The Birth of the Universal Declaration of Human Rights

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1998 is a year of celebration for advocates of human rights worldwide. It marks the 50th anniversary of the adoption of the Universal Declaration of Human Rights (UDHR) by the General Assembly of the United Nations. In recognition of this milestone, Social Education will feature a series of articles on human rights during the 1998-1999 school year. We begin with the accompanying article on the creation of the Universal Declaration of Human Rights written by Michael Cooper of the Franklin and Eleanor Roosevelt Institute.

The United Nations is honoring the 50th anniversary with Human Rights in Action, a global teach-in project of the UN CyberSchoolBus. This project introduces students to the Universal Declaration of Human Rights with an interactive declaration and a series of questions and answers about how the UDHR underpins worldwide efforts to improve human rights. For younger students, it offers plain language versions of both the Universal Declaration of Human Rights and the more recent Declaration of the Rights of the Child.

The heart of the Human Rights in Action project is an invitation to schools to participate in the creation of a Global Atlas of Student Action containing descriptions of actions taken by students in the field of human rights. There are two parts of the project, though schools can choose to participate in only one:

Part 1: We Have Rights focuses on rights that are well-respected in the community. Students will provide a brief example of such a right based on guidelines provided by the project.

Part 2: Taking Action! requires students to carry out a community-based human rights project. Schools that already have such a project in action can describe it; others are encouraged to undertake a project in the coming months. The deadline for submissions to the Global Atlas of Student Action is November 1998.

Students and teachers who wish to take part in this project or to make use of other materials on human rights should visit the UN CyberSchoolBus on the World Wide Web at http://www.un.org/pubs/cyberschoolbus.

As individual human beings, we each have an innate sense of the basic rights and freedoms that belong to us and cannot be denied by any government. The Universal Declaration of Human Rights, signed on December 10, 1948, is the primary international statement of the fundamental and inalienable rights of all members of the human family. As such, it represents one of humanity's greatest achievements.

Prior to the creation of the Universal Declaration of Human Rights (UDHR), such a powerful and unequivocal instrument for the protection of individual rights and freedoms had never existed. The promise made when UN member states pledged to "achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms," can never be retracted.

The Universal Declaration of Human Rights has proved to be a "living document," as Eleanor Roosevelt called it, in that it has grown in stature and respect over the past 50 years. What began as an articulation of shared values bearing moral weight on UN member states has become a primary building block of customary international law that demands respect from the entire world community. Direct reference to the UDHR is made in the national constitutions of numerous countries, and human rights advocates worldwide invoke its principles.

The UDHR has also provided the framework for the adoption of the UN Covenant on Economic, Social and Cultural Rights; the UN Covenant on Civil and Political Rights; and many other legally binding international human rights treaties. It represents at once humanity's minimal expectations and its greatest hopes for upholding the inherent dignity of all human beings.

"Natural Law" and Other Precedents
The concept of human rights manifests itself in the literary, artistic, religious, legal, and political structures of all societies. Attempts to articulate this innate understanding have been traced from ancient laws and Greco-Roman doctrines through the works of such philosophers as Aquinas, Spinoza, Leibniz, Grotius, Locke, and Rousseau. Many have contributed to the concept of "natural law" based on the belief that people are born innately "good" and supporting the notion that fundamental rights can be reasonably deduced from this law.

Although the philosophy of natural law lent much to the conceptual basis for human rights, it became increasingly important to translate vague concepts of rights derived from nature into specific written laws that would protect individuals within the larger framework of society. Great precedents in the acknowledgment of human rights lie in such documents as the British Magna Carta, the United States Bill of Rights, and the French Declaration of the Rights of Man.

Other important precedents are found in two 19th century developments: the anti-slavery movement and the growth of a body of humanitarian law represented by international conventions. The latter include such examples as the Geneva Convention of 1864, which protected medical workers and installations during war, and the Hague Convention of 1899, which established humanitarian rules for naval warfare. The concept of a state's responsibility to treat foreigners in a just manner also helped advance human rights norms.

Nevertheless, these emerging international standards did little to stop the inhumanity of World War I, with its poison gas and extended trench warfare. Moreover, the nature of modern
weaponry and the “total warfare” produced by it all but destroyed the traditional distinctions between soldiers and civilians in wartime. Many people came to believe in the need for an international organization that could protect individuals and ensure peace.

The League of Nations, established shortly after World War I, was the first attempt to bring together the world’s nations in an organization meant to prevent future wars. The League’s Covenant created a “mandates system” that obliged its more powerful member nations to promote the “well-being and development” of peoples in the territories over which they had jurisdiction. It also called for “fair and human conditions of labour for men, women and children, a provision which led to the creation of the International Labor Organization in 1920.

These were, indeed, important international developments. But appreciation of human rights as the very foundation of a free, just, and peaceful world was immature, and commitment to these values was thin. The League of Nations proved an ineffective organization and eventually collapsed in the face of the ruthless dictatorships that emerged in post-WWI Europe.

**Cataclysm and World Response**

Although great progress in defining human rights had been made, events of the late 1930s and early 1940s threatened humanity’s most firmly held moral convictions. By the end of World War II, the Nazis had killed six million Jews, and enslaved or destroyed countless other groups—including Poles, gypsies, homosexuals, the mentally and physically handicapped, political opponents, and Soviet prisoners of war. In the middle of the 20th century—at the hands of an educated and technologically-advanced nation—the idea of human rights was simply extinguished.

The Holocaust altered forever the way in which people considered human rights. Prior to World War II, the prevalent attitude had been that protecting human rights was primarily a concern of sovereign governments. For many people, however, efforts to defeat the Axis became synonymous with a struggle to make human rights a universal concern. And, as a fuller understanding of the extent of the atrocities emerged after the war, leaders and citizens throughout all cultures and societies were galvanized to action by what Winston Churchill called the “crime without a name.”

During the war, the momentum toward the universal recognition of human rights was propelled by President Franklin D. Roosevelt’s speech on the Four Freedoms before the United States Congress in 1941, and, subsequently, by the Atlantic Charter. In his address to Congress, Roosevelt proclaimed four basic freedoms that could never be legitimately abridged: freedom of speech and expression, freedom of worship, freedom from want, and freedom from fear. British Prime Minister Winston Churchill echoed the American president by asserting that an Allied victory would be marked by the “enfranchisement of human rights.” This message was communicated to people very explicitly in wartime statements like the “United Nations Declaration” and pamphlets like the “United Nations Fight for the Four Freedoms.”

**A Promise to Humanity**

The Allied countries began planning for peace well before the end of World War II. One important event was a conference held at the Dumbarton Oaks estate outside Washington, D.C., in 1944. Here, the Big Four discussed proposals about how to maintain peace in the post-war world. Their ultimate goal was to create an international organization that would have the power to preserve security and foster prosperity. Because much of the negotiations was driven by other geopolitical concerns, this conference produced only modest commitments to human rights. However, as the Big Four would soon discover, the world expected more.

The creation of the Universal Declaration of Human Rights was largely due to the efforts of a multitude of nongovernmental organizations (NGOs) along with some of the world’s less powerful countries. A Pan-American conference held in Mexico City in early 1945 consolidated Latin American determination to see human rights included in the charter of any new international organization. At the same time, over 1,300 American NGOs organized to place newspaper ads call-
Eleanor Roosevelt, Chairman of the UN Commission on Human Rights, seated with (right) France's René Cassin, Vice-Chairman and author of the draft declaration, and (left) Georges Day, UN Radio Commentator. The photo was taken at Lake Success, N.Y., in June 1947.

...ing for human rights to be an integral part of such an organization.

When representatives of 46 nations met in San Francisco in April 1945 to form the United Nations, they brought with them a hatred of war combined with a spirit of respect for human dignity. Still, their work threatened to fall short of the concrete protections of human rights that many people sought. It was the concerted pressure from 42 American organizations, acting as consultants to the U.S. delegation, that was most instrumental in convincing the world's nations of the need for clear protection of individual human rights. And, while many advocates hoped to see a specific "bill of rights" included in the UN Charter, they were pleased overall with the initial commitments made.

Human rights were given a new international legal status through being mentioned five times in the UN Charter. In the Preamble, human rights are identified as one of the four founding purposes of the United Nations. Article 1 of the Charter declares that member states must work to "achieve international cooperation...in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, lan-

guage or religion." Article 55 declares that the UN will promote "universal respect for, and observance of, human rights and fundamental freedoms" and Article 56 asserts that members "pledge themselves to take joint and separate action" to achieve that respect.

Finally, Article 68 mandates that the UN Economic and Social Council set up a commission "for the promotion of human rights." This newly created "Commission on Human Rights"—the only such subsidiary body specified in the Charter—would spend the next three years drafting the Universal Declaration of Human Rights.

The Force of World Opinion
An event concurrent with the formation of the United Nations—the Nuremberg trials of Axis war criminals—did much to prepare the intellectual climate for the Universal Declaration of Human Rights. Many American organizations responded to the pending trials by preparing drafts of an international bill of rights.1 These included the Commission to Study the Organization of Peace, the American Jewish Committee, the American Federation of Labor, the American Association of the United Nations, the Federal Council of Church-

es, the American Bar Association, the Women's Trade Union League, and various ad hoc citizen groups. In addition, private citizens from nine countries, along with several international NGOs, offered their own versions.

What put an international bill of rights on the UN's official agenda was a particular document representing the combined efforts of many organizations and nations. It was prepared at an international conference of NGOs, submitted by the American Law Institute, and introduced by the Panamanian delegation at the first session of the UN General Assembly. In order to fulfill the mandate spelled out in the UN Charter, however, the United Nations first needed to organize its human rights decision-making machinery.

Based on the recommendations of a "nuclear commission" chaired by Eleanor Roosevelt, the UN's Economic and Social Council established the official UN Commission on Human Rights in June 1946. The Council chose eighteen members to sit on the Commission. U.S. Delegate Eleanor Roosevelt was elected chairperson, China's P.C. Chang and France's René Cassin were elected as vice-chairmen, and Lebanon's Charles Malik was named rapporteur (secretary). The UN Secretariat supported the Commission's work through its Human Rights Division under the direction of John P. Humphrey.

The Commission's principal tasks were (1) to define what human rights should be enumerated, (2) in a document whose nature was yet to be determined. Thus, its members embarked on an arduous journey that lasted almost three years and involved thousands of hours of intensive study, heated debate, and delicate negotiation. The men and women of the Commission on Human Rights strove to forge a declaration that might successfully encompass the hopes, beliefs, and aspirations of people throughout the world.

The Commission first met during a two-week period from January 27 to February 10, 1947. After defining its mission as the preparation of a draft International Bill of Rights, it decided to form a smaller working group. This drafting committee consisted of Roosevelt (U.S.),
Chang (China), Malik (Lebanon), John Humphrey (UN Secretariat), representatives from Australia, Chile, France, the Philippines, the Soviet Union, the Ukrainian Soviet Socialist Republic, the United Kingdom, Uruguay, and Yugoslavia.

**Drafting the Declaration**

The first meeting of the drafting committee took place on June 9, 1947, in Lake Success, N.Y. Its primary task was to contemplate a 408-page outline of human rights prepared by the UN Secretariat. This outline included blueprints presented by the governments of Chile, Cuba, Panama, the United Kingdom, and the United States; elements drawn from the constitutions of 55 nations; and recommendations from many non-governmental human rights organizations and private citizens. A summary of this outline, prepared by René Cassin, became the working draft for the Universal Declaration of Human Rights.

Before creating the final document, the drafting committee had to address its legal nature. Certain nations—including the United States (which wanted to avoid the Senate approval needed for U.S. endorsement of any international treaty)—favored a morally persuasive declaration. Other countries preferred a legally binding treaty. It was Eleanor Roosevelt’s political pragmatism that prevailed in the committee’s decision to draft both.

The Commission on Human Rights met again from December 2-17, 1947. Although there was still discussion of the legal form, negotiations now focused on the actual content of the document. At the end of the two weeks, a draft Declaration of Human Rights was forwarded to all UN member states for comment. With their responses in hand, the drafting committee worked on a second draft in May 1948.

With the completion of a third draft on June 18, the Commission on Human Rights declared its work done, and passed its report along with the proposed declaration to the UN’s Economic and Social Council. After inviting yet further comment from member states, the Council forwarded it to the General Assembly.

**A New Standard of Humanity**

Now the final process began. In the second half of 1948, the General Assembly’s Third Committee held 81 meetings and considered 168 formal resolutions on the draft declaration. General debate was followed by detailed negotiations over each article and the order of articles in the declaration. There was even a sub-committee to make sure that the meaning of every word in the document was clearly translatable into all the official languages of the United Nations. On December 16, 1948, the Third Committee adopted the declaration and sent it to the General Assembly.

A final heroic debate in the General Assembly lasted into the early hours of December 10, 1948. At 3:00 a.m., the call was made to vote on the adoption of the Universal Declaration of Human Rights. Forty-eight nations voted for the Declaration, eight countries abstained (the Soviet bloc countries, South Africa, and Saudi Arabia) and two countries absented themselves—thus allowing for the community of nations to adopt the Universal Declaration of Human Rights without recorded dissent.

At the center of the document was the belief of its framers that “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.” And, they affirmed that “it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.”

The efforts of the Commission on Human Rights had no parallel in world history. Although attempts to describe and protect human rights had been undertaken in many times and places, the outcomes—even at their most inclusive—applied only to members of a particular society. Never before had the community of nations identified those rights and freedoms to be enjoyed by all people of the world for all time.

**Teaching Resources**

*In Your Hands: A Community Action Guide* is a resource prepared by the Jacob Blaustein Institute for the Advancement of Human Rights of the American Jewish Committee. It honors the 50th anniversary of the Universal Declaration of Human Rights by outlining ideas for 50 actions to take in support of human rights globally. For information on how to obtain the guide, contact: The Jacob Blaustein Institute 165 East 56th Street New York, NY 10022 Tel. (212) 751-4000 Fax (212) 751-4017

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