

"It wasn't simply a question of choosing the easiest path. Although a lawyer and therefore naturally prejudiced in favour of a binding instrument, I had always thought that the Declaration would be the most important part of the international bill of rights.... The Declaration, even though it might not be technically binding, would apply to all states and would have the great authority of the United Nations behind it. It would also be the catalyst of national and international legislation. The best strategy, therefore, was for the General Assembly to adopt it as quickly as possible....

"Looking back after many years, I can find no reason for thinking that I was wrong in 1948. The Universal Declaration of Human Rights is now part of the customary law of nations and therefore binding on all states."

Members of the Third Committee tangled on many points. Sometimes it was on the interpretation of words such as "democratic." South Africa objected to an article drafted by France: "All human beings are born free and equal in dignity and rights." A discussion over religion ended by omitting any reference to God (or nature). Britain argued with the Soviet Union on the issue of forced labour, while the British and New Zealand delegations objected to the freedoms of assembly and association being without qualification, on the grounds that this would prohibit trade unions from forming a "closed shop." Humphrey goes on:

"An important omission is the failure of the Declaration to recognize any right of petition. My own draft had said that 'everyone has the right, either individually or in association with others, to petition the government of his state or the United Nations for redress of grievance'.... It was deleted at the drafting committee's second session on the initiative of the United Kingdom. The Third Committee discussed the question during three meetings; but, notwithstanding the efforts of the French to restore the article, the question was referred back to the commission for further study in connection with the covenant. As a result, neither the Declaration nor the covenants mention the fundamental right of petition, a right which exists even in some authoritarian countries....

"Every one of the 30 articles of the Declaration was discussed in great detail and most of the meetings were full of interest and even drama. There was a constant clash, not only of ideologies but of personalities.... Sitting next to the chairman, and both professionally and emotionally involved, I wished at times that I were a delegate. The silent role of an international official can sometimes be very frustrating....

"At one o'clock in the night of 6 December [1948], by roll-call vote, the Third Committee adopted its draft of the Declaration and sent it on to the Assembly. Although no delegation voted against, there were seven abstentions: Byelorussia, Canada, Czechoslovakia, Poland, the Ukraine, the Soviet Union and Yugoslavia. Saudi Arabia and South Africa did not vote. The South Africans had made it abundantly clear that they would not accept the Declaration: it should, they had said, include only those fundamental rights the universal existence of which was recognized everywhere in the world....

"It was the Canadian abstention which shocked everyone, including me. The Canadians had given me no warning, and I was quite unprepared for what