

the Committee. Article II deals with what can be described as “physical genocide,” and its general nature is indicated by the opening words of the article :—

“In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such”

The article proceeds to enumerate five specific acts, the first of which is killing members of the group. There was debate as to what groups should be included, and in particular whether reference should be made to political groups. It was pointed out by the *Eastern European* and some *Latin American* States that political groups lacked the stability and homogeneity of the other groups named. It was also said that the inclusion of political groups would hamper State action against domestic subversive movements. When a vote was first taken, political groups were included by 29 votes (N.Z.) to 3 with 9 abstentions. However, at a later meeting of the Committee it was decided, as the result of a request by the *United States* representative, who had earlier been the main supporter of the inclusion of political groups, that political groups should be excluded from those protected. He explained that his delegation realized that if this was not done the convention would prove unacceptable to many States. The voting was 22 for exclusion, 6 against, and 12 abstentions. In this instance the *New Zealand* representative abstained.

Article III of the *ad hoc* Committee's draft dealt with what came to be described as “cultural genocide”—i.e., “any deliberate act committed with the intent to destroy the language, religion, or culture of a national, racial, or religious group” This conception, pressed in the *ad hoc* Committee by the *Soviet Union* and *Poland*, came in for much criticism. It raised the difficult question of the treatment of minority groups, and there was strong feeling in the Committee that action with regard to this form of genocide might more appropriately be taken within the sphere of human rights. It was therefore decided by 25 votes (N.Z.) to 16 with 4 abstentions not to include provisions relating to cultural genocide in the convention.

The present Article III provides that certain acts besides genocide itself are to be punishable. The most controversial of these is “direct and public incitement to commit genocide.” The *New Zealand* delegation was one of a minority which opposed this provision, on the ground that it might justify legislation imposing unnecessary restrictions on the right to free speech. It was felt that incitement should only be punishable when it constituted a direct act of conspiracy, or part of an attempt to commit genocide (on which see Article III).

Questions as to who was liable for acts of genocide and the methods by which persons liable were to be punished raised difficult problems.