



Historical General Assembly

Working towards political stability

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Topic: Redacting and passing an UDHR

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II. Introduction

Committee

Welcome to the Historical General Assembly, where we will travel to the aftermath of WW2 to participate in the first sessions of a newly created General Assembly.

The GA is the main policy-making organ of the organization. Comprising all Member States, it provides a unique forum for multilateral discussion of the full spectrum of international issues covered by the Charter of the United Nations. Each of the 193 Member States of the United Nations has an equal vote.

The first session of the *UN* General Assembly was convened on 10 January 1946 in the Methodist Central Hall in London and included representatives of 51 nations, and we will situate our session around 1948, as the GA resolution 271 the declaration of the *Human Rights* passed. Meanwhile, the military success of the Red Army in Central and eastern Europe in World War 2 had led to a consolidation of power in communist hands, and many states had already adopted communist regimes, causing disputes between eastern- and western Europe.

We find ourselves in a very tense period, with the communist and the capitalist bloc opposing each other and with the Soviet Union and the United States at the doors of what in the future will be the *Cold War*, so a heated debate is guaranteed.

Topic

Nowadays the Universal Declaration of Human Rights is mentioned not only in almost every UN session, but also in all types of debates and discussions all around the world. Human Rights are omnipresent in our society, but this has not always been the case.

Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly resolution 217 A) as a common standard of achievements for all peoples and all nations. It sets out, for the first time, fundamental human rights to be universally protected and it has been translated into over 500 languages.

However, the first drafts prepared by the eight representatives to the final binding Resolution the Declaration underwent lots of changes, amendments, additions and removals. These were applied in numerous debates in UN sessions, first in the then recently created UNCHR (United Nations Commission on Human Rights), a commission within the ECOSOC (UN Economic and Social Council), and then finally in the General Assembly.

The reason for that was the discrepancies between countries in some areas, for example in articles related with governance, freedom of religion or freedom of opinion.

Therefore, we will entertain a MUN session in which we will reenact these debates and reach a new (and maybe more interesting) version of the Universal Declaration of Human Rights.

III. How the redacting will work

Fellow delegates, you have been assigned one of the most important tasks in human history: redact and pass a resolution declaring human rights, which will be guaranteed to every human being without distinction. Merely the fact that all member states have agreed to redact such a resolution together, putting aside all conflicts and differences they have, is something unprecedented. Now your job is to represent your country's interests in redacting this set of universal rights.

In this MUN session we won't be a hundred percent historically accurate. As it will be explained later, in "history of the topic", a final draft arrived at the GA in Paris, where it was modified with amendments, strings and attachments and where it was finally passed on 10 December 1948. However, in the committee we won't dispose of a draft, so preparing one will be your job, delegates, during lobbying. For inspiration, you can use any of the historical precedents that are cited below: *The Cyrus Cylinder*, the *Carta Magna*, the *English Bill of Rights*, the *Declaration of rights of man and citizen*, the *Declaration of Independence*... However, it is not recommended to literally copy the real UDHR, since the debate would not be that interesting. Furthermore, it is suggested to have a look at the "Conflictive points" paragraph, as well as the "Major countries positions" one.

IV. Definitions of key terms

Human Right

The definition of “human rights” is something that relates to the field of philosophy. A right, is, of course, a moral or legal entitlement to have or do something. Those are conceded to persons who meet several certain requirements or find themselves in certain situations: For example, someone that has been made redundant from work has the right to request a compensation package (a final payment to compensate), or someone that has been publicly ridiculed has the right to claim damages payment. Nevertheless, human rights don’t have conditions or depend on circumstances, they are inalienable rights. They are considered part of human life, so they are guaranteed to every human being. They can’t be removed from someone regardless of sex, race, religion, political ideology or class. In fact, Joseph Stalin, Pol Pot, Genghis Khan and even Adolf Hitler should be granted the protection of their human rights.

Declaration

A formal statement or announcement. Comes from the verb “declare”, which in this case means formally announcing the beginning of a condition.

V. History of the topic – Timeline of precedents

The belief in the existence of a set of rights inherent to human existence, which are secured to every human being regardless of their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status is as old as human kind. Here it will be gone over all the attempts to ensure them, starting from their oldest precedents and finally arriving at the redacting and passing of the UDHR.

Ancient civilizations

Throughout much of history, people acquired rights and responsibilities through their membership in a group – a family, indigenous nation, religion, class, community, or state. Most societies have had traditions similar to the "golden rule" of "Do unto others as you would have them do unto you."

Already the first legal codes of the ancient Neo-Sumerians and the Mesopotamians, the *Code of Ur-Nammu* (2050 BC; the oldest legal code extent today) and the famous *Code of Hammurabi* (1780 BC), show rules and punishments if those rules are broken, and ensure so men’s rights, women’s rights, children’s rights and slaves rights.

The *Cyrus Cylinder*, considered the first human rights document in history, dates from 539 BC. After the conquest of Babylon by *Cyrus the Great*, the emperor adopted a set of measures: He freed the slaves, declared that all people had the right to choose their own religion, and established racial equality. These and other principles were recorded on a baked-clay cylinder known as the *Cyrus Cylinder*, whose provisions served as inspiration for the first four Articles of the Universal Declaration of Human Rights.

In fact, every ancient and also modern society has systems of propriety and justice as well as ways of tending to the health and welfare of their members, either written or just in oral tradition.

13th century

During Renaissance the fight for human rights pointed the direction of achieving political representation for everyone. Therefore, secures the first modern compilation of liberties and rights, the *Carta Magna*, the formation of a “parlamentarium” (“talkhouse”)

After *King John I of England* had violated many traditions and laws that had been respected by the English kings for hundreds of years, a rebellion brought off by barons which were discontent with the king’s absolutist government model ended up with *King John* signing the *English Great Charter*, commonly called *Magna Carta*.

The document not only set down the liberties held by “free man”, but also provided the foundation for individual rights in Anglo-American jurisprudence. The charter suffered from three reissues (1216, 1217 and 1225), and by the time the last one was brought off, the *Magna Carta* had already become more than an official paper, it had become a symbol in the people’s battle against oppression: Whenever “liberty seemed in danger”, men spoke of the charter as their defence.

Its articles defending individual freedom and justice inspired an infinite number of posterior similar documents, charters, constitutions, and declarations. The *Constitution of the United States of America* (1789) and the *English Bill of Rights* (1791) echo the charter, and the *Fourteenth Amendment* (1868) can trace its ancestry to the *Magna Carta* as well.

Age of Enlightenment and modern age

When asked for the way in which the 18th century influenced our today’s thinking, Jesús Astigarraga, professor in the University of Zaragoza and specialist in History of Economic Thinking, states: “Freedom of thought, of expression, political and economic freedom, pluralism, tolerance, a critical spirit... All this that today seems to us to be essential to our way of life, is the authentic heritage of the Enlightenment.” The truth is

that the Enlightenment was kind of an awakening for philosophy and free thinking. Kant, one of the biggest thinkers of this period together with Voltaire, Rousseau and Locke described the Enlightenment with an interesting metaphor: “the Enlightenment is the coming of age of man, who manages to get rid of the tutelage of religious power and political power. He is able to think and act for himself”. Accordingly, enlightened scholars started to point out the fact that every person had the right to freedom. Freedom was, in fact, not only one of the principal topics of discussion between the great philosophers of the Enlightenment, but also the people’s main will.

This brought to revolutions and uprisings all over Europe, brought off by entire countries tired of absolutist and authoritarian monarchies, which resulted in reforms in the state model, often accompanied by the redaction of a constitution. These guaranteed citizen’s rights (although normally only white, rich men were considered “citizens”). A great example of that is the *U.S Constitution*: “Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances”.

Here it could also be mentioned The French Constitution, passed in 1791, two years after the French Revolution, but since our topic here is obviously human rights, it is more appropriate to introduce you to the “Déclaration des droits de l’homme et du citoyen”, the “Declaration of rights of man and citizen”. Prepared by five deputies which were chosen by the Constituent Assembly in 1789 just after the Revolution, the document was inspired by the American Declaration of Independence, and it clearly reflects the spirit of the Enlightenment. It proclaimed rights like liberty, private property, the inviolability of the person, and resistance to oppression, and has left us sentences that have been recycled and repeated an uncountable number of times. As a matter of fact, if we take the first sentence of its first article, “Men are born and remain free and equal in rights” and compare it to the first sentence of the first article of the UDHR, “All human beings are born free and equal in dignity and rights”, it is not necessary to say that the similitude is obvious.

However, despite being a significant advance in people’s fight for human rights the Declaration was not perfect. One of the defects that presents is that, while it guaranteed numerous rights to men, women were completely obviated. This aroused the indignation of many women, which led to protests all over France (which obviously led to nothing). Olympe de Gouges, playwright and political activist, published using a bit of sarcasm the “Déclaration des droits de la femme et de la citoyenne” (Declaration of the rights of woman and of the female citizen). Thus, she is considered one of the “mothers” of feminism.

First half of the 20th century

After World War I world leaders tried to avoid the repetition of the horrible atrocities experienced in the war by the creation of the League of Nations, which was very similar to the future UN. Sadly, the idea didn't prosper very well so there was no progress in the fight for human rights. The world would have to wait until after World War II. The unprecedented cruelties perpetrated during the conflict and outside it such as the extermination by Nazi Germany of over six million Jews, Sinti and Romani (gypsies), homosexuals, and persons with disabilities horrified the world. The idea of human rights thus emerged even stronger than ever.

Redaction of the UDHR

Governments then committed themselves to establishing the United Nations, with the primary goal of bolstering international peace and preventing conflict. People wanted to ensure that never again would anyone be unjustly denied life, freedom, food, shelter, and nationality.

World leaders decided then to complement the UN Charter with a road map to guarantee the rights of every individual everywhere. In the first GA session this project was proposed, and it was sent to the Economic and Social Council "for reference to the Commission on Human Rights (a commission part of the ECOSOC) for consideration... in its preparation of an international bill of rights."

At its first session the commission authorized the redaction of what it termed "a preliminary draft International Bill of Human Rights" by a drafting commission integrated by eight drafters from eight different countries. Those were: Eleanor Roosevelt (US), Dr. Peng-chun Chang (China), Dr. Charles Malik (Lebanon), William Hodgson (Australia), Hernan Santa Cruz (Chile), René Cassin (France), Alexandre Bogomolov (USSR) and Charles Dukes (United Kingdom). The final draft was sent to the Commission on Human Rights, which was being held in Geneva. There some amendments were applied by the commission and the final draft, which is known as the Geneva draft, was handed to the GA.

The draft was proposed in September 1948 with over 50 Member States participating in the final drafting. The General Assembly of the United Nations by its resolution 217 A of 10 December 1948, meeting in Paris, adopted the Universal Declaration of Human Rights with eight nations abstaining from the vote but none dissenting. Hernán Santa Cruz, member of the drafting commission, wrote:

"I perceived clearly that I was participating in a truly significant historic event in which a consensus had been reached as to the supreme value of the human person, a value that did not originate in the decision of a worldly power, but rather in the fact of existing—which gave rise to the inalienable right to live free from want and oppression and to fully develop one's personality. In the Great Hall...there was an atmosphere of genuine solidarity and brotherhood among men and women from all latitudes, the like of which I have not seen again in any international setting."

The adoption of the UDHR was not only an incredible achievement for humanity, nor only a historical event thanks to which the world is now and will be a better place, but also the culmination of centuries and centuries of struggle against injustice by the people.

VI. Conflictive points

Freedom

Which freedoms can be granted to citizens without putting a country's stability in danger? Where is the line that marks the border between what a government has to control to secure balance and oppression? Those are ones of the fundamental questions on political philosophy, which obviously no one can answer safely. On the one hand, there is the ideal that a human being is free and that the only thing that can intervene in its freedom is another human being's freedom: "your freedom ends where mine begins". In theory this sounds very nice, but there are always people who want more and more and don't care if they violate another one's rights. Therefore, we need rules, laws, and someone that protects them (police, army), and therefore we need a government to create the laws, amongst others. But ironically, an egoist government can also use its power to oppress people for its own interest. So, both the presence of total freedom and the total absence of it benefit the egoist ones and harm honest people. For that reason, we need a middle point, a grey area. Now the question is, where is it?

In the redaction of the declaration this debate came out umpteenth. The eastern bloc stood against some freedoms like freedom of opinion and expression or freedom of abandoning a country, arguing that to reach equality and common benefit a control by the government was necessary. Some remaining dictatorships jumped on the common good bandwagon too.

Level of implication of the government

Another crucial point even in today's politics: Should the government collect more taxes and with them assure services like social security or public education, reducing the gap between rich and poor and improving living standards, or should it step aside from the economy to make sure that everyone gets what it deserves depending on its effort and capacities while economy develops free and enriches the country, improving living standards too? This question translated to the human rights field would be: Should the rights to social security, public education, governmental aids for low classes, protection

for workers, economic equality... be declared human rights? Extreme capitalist, moderated capitalist, socialist and communist member states disagreed on this topic.

Religion

Extreme religious countries did not only not support freedom of religion, but also some declared themselves against rights which put men and women in equal position. Those were especially muslim countries ruled by a theocracy or by an extreme religious absolutist monarchy. The best example: the Kingdom of Saudi Arabia. This member state was one of the eight countries that abstained from the vote on passing the UDHR, due to the declaration's incompatibility with the traditional and most extreme rules of Islam.

VII. Major countries position

URSS

The Soviet Union was, in fact, one of the eight member states that abstained from voting in the vote of the definitive UDHR, arguing, besides others, that the declaration didn't even condemn fascism.

The URSS also positioned itself against some freedoms in order to preserve common good. The justification was simple: Selfish people could use those freedoms to profit from others and set its individual good above common welfare. Furthermore, it didn't support proposals that limited the government's power, like the right to privacy or the right of leaving a country. It also defended the inclusion of rights protecting the workers and the lower classes, for example actual UDHR's articles number 24, 25 and 26.

USA

The United States, as the country of freedom, supported everything related with the government drawing away of its citizens. Contrary to the Soviet Union, the US ideals were the next ones: Everyone has the right to absolute and complete freedom. The only government's job is to stop people from invading other people's freedom. Therefore, capitalist countries are almost always democracies with a not very powerful government. That doesn't mean that the government is fragile, the administration is supported by the people because it almost always represents people's interests and guarantees people's rights, but that means that it cannot, for example, start a war without any justification. Resuming: in favour of all kinds of freedom, in favour of limiting the government's power, against restricting citizen's liberties.

South Africa

South Africa also abstained from voting in the last vote. Its position can easily be explained with just one word: Apartheid. In 1948 the National Party won the elections in the country and applied a policy of racial segregation and territorial organization called “apartheid”. Its abolition occurred finally in 1990, after 42 years of constant fight for equality, led by the later president Nelson Mandela, who, after winning the election in 1994, didn’t deny privileges to white citizens, but promoted equality for all. Nevertheless, this beautiful history came later. In 1948, as the UDHR was debated, the country was impregnated with racism and segregation, and black citizens did not enjoy political representation in the government. Consequently, a declaration of human rights proposing equality and freedom regardless of race was not in the government’s interests.

Saudi Arabia (also goes for other rich, extreme muslim countries)

As already mentioned in “conflictive points”, Saudi Arabia’s position in many points was guided by religion. Equality between men and women, women’s rights, freedom of religion... were not well regarded. Also, the country's economic system, an extreme capitalism where only a few millionaires, the king and his friends, have the oil’s monopoly while the rest of the population are workers, influenced which rights the country supported and which did not, such as the right to create syndicates and other rights protecting the workers. As an absolutist monarchy, the member state was also, same as the Soviet Union, against limiting the government's power, for example against the actual article number 21, which guarantees everyone the right to participate in their country’s government.

VIII. Conclusion

As related here, throughout all human history the fight for human dignity and equality has had a clear objective: Establishing a set of rights for the people. From the Neo-Sumerians to the French Revolution, passing through 12th century England and the Enlightenment, every society’s, state’s, country’s or empire’s people have fought for diverse purposes, like political representation, impartial justice, equality or individual freedom. This fight achieved some victories in the form of official documents, constitutions, declarations... establishing some of those rights. Nevertheless, those documents were not applied to every human being, but there were groups to which the rights were not guaranteed, and furthermore only some rights were declared, not all. Therefore is the signing of the Universal Declaration of Human Rights such a special

event. The redacting and signing of this are just the “iceberg’s tip”, it is just the film’s last scene, where everything gets right. However, although it is only a small scene, we do not have to forget its incredible importance. It was the first time in human history that all states in the world agreed in the freedoms and rights that had to be protected universally so that every human being can live its life with dignity. The UDHR inspired, and paved the way for, the adoption of more than seventy human rights treaties, improving millions of people’s live standards. Despite the uncountable cultural differences, every government of every country, representing every single one of its citizens, agreed on something to make every human life enjoy freedom, equality, and dignity. Therefore, we can say that the signing of the Universal Declaration of Human Rights is one of the biggest achievements not only in the UN history, but in human history as a whole.

IX. Bibliography

<https://www.un.org/en/about-us/universal-declaration-of-human-rights>
<https://www.un.org/en/about-us/udhr/history-of-the-declaration>
<http://hrlibrary.umn.edu/edumat/hreduseries/hereandnow/Part-1/short-history.htm>
<https://www.coespu.org/articles/human-rights-evolution-brief-history>
<https://www.britannica.com/topic/Magna-Carta>
<https://www.amnesty.nl/a-brief-history-of-human-rights>
https://billofrightsinstitute.org/primary-sources/constitution?gad=1&qclid=Cj0KCQjw3JanBhCPARIsAJpXTx7VCfj1aNvBSKkjiWiYlpYaDxy5An0NeNYGzzDrGypnV1NErSkSjZuQaAubIEALw_wcB
<https://www.elysee.fr/en/french-presidency/the-declaration-of-the-rights-of-man-and-of-the-citizen>
<https://www.cndh.org.mx/noticia/masacre-de-soweto-en-sudafrica#:~:text=La%20palabra%20apartheid%20significa%20en,Nacional%20gan%C3%B3%20las%20elecciones%2C%20y>
<https://2001-2009.state.gov/r/pa/ho/time/pcw/98678.htm>
<https://www.diariovasco.com/20071114/cultura/derechos-humanos-ilustracion-consideramos-20071114.html>