

(2) The indigenous law, but now influenced by parts of Islam, on the whole also called adat-law, was used (also in the courts) in **Jayacarta**;

(3) In the period of the East Indian Company, the company forced the use of the law and the courts of the Company also for Indonesians in **Batavia and surroundings**. The law was: the law of the Company or the Dutch law, or the old Dutch law and Roman law.

However, for small private cases and matters in connection with the religion the law of the Company was not used.

(4) During the period of Daendels Western law and Western courts were also used for all the inhabitants including Indonesians in **Batavia and surroundings**. For small private cases and matters in connection with religion Western laws were not used.

(5) In the period of Raffles Western courts were used for all the inhabitants including Indonesians in **Batavia and surroundings**.

The law and the system of the courts were influenced by what was used in England. In the court of Justice in Batavia there was a jury. It would seem that small private cases and matters in connection with religion were judged by Western courts too.

HISTORY OF THE DECLARATION OF HUMAN RIGHTS IN THE CONTEXT OF INTERNATIONAL ADMINISTRATION**

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Ladies and Gentlemen:

You honor me indeed by having invited me to come and join you in this symposium to speak on the "History of the Declaration of Human Rights". The subject of human rights is somewhat very dear to me. This is so because of my personal involvement in the efforts of the United Nations to promote and advance the observance, recognition and protection of human rights of peoples throughout the world. It was from 1948 to 1952 when I had the privilege of working as an international civil servant at the Secretariat of the United Nations Headquarters in New York. This was the period which represented a high peak of activities of the United Nations in advancing the field of human rights. My job at the Human Rights Division of the Secretariat during this period gave me the opportunity of a close, at times intimate, look at the workings of the administrative, parliamentary and to some extent the political processes of the United Nations in this field.

You are probably well aware by now that the fundamental international document that relates to the observance of human rights is the Universal Declaration of Human Rights that was adopted by the General Assembly of the United Nations held in Paris, on the 10th of December 1948. This Universal Declaration is perhaps the most significant document on human rights that implements concretely the United Nations Charter adopted at San Francisco in 1945. This Charter establishes the promotion and advancement of human rights and fundamental freedoms as one of the main pillars that supports the international Organization. This is evidenced by the prominence given to human rights in the preamble, and by the specifications on

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promoting human rights as one of the purposes of the Organization. Several other articles of this Charter vest the United Nations with responsibilities in the field of human rights. Thus Art. 55 of the Charter states that the United Nations shall promote universal respect for, and observance of human rights and fundamental freedom; Art. 13 provides that the General Assembly shall initiate studies and make recommendations on human rights; Art. 68 provides that the Economic and Social Council shall set up commissions on economic and social fields and for the promotion of human rights. Please note the language consistently used in the Charter, "shall", which is one of mandatory nature.

This idea of the protection and of the furtherance of human rights did not begin only with the United Nations Charter. The concern of the world over the need for protecting human rights in a concerted way, can be traced back to the early days of the eighteenth century. You will remember the religious wars before the period of the Reformation. The settlement of these religious wars gave rise to the need among some nations to protect the members of religious and national minorities. Attempts to satisfy this need found concrete expression in the inclusion of the treaties drawn up at the Congress of Vienna in 1815 of provisions guaranteeing protection for members of religious and national minorities. During the latter part of the nineteenth century, in the era of the disintegration of the Ottoman Empire, numerous treaty provisions were further adopted seeking to ensure religious freedom for Christians and Jews alike either within the empire or in the newly established state of Serbia, Montenegro and Roumania.

The reassertion at the end of World War I of the tradition of the international concern for the treatment of individuals in the form of Minorities Treaties concluded between the Principal Allies and Associated Powers and several new and enlarged states which emerged after the war, did not arise in the context of the general international principle of promoting human rights. It is interesting to note that all the efforts to include in the Covenant of the League of Nations several international pledges of religious and racial tolerance proved to be dismal failures. We might say, however, that under the League of Nations, there was a marked expansion of international involvement in the protection of human rights, not only as a result of the Minorities Treaties, but to a lesser degree also, from the supervisory functions of the League's Mandates Commission.

International concern for the right of individuals had not been confined to such efforts as exemplified by the treaty provisions of the past and by the Minorities Treaties of 1919. For example, the

effort extended over many decades to abolish the slave trades culminated in 1890 in the Sixteen Nation Agreement at Brussels, which established a comprehensive internationally supervised system for enforcing its outlawry. Another example is the series of international conventions concluded in 1864 and 1929, specifying in increasing detail the humanitarian requirements for the treatment of the war wounded and the war prisoners.

Mention might also be made of the efforts of international organizations to ameliorate and improve conditions of life or work, such as the action during the inter-war years of the International Labor Organization, the efforts of the League of Nations toward suppression of the white slave trade and traffic in opium, and in aid of refugees and stateless persons of that period.

Thus, as a consequence of the impact of relations among nations of specific problems affecting the rights of individuals, international devices of varying degrees of efficacy were evolved. By any standards of maximum promotion of human rights and of fundamental freedoms, one might say that the efficacy of these devices was extremely limited. Nevertheless, by the time World War II erupted, there existed both a tradition of international responsibility in the field of human rights, and the rudiments of international definition of several of these rights and freedoms. With the outbreak of World War II, came the conviction that not only was there an urgent need to safeguard political and civil rights of individuals everywhere, and to satisfy their desire for economic and social security, but there was also a determination to establish international institutions to preclude the conditions which led to the Nazi and Fascist aggression, and to prevent them from arising again to threaten similar aggressions in the future.

While we in the Philippines were involved in the life and death struggle in the period of enemy occupation during World War II, governments and organizations of private citizens elsewhere were working to devise appropriate international procedures for the protection of human rights. In January 1941, for example, President Roosevelt's declaration of the Four Freedoms became the symbol around which the war was organized. From that time on the goals of freedom, of security and of equality were predominant aims of the allies in prosecuting the war.

Again on the 1st of January 1942, there was the Declaration of the 26 united nations which stated as a common objective of the war, the defense of "life, liberty, independence and religious freedoms," and the preservation of "Human rights and justice in their own lands, as well as in other lands." By the time of the Teheran

Declaration of 1943, the war leaders spoke of the future Organization of a peaceful World in terms of "nations, large and small, whose peoples in heart and mind are dedicated, as our own peoples, to the elimination of tyranny and slavery, oppression and intolerance."

It was in the context of these objectives that the war was fought and the foundations were laid for the United Nations and the Universal Declaration of Human Rights. We can see, therefore, that the idea of drawing up a universal declaration of human rights was principally born of a desire to protest against the atrocities of World War II, and to insure that they should not again be repeated in the future.

As a member of the International staff in the United Nations Division on Human Rights, I had the privilege of working with other colleagues from many different nations towards the preparation of researches, background materials, rapporteuring in several international conferences on phases of human rights and of going over many of the materials that came from various countries in their efforts to implement the human rights declaration. I was delightedly surprised to be handed by the Chief of Division a copy of a primer on human rights prepared by our Philippine Bureau of Public Schools in Manila. I remember that one day in 1949, when my table was surrounded by admiring colleagues from many nations as I leafed through the colored pages of this interesting primer, a very original work, and which showed Filipino children listening to a teacher's interpretation in a simple way, of some of the very technical provisions of the International Declaration of Human Rights. As members of the teaching profession, you have reason to take pride at having at your disposal such a very useful and valuable piece of work. The Department of Education deserves congratulations for being able to publish this much admired Primer.

As you probably are well aware, the activities of the United Nations has culminated in several accomplishments in the field of the promotion of human rights. For one thing, the machinery of the United Nations has been devised to attack the problem of human right, on its broadest scope. For example, we have the field of Freedom of Information. I personally was very much involved in Secretariat work relating to this particular aspect of human rights. A conference on Freedom of Information was convened at Geneva in 1948 from which emerged three draft texts on freedom of information and more than 40 resolutions on professional and technical problems connected with the subject matter. One of the three conventions, the one on International Right of Correction, was approved by the General Assembly and opened for signature. The Draft Convention on Free-

dom of Information is still before the General Assembly and has given rise to considerable controversy. In 1957 the General Assembly decided to seek the views of governments on the texts and on the action which the General Assembly should take. From 1947 to 1952, a sub-commission on Freedom of Information and of the Press composed of 12 experts came into being. The General Assembly made various recommendations to the governments based on the decisions of this sub-commission. In 1952, the sub-commission was abolished and the Economic and Social Council then appointed a Rapporteur on Freedom of Information and asked him, in his personal capacity, to prepare a substantive report covering "major contemporary problems and development in the field of information together with recommendations for practical action."

The United Nations and especially the UNESCO have always regarded as important the development of a media of information in underdeveloped countries. The Economic and Social Council in 1957 received the study made by the U.N. Secretary General in consultation with UNESCO on this question. The Council considered this report of the Secretary General, but noted that if a thorough analysis and study of the question were to be made, more information was needed from the governments. The Council took up this matter again last year

Then there is the question of the Status of Women. As you know, the quality of the rights of men and women is guaranteed in the United Nations Charter. As early as 1942, a commission on the Status of Women was established by the United Nations in order to promote equal rights for women in political, educational, economic, civil and social fields and to devise measures which would eliminate existing discrimination and improve the status of women. I had the privilege of preparing a research for the United Nations on the question of equal pay for equal work of equal value for men and women workers throughout the world. With the recent entrance of the Philippines in the U.N.'s Commission on the Status of Women, this country has been given the rare opportunity of making its own contribution to the furtherance of the status of Women throughout the world. And I feel reassured that we might indeed be able to make such a contribution because we are fortunate, I believe, in having one of our very distinguished Filipina nominated to that post; Miss Helena Benitez.

The third field concerns the protection of minorities. The United Nations in this respect came up with several declarations of policy designed to prevent discrimination and to protect the rights of minorities. Associated to this field are the activities of the United Nations in the field of Trade Union Rights as part of the freedom of