

COMMISSION ON HUMAN RIGHTS

DRAFTING COMMITTEE

FIRST SESSION

SUMMARY RECORD OF THE SEVENTH MEETING

Held at Lake Success, New York, on Tuesday, 17 June 1947 at 11:00 A.M.

Present:

Chairman:	Mrs. Eleanor Roosevelt	(United States of America)
Vice Chairman:	Dr. P.C. Chang	(China)
Rapporteur:	Dr. Charles Malik	(Lebanon)
	Mr. Ralph L. Harry	(Australia)
	Mr. H. Santa Cruz	(Chile)
	Prof. René Cassin	(France)
	Mr. Geoffrey Wilson	(United Kingdom)
	Prof. V. Koretsky	(Union of Soviet Socialist Republics)

Specialized Agencies:

Mr. J. Havet	UNESCO
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Non-Governmental Organizations:

Miss Toni Sender	American Federation of Labor
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Secretariat:

Prof. J.P. Humphrey	Secretary of the Committee
Mr. Edward Lawson	

Formulation of a Preliminary Draft of an International Bill of Human Rights on the Basis of Documentation Supplied by the Secretariat

The CHAIRMAN recalled that a working group had been appointed at the Sixth Plenary Session of the Drafting Committee and requested:

1. to suggest a logical rearrangement of the articles of the Draft Outline supplied by the Secretariat;

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2. to suggest a redraft of the various articles in the light of the discussions of the Drafting Committee; and
3. to recommend to the Drafting Committee the division of the substance of the articles between a Manifesto or Declaration, and one or more conventions.

The working group had held two meetings, she reported, and after a general discussion had asked Prof. Cassin (France) to undertake the formulation of a rough-draft Declaration because it felt that such a document might have greater unity if drawn up by one person. Prof. Cassin had produced the Preamble and forty-four articles of such a rough-draft Declaration, (Document E/CN.4/AC.1/W.2/Rev.1) and the working group had gone over the Preamble and the first six articles. She suggested that the Drafting Committee first read the Preamble for information, since it was generally recognized that its final wording could not be determined until later; then consider in some detail the first six articles as submitted by the working group, and finally consider in like detail the draft of articles 7 to 44 as drawn up by Prof. Cassin. She further suggested that the Drafting Committee would have to choose between a long Declaration or a short one. She asked for opinions on this subject, and also on the way the Committee should continue its work.

Prof. CASSIN (France) stated that he was conscious of the imperfection of his work. He explained that he had taken the liberty of drafting a Preamble to express the general principles. He agreed with the Chairman that the declaration should not be too wordy and too detailed, and cited as models the Declarations of Cuba and of the American Association of Human Rights and the Protection of Man. He invited his colleagues to propose abbreviations and deletions wherever necessary. The chapter indications had been inserted merely as a guide for his work, he explained, but he believed they should eventually be deleted. He thought that one group should be set up to study the contents of a Convention, another

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to examine the substance of a Declaration.

Mr. SANTA CRUZ (Chile) thought it advisable to study the wording of a Declaration on the one hand, and of the proposed convention drafts on the other. He felt that a Declaration, however short it might be, should include all the points that humanity expects to be included at this period of our history. To him it appeared to be especially important that economic and social rights be assured. The recognition of these rights would make the return of Fascism impossible. He agreed that the Declaration should be short, but emphasized that it should define the principles of freedom, of equality, of non-discrimination and of the rights of man to a just life.

Mr. HARRY (Australia) paid tribute to the work of Prof. Cassin (France) and shared the view that the declaration should be short, concise, and crisp. He had envisaged a declaration in the form of a General Assembly Resolution designed to be an introduction to a Bill or a Convention. In his opinion, substantial changes in form would be required. A mere declaration of principles would not offer assurance against revival of oppression. His Government held the view that the main task was to provide a Bill of Human Rights with provisions for implementation; a document declaring and creating international law, one which would be acceptable to signatory States. The Committee might also draft an inspiring Declaration in order to focus attention on this problem and to offer the peoples of the world hope that detailed provisions for implementation would be made. The form of the Declaration, however, should be determined in the light of the Bill. He strongly supported a very short Declaration and was in favour of having the Committee split into two groups, one to examine the contents of a Convention, the other to redraft the draft Declaration prepared by Prof. Cassin in the light of remarks made during the discussion.

Dr. CHANG (China) said the Working Group had made a significant step towards orderliness. He felt, however, that the entire Committee

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should go over each of the proposed articles first.

The CHAIRMAN stated that Dr. Chang apparently agreed with the position of the United States, that there should be a Declaration, followed by one or more Conventions.

Dr. MALIK (Lebanon) pointed out that the Drafting Committee already had agreed that two documents should be prepared, one a general Declaration and the other a Convention, to be submitted simultaneously to the Commission on Human Rights.

Regarding the Declaration, he felt that it should be very brief but should include all the basic principles of a Bill of Human Rights. It should be a fundamental matrix of doctrine from which positive law might be elaborated, a battle cry for freedom, for liberty; a Credo embodying the basic philosophy of the United Nations regarding human rights. From this declaration, there might flow one or more conventions. The world was awaiting more than mere resolutions. It wanted maximum assurance against the infringement of human rights and actual conventions. He pointed out there was already agreement on certain things that should be made the subject of Conventions at once. The field of personal liberties - protection of the bodily integrity of man - was one such subject. He agreed with Dr. Chang (China) that the Committee might work as a whole for sometime. He felt it should attempt to draft two documents:

1. a Declaration, brief and all-inclusive, and
2. a summary of the maximum agreement as to what ought to go into one or more Conventions.

Prof. KORETSKY (Union of Soviet Socialist Republics) said it was very difficult to decide upon the form of the Bill of Rights without first deciding upon its contents. The creation of a sub-committee would be appropriate for actual drafting, he felt, but only after general

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principles had been settled in a Plenary meeting of the Drafting Committee.

Mr. WILSON (United Kingdom) believed it important to stress the historical situation in which the Committee met. It was one, he said, where Germany and other enemy countries during the war had completely ignored what mankind had regarded as fundamental human rights and freedoms. The Committee met as a first step toward providing the maximum possible safeguard against that sort of thing in the future. More than a Manifesto would be needed, in his opinion; there would in addition have to be a substantive body of law, not imposed upon, but adhered to, by Governments. He called attention to the fact that the draft Bill of Rights proposed by the United Kingdom contained the wording of a draft Convention on Human Rights. He agreed that certain additional items might be added, including the prevention of torture, the right of asylum, and the maintenance of civil rights.

He stated that he had been impressed by the arguments in favour of a short, pithy, pungent Declaration. However, he felt that the Convention should be fairly detailed, covering as wide a field as possible at this stage. He proposed that the United Kingdom's paper be taken as the basis for constructing a draft Convention. Finally, he expressed the opinion that the Drafting Committee should actually draft, since general principles already had been discussed in detail in the Commission on Human Rights. He felt that the Committee could prepare, simultaneously, a Manifesto and a Convention. He suggested that the Committee split into two working groups to put these two projects into shape.

Prof. CASSIN (France) said it would be hard to decide on the length of the Declaration without knowing what its contents should be. Mr. WILSON (United Kingdom) asked how the Committee could draft a Declaration until it had reached general agreement as to the points to

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be covered in a Convention. The CHAIRMAN said that in her opinion all points ought to be covered by the Declaration, whether or not they were spelled out in the Convention.

Prof. KORETSKY (Union of Soviet Socialist Republics) suggested that the Committee ought to think about what it could hope to accomplish in the immediate future. He observed:

1. that the Committee could not hope immediately to work out a final draft for submission to the Human Rights Commission;
2. that it could not immediately prepare a document for which the Governments represented on the Committee could be held answerable;
3. that it would have to consider very carefully the substantive contents of any document it submitted to the Commission;
4. that it ran the risk of trying to cover too much but of saying too little;
5. that it should carefully avoid being over-hasty; and
6. that it should always bear in mind that the object of the Bill of Rights was to protect human life and to make man free.

The problems, he felt, were of such complexity that the Drafting Committee could not hope to solve them within a week or two; and certainly there could be no immediate elaboration of a draft convention. While he agreed that all the work which had been done was extremely useful, he felt that the Committee should work towards preparing a basic working document which could be referred to the Governments for the expression of their views. After these views had been received and discussed by the Human Rights Commission, the Drafting Committee would be in a better position to do some actual drafting.

Specifically Prof. KORETSKY (Union of Soviet Socialist Republics) reserved his right to present, at a later date, the opinions held by his Government on all matters of substance.

/The CHAIRMAN

The CHAIRMAN pointed out that the Government of the Union of Soviet Socialist Republics had had the same length of time as other governments to make suggestions relating to the form and substance of the Bill of Rights. Its representative had participated in the meetings of the Commission on Human Rights. She also indicated that in her opinion Prof. Koretsky's suggestions were in accordance with the method the Committee already had adopted; that is, to produce first of all a working document, which would consist of two parts.

Dr. MALIK (Lebanon) called to the attention of the Committee that under its terms of reference it was obligated to submit a "preliminary draft" to the Commission on Human Rights. Such a preliminary draft could hardly be considered complete until the point of view of the Soviet Union and of other governments on matters of substance had been expressed. The only solution, he felt, might be to prepare as much of a draft as was possible under the circumstances, and to have a second meeting of the Drafting Committee shortly before the second session of the Commission on Human Rights.

Prof. CASSIN (France), summing up the discussion, said that he understood that the Drafting Committee had decided it would have to prepare a Declaration. It had also decided that this Declaration would have to be accompanied by one or several Conventions dealing with fundamental points in the Declaration. As for its future work, he supported the views already expressed as to the need for study by the various governments and by the public. But governments would have to study something concrete; they would have to have a text on which to base their criticism and comment. He suggested that the afternoon session be devoted to a discussion of the general part of the Declaration which he had attempted to prepare.

The CHAIRMAN felt that Prof. Cassin's suggestion was a good one. Prof. KORETSKY (Union of Soviet Socialist Republics) asked for an opportunity  
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to clarify his position and to correct any possible misapprehension. He agreed, he said, that this first step should be taken; but he felt strongly that the resulting texts should be considered working documents and nothing more. The Committee, in his opinion, was not in a position to present anything that it could call a draft. He referred to the draft convention on genocide, which had been worked out by experts but which, he felt, could not be put into any final form until the governments had been consulted. He thought that perhaps the Drafting Committee might somehow communicate to the Economic and Social Council the opinion that under the present circumstances its mandate could not be carried out immediately, and that only a working document could be submitted for the consideration of the Commission on Human Rights and of the governments.

The CHAIRMAN said that the Committee was then in the process of preparing just such a working document, whose form might eventually be changed. She read the Preamble submitted by the Working Group of the Drafting Committee and pointed out that this was not by any means a final draft. She proposed that during the afternoon the Committee might consider the remainder of the draft prepared by the working group, then go through the remaining articles drafted by Prof. Cassin.

The meeting adjourned at 1:00 p.m.

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