

The Centrality of Freedom

Plenary Discussions Preceding the UN Universal Declaration of Human Rights

Charles Malik

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Nothing concerns and stirs us more deeply in Lebanon than the problem of human rights and fundamental freedoms. The history of my country for centuries is precisely that of a small country struggling against all odds for the maintenance and strengthening of real freedom of thoughts and conscience. Innumerable persecuted minorities have found, throughout the ages, a most understanding haven in my country, so that the very basis of our existence is complete respect of differences of opinion and belief. Nothing therefore would please us more, nothing indeed would answer more truly to our fundamental character than the responsible creation and effective implementation of a fundamental bill of human rights, founded on the basis of human conscience at its best and highest.

It is easy, Mr. President, to speak of freedom in general. It is easy to base it on two or three arbitrarily selected aspects of human life. What we care for in Lebanon, what we endeavor to realize above everything else is freedom of thought and conscience, freedom of expression and being. The freedom and right to work is a most important right and freedom. We are very grateful to other peoples and countries for stressing this point. We have learned and will continue to learn much from them, but this particular right and freedom is not our own distinctive historical contribution. If we have any contribution to make, it is in the field of fundamental freedom, namely, freedom of thought, freedom of conscience and freedom of being. And there is one point on which we wish to insist more than anything else, namely that it is not enough to be, it is not enough to be free to be what you are. You must also be free to become what your conscience requires you to become in the light of your best knowledge. It is therefore freedom of becoming, of change that we stress just as much as freedom of being.

Therefore, Mr. President, from the point of view of Lebanon, freedom of conscience, in its double aspect of being and becoming, internationally recognized and adhered to by all governments, is most important. This freedom and right of the individual would certainly be included in a Bill of Human Rights.

It is necessary, however, that this bill should have the force of an international treaty. The suggestions under (c) to include provisions on human rights in international treaties or in the peace treaty are very important. Lebanon, however, will not be a signatory to the peace treaty. It is important, therefore, that countries like my country should be bound by a treaty obligation to observe the Bill of Rights. This includes freedom of conscious, which is an obvious and well-recognized right of the individual in certain countries with well-established traditions, and which may not be judged by them as necessary of inclusion and expression as by other countries with less well-established traditions. We would therefore suggest, Mr. President, that the membership of a nation in the United Nations should be made strictly conditional on its adherence to the envisaged International Bill of Human Rights. It would contain rights that are of the utmost importance for small countries precisely like my own.

I would like further, Mr. President, to make another distinction, namely between apparent freedom and real freedom. What I mean is that it is very easy for certain situations to be justified on the basis of the apparent

existence of freedom, whereas a real investigation – a real going more profoundly into these situations – will reveal that real freedom is lacking. Consequently, it is not enough at all for any country to give lip service to freedom, but that freedom must be real and must be recognized as such after thorough investigation.

We would like whatever Bill of Rights is going to emerge from this Commission to be made absolutely universal. It should not only apply to the small and the weak, but should also bring forth what is implicit in well-established countries so that the small countries might learn from them.

We certainly favor what has been repeatedly stated here in this debate this morning, namely that membership of this Commission should be based on individual capacity rather than on choice by governments. The Commission must be expressive of the independent and disinterested conscience of mankind rather than of the official and interested opinions and views of the governments.

Finally, Mr. President, we firmly believe that without an international agency of implementation of some kind, our high-sounding discussion this morning will only end in futility and frustration. We must see to it under strict organization that whatever we achieve by way of a Bill of Rights is truly and really and genuinely adhered to by all countries. This can only be done through the creation of an international agency of implementation, whose functions and duties will, of course, have to be determined later.

Being Elected Rapporteur²

Chairman (Mrs. Eleanor Roosevelt): Then we will proceed to the election of the general rapporteur, which is the next item on the list.

General Carlos Romulo (Philippines): I nominate Dr. Charles Malik of Lebanon for this position. Dr. Malik was in San Francisco, he participated in the writing of the Charter, he was in London, and again, he was with us in the General Assembly this last year. He is eminently fitted for this position.

Chairman: Are there any other nominations? [No response voiced] If not, I think we can again proceed to elect Dr. Charles Malik as our general rapporteur by acclamation. We are very happy to have you as our rapporteur.

Dr. Malik (Lebanon): I just want to say one word, Madam Chairman, that I am deeply grateful to the Commission for this honor, and that nothing gives me greater pleasure than to collaborate with you, Madam Chairman, and with Dr. Chang, in the great work of this Commission. Thank you.

2. Dr. Malik was elected Rapporteur on the morning of 27 January 1947.