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ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS

DRAFTING COMMITTEE

Memorandum on Historical Background of the Committee

(Submitted by the Division of Human Rights)

1. At its first session, the Commission on Human Rights decided

(Document E/259, pages 2 and 3):

- (a) That the Chairman, together with the Vice-Chairman and the Rapporteur, undertake, with the assistance of the Secretariat, the task of formulating a preliminary draft International Bill of Human Rights, in accordance with the instructions and decisions of the Commission at its first session, to be submitted to the Commission at its second session for thorough examination.
- (b) That the Chairman, in the course of this work, might enlist the co-operation of, and should receive, orally or in writing, any observations and suggestions from, any member of the Commission.
- (c) That the Chairman might consult experts chosen with the consent of their Governments, Members of the United Nations.
- (d) That the Chairman, Vice-Chairman and Rapporteur, in drawing up the preliminary draft of the International Bill of Human Rights, might consult any person or document deemed by them of relevance to their work.
- (e) That, while recognizing that it was not at present in a position to formulate precisely its views concerning the means of enforcement of the rights to be included in the International Bill of Human Rights, it invite the drafting group to explore this field and to study the Australian proposal (E/CN.4/15) and any other

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documents which had been or might be submitted to it, so that the Commission at its second session might be able to work out proposals on this subject in fulfilment of the duties assigned to it by the Council (Journal of the Economic and Social Council, No. 29).

2. At the sixty-eighth plenary meeting of the Economic and Social Council, the delegate for the Union of Soviet Socialist Republics said that his delegation did not agree with the Commission's recommendations on, inter alia, the drafting group for the International Bill of Rights, nor with the decision of the Commission giving the work of drafting the Bill of Rights to a small group of experts.

The drafting group, he said, had been set up before any decisions were taken on the actual rights. This made the group's responsibilities much wider than had originally been intended. He stated that in the opinion of his delegation the group was too small and did not include representatives of the European countries. He suggested that the group should be chosen in accordance with geographic principles, and enlarged from three to five members. (Document E/439, pages 2-3).

3. Speaking as Rapporteur of the Commission on Human Rights, Mr. Malik of Lebanon pointed out that the phrase "drafting group" had been used only because no equivalent could be found for the French word "bureau." He explained that the Commission had merely asked its officers to prepare, in collaboration with the Secretariat, a preliminary draft bill of human rights taking into account all suggestions that had been made during the discussion as well as in many papers and documents that had been submitted to the Commission. Consequently the entire Commission must be considered as a drafting Committee which would eventually submit the draft to the Council (Document E/422, page 4).

4. The delegate for Czechoslovakia agreed with the representative of the Union of Soviet Socialist Republics that the Committee of Three should be increased or that the Commission itself should undertake the

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drafting of the Bill (Document E/422, page 7).

5. The report of the Commission on Human Rights was referred to the Committee of the Whole on Social Affairs of the Council. It was first discussed at the sixth meeting of this Committee.

A proposal was put forward by the delegate for Czechoslovakia to amend paragraph 10 (a) of Chapter II of the Commission's report, in order to enlarge the working group in charge of formulating a preliminary draft International Bill of Human Rights. The proposal was adopted by ten votes for, five against, and two abstentions. The delegate for Czechoslovakia suggested that Chile, France, and the Union of Soviet Socialist Republics be included (Document A/AC.7/8, pages 3 and 4).

6. The delegate for Chile proposed that Australia be added to the list of States suggested by the delegate for Czechoslovakia. This proposal was seconded by the delegate for Peru (Document A/AC.7/8, page 4)

7. A draft resolution was proposed by the delegation of Canada and amended at the suggestion of the delegate for China to read as follows (Document E/AC.7/8, page 4):

"That, prior to the meeting of the Drafting Committee, the Secretariat, under the supervision of the officers of the Commission on Human Rights, prepare a draft International Bill of Human Rights and circulate such draft to the Members of the United Nations for their observations and comments."

This resolution was adopted by the Committee. However, the delegate for the Union of Soviet Socialist Republics thought that the Czechoslovakian and Canadian amendments, as adopted, were contradictory. The Committee decided to re-examine the matter at a later meeting.

8. At the eighth meeting of the Committee of the Whole on Social Affairs, the delegate for France introduced a draft resolution proposing a procedure for the drafting of the International Bill of Human Rights (Document E/AC.7/13, pages 6 and 7). A revised Canadian proposal on the

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same subject was also introduced (Document E/AC.7/13, page 7).

9. The delegate for the Union of Soviet Socialist Republics pointed out that the Committee had adopted the Czechoslovakian proposal. Because it had done so, and because its decision could not be reversed, he did not think that the Canadian proposal should be considered. He was supported by the delegate for the Byelorussian Soviet Socialist Republic. The Chairman ruled that the French draft resolution should be considered first. The delegate for the Union of Soviet Socialist Republics said that the French proposal would be acceptable to his delegation if a suggestion made by the Czechoslovakian delegation, altering the order of the paragraphs, were accepted; and if provision were made that the Council should prepare the final draft for submission to the General Assembly. The delegate for France accepted the Czechoslovakian amendment, and the French and Canadian proposals were referred to a drafting committee consisting of the representatives of Czechoslovakia, France, and the United States of America (Document E/AC.7/13, pages 8-10).

10. A draft resolution prepared by this Committee (E/AC.7/12) was considered at the tenth meeting of the Social Committee on 23 March. It proposed, inter alia, the establishment of a temporary Sub-Commission consisting of the Members of the Commission on Human Rights for Australia, Chile, China, France, Lebanon, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America, to be convened prior to the second session of the Commission on Human Rights and to prepare, on the basis of documentation supplied by the Secretariat, a preliminary draft of an International Bill of Human Rights. No decision was taken on the proposal at this meeting (E/AC.7/20).

11. On 24 March a letter was received by the President of the Council from the Chairman of the Commission on Human Rights (Document E/383). In this letter the Chairman of the Commission recognized the fact that, according to information she had received, a majority of the members of

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the Council had indicated a desire for the appointment of a special body within the framework of the Commission on Human Rights which would undertake to prepare a preliminary draft of the proposed International Bill of Human Rights and would assist the Commission in carrying out its responsibilities in this field.

The Chairman wrote:

"As you know, the Commission on Human Rights itself voted that all members of the Commission should be consulted in the preparation of the draft declaration of Human Rights. It had of course, always been my intention to take advantage of the advice of other members of the Commission at all stages of the work and I can see no important inconsistency between the suggestion of the Social Committee and the procedure that we intended to follow. I shall, of course, be assisted by the suggestions of this Committee as to the members of the Commission who should be consulted, and in the light of the discussions which have taken place, I shall be pleased, acting as Chairman of the Commission on Human Rights, to appoint immediately a Drafting Committee composed of the Members of the Commission on Human Rights for Australia, China, Chile, France, Lebanon, United States, United Kingdom, and the Union of Soviet Socialist Republics.

"It is my understanding that this Drafting Committee would meet prior to the next session of the Commission and prepare, on the basis of documentation supplied by the Secretariat, a preliminary draft of an International Bill of Human Rights. I furthermore concur in the recommendation of the Social Committee of the Whole that the following procedure be adopted in preparing the International Bill of Human Rights.

"(a) that the draft prepared by the Drafting Committee be submitted to the second session of the Commission on Human Rights; and

/"(b) that

"(b) that the draft as developed by the Commission on Human Rights be submitted to all States, Members of the United Nations, for their observations, suggestions and proposals; and

"(c) that these observations, suggestions and proposals then be considered as a basis of a redraft, if necessary, by the Drafting Committee; and

"(d) that the resulting draft then be submitted to the Commission on Human Rights for final consideration; and

"(e) that the Council consider the proposed International Bill of Human Rights as submitted by the Commission on Human Rights with a view to recommending an International Bill of Human Rights to the General Assembly in 1948."

12. On 25 March, the drafting committee of the Council's Committee of the Whole on Social Affairs submitted a draft resolution to this Committee (Document E/AC.7/15, pages 14-15). With a few alterations, this draft resolution was approved by the Committee on 27 March (Document E/386), and adopted by the Economic and Social Council on 28 March (Document E/325, pages 2 and 3). The final resolution, after taking note of Chapter II, paragraph 10 of the Report of the Commission on Human Rights,

"REQUESTS the Secretariat to prepare a documented outline concerning an International Bill of Human Rights; and

"HAVING NOTED with approval the letter of the Chairman of the Commission on Human Rights to the President of the Economic and Social Council, under date of 24 March 1947, including the statement of her intention to appoint immediately a Drafting Committee of the Commission on Human Rights consisting of the Members for Australia, Chile, China, France, Lebanon, United States, United Kingdom, and the Union of Soviet Socialist Republics, which will be convened prior to the second session of the Commission on Human Rights and