

DATA PAPER PREPARED BY THE SECRETARIAT
ON DRAFT DECLARATIONS SUBMITTED BY THE
GOVERNMENT OF PANAMA ON FUNDAMENTAL
HUMAN RIGHTS AND FREEDOMS AND ON THE
RIGHTS AND DUTIES OF STATES.

Two draft declarations on Fundamental Rights and Freedoms and on the Rights and Duties of States (Doc. 2.G/7(g)) were brought before the San Francisco Conference on International Organization by the Government of Panama, as suggested amendments to Chapter I of the Dumbarton Oaks Proposals. They were considered in Committee I, Commission I, which dealt with general provisions. This Committee also considered two draft declarations on the same subjects that had been submitted by the Government of Cuba (Doc. 2. G//4 (g)), as suggested amendments to Chapter II of the Dumbarton Oaks Proposals.

The Government of Cuba proposed that these latter drafts be given first consideration in the discussions of the Committee; but this proposal was ruled out by the Chairman (Doc. 382, J/1/19). As a result, the Committee took no action in respect of either the Cuban or the Panamanian drafts.

The Government of Cuba asked that a resolution concerning the two Cuban drafts be included on the agenda of the First Part of the First Session of the Assembly in London; but the General Committee of the Assembly decided that this was not appropriate. "With regard to the Declaration of International Duties and Rights

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of Man", the General Committee said, "there was ample provision for discussion of this matter in that part of Chapter III of the Report of the Preparatory Commission which recommends the establishment of a Commission on Human Rights and outlines the functions and competence of that Commission" (A/BUR/6, p. 3). The proposal was later brought to the floor of the Assembly but was again defeated (Journal of the General Assembly, First session, No. 5, pp. 95-100).

At the same First Part of the First Session of the Assembly, the Government of Panama submitted the draft declaration on the Essential Rights of Man that had already been submitted to the San Francisco Conference and a revised draft of its Declaration of Rights and Duties of States (A/19); but the General Assembly did not discuss the drafts.

The Cuban and Panamanian drafts were mentioned on the agenda of the Nuclear Commission on Human Rights (E/HR/5) and were distributed to the members of the Commission (E/HR/1 and E/HR/3).

In its report to the Second Session of the Economic & Social Council, the Nuclear Commission recommended that "the detailed examination of the documents submitted by the delegations of Cuba and Panama (documents E/HR/1 and E/HR/3) should be left to the full Commission or to a later session of the Nuclear Commission." (Journal of the Economic & Social Council, No. 14, pp. 163-64).

The Nuclear Commission also agreed "that, while the Nuclear Commission has the right to draft a Bill of Rights, it is not as yet in a position to do so, but will proceed with the preparation for such a bill; that the full Commission itself should draft an

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International Bill of Rights, and should establish sub-commissions for that purpose, if necessary. This draft should be circulated among United Nations governments for their suggestions.

"The Chairman did not consider it necessary or advisable to circulate the Cuban or Panamanian declarations with the draft bill of the Commission." (E/HR/15).

Reference must also be made to the fact that, on August 9, 1946, the American Federation of Labour, which is a non-governmental organization possessing consultative status, category A, transmitted to the Secretary-General a draft International Bill of Rights (Doc. E/CT. 212).