

It was pointed out by many members of the Committee that it was difficult to imagine any large-scale acts of genocide taking place without the complicity of the Government of the territory concerned. This raised the question whether the convention should provide for some form of international criminal tribunal to punish acts of genocide. The *Soviet Union* and other members of the Committee argued that trial by an international Court would involve interference with national sovereignty, and that a provision providing for trial by domestic Courts would suffice. The *New Zealand* delegation felt that this would, in view of the nature of the crime of genocide, make the convention quite ineffective. Support was therefore given to the present form of Article VI. This article provides for trial "by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those contracting parties which shall have accepted its jurisdiction." At the same time a resolution was passed inviting the International Law Commission to study the desirability and possibility of establishing an international judicial organ for the trial of persons charged with genocide or other crimes over which jurisdiction might be conferred on that organ by international conventions. Pending the establishment of an effective international tribunal such "teeth" as the convention has are to be found in :—

(1) Article V—requiring contracting parties to enact legislation to give effect to the convention and to provide effective penalties.

(2) Article VII—under which genocide is not to be regarded as a political crime for the purposes of extradition.

(3) Article VIII—allowing contracting parties to call upon competent organs of the United Nations.

(4) Article IX—enabling the submission of disputes "including those relating to the responsibility of a State for genocide or any of the other acts enumerated in Article III" to the International Court of Justice at the request of any of the parties to the dispute.

The Convention on the Prevention and Punishment of the Crime of Genocide was approved by the Committee by 30 votes (N.Z.) with 8 abstentions; but it was later adopted unanimously by the General Assembly. The *Soviet* delegate, before the final vote in the Assembly, explained that he would vote for the convention despite its objectionable features. He referred to the absence of provisions relating to cultural genocide and reiterated his delegation's position with regard to the International Court of Justice and an international tribunal—in particular, that the transmission of any dispute to the International Court of Justice should be only with the consent of the disputant parties. Later the *Soviet* and other *Eastern European* States reaffirmed this stand by