

Chronology of creation of the **UNIVERSAL DECLARATION OF HUMAN RIGHTS**

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10 December 2018 is the 70th anniversary of the *Universal Declaration of Human Rights (UDHR)*. The vision for creating an *International Bill of Rights*, later to be named the *Universal Declaration of Human Rights*, began during the international diplomatic meetings that resulted in the formulation and signing of the United Nations Charter. Delegations deeply concerned about human rights – particularly because they viewed a major part of the cause of World War II as egregious violations of inherent human rights – were assured that articulation and protection of human rights would be a first priority of the United Nations. To accomplish this task, the Charter provided for the creation of the Commission on Human Rights (CHR).

The chronology of the creation of the *UDHR* contained below is largely extracted from a book, titled, *THE CHALLENGE OF HUMAN RIGHTS: CHARLES MALIK AND THE UNIVERSAL DECLARATION*, edited by Professor Habib Malik, Ph.D., son of Ambassador Malik.

United Nations (UN) Charter

- The UN Charter was signed by 50 nations on 26 June 1945.
- Dr. Malik: “(T)he phrase ‘human rights and fundamental freedoms’ is mentioned seven times in the UN Charter” (p. 117).
- Dr. Malik viewed the *Declaration* as an essential addition to the United Nations Charter, and a completion of the formation of the Charter.

“The Bill of Rights is nothing other than a continuation, a completion, of the Charter itself. Many of us who were in San Francisco three years ago urged that human rights must be elaborated in precise terms. We were told at the time that if this question were raised, the conference would not end for several more weeks. So, we accepted the compromise of mentioning the Commission on Human Rights by name and leaving it to this Commission to fill in the gaps that were intentionally left out of the Charter. The Commission on Human Rights is therefore virtually the prolongation of the Conference of San Francisco” (p. 92; speech 26 February 1948).

Economic and Social Council (ECOSOC)

- ECOSOC created the Commission on Human Rights [CHR] (16 February 1946).
- ECOSOC directed the CHR to gather information for an “International Bill of Rights.”

Preparations to Formulate an “International Bill of Rights” [1946-47]

- CHR asked UN Secretariat to gather documentation. The CHR officers were:
 - Mrs. Eleanor Roosevelt, UNITED STATES, *Chairman*
 - Mr. René Cassin, FRANCE, *Vice Chairman*
 - Mr. K. C. Neogy, INDIA, *Rapporteur*

Note: Mr. Jacobson wrote the first edition of this brief in 2008, while serving as Representative to the United Nations, Focus on the Family (U.S.A.).

- Secretary-General Trygve Lie (NORWAY) created the Human Rights Division, which:
 - Collected numerous proposals from nations and experts
 - Based on these, Dr. John Humphrey prepared a 400-page document
- Drafts were also submitted by delegations, institutes and experts from the UNITED KINGDOM, PANAMA, CHILE, CUBA, the UNITED STATES and other nations (pp. 118, 120).
- CHR did an initial review of the proposals (p. 118).

1st Drafting Committee [1947]

(3 were officers of the newly formed Commission on Human Rights; p. 119)

UNITED STATES: Mrs. Eleanor Roosevelt, *Chairman*

CHINA: Dr. P. C. Chang, *Vice Chairman*

LEBANON: Dr. Charles H. Malik, *Rapporteur*

Human Rights Division of the Secretariat: Dr. John Humphrey

“The small group convened several times informally at Mrs. Roosevelt’s home. However, it met with great difficulty ... for it was hardly possible to be aware of all the trends of thought on human rights and fundamental freedoms that existed in the world.” At Mrs. Roosevelt’s initiative, ECOSOC approved “a larger and more representative drafting committee” (p. 119).

8-Member CHR Drafting Committee for “International Bill of Rights” [1947-48]

UNITED STATES: Mrs. Eleanor Roosevelt, *Chairman*

CHINA: Dr. P. C. Chang, *Vice Chairman* – “facilitated consensus with his talent for ‘translating’ concepts from one culture to another” (p. 2)

LEBANON: Dr. Charles H. Malik, *Rapporteur* – “one of the most independent people ever to sit on the Commission” and “a leading spokesman of the Arab League” (pp. 4-5).

FRANCE: Professor René Cassin – “made the text an integrated whole” (p. 2)

UNITED KINGDOM: Mr. Dukes [Lord Dukeston] – “presented a formal proposal by the United Kingdom for a draft convention or treaty on human rights” (p. 120).

UNION OF SOVIET SOCIALIST REPUBLICS: Professor Koretsky – actively participated “in every phase of our debates ... first emphasized the extreme importance of the principle of equality and non-discrimination” (pp. 120-121). Other delegation members contributing significantly were Ambassadors Pavlov and Bogomolov, and Mr. Tepliakov (p. 122).

AUSTRALIA: Colonel Hodgson – “pressed for the establishment of some form of implementation” (p. 121).

CHILE: Mr. Santa Cruz – “kept alive in our mind the great humane outlook of his Latin American world” (p. 121).

Additional contributors/delegations mentioned who influenced the Drafting Committee:

INDIA: Mrs. Mehta (p. 121)

BELGIUM: Mr. Dehousse (p. 121)

CHR completed and adopted final draft *Declaration* [June 1948]

- This was accomplished “without a single dissenting vote” (p. 122).
- The draft *Declaration* was forwarded to the General Assembly.

General Assembly referred draft *Declaration* to ECOSOC [27 September 1948]

- When Ambassador Malik, as President of the Economic and Social Council, presented the draft *Declaration* to the General Assembly on 27 September 1948, he said in part:

“The problem of human rights certainly belongs to the heart of our compact as members of this organization. The last war was fought in part because Nazi Germany contempt-

uously trampled on fundamental human rights. ... Nothing could be more tragic than if this partial cause of the war were now forgotten, for then indeed the war would have been fought in vain. We can therefore say that the United Nations is itself the outcome of a war whose whole moral climate was saturated with the issue of human rights. ...

“Now human rights are mentioned seven times in the UN Charter But it is patent that the Charter in this respect is incomplete. For nowhere does it define human rights and fundamental freedoms. It ‘reaffirms’ our ‘faith in fundamental human rights’; it pledges us to ‘promote’ and ‘encourage’ ‘respect for ...’. But what are these rights and freedoms ...? On this crucial question the UN Charter is completely silent.” (pp. 113-14)

General Assembly referred *Declaration* to Third Committee (58 Member Nations)

- Dr. Malik was *Chairman* of the Third Committee in 1948, and made the draft *Declaration* its top priority, devoting 85 meetings to its discussion and successful passage (p. 122).
- All 58 Member Nations participated in the negotiations (see vote below for full list of nations). Dr. Malik noted the contributions of the following delegates (p. 123):

AUSTRALIA: Mr. Alan Watt	LEBANON: Mr. Karim Azkoul
BELGIUM: Count Carton de Wiart	MEXICO delegation
CUBA: Mr. Cisneros	URUGUAY: Mr. De Arechaga
DOMINICAN REPUBLIC: Miss Minerva Bernardino	YUGOSLAVIA delegation
ECUADOR: Mr. Carrera de Andrade	

Dr. Charles Malik speech to the General Assembly [9 December 1948]

- In his masterful speech before the General Assembly, the night before the *Declaration* was adopted, Dr. Malik knew and publicly praised the noble contributions of many delegations and the Secretariat (noted above). “It is necessary to keep in mind the international character of this document. It [the *Declaration*] is neither the work of a single mind nor the expression of a particular culture or outlook. It is, in a sense, the composite result of all 58 of the member nations working on it for more than two years” (p. 128).
- “This is the first time the principles of human rights and fundamental freedoms are spelled out authoritatively and in precise detail” (pp. 124-5).

General Assembly [10-11 December 1948]

- The General Assembly voted separately on each article of the proposed *Declaration*: “23 of its 30 articles were approved without any abstentions whatsoever” (p. 7). There were up to seven abstentions or “no” votes on Articles 1, 2, 13, 18, 19, 26, 28.
- Just before midnight on 10 December 1948, General Assembly President Dr. Herbert Evatt [AUSTRALIA] called for a vote on the *Declaration*. The 58 Member Nations voted as follows:

YES: 48 [AFGHANISTAN, ARGENTINA, AUSTRALIA, BELGIUM, BOLIVIA, BRAZIL, CANADA, CHILE, CHINA, COLOMBIA, COSTA RICA, CUBA, DENMARK, DOMINICAN REPUBLIC, ECUADOR, EGYPT, EL SALVADOR, ETHIOPIA, FRANCE, GREECE, GUATEMALA, HAITI, ICELAND, INDIA, IRAN, IRAQ, LEBANON, LIBERIA, LUXEMBOURG, MEXICO, MYANMAR (BURMA), NETHERLANDS, NEW ZEALAND, NICARAGUA, NORWAY, PAKISTAN, PANAMA, PARAGUAY, PERU, PHILIPPINES, SWEDEN, SYRIAN ARAB REPUBLIC, THAILAND, TURKEY, UNITED KINGDOM, UNITED STATES, URUGUAY, VENEZUELA]

NO: 0

Abstain: 8 [BELARUS, CZECHOSLOVAKIA, POLAND, SAUDI ARABIA, SOUTH AFRICA, UKRAINE, UNION OF SOVIET SOCIALIST REPUBLICS, YUGOSLAVIA]

Absent: 2 [HONDURAS, YEMEN]