

**ECONOMIC  
AND  
SOCIAL COUNCIL**

**CONSEIL  
ECONOMIQUE  
ET SOCIAL**

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COMMISSION ON HUMAN RIGHTS

FIRST SESSION

SUMMARY RECORD OF THE NINTH MEETING

Held at Lake Success, New York, on Saturday, 1 February 1947, at 11:00 a.m.

Chairman:	Mrs. Roosevelt	(United States of America)
Rapporteur:	Mr. Malik	(Lebanon)
Members:	Colonel Hodgson	(Australia)
	Mr. Kaminsky	(Byelorussian Soviet Socialist Republic)
	Mr. Ebeid	(Egypt)
	Mr. Cassin	(France)
	Mrs. Mehta	(India)
	Mr. Ghani	(Iran)
	General Romulo	(Philippine Republic)
	Mr. Dukes	(United Kingdom)
	Mr. Tepliakov	(Union of Soviet Socialist Republics)
	Mr. Mora	(Uruguay)
	Mr. Ribnikar	(Yugoslavia)
Alternates:	Mr. Lebeau	(Belgium)
	Mr. Wu	(China)
	Mr. Guardia	(Panama)

Representatives of Specialized Agencies:

	Mr. Fitchelson	(International Labour Organization)
	Mr. Carnes	(UNESCO)

Non-Governmental Organizations:

Consultant:	Miss Sender	(American Federation of Labor)
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Secretariat:	Mr. Stanczyk	(Director of the Department of Social Affairs)
	Mr. Humphrey	(Director of the Division of Human Rights, Secretary of the Commission)

## I. GENERAL DISCUSSION

The CHAIRMAN announced that Mr. Ribnikar, the representative of Yugoslavia, had received his credentials that day, and could in the future take part in the voting.

General ROMULO (Philippine Republic) stated that the Commission had to draw up an international bill of human rights which could be accepted by all Members of the United Nations and which should also be binding on all these States. This declaration should take the different cultural systems of the world into account.

The United Nations Charter, speaking of the fundamental human rights and freedoms, indicated what these were. The international bill of human rights should establish a balance between political and economic rights, thus creating a system of government which would not only be a government of the people by the people, but also for the people.

The Commission could limit itself to following the counsels of practical wisdom and demanding only that which was attainable, rather than ideal solutions. It could also reject solutions dictated by practical necessity and visualize the hypothesis of a world government from which the international bill of human rights would result and of which it would be the corner-stone.

Mr. MALIK (Lebanon) stated that the Secretary of the Commission had submitted a list of the different rights included in the draft declaration. This list contained the statutes of equality, liberty and security; an excellent presentation, perhaps, but difficult to accept as it was. The members of the Commission should not be restricted by a division of rights among these different statutes.

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It was not sufficient to include the freedom of thought and conscience in a list; a way must be found to enable men to acquire these freedoms.

The representatives of the United Kingdom and of Yugoslavia had made statements on the different conceptions of human freedoms, the first defending Liberalism, the second Marxism. He could find no answer to the question before the Commission in the advice tendered by the representative of Yugoslavia.

In this opinion moreover, it was not politicians and diplomats alone who were concerned with this question; the advice of poets, prophets and philosophers should be asked.

Today, man had no need for protection against kings or dictators, but rather against a new form of tyranny: that exercised by the masses and by the State. Mention must therefore be made in the international bill of human rights of this tyranny of the State over the individual, whom it was the duty of the Commission to protect.

If the international bill of human rights did not stipulate the existence of the individual and his need for protection in his struggle against the State, the Commission would never achieve its intended purpose.

Mrs. MEHTA (India) recalled that she had been promised that she could submit her draft resolution after the general discussion. She wished to make a formal motion.

Colonel HODGSON (Australia) considered that the general discussion showed that members of the Commission had not yet defined their objective nor the exact plan they wished to follow. All the Commission's work would remain valueless so long as the machinery for applying the principles set forth had not been considered.

/He emphasized

He emphasized that no right was absolute in itself and that every right entailed a corresponding duty. There was also the question of the interest of the State as against the interest of the individual or of the community. Various peace treaties were to be signed this month. Some of them contained territorial claims, the consequence of which would be the displacement of hundreds of thousands of persons who had, for example, their right of nationality. Application of the rights under discussion had to be considered with regard to them. No machinery existed. The International Court of Justice concerned itself only with disputes between governments. The Security Council had no jurisdiction in this matter. The immediate problem therefore was to consider machinery for practical application.

Mr. WU (China) said that it was a question of establishing the rights of the human being and at the same time demanding his acceptance of the corresponding obligations.

Mr. LEBEAU (Belgium), replying first to the Australian representative, pointed out that the territorial claims put forward by Belgium concerned a very small number of people who already had relatives in Belgium and to whom freedom of choice would be allowed.

He said that the right of every human being to participate in social and economic life fully and completely, without having to suffer the shocks and consequences of economic upheavals and unemployment, must be affirmed. As opposed to the representative of Yugoslavia, however, he considered that the basis of a bill of rights was not the community and the mass, but simply the human person, that is to say the human person participating in social life.

The human person today was threatened by two great dangers: The

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first was the ascendancy of the mass, the community and the State; the second lay in the excessive overdevelopment of industrial life itself, which crushed the human person. It must be protected against these two dangers, which should be mentioned in a bill of its rights.

The CHAIRMAN, replying to a remark by Mr. CASSIN (France), stated that when general statements had been made she proposed to begin consideration of the agenda point by point, and of any resolutions which might be submitted. This procedure would thus assume the form of a general discussion, but would deal with specific points.

Mr. MALIK (Lebanon) considered that on the closure of the discussion the Commission should take up the question of the Drafting Committee. The establishment of this Committee had to be decided first, and then its membership.

Mrs. MEHTA (India) wished to submit her resolution on the bill of human rights before taking up the question of the Drafting Committee.

Colonel HODGSON (Australia) asked if the Drafting Committee to be set up would be permanent or whether it would merely be a body which would have to submit a draft to the Commission during this session.

Mr. MALIK (Lebanon) explained that the bill of rights comprised two stages: (1) the summary record of the work of the Commission, drafted after the general discussion; (2) the discussion of the proposals submitted by India, which served as a basis for discussion. The decision taken by the Commission at the conclusion of its work would be liable to alteration in the years to come. In his opinion, the Commission should avoid all haste. Members of the Commission should be given sufficient time to consult their respective governments.

Mrs. ROCSEVILLE, Chairman, (speaking in her capacity as representative of the United States) pointed out to the representative of Australia that the Government of the United States considered that a Drafting Committee should be appointed during the first session of the Commission, and that the report of this Committee could not be submitted to the Commission before the next session.

/Mrs. MEHTA

Mrs. MEHTA (India) asked for a discussion on the resolution which she submitted, in order to bring the debate back to specific points.

The meeting rose at 1:15 p.m.

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