/641, paragraph 39), which contained a recommendation that the Commission on Human Rights appropriately amend articles 1 and 26 of the draft covenant on civil and political rights. That recommendation had emanated from the Commission on the Status of Women, but had finally been rejected by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Consequently, the first paragraph of draft resolution V, reading: "Having noted the resolution of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the position of persons born out of wedlock", should be deleted. The Commission need only examine the two succeeding paragraphs, opening with the words: "Requests" and "Further requests" respectively.

The United States delegation had submitted an amendment to the draft resolution.

Mr. ROY, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, speaking at the invitation of the CHAIRMAN, said that he had not much to add to the very clear explanation just given. As the Chairman had pointed out, only the last part of the text of the original proposal remained valid, that was the invitation to the Council to draw the attention of the competent organs of the United Nations to the necessity of pursuing their work with a view to eliminating any discrimination which might be practised against persons born out of wedlock.

When the resolution had first been drafted care had been taken to mention in the text not only the Secretary-General's report on the position of persons born out of wedlock, but also the work which the Social Commission was doing in that field. He had to add that the United States amendment completely met the present position, and was to be welcomed.

Mrs. LORD (United States of America) said that her delegation had decided that it would be better to submit a single amendment⁽¹⁾ covering the whole of the operative part of draft resolution V, rather than to amend its two operative paragraphs separately. The three main points in her amendment were the inclusion of a reference to interested non-governmental organizations as well as to the Social Commission, the deletion of the phrase "the competent organs of the United Nations", and the substitution of the words "to prepare recommendations with a view to eliminating" for the words "to prohibit all measures leading to" in the final clause. The reason for the third change was that the Economic and Social Council and the Social Commission were not in a position to prohibit anything; they could only make appropriate recommendations. The advantage of combining the two paragraphs was that unnecessary repetition was thereby avoided.

Mr. CASSIN (France) said that the French delegation was prepared to vote for draft resolution V as amended by the United States proposal. He considered, however, that the phrase ", any other competent inter-governmental organs" should be inserted in the United States text, between the words "draw the attention of the Social Commission" and the words "and interested non-governmental organizations".

He wished to draw attention to the fact that the text was an endeavour to reconcile two ideas in the Universal Declaration of Human Rights which might to some extent conflict when applied to the position of persons born out of wedlock.

(1) The consolidated United States amendment to draft resolution V read:

"Replace the two operative paragraphs by the following paragraph:

'Requests the Economic and Social Council to draw the attention of the Social Commission and interested non-governmental organizations (a) to the discrimination which may, in existing social conditions, be practised against persons born out of wedlock; and (b) to the desirability of preparing recommendations with a view to eliminating, with due regard to the principle set forth in Article 16, paragraph 3, of the Universal Declaration of Human Rights, any discrimination which may, in existing social conditions, be practised against persons born out of wedlock, and in particular to prepare recommendations with a view to eliminating the disclosure of illegitimacy in extracts from official documents delivered to third parties.'"

Article 2 of the Universal Declaration enunciated the fundamental rights of all human beings without distinction as to birth or other status, and it had been agreed that that meant that illegitimate children should possess all such rights and enjoy the same social protection as other children. Article 16, paragraph 3, of the Universal Declaration, on the other hand, by its recognition of the family as the natural and fundamental group unit of society thereby entitled to protection by society and the State, had as its corollary an implied reservation to article 2 in respect of the equality for illegitimate children of civil rights in family matters. The Commission could not take up any definite attitude on such a question, which was regulated differently by the laws of the various countries.

Among the merits of draft resolution V was the fact that it drew the attention of all countries to certain treatment meted out to children born out of wedlock, and particularly to the question of the publicity given to their illegitimacy, or, conversely, to that of an illegitimate child being forbidden to obtain proof even of his affiliation, a prohibition which could cause such children grave prejudice in their social relations. Moreover, it did not call on all countries immediately to revise their legislation relating to the family. Clearly, in the case in point, there was a conflict between the interests of the group and that of the individual, a conflict which it was often difficult to resolve but for which the draft resolution offered a compromise solution.

Replying to Mrs. LORD (United States of America), he said that he could not say whether any organ competent to deal with the question of the position of persons born out of wedlock existed at the moment. He thought it essential, however, not to rule out the possibility of giving some other body than the Social Commission the necessary authority. That was why he had suggested the insertion of the phrase concerning inter-governmental organizations.

Mrs. LORD (United States of America) said that she was willing to include that phrase in her text.

Mr. INGLES (Philippines) said that the Philippine delegation viewed the draft resolution on the position of persons born out of wedlock with the greatest sympathy, particularly as it emphasized the need for eliminating discrimination practised against such persons. But in his country difficulty would arise in respect

of the application of legal provisions relating to the rights of illegitimate and legitimate children. The last clause of the draft resolution, and of the United States amendment thereto, would prohibit the disclosure of illegitimacy in extracts from official documents delivered to third parties. Official documents relating to birth and parentage included civil registers and court records, which were public documents in the Philippines. If access to them were prohibited, the principle of the public nature of such records would be affected.

Furthermore, a distinction was made in certain juridical systems between the rights of succession of legitimate and illegitimate children respectively, a distinction that was based on the desire to protect the legitimate family. Cases might therefore arise when registers and public records would have to be consulted in order to determine the status and paternity of claimants to an estate. In the light of those considerations, he feared that in both texts the text of the last clause was too rigid. Could not some formula be devised that would allow for certain exceptions provided for by law? Indeed, his delegation was by no means convinced that the stigma attaching to illegitimacy would be removed by making public records inaccessible. The ultimate remedy lay in education, and in such legislation as would effectively protect persons born out of wedlock from vexation and harassment. Legislation in the Philippines, for instance, permitted an action for damages to be brought by any person who was subjected to vexation and harassment on the grounds of his birth.

Mrs. LORD (United States of America) appreciated the pertinence of the Philippines representative's arguments. Unfortunately, she had no specialized knowledge of her country's legislation on that subject.

Mr. HOARE (United Kingdom) also confessed to a lack of precise knowledge of the relevant United Kingdom legislation, but thought that the Sub-Commission had evidently had in mind the shortened form of birth certificate now available in the United Kingdom, which did not reveal illegitimacy. No doubt, however, a full birth certificate would be required for other legal purposes, for instance, in proceedings where illegitimacy was the point at issue. He was inclined to agree with the Philippines representative that that part of the text was too prohibitive; it might be better to convert it into a positive recommendation in favour of the issue of

shortened birth certificates. He had, moreover, some doubt as to the capacity of the Social Commission, or any other United Nations organ, to make recommendations which would be effective in removing the social prejudices which were the causes of discrimination on the ground of illegitimacy. In his view, the remedy lay not so much in legislation as in the education of public opinion. Since, however, the Social Commission was dealing with the question of illegitimacy in connexion with its work on the welfare of children, especially children deprived of a normal home life, it might perhaps be appropriate for the Commission on Human Rights to draw its attention to existing discrimination.

Mr. KAECKENBEECK (Belgium) considered that the Philippine representative's remarks were entirely justified. To declare roundly that the intention was to prohibit the disclosure of illegitimacy in extracts from official documents delivered to third parties raised real difficulty, for there were cases in law where such information was essential. The difficulty could easily be overcome, and the text made more flexible, by inserting the words "as far as possible" before the words "the disclosure" in the penultimate line of the United States amendment. The need for a resolution such as the one under consideration was obvious, and it would be regrettable if the Commission were to be prevented from adopting it by difficulties which a more flexible text would remove.

Mr. WHITLAM (Australia) said that all members of the Commission undoubtedly supported the principles enunciated in the draft resolution; but he agreed with the Philippine representative's objections to the final clause. He supported the Belgian proposal, and further suggested that the word "minimizing" might be substituted for the word "eliminating" in the same line of the United States amendment. It went without saying that illegitimacy must be recorded for such purposes as the compilation of vital statistics, but extracts from registers could certainly be limited to the date of birth. He would vote in favour of the Belgian amendment, and of draft resolution V as otherwise amended by the United States proposal.

Mr. PEROTTI (Uruguay) did not consider that the United States text was mandatory, since it merely referred to the "desirability of preparing recommendations"

Mrs. LORD (United States of America) doubted whether it would be a good thing to weaken the text by adopting the Belgian and Australian proposals. After all, the purpose of the draft resolution was simply to request the Economic and Social Council and the Social Commission to make appropriate recommendations. A juridical study would bring out clearly the differences in the relevant legislation of the various countries.

Mrs. CHATTOPADHYAY (India) said that the Indian Constitution contained a provision aimed against discrimination on grounds of illegitimacy. She, too, considered that the sole purpose of a birth certificate should be to provide official confirmation of the date of birth. She was opposed to a weaker formula for the final clause, which she did not think would give rise to any difficulty except, perhaps, where inheritance was the issue.

Mr. ROY, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, said that similar questions had been raised in the Sub-Commission when the resolution had been drafted, and more particularly the question whether such a provision would be in harmony with the domestic laws of States. The Sub-Commission had finally decided that the object should be to prohibit the disclosure of illegitimacy in extracts from official documents delivered to third parties. That was all that was required, and there was no question of going any farther.

Mr. KAECKENBEECK (Belgium) quite understood the desire of the United States and Indian representatives to avoid any restriction of the scope of the resolution. He was convinced that the insertion of the words "as far as possible", far from weakening the text, would demonstrate that, although the Commission was fully aware of the fact that absolute prohibition of the disclosure of illegitimacy in extracts from official documents delivered to third parties would prove impossible in law, it nevertheless wanted to go as far as possible in that direction.

Mr. ABDEL-GHANI (Egypt) said that no difficulties arose in Egypt, where neither law nor religion made any differentiation between legitimate and illegitimate persons. Where one or both parents were unknown, a birth certificate was issued in exactly the same form as for a legitimate person. He supported the draft resolution.

Mr. WHITLAM (Australia) withdrew his oral amendment.

The Belgian proposal that the words "as far as possible" be inserted after the word "eliminating" in the United States amendment was rejected by 7 votes to 6, with 1 abstention.

Mrs. RÖSSEL (Sweden) asked that the last clause of the United States amendment be put to the vote separately. She would herself abstain from voting on it.

Mr. MOROSOV (Union of Soviet Socialist Republics) pointed out that, since the sole difference in the last clause between the United States amendment and the original text was the use in the former of the words "to prepare recommendations with a view to eliminating", the separate vote should be taken on the words "the disclosure of illegitimacy in extracts from official documents delivered to third parties".

Mrs. LORD (United States of America) repeated her argument that the Economic and Social Council could not prohibit any measures at all. That was why she had drafted her amendment to read: "and in particular of preparing recommendations with a view to eliminating ...". The French text, however, read: "Visant à proscrire autant que possible". She interpreted that expression as meaning "prohibit" and not "eliminate".

Mr. HOAKE (United Kingdom) agreed that the word "proscrire" was wrong. It had been used to render the word "prohibit" in the English text of draft resolution V, but the United States amendment had introduced the word "eliminate" instead of the word "prohibit".

After an exchange of views concerning the equivalence of the terms "with a view to eliminating" and "visant à proscrire", the CHAIRMAN requested the Rapporteur to collate the two texts.

He said that he would first put to the vote the words "the disclosure of illegitimacy in extracts from official documents delivered to third parties", and then the words "and in particular of preparing recommendations with a view to eliminating ...".

Mr. INGLÉS (Philippines) considered that it would be more logical to vote first on the body of the United States amendment from the words "Requests the Economic and Social Council" down to and including the words "born out of wedlock", then on the first part of the last clause and finally on the second part thereof.

Mr. MOROSOV (Union of Soviet Socialist Republics) supported the Philippine representative, and withdrew his request that a separate vote be taken on the words "the disclosure of illegitimacy in extracts from official documents delivered to third parties".

The United States amendment to draft resolution V, from the words "Requests the Economic and Social Council" down to and including the words "born out of wedlock," was adopted by 11 votes to none, with 3 abstentions.

The first part of the last clause of the United States amendment, reading: "and in particular of preparing recommendations with a view to eliminating ..." was adopted by 6 votes to none, with 8 abstentions.

Mrs. RÖSSEL (Sweden) stated that she would not maintain her request that a separate vote be taken on the words "the disclosure of illegitimacy in extracts from official documents delivered to third parties".

The United States amendment, as amended, was adopted unanimously.

Mr. KAECKENBEECK (Belgium), explaining his vote, said that, although not very satisfied with the wording of the final phrase, he had voted for the draft resolution because of its worthy intentions, and because he regarded it more as the expression of an ideal to be aimed at than as the precise formulation of a prohibition which was not, in absolute terms, legally enforceable.

Mrs. RÖSSEL (Sweden), explaining her vote, said that she shared the doubts expressed by the Philippine and other representatives about the final clause of the United States amendment, which, she feared, might do more harm than good. She had, however, voted in favour of the amendment as a whole, since she considered it to be essential to uphold the principle which it laid down.

Mr. INGLES (Philippines) associated himself with the views expressed by the Belgian and Swedish representatives.

Mr. HOARE (United Kingdom) had voted for the text, although he felt that its wording was not, perhaps, wholly satisfactory; but he believed that the Economic and Social Council and the Social Commission would be well aware of the difficulties implicit therein, and would accordingly interpret the text in a manner which would avoid them.

Draft resolution VI - Convention on Prevention and Punishment of the Crime of Genocide :

The CHAIRMAN asked Mr. Roy to introduce draft resolution VI.

Mr. ROY, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, said that the Sub-Commission's recommendations were designed to speed up the ratification of the Convention on Prevention and Punishment of the Crime of Genocide. It was true that since the Sub-Commission had adopted its text in October 1951 the Convention had been signed and ratified by a number of countries, but the main points made in the draft resolution were still valid.

Mr. HUMPHREY (Secretariat), drawing attention to a mistake in the first paragraph of the preamble, said that there had been two General Assembly resolutions: 260 (III) of 9 December 1948 adopting the Convention on the Prevention and Punishment of the Crime of Genocide, and proposing it to States Members for signature and ratification or accession; and 368 (IV) of 3 December 1949, by which the General Assembly invited non-member States to accede to the Convention, and States Members to ratify or accede to it, if they had not already done so. The language of draft resolution VI was appropriate to resolution 368 (IV) rather than to resolution 260 (III).

He informed the Commission that the Convention had entered into force and had been ratified by 41 countries.

As to Part B of draft resolution VI, on 12 December 1950 the General Assembly had set up a Committee on International Criminal Jurisdiction (resolution 489(V)), with the task of preparing a preliminary statute relating to the establishment of an international criminal court. The Committee's report had been considered by the General Assembly at its seventh session, which, by resolution 687 (VII) of 5 December 1952, had set up a second committee to study further the draft statute in the light of the comments of governments. That committee was to meet in New York during the summer of 1953. He would add that resolution 687 (VII) made no reference to the proposed protocol mentioned in Part B of the draft resolution.

In reply to a question by the CHAIRMAN, Mr. ROY, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, said that,

though he did not possess all the detailed information just provided by the representative of the Secretary-General, he was nevertheless broadly familiar with the position. As he had already intimated, he did not consider that, so far as the question covered by Part B of the resolution was concerned, there had been any fundamental change in the position since the Sub-Commission had adopted the text now before the Commission.

Mr. CASSIN (France) felt that while the new facts mentioned by the representative of the Secretary-General might have to some extent abated the force of certain points made in the draft resolution, they did not essentially affect the position. It was still desirable that an appeal should be made, urging those States Members that had not yet ratified the Convention to do so. It was also clear that, should the General Assembly decide to establish an international penal tribunal, that tribunal should be empowered to deal with the crime of genocide. The French view on the matter coincided completely with that of the experts on the Sub-Commission, and he would therefore vote for the draft resolution.

Mr. MOROSOV (Union of Soviet Socialist Republics) said that the Soviet Union delegation supported the preamble and recommendations (a) and (b) in Part A of the draft resolution. It was strongly opposed, however, to the considerandum at the end of Part A and to Part B. Its opposition related to the problem of establishing an international penal tribunal, and was partly based on the statement just made by the representative of the Secretary-General that since the draft resolution had been adopted by the Sub-Commission the General Assembly had given further consideration to the matter.

The Soviet Union delegation was opposed to the setting up of a permanent international penal tribunal on the ground that to do so would be incompatible with the principles of the Charter of the United Nations. There was an irreconcilable divergence of view on the matter in the United Nations and he considered that it would be a waste of time to discuss the question in the Commission.

If the considerandum at the end of Part A, and Part B were adopted by the Commission, the latter would be going much further than the General Assembly in its resolution 687 (VII), which simply appointed a committee to study the question further. The establishment of a permanent international criminal court had been

rejected on that occasion, and not only would it be presumptuous of the Commission to go further than the General Assembly had done, but in his opinion the Commission was not even competent to take a decision on the considerandum. Although his delegation did not condemn out of hand the idea of international criminal jurisdiction, provided such courts were set up to deal with concrete cases on the basis of agreement between the States concerned as equal members of the court, as had been the case at Nürnberg and Tokyo, he would vote against those parts of the resolution, and appealed to the Commission to take a quick decision in favour of the preamble and recommendations (a) and (b) in Part A.

Mr. WHITLAM (Australia), associating himself in general with the Soviet Union representative's remarks, recalled that Australia had been one of the very first countries to ratify the Convention on Genocide; his delegation would support Part A of the draft resolution. Although not entirely in agreement with the Soviet Union representative's line of argument, he too was opposed to Part B on the grounds that in the present state of affairs the establishment of a court of international criminal jurisdiction would be utterly unrealistic.

Mr. ROY, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, said that he did not intend to start a discussion on the question whether it was or was not advisable to set up an international penal tribunal. The view just advanced by the Soviet Union representative followed logically from the stand taken by his delegation at the various stages of the discussion on that question especially in the General Assembly. It would, moreover, be remembered that a majority of the General Assembly had considered that the matter deserved to be reviewed by a committee, so that it could not be contended that it had been shelved completely. It would no doubt come before the Assembly again, and it was in view of the possibility of an instrument establishing an international penal tribunal being adopted that the Sub-Commission had requested that such tribunal should be empowered to deal with the crime of genocide.

Mr. HOARE (United Kingdom) said that, although he did not follow the Soviet Union representative in all his arguments, he wished strongly to support his claim that the Commission was not competent to take a decision on the draft resolution.

It was clear that circumstances had changed since the resolution had been drafted - and he recognized that the text as drawn up twenty one months previously might have been applicable to the circumstances obtaining at that time. It was also clear that the task of the Committee on International Criminal Jurisdiction had been to draw up the statute of a possible international criminal court, and not to decide whether such a court should be established, or to deal with the question of its jurisdiction. The Australian representative had recalled that in the early stages of the work that distinction had been made explicit.

There were, moreover, a host of practical difficulties still to be considered, such as the problems of arrest and the carrying out of sentence upon those who were to be dealt with by the proposed court. The whole project was still in a very early stage of examination. In those circumstances, consideration of the draft resolution by the Commission would inevitably mean a protracted discussion. He could not agree with the Chairman of the Sub-Commission that the resolution was little more than a system of verbal hypotheses. Part B was a recommendation to the Council, carrying all the weight of the Commission, that the former - with all its own weight added - should make a specific recommendation to the General Assembly. From his reading of the text, he could only infer that adoption of the draft resolution by the Commission would be tantamount to setting its approval upon the idea of an international criminal court. The Commission should not make any pronouncement upon that controversial and highly technical subject.

He would go even further, and suggest that, in view of the fact that the Commission had not been able to consider the draft resolution sooner, and that in the meantime no fewer than 41 governments had ratified the Convention on Genocide, the whole resolution was out of date. He thought it fell into the category of unnecessary resolutions which the Council had recommended its functional commissions not to send forward. The Commission had plenty of work on its hands in dealing with matters of vital importance.

Mr. KAECKENBEECK (Belgium) remarked that no one could say at the moment whether an international criminal tribunal would be established, or, if it were, when. In view of the short time at the Commission's disposal, a discussion on the competence of an international authority the establishment of which was hypothetical would appear

to be purely academic. He therefore supported the views expressed by previous speakers, and would vote against the draft resolution.

Mr. CASSIN (France) considered that the present situation should be kept clearly in mind, but without underrating the importance of a text such as that submitted by the Sub-Commission. The Commission could, in his opinion, quite well adopt the draft resolution, provided two slight amendments were made to Part B: first, the words "recently appointed" should be inserted before the word "Committee" in the second line; and secondly, the words "to take into consideration the wishes of the first Committee" should be substituted for the words "to give effect to this Committee's wish".

Mr. MOROSOV (Union of Soviet Socialist Republics) suggested that the Commission vote on the question of whether it was competent to take a decision on the draft resolution. If the answer was in the negative, then the considerandum in Part A and Part B would fall. If the answer was in the affirmative, then he would have much to say both on general principles and on points of detail.

A second procedural point of some importance was the question whether it would not carry more weight with the Council if the Commission were able unanimously to adopt a resolution on the acceleration of the ratification of the Convention on Prevention and Punishment of the Crime of Genocide. The important part of the text was Part A, not Part B.

He thought the French proposal amounted to interference in the sphere of other organs, and could not support it. The Commission should complete its own task before seeking to intervene in matters which had been delegated by the General Assembly to another body.

The CHAIRMAN suggested that it would be more appropriate to put to the meeting the question whether the Commission wished to make its position clear on the draft resolution, rather than whether it was competent to do so. He thought, too, that Part B should begin immediately after recommendation (b) in Part A.

It was so agreed.

The CHAIRMAN said that he would put to the vote the question whether the Commission should make its position clear on Part B of the draft resolution on acceleration of ratification of the Convention on the Prevention and Punishment of the Crime of Genocide.

It was decided by 9 votes to 3, with 2 abstentions, that the Commission should refrain from passing an opinion on Part B of draft resolution XI.

At the suggestion of Mr. HOARE (United Kingdom), a vote was taken on whether the Commission should make its position clear on Part A.

It was decided by 10 votes to 3, with 1 abstention, that the Commission should not refrain from passing an opinion on Part A of draft resolution VI.

Mr. INGLES (Philippines) pointed out that, in the light of the statement of the representative of the Secretary-General, the figures "368 (IV)" should be substituted for "260 (III)" in the first sentence of the preamble, and that the remainder of the sentence should be amended in accordance with the recommendations made in the latest General Assembly resolution.

After Mr. HUMPHREY (Secretariat) had pointed out that the two General Assembly resolutions carried different recommendations, and after some further discussion, in which Mr. ROY, Chairman of the Sub-Commission on Prevention of Discrimination and the Protection of Minorities, Mr. WHITLAM (Australia), Mr. MOROSOV (Union of Soviet Socialist Republics) and the CHAIRMAN took part, the last-named said that he would put to the vote the substitution, for the first paragraph of the preamble, of the phrase "Having noted General Assembly resolution 368 (IV) of 3 December 1949;".

Mr. WHITLAM (Australia) asked that separate votes be taken on the first part of the preamble and on recommendation (a).

The proposal to substitute for the first paragraph of the preamble the text read out by the Chairman was adopted by 10 votes to 2, with 2 abstentions.

Recommendation (a) was adopted by 10 votes to 3, with 1 abstention.

Draft resolution VI, on acceleration of ratification of the Convention on the Prevention and Punishment of the Crime of Genocide, as amended, was adopted by 11 votes to none, with 3 abstentions.

The meeting rose at 6.20 p.m.