

COMMISSION ON HUMAN RIGHTS

DRAFTING COMMITTEE

FIRST SESSION

SUMMARY RECORD OF THE FIRST MEETING

Held at Lake Success, New York, on Monday, 9 June 1947 at 11:00 a.m.

Present:

Col. William R. Hodgson	(Australia)
Mr. H. Santa Cruz	(Chile)
Dr. P. C. Chang	(China)
Prof. René Cassin	(France)
Dr. Charles Malik	(Lebanon)
Mr. G. Wilson	(United Kingdom)
Mrs. Eleanor Roosevelt	(United States of America)
Mr. V. Koretsky	(Union of Soviet Socialist Republics)

Specialized Agencies:

Mr. Havet	(UNESCO)
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Non-Governmental Organizations:

Miss Toni Sender	(American Federation of Labor)
Mrs. Fuhrman	(International Co-operative Alliance)

Secretariat:

Mr. Henri Laugier	(Assistant Secretary-General for Social Affairs)
Prof. J. P. Humphrey	(Secretary of the Committee)

1. Opening of the Session

The meeting was called to order by Mrs. Eleanor ROOSEVELT, Chairman of the Commission on Human Rights, who announced that Mr. Felix Nieto Del Rio of Chile, Lord Dukeston of the United Kingdom, and Mr. V. F. Tepliakov of the Union of Soviet Socialist Republics were not present, but that they would be represented by Mr. H. Santa Cruz, Mr. G. Wilson and Mr. V. Koretsky respectively. Mr. Morgan, she stated, would represent Mr. Wilson, who was

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delayed, temporarily, as an observer.

Mrs. ROOSEVELT stated that she was of the opinion that it might be very difficult for the Drafting Committee to complete a perfect draft of an International Bill of Human Rights, either as to substance or as to style, during its two-week session. She reminded the delegates that the draft Bill of Human Rights would have to be considered on six separate occasions, after it was completed by the Drafting Committee, before it could be considered final. She mentioned that her Government had considered submitting a draft Bill but had decided not to do so because it felt that it would be better for the Drafting Committee to work from the documented outline prepared by the Secretariat. She suggested that the first thing to be done was to reach agreement on the rights to be included in the draft Bill, and the definitions of those rights. Because of the preliminary nature of the Drafting Committee's work, she proposed that it be understood that no agreement reached in the Drafting Committee be considered as irrevocably binding the Governments represented there, as these Governments might wish to reconsider various parts of the draft at a later date.

2. Election of Officers

Col. HODGSON (Australia) referred to the decision of the Commission on Human Rights, that its officers, Mrs. Roosevelt (Chairman), Dr. Chang (Vice-Chairman), and Dr. Malik (Rapporteur) should undertake, with the assistance of the Secretariat, the task of formulating a preliminary draft of an International Bill of Human Rights. He suggested that the officers of the Drafting Committee be the same as those of the Commission on Human Rights.

Mr. SANTA CRUZ (Chile) supported the motion, and stated that in his opinion it was the intention of the Economic and Social Council that these members of the Commission should continue to act in their respective capacities on the Drafting Committee.

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DECISION: As there were no other nominations, the officers of the Commission on Human Rights were automatically elected as officers of the Drafting Committee.

3. Adoption of Provisional Agenda (Document E/CN.4/AC.1/1)

Dr. CHANG (China) moved the adoption of the provisional agenda as the agenda of the Drafting Committee. Prof. CASSIN (France) supported the motion. Col. HODGSON (Australia) pointed out that the question of implementation was not on the provisional agenda. He said that he felt that the Drafting Committee was obliged, under the resolution relating to implementation adopted by the Commission on Human Rights, to study this question.

The CHAIRMAN explained that although the question of implementation did not appear on the provisional agenda, that did not mean that the subject would be ruled out entirely from consideration by the Drafting Committee. She stated that in her opinion the Drafting Committee's first objective was to come to an agreement on what should be included in the Bill in the way of rights and that then the question of implementation might be taken up and considered very carefully. Col. HODGSON (Australia) stated his willingness to vote for the adoption of the provisional agenda subject to the reservation that later, if time and opportunity permitted, he might raise the question of implementation although it did not appear on the agenda.

DECISION: Without objection the provisional agenda was adopted unanimously as the agenda of the Drafting Committee.

4. Adoption of Rules of Procedure

The CHAIRMAN proposed that the Drafting Committee adopt the Rules of Procedure of the Commission on Human Rights.

Mr. KORETSKY (Union of Soviet Socialist Republics) did not object to the adoption of these rules but reserved the right, if necessary, to make any other observations in the future since he had had no time to study the document containing the rules of procedure. Prof. CASSIN (France) supported this point of view. Dr. MALIK (Lebanon) moved that the Drafting

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Committee adopt the Rules of Procedure of the Commission on Human Rights.

DECISION: Without objection, the Rules of Procedure of the Commission on Human Rights were adopted with the reservations made by the representatives of the Union of Soviet Socialist Republics and France.

5. Review of Terms of Reference

At the request of the Chairman, Prof. HUMPHREY (Secretariat) read the resolution of the Economic and Social Council on the drafting of an International Bill of Human Rights (Document E/CN.4/AC.1/2, pages 6 and 7), and explained that the terms of reference of the Committee would be found within the body of that resolution. Prof. CASSIN (France) moved that the terms of reference be accepted.

DECISION: Without objection, the terms of reference were accepted.

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

The CHAIRMAN enumerated the documents which had been prepared by the Secretariat or submitted by the members. She suggested that most of the members of the Drafting Committee would prefer to have time to study these documents.

Col. HODGSON (Australia) asked for an explanation of the documented outline prepared by the Secretariat, particularly as to the contents of the document and the principles followed in its compilation.

Prof. HUMPHREY stated that Document E/CN.4/AC.1/3 contained the draft outline of an International Bill of Human Rights, in English and in French, as prepared by the Secretariat. Document E/CN.4/AC.1/3/Add.1 he said contained the documented outline of the Bill.

The CHAIRMAN wondered whether the Secretariat had compared the documents submitted by France and by the United Kingdom with the suggested Secretariat outline. Prof. HUMPHREY explained that since the French and British papers had been received only a few days prior to the meeting of the Drafting Committee there had not been sufficient time to prepare a comparison. He stated that the Division of Human Rights would undertake

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this task immediately.

Col. HODGSON addressed a further question to the Secretary of the Commission regarding the principles adopted and the philosophy behind the draft outline submitted by the Secretariat. Mr. KORETSKY (Union of Soviet Socialist Republics) stated that in his opinion any discussion of the documents should be postponed for a reasonable period of time in order that the members might study the documents and be in a position to discuss them. He proposed that the meetings of the Drafting Committee be postponed for two or three days in order to give the members an opportunity to study the documents and to prepare concrete proposals relating to them.

The CHAIRMAN asked the Secretary of the Committee to reply to the question of the representative of Australia and stated that after his answer had been given the Committee could then decide how long would be required for the members to make themselves familiar with the documentation. Prof. HUMPHREY (Secretariat), in reply to the question which had been addressed by the representative of Australia, stated that the Secretariat had prepared a paper explaining the procedure followed by the Secretariat in drawing up its documented outline (Document E/CN.4/AC.1/7). This paper, he stated, contained no statement about the philosophy on which the Secretariat document was based because this document had not been based on any philosophy. The Secretariat, he explained, had merely prepared an outline to serve as a basis for the discussion of the Drafting Committee. In doing so it had attempted to include all of the rights mentioned in various national Constitutions and in various suggestions for an International Bill of Human Rights.

The CHAIRMAN pointed out that the Secretariat draft outline was not a proposed Bill of Human Rights, but simply a working document on the basis of which the Drafting Committee hoped to prepare a preliminary draft bill for the consideration of the Commission on Human Rights.

/The CHAIRMAN

The CHAIRMAN asked each member of the Committee to state how long he felt the Committee should adjourn in order that they might consider the documentation. Prof. CASSIN (France) felt that the Committee might resume work on Wednesday morning. In that time, he said, the Committee might begin to discuss the plan of the draft Bill of Rights. If a plan to be followed could be agreed upon immediately, he felt that the Committee might then undertake to consider the Preamble. He suggested that after a general discussion on the contents of the Preamble, a Sub-Committee might be appointed to consider the wording of the Preamble while the full Committee discussed the substance of the remainder of the bill.

Mr. SANTA CRUZ (Chile) stated that he thought that by Wednesday the members of the Committee should be prepared to proceed with the work and carry it through. Col. HODGSON (Australia) asked for a clarification of the programme of work proposed for the Drafting Committee. The CHAIRMAN replied that as she recollected Prof. CASSIN had proposed that the Committee meet again on Wednesday morning, by which time its members should have considered the subject matter in the documentation. The members would not be expected, by Wednesday morning, to have reached decisions as to each specific item to be included in the Bill. They would come, however, prepared to discuss and if possible to reach a conclusion as to the exact form of the bill. On Wednesday, also, she added, a Sub-Committee could be appointed which would begin to write a general Preamble with the intention of bringing it to the full Committee for discussion at a later date. The Drafting Committee would then go ahead with the work of deciding on specific items to be included in the bill and on the method of grouping these items.

Dr. MALIK (Lebanon) stated that the suggestion of beginning with the Preamble worried him slightly. In his opinion, he stated, the preamble should come last in the logical sequence of construction, and

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should be formulated only after the Committee had the concrete articles of the bill before it.

The CHAIRMAN agreed that the preamble should be decided upon after the remainder of the draft bill had been agreed upon, but she pointed out that all Prof. Cassin had suggested was that a Committee be appointed on Wednesday. That Committee would consider the preamble and would be prepared to bring in a draft at the appropriate time. Prof. CASSIN agreed with this interpretation. Dr. CHANG (China) agreed to postpone the second meeting of the Committee until Wednesday. Dr. MALIK (Lebanon) also stated that in his opinion Wednesday was the right day. However, he did not believe that a final programme of work for Wednesday could be decided at that time. He stated that in his opinion any decision as to such a programme of work ought to be tentative and open to reconsideration.

The CHAIRMAN pointed out that a majority of the members of the Committee had agreed that its second meeting should be held on Wednesday morning. She suggested that all morning sessions be held at 10:30 a.m. and all afternoon sessions at 2:30 p.m. A vote of the members of the Committee indicated that a majority were in favour of beginning work at 10:30 a.m. and ending at 1:00 p.m.; beginning again at 2:30 p.m. and ending at 5:00 p.m. Mr. WILSON (United Kingdom) who had just taken his place at the Committee table stated that the programme and schedule as adopted by the Committee was convenient for him.

The CHAIRMAN summarized the general feeling of the Committee that its members would like to have until Wednesday morning at 10:30 a.m. to consider the various documents which had been distributed. She stated that the consensus of opinion was in line with the suggestion of Prof. CASSIN, that on Wednesday morning the members should have in mind a plan for setting up the proposed first draft. Before Wednesday each was to go through the documented outline, indicate points on which they felt there might be agreement, and put them into categories. After the items

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which could be agreed upon were disposed of, the members of the Committee might then take up the controversial questions and decide what agreement could be reached on them. The CHAIRMAN also stated the consensus of opinion that a Sub-Committee should be appointed early in the session so that its members would be aware that they must think about Preamble, even though they might not be able to present their draft until the end of the session.

The meeting adjourned at 12:30 p.m.
