

SECTION A.—REQUEST
FOR ADVISORY OPINION

I.—THE SECRETARY GENERAL OF THE
UNITED NATIONS TO THE PRESIDENT OF THE
INTERNATIONAL COURT OF JUSTICE, THE HAGUE

New York, 17 November, 1950.

LEG 46/05 (6)

Sir,

I have the honour to inform you that the General Assembly of the United Nations, by a Resolution adopted yesterday at its three hundred and fifth plenary meeting, concerning "Reservations to Multilateral Conventions", decided to request the International Court of Justice to give an advisory opinion on the following questions:

"In so far as concerns the Convention on the Prevention and Punishment of the Crime of Genocide, in the event of a State ratifying or acceding to the Convention subject to a reservation made either on ratification or on accession, or on signature followed by ratification:

- I. Can the reserving State be regarded as being a party to the Convention while still maintaining its reservation if the reservation is objected to by one or more of the parties to the Convention but not by others?
- II. If the answer to question I is in the affirmative, what is the effect of the reservation as between the reserving State and:
 - (a) The parties which object to the reservation?
 - (b) Those which accept it?
- III. What would be the legal effect as regards the answer to question I if an objection to a reservation is made:
 - (a) By a signatory which has not yet ratified?
 - (b) By a State entitled to sign or accede but which has not yet done so?"

One copy each of the English and French texts of the aforementioned Resolution of the General Assembly, both duly certified, are enclosed herein.

In order that effect may be given to the Resolution of the General Assembly, I shall transmit to the Court, as soon as the official records are available in their final form, copies of the records of the proceedings of the General Assembly, and of the relevant documents which the Assembly had before it relating to the question of Reservations to Multilateral Conventions.

I have the honour, etc.

(Signed) TRYGVE LIE,
Secretary-General.

II.—RESOLUTION ADOPTED BY THE GENERAL
ASSEMBLY AT ITS 305th PLENARY MEETING ON
16 NOVEMBER, 1950

Reservations to Multilateral Conventions

The General Assembly,

Having examined the report of the Secretary-General regarding reservations to multilateral conventions,

Considering that certain reservations to the Convention on the Prevention and Punishment of the Crime of Genocide have been objected to by some States,

Considering that the International Law Commission is studying the whole subject of the law of treaties, including the question of reservations,

Considering that different views regarding reservations have been expressed during the fifth session of the General Assembly, and particularly in the Sixth Committee,

1. *Requests* the International Court of Justice to give an advisory opinion on the following questions:

“In so far as concerns the Convention on the Prevention and Punishment of the Crime of Genocide, in the event of a State ratifying or acceding to the Convention subject to a reservation made either on ratification or on accession, or on signature followed by ratification:

- I. Can the reserving State be regarded as being a party to the Convention while still maintaining its reservation if the reservation is objected to by one or more of the parties to the Convention but not by others?

- II. If the answer to question I is in the affirmative, what is the effect of the reservation as between the reserving State and:
- (a) The parties which object to the reservation?
 - (b) Those which accept it?
- III. What would be the legal effect as regards the answer to question I if an objection to a reservation is made:
- (a) By a signatory which has not yet ratified?
 - (b) By a State entitled to sign or accede but which has not yet done so?" ;

2. *Invites* the International Law Commission :

(a) In the course of its work on the codification of the law of treaties, to study the question of reservations to multilateral conventions both from the point of view of codification and from that of the progressive development of international law ; to give priority to this study and to report thereon, especially as regards multilateral conventions of which the Secretary-General is the depositary, this report to be considered by the General Assembly at its sixth session ;

(b) In connexion with this study, to take account of all the views expressed during the fifth session of the General Assembly, and particularly in the Sixth Committee ;

3. *Instructs* the Secretary-General, pending the rendering of the advisory opinion by the International Court of Justice, the receipt of a report from the International Law Commission and further action by the General Assembly, to follow his prior practice with respect to the receipt of reservations to conventions and with respect to the notification and solicitation of approvals thereof, all without prejudice to the legal effect of objections to reservations to conventions as it may be recommended by the General Assembly at its sixth session.

Certified true copy :

(Signed) IVAN KERNO,
Assistant Secretary-General
Legal Department.

SECTION B.—DOCUMENTS TRANSMITTED
WITH THE REQUEST

LIST OF DOCUMENTS TRANSMITTED WITH THE REQUEST
BY THE SECRETARY-GENERAL OF THE UNITED NATIONS
(ART. 65, PARA. 2, OF THE STATUTE)

RECORDS OF THE GENERAL ASSEMBLY, FIFTH SESSION

Folder 1

Inclusion of the item in the agenda

Records of the proceedings

Records of the General Committee :

69th meeting.

70th meeting.

Records of the General Assembly :

285th plenary meeting.

Folder 2

Inclusion of the item in the agenda

Documents

Adoption of the agenda of the fifth session
of the General Assembly and allocation
of items to Committees: Report of the
General Committee (Extract)

A/1386

Allocation of items on the agenda of the
fifth session: letter dated 26 September,
1950, from the President of the General
Assembly to the Chairman of the Sixth
Committee (extract)

A/C.6/334

Folder 3

*Discussion in the Sixth Committee
and in the General Assembly*

Records of the proceedings

Sixth Committee :

217th meeting.

- 218th meeting.
- 219th meeting.
- 220th meeting.
- 221st meeting.
- 222nd meeting.
- 223rd meeting.
- 224th meeting.
- 225th meeting.

Corrections to the summary records of the
221st, 222nd and 225th meetings.

- General Assembly :
305th plenary meeting.

Folder 4

Discussion in the Sixth Committee and in the General Assembly

Documents

General Assembly (first phase) :

Report of the Secretary-General A/1372

Sixth Committee :

[*Note.—See Folder 2 for :*

*Allocation of items on the agenda of the
fifth session : letter dated 26 September,
1950, from the President of the General
Assembly to the Chairman of the Sixth
Committee (extract)*

A/C.6/334]

United States of America : draft resolution A/C.6/L.114

United States of America : revised draft
resolution A/C.6/L.114/Rev. 1

United Kingdom : amendments to the
draft resolution submitted by the
United States of America (A/C.6/L.114) A/C.6/L.115

Uruguay : amendments to the draft
resolution submitted by the United
States of America (A/C.6/L.114) A/C.6/L.116

Uruguay : memorandum A/C.6/L.117

France : amendments to the draft reso-
lution submitted by the United States
of America (A/C.6/L.114) A/C.6/L.118

Iran : amendment to the draft resolution
submitted by the United States of
America (A/C.6/L.114) A/C.6/L.119

- Chile : amendment to the draft resolution amended by Uruguay (A/C.6/L.116) A/C.6/L.120
- Sweden : amendment to the United Kingdom amendments (A/C.6/L.115) to the draft resolution submitted by the United States of America (A/C.6/L.114) A/C.6/L.121
- Note by the Secretary-General A/C.6/L.122
- Note by the Secretary-General, Addendum A/C.6/L.122/Add. 1
- Egypt, France, Greece, Iran, United Kingdom : joint draft resolution A/C.6/L.123
- Belgium, Denmark, Netherlands, Norway, Sweden : amendment to the joint draft resolution submitted by Egypt, France, Greece, Iran, United Kingdom (A/C.6/L.123) A/C.6/L.124
- Belgium, Chile, Denmark, Egypt, France, Greece, Iran, Netherlands, Norway, Sweden, United Kingdom, United States of America, Uruguay : joint draft resolution replacing A/C.6/L.114/Rev. 1, L.115, L.116, L.118, L.119, L.120, L.121, L.123, L.124 A/C.6/L.125
- Union of Soviet Socialist Republics : amendment to the joint draft resolution of Belgium, Chile, Denmark, Egypt, France, Greece, Iran, Netherlands, Norway, Sweden, United Kingdom, United States of America and Uruguay (A/C.6/L.125) A/C.6/L.127
- General Assembly (final phase) :
- Report of the Sixth Committee A/1494
incorporating
A/1494/Corr. 1
- Belgium, Chile, Denmark, Egypt, France, Greece, Iran, Netherlands, Norway, Sweden, United Kingdom, United States of America, Uruguay : amendment to the draft resolution submitted by the Sixth Committee (A/1494) A/1495
- Resolution adopted by the General Assembly at its 305th plenary meeting on 16 November, 1950 A/1517