The Second World War provided the catalyst that led to calls for a new normative order, morally binding on all states and going beyond narrowly defined self-interest. Those planning for this new order came to accept that human suffering could be both a reaction to, and a cause of, political, social and economic chaos.\(^1\) Human rights therefore became a central concern during the discussions to establish new institutions with the task of ensuring that the brutality of fascism would never emerge again. In effect this meant cooperation in all areas of political, social and economic life, including the development of new organisations to support and promote new postwar values. But new organisations could be constructed and supported only through the energy, resources, economic power and expertise of states that emerged from the war relatively unscathed. Since the United States was the only major power to be in this position it assumed the dominant role in determining the character of the new order. Consequently, the United States was well placed to promote those elements that supported its new hegemonic role while excluding those that appeared to offer a threat. From the early 1960s, particularly in the wake of rapid decolonisation, the legal, economic, political and cultural practices and principles established at the UN received increasing criticism from less developed countries. However, during the earlier period, dating from the end of the war until the mid-1950s, American and western values predominated.\(^2\) The norms of the human rights regime were negotiated during this earlier period.

The tensions between the moral idealism represented by universal human rights and the pragmatic realism of self-interested states were not sufficient to stop the adoption of the Universal Declaration of Human Rights.\(^3\) Indeed, in some measure the birth of the regime, and its subsequent development to the present day, owes much to the contradictions inherent in the existence of these two imperatives.\(^4\) Pointing to the emergence of the Cold War, some authors have argued that the Third Session of the General Assembly (1948) presented the last opportunity for states to agree on the basic statement of human rights norms that the Declaration represents.\(^5\) The Covenants, one on civil and political rights and the other on economic, social and cultural rights, were intended to provide legally binding rules for the regime, but took

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3 An International Bill of Human Rights

T. Evans, *US Hegemony and the Project of Universal Human Rights* © Tony Evans 1996
a further two decades before agreement could be reached. The final component of the regime — decision-making procedures in the form of measures of implementation — has never achieved general agreement in any but the weakest of forms. What is seen in the processes leading to the Declaration is the predominance of western values. Even today, these values circumscribe the agenda for the discourse on human rights. Furthermore, they determine both the language of the discourse and its limits.

Under the terms of the Charter, a Preparatory Commission was set up immediately following the United Nations Conference on International Organisation (UNCIO), to make provisional arrangements for the first session of the General Assembly and the other principal organs of the UN. In preparing a provisional agenda for the first meeting of the Economic and Social Council (ECOSOC), the Preparatory Commission recommended the formation of five permanent Commissions, including a Commission on Human Rights. Following acceptance of these proposals at the first session of the General Assembly, ECOSOC set up a Nuclear Commission on Human Rights consisting of ‘nine members appointed in their individual capacity’. Furthermore, ECOSOC requested that this Nuclear Commission make recommendations on two further issues; first, the extent of its own powers and second, its competence to act in defence of human rights. Crucially, and of far reaching importance for the future of the human rights regime, ECOSOC defined the central task of the Nuclear Commission as drafting, without delay, a Bill of Rights establishing universal norms.

What follows here should not be seen as a drafting history of the Universal Declaration, an analysis of its moral force or a discussion of its legal implications, but an examination of the political processes that conditioned its final form. Before looking at the politics of drafting the Declaration three points should be stressed that provided the context for all UN debates on the human rights regime. Firstly, human rights offered a focus for exercising the divergent expectations of the communist east European states, the western capitalist democracies and the less developed states. This increased the awareness of all states to the conflicting expectations of these three groups and caused further delays in developing the regime. Secondly, as the debate unfolded it provided a greater insight into the challenge international human rights presented to sovereignty and traditional principles of international society. The early enthusiasm for human rights was therefore soon replaced with caution as the debate brought greater clarity. Thirdly, from the beginning the Cold War began to touch upon every area of international life, turning the UN into a theatre in which to play out well rehearsed ideological and political roles. Since the Cold War was concerned with the predominance of a particular set of values, and the work of the Commission was concerned