

## Edward A. Smith Lecture

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### *The Human Rights Movement: From Roosevelt's Four Freedoms to the Interdependence of Peace, Development and Human Rights*

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**The Edward A. Smith Visiting Lecturer**

**Human Rights Program**

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### *Preface*

Harvard Law School and its Human Rights Program have benefited from a generous gift to the school by Edward A. Smith of the class of 1942. The gift is to be used to bring to the school for several days visiting lecturers whose commitments and experience speak to issues of social responsibility and to the moral dilemmas facing the legal profession.

Each of the Edward A. Smith visiting lecturers has amply met these criteria. All have been prominent in the human rights movement's efforts to develop and protect international human rights. All have been people of deep commitment, moral vision and personal courage. All have "made a difference." The past lecturers were Neelan Tiruchelvam from Sri Lanka, Dumisa Ntsebesa from South Africa, Tania Petovar from Yugoslavia, Asma Jahangir from Pakistan, Ian Martin

from the United Kingdom, and Gay McDougall from the United States.

In the spring semester of 1995, the Edward A. Smith Visiting Lecturer was Louis Sohn, Bemis Professor of International Law Emeritus at Harvard Law School. This publication grows out of the lecture that he delivered at Harvard Law School on March 8, 1995. His many distinguished positions have included President of the American Society of International Law, and he is now Director of Research and Studies at the International Rule of Law Institute at George Washington University Law School. Professor Sohn has long been among the world's leading scholars and advocates in the field of international human rights.

The Human Rights Program is publishing Professor Sohn's important lecture to make it available to a large audience concerned with human rights. The Program is very thankful to Mr. Smith for making possible this fruitful series of talks.

*Henry J. Steiner*  
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*Director, Human Rights Program*

**The Harvard Law School Human Rights Program**, founded in 1984, fosters coursework, the participation of students in human rights activities, professional careers that include work to protect human rights, assistance to the worldwide human rights community, and research and scholarship. Through its student summer internships with non-governmental organizations worldwide, its visiting fellows from all over the world who spend from three months to a year at the law school, its visiting speakers and its applied research, the Program forges cooperative links with a range of human rights workers and organizations. It plans and directs international conferences on human rights themes. A brochure describing the Program's activities, including opportunities for visiting fellows (activists and scholars), is available on request.

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## *Introduction*

I am very pleased to have been invited to return to Harvard where I spent more than forty years of my life, thirty-five of them teaching at this law school. I appreciate in particular the chance to get reacquainted with the thriving Harvard Law School Human Rights Program which has grown beyond my wildest dreams since the time when I taught the first course on the subject some thirty years ago. It is a great honor to follow such an eminent group of Edward A. Smith Visiting Lecturers, and I am proud to be the first scholar to succeed the practitioners who have played an important part in fighting for human rights in different parts of the world. Perhaps this is a recognition of the fact that sometimes the pen is mightier than the sword, and that winning acceptance of a new principle may be as important as winning a case before a court.

Today's lecture will center on three events that in different ways are connected with Harvard: a speech made fifty years ago by a famous Harvard alumnus; a lecture connected with that speech that was delivered at Harvard; and another important speech made at the Harvard commencement six years later. Together they provide useful guidelines for promoting human rights during the next twenty-five years. I have chosen twenty-five, as the year 2020 seems to have become the favorite target of the generation represented by the young people in this audience.

### *A. A Glance Backward*

Human rights are probably as old as humanity. Claiming rights is part of human nature, and early statements on the subject can be traced to ancient China, India, Greece and Rome.<sup>1</sup> Over the years, many national laws and constitutions have recognized a variety of human rights that governments were willing to accept or were forced to recognize, and that most of them are even observing. Internationally, however, only a few categories of persons were given some protection by international law. A country became entitled to protect its citizens living in another country against improper treatment; some minorities were protected by special treaties; and lately people living in some non-self-

governing territories were given slight protection, first by the League of Nations and then more broadly by the United Nations. In the last case, there was an amazing success, as some hundred twenty nations obtained independence in the last fifty years. It is surprising that this liberation of several billion people is seldom considered to be one of the most important successes of the modern human rights movement.

The second great triumph was barely noticed when the United Nations was born. Thanks to the efforts of a few persons and private organizations, and of a few governments persuaded by them, human rights moved out of the confines of domestic legal systems and became a part of the international agenda. The first step seemed to be very modest--a few words were added in San Francisco to the United Nations Charter, with the hope that they would bear fruit sooner or later.

There is no time to discuss here all the efforts made in the early 1940s to bring the matter of human rights to the attention of governments and ultimately to the San Francisco Conference. I would like to pay homage to at least one person who made such efforts--a son of Harvard (college class of 1904) who died fifty years ago, on April 12, 1945.

Franklin Delano Roosevelt became President of the United States in 1932 in the midst of a deep economic depression that almost completely destroyed the economy of the United States and the rest of the industrial world. With an avalanche of legislation, enacted in the first 100 days of his administration, he changed the social structure of the United States, bringing hope not only to the farmers and factory workers but also to the businessmen that there was a way out of the depression. He saved the people of the United States from a revolution, from seeking a remedy in communism or fascism.

Then came the Second World War and the United States became the arsenal of democracy even before it was forced to participate in the hostilities. Millions of women suddenly were invited to work in the factories and offices of the nation, as well as millions of African-Americans who moved from the farms of the South to the cities of the North. It required a global war to empower these groups to participate more fully in the economic life of the country. The result was amazing. As President Roosevelt pointed out in one of his campaign speeches on September 23, 1944, at the peak of war production, "American labor and management have turned out airplanes at a rate of 109,000 a year; tanks--57,000 a year; combat vessels--578 a year; landing vessels, to get troops ashore--31,000 a year; cargo ships--19 million tons a year; ... and small arms ammunition ... 23 billion rounds a year."<sup>2</sup>

Since his early days, first as State Senator and later as Governor of New York, President Roosevelt was concerned with human rights in the broadest sense.<sup>3</sup> During 1940, stimulated by a press conference in which he discussed the long-range peace-objectives,<sup>4</sup> he started collecting ideas for a speech about various rights and freedoms. As a result, in his Annual Message to Congress of January 6, 1941, he asked the people to work hard to produce armaments for the democracies of Europe, to pay higher taxes and make other sacrifices. But then, in ringing phrases, he painted for them a better future, founded upon Four Freedoms, the "four essential human freedoms," some traditional and some new ones:<sup>5</sup>

The first is freedom of speech and expression--everywhere in the world.

The second is freedom of every person to worship God in his own way--everywhere in the world.

The third is freedom from want--which, translated into world terms, means economic understandings which will secure to every nation a healthy peacetime life for its inhabitants--everywhere in the world.

The fourth is freedom from fear--which, translated into world terms, means a world-wide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of aggression against any neighbor--anywhere in the world.

That is no vision of a distant millennium. It is a definite basis for a kind of world attainable in our own time and generation. That kind of world is the very antithesis of the so-called new order of tyranny which the dictators seek to create with the crash of a bomb.

To that new order we oppose the greater conception--the moral order. A good society is able to face schemes of world domination and foreign revolutions alike without fear.

Since the beginning of our American history, we have been engaged in change--in a perpetual peaceful revolution which goes on steadily, quietly adjusting itself to changing conditions--without the concentration camp or the quick-lime in the ditch. The world order which we seek is the cooperation of free countries, working together in friendly, civilized societies.

This nation has placed its destiny in the hands and heads and hearts of its millions of free men and women; and its faith in freedom under the guidance of God. Freedom means the supremacy of human

rights everywhere. Our support goes to those who struggle to gain those rights or keep them. Our strength is our unity of purpose.

To make sure that his listeners would understand what he meant by freedom from want, in an earlier part of the message he called attention to "the social and economic problems which are the root cause of the social revolution which is today a supreme factor in the world." He listed them carefully:<sup>6</sup> \_

For there is nothing mysterious about the foundations of a healthy and strong democracy. The basic things expected by our people of their political and economic systems are simple. They are:

- Equality of opportunity for youth and for others.
- Jobs for those who can work.
- Security for those who need it.
- The ending of special privilege for the few.
- The preservation of civil liberties for all.
- The enjoyment of the fruits of scientific progress in a wider and constantly rising standard of living.

These are the simple basic things that must never be lost sight of in the turmoil and unbelievable complexity of our modern world. The inner and abiding strength of our economic and political systems is dependent upon the degree to which they fulfill these expectations.

Many subjects connected with our social economy call for immediate improvement.

As examples:

- We should bring more citizens under the coverage of old-age pensions and unemployment insurance.
- We should widen the opportunities for adequate medical care.
- We should plan a better system by which persons deserving or needing gainful employment may obtain it.

A few weeks later, President Roosevelt decided to re-emphasize the importance of the Four Freedoms. He stated:<sup>7</sup> \_

They are the ultimate stake. They may not be immediately attainable throughout the world but humanity does move toward those glorious ideals through the democratic processes. And if we fail -- if democracy is superseded by slavery -- then those four freedoms, or even the mention of them, will become forbidden things. Centuries will pass before they can be revived.

By winning now, we strengthen the meaning of those freedoms, we increase the stature of mankind, we establish the dignity of human life.

The Four Freedoms caught the attention of the general public in the United States and abroad, as they were of universal character, the goals desired by everybody. The specific points listed by him, however, were barely noticed. The President continued to work on this problem and discussed it with the National Resources Planning Board, which prepared a revision of the list in the form of an "Economic Bill of Rights."<sup>8</sup> \_

It just happened that an early version of this list was tried in a lecture to an audience at Harvard. In his 1941 Edwin Lawrence Godkin lecture on democracy, University of Chicago Professor Charles E. Merriam, who was then a very active Vice-Chairman of the National Resources Planning Board, listed as "fundamentals which underlie a democratic program guaranteeing social justice," the following:<sup>9</sup> \_

- For everyone equal access to minimum security as well as to the adventures of civilization.
- For everyone food, shelter, clothing, on an American minimum standard.
- For everyone a job at a fair wage--if he is in the labor market--and a guaranty against joblessness.
- For everyone a guaranteed education, adapted to his personality and the world in which he lives.
- For everyone a guaranty of protection against old age.
- For everyone an opportunity for recreation and the cultural activities appropriate to his time.

In the days when totalitarianism seemed to be conquering the continent of Europe, Merriam was willing to extol the virtues of democracy, of a world not ruled by tyrants, but "a free world of free states with free ideals," a world "in which decisions are made on the basis of justice rather than violence." Such a world will allow the "fullest development of the natural resources of all nations and the fullest participation of all peoples in the gains of civilization." In what he

called the "jural order of the world," there must be some form of collective security that would not only stop anarchy and aggression between states, but would also help enforce basic order and basic justice." While states will remain sovereign, they will not be "absolute, unlimited, and unreasonable." [10](#)

Merriam saw a new world in the making, where scientific inventions telescope time and space, where untold riches unfold at the touch of science and technology. They must be used for the benefit of mankind as a whole. He pointed the way : [11](#)

The global objectives are to advance the well-being of the human beings who inhabit the earth by affording them full opportunity to realize their individual and social potentialities, to derive the maximum satisfaction from the exercise of their creative talents, and to fulfill their spiritual aspirations. In broad terms, these global objectives might involve general access to the natural riches of the earth, the most advantageous division of labor and productive processes in terms of natural resources, climate, aptitudes and skills, with wide distribution of products in a free enterprise economy, free movement from place to place, universal freedom of thought and expression, and opportunity to participate on terms of equality in social decisions.

It is not enough to provide for free trade and "the fullest development of natural and human resources in every community of the world," but it must be accompanied by "the general participation of the community in these progressive gains." As he puts it: "Democracy may make the desert grow, but must see to it that the inhabitants of what was once the desert share in what is grown." We are no longer living in an economy of scarcity; "in our day there is no reason for inadequate food, shelter, clothing, cultural opportunity." [12](#)

In summary, he pointed out that: [13](#)

[D]emocracy is the ideal form of political association. It provides for the recognition of human dignity, for the expansion of the human personality, for the cultivation of the noblest aspects of human nature -- all in the framework of the general welfare and the common good. It provides a principle of fellowship and fraternity, a principle of the consent of the governed, a criterion of reason and justice.

While this definition builds on the "general welfare" phrase in the U.S. Constitution, Merriam also refers to the inalienable rights of the Declaration of Independence, "life, liberty and pursuit of happiness," as the source of the torrent that flows in constantly novel ways, but forms the foundation of the "new progress of democracy for the modern times." [14](#)

In this short excursion into Harvard's past, I cannot do justice to the many ideas contained in Merriam's agenda for democracy, and I don't know the reaction of the Harvard audience in 1941. It is clear, however, that President Roosevelt was familiar with Merriam's ideas. In early 1942, just a month after Pearl Harbor, he presented to Congress the report of the National Resources Planning Board which, in addition to preparing plans for the war effort, and "winning the peace," became charged with "long-range plans for the development of our resources and stabilization of employment," for post-war full employment and security and for building America. [15](#)

The Board's report started with a plea for securing "a greater freedom for the American people." While the twentieth century brought many changes to the United States, there were but few corresponding adjustments in provisions for human freedom. To the great manifesto, the Bill of Rights, which has stood unshaken for 150 years, new freedoms must be added. The Four Freedoms--freedom of speech and expression, freedom to worship, freedom from want and freedom from fear-- "are universals of human life." As a result of consultations with the President, the list was stated this time in the form of specific rights: [16](#)

1. The right to work, usefully and creatively through the productive years.
2. The right to fair pay, adequate to command the necessities and amenities of life in exchange for work, ideas, thrift, and other socially valuable service.
3. The right to adequate food, clothing, shelter and medical care.
4. The right to security, with freedom from fear of old age, want, dependency, sickness, unemployment, and accident.
5. The right to live in a system of free enterprise, free from compulsory labor, irresponsible private power, arbitrary public authority, and unregulated monopolies.
6. The right to come and go, to speak or be silent, free from the spying of secret political police.
7. The right to equality before the law, with equal access to justice in fact.
8. The right to education, for work, for citizenship, and for personal growth and happiness; and
9. The right to rest, recreation, and adventure; the opportunity to enjoy life and take part in an advancing civilization.

In its comment on this declaration, the Board noted that these rights "go beyond the political forms and freedoms for

which our ancestors fought, and which they handed down to us, because we live in a new world in which the central problems arise from new pressures of power, production and population, which our forefathers did not face." It explained further that: 17

Their problem was freedom and the production of wealth, the building of this continent with its farms, industries, transportation, and power; ours is freedom and the distribution of abundance, so that there may be no unemployment while there are adequate resources and men ready to work and in need of food, clothing and shelter. It is to meet this new turn of events that the new declaration of rights is demanded.

Later in the report this declaration was cited as "A New Bill of Rights." 18 This is also the name that Merriam uses in a later article. 19

When President Roosevelt returned to this subject in 1944, he called the proposal "a second Bill of Rights."20 In that message to Congress, he again linked the demand for a just and durable peace to the need for "a decent standard of living for all individual men and women and children in all nations." He emphasized that "[f]reedom from fear is eternally linked with freedom from want." He also established the connection between political and economic rights, noting that "true individual freedom cannot exist without economic security and independence"; that "people who are hungry and out of jobs are the stuff of which dictatorships are made" ; and that "[i]n our days these economic truths have become accepted as self-evident." A nation, he said, even one with such a high standard of living as the United States, "cannot be content...if some fraction of [its] people--whether it be one-third or one-fifth or one-tenth--is ill-fed, ill-clothed, ill-housed and insecure." While the United States since its inception was concerned with "inalienable" political rights designed to protect life and liberty, the time had come to prepare a second Bill of Rights, offering "a new basis of security and prosperity...for all -- regardless of station, race or creed." By implementing it, the world will move to "new goals of human happiness and well-being."

The Bill of Rights that he then presented was broader than the one he suggested in 1941. It contained the following reformulations:21

The right to a useful and remunerative job in the industries, or shops or farms or mines of the Nation;?  
The right to earn enough to provide adequate food and clothing and recreation;  
The right of every farmer to raise and sell his products at a return which will give him and his family a decent living;  
The right of every businessman, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad;  
The right of every family to a decent home;  
The right to adequate medical care and the opportunity to achieve and enjoy good health;  
The right to adequate protection from the economic fears of old age, sickness, accident, and unemployment; [and]  
The right to a good education.

He asked the Congress to explore the means for implementing this "economic bill of rights." He warned that "[o]ur fighting men abroad--and their families at home--expect such a program and have the right to insist upon it," and that the U.S. Government should pay heed to their demands "rather than to the whining demands of selfish pressure groups who seek to feather their nests while young Americans are dying." 22

The Congress, dominated at this time by Republicans and conservative Democrats, refused to respond to this exhortation. A year later, after his surprising re-election for the fourth term, President Roosevelt in his last annual message to Congress renewed his request for the enactment of the Economic Bill of Rights and asked his assistants to prepare supplementary messages to implement the main provisions of the Bill. He died before the messages were finalized, but President Truman decided to continue Roosevelt's work in this field.

In the first message presenting his domestic program, Truman repeated verbatim the main points of the Economic Bill of Rights and promised to communicate with Congress on some of the subjects enumerated in that Bill.23 The first of these special messages related the "right to adequate medical care and the opportunity to achieve and enjoy good health" and the "right to adequate protection from the economic fears of...sickness." The "Economic Bill of Rights should mean health security for all, regardless of residence, station or race--everywhere in the United States." President Truman asked for a resolve "that the health of this Nation is a national concern; that financial barriers in the way of attaining health shall be removed; that the health of all citizens deserves the help of all the Nation."24 There were other similar messages, but despite Truman's unexpected victory in the 1948 presidential election, the Congress continued to refuse to enact his proposals for implementation of various economic rights.

In the meantime the Four Freedoms exerted an influence in two directions. References to "freedom from fear and want" were included in the Atlantic Charter, a declaration of principles that was approved in August 1941 by President



Roosevelt and Prime Minister Churchill. The two leaders also expressed in the Charter their desire to bring about after the war "the fullest collaboration between all nations in the economic field with the object of securing, for all, improved labor standards, economic advancement, and social security." 25

After the Japanese attack on Pearl Harbor, the United Nations Declaration of January 1, 1942 was signed, or adhered to later, by 47 nations. The parties to it not only accepted the goals of the Atlantic Charter, but also agreed to a "common program of purposes and principles," in which they declared that complete victory over their enemies is essential "to defend life, liberty, independence, and religious freedom, and to preserve human rights and justice in their own lands as well as in other lands." 26

Encouraged by these documents and President Roosevelt's repeated references in his war-time talks to the Four Freedoms and the second Bill of Rights, officials in both the Department of State and Foreign Offices of the Allied governments started including references to human rights and freedoms in official proposals for the post-war era. At the same time, various individuals and non-governmental organizations started preparing reports and recommendations on the subject, some of which included drafts of a declaration of human rights. Several of their proposals found their way into official documents, including the United Nations Charter, and, after 1945, proved of assistance in the drafting of the Universal Declaration of Human Rights and the two Covenants. By that time, it was generally accepted, though with some reluctance by a few states, that the task should include not only the traditional civil and political human rights, but also the economic and social rights. Mrs. Eleanor Roosevelt, as the first chair of the Commission on Human Rights of the United Nations, made sure that this idea would not be neglected.

The broad agenda of the United Nations on the subject resulted in the adoption by the U.N. not only of these three basic documents but also of more than sixty other instruments on human rights--conventions, declarations, statements of principles, standard minimum rules, codes of conduct, and supplementary resolutions. In addition to approving these substantive documents, the United Nations established a variety of implementation organs--commissions, committees, commissioners, special rapporteurs, and special missions to investigate a situation or to supervise elections or to provide humanitarian assistance, culminating with the recent appointment of the High Commissioner for Human Rights with a very broad mandate. Finally, there are several regional systems for the protection of human rights, two of which--one established by the Council of Europe and one established by the Organization of American States--even have courts that can decide that a government has violated certain human rights. To the surprise of many unbelievers, the decisions of these courts are almost always complied with by the states concerned.

## *B. A Giant Step Forward*

Nevertheless, fifty years were not sufficient to curb the ingrained habit of nations and their leaders to solve issues by violent means rather than by using the various means that international law provides for preventing and solving conflicts. In recent years in several areas of the world, even in Europe, we have witnessed great violations of human rights that approach those committed by the Nazis.

These issues cannot be solved merely by drafting new international instruments or by condemnation of the horrible acts by the international community. The situation is similar to that existing in many countries, including the United States, where many horrible crimes are committed every day; most of the perpetrators are never punished. Some would like to solve these domestic crimes by building more prisons and hiring more policemen, but others point out that these measures have only marginal effect. Internationally, such remedies are even more difficult. One cannot arrest a nation or even one of its leaders who has committed a gross violation. To do this would require a military expedition which in the process of capturing the accused might have to destroy whole armies and incidentally kill many innocent civilians. While the United States did this in Grenada and, with considerable loss of life, in Panama in order to capture Noriega, this strategy was not tried in Iraq. In the former Yugoslavia and Rwanda, regardless of the enormity of the crimes that have been committed there, no attempt was made to use preponderant force to stop these gross violations of human rights.

We have to try a different approach--to deal with the causes of the general deterioration of domestic security in a large part of the world, including the United States. Human rights are but a part of a much broader picture. We need first to accept the broadening of the definition of human rights that was suggested by President Roosevelt and Professor Merriam more than fifty years ago. Most countries of the world now agree that there is a close link between civil and political rights, on the one hand, and economic, social and cultural rights, on the other hand. Democratic governments do not torture and murder their citizens; neither do they attack their neighbors. As soon, however, as the economic and social situation deteriorates, disorder increases, and governments become more autocratic. Democracy and human rights start to be dismissed as no longer relevant.

Internationally, some governments unable to cope any longer with the domestic situation find it helpful to distract the attention of their populations by a foreign adventure, by insisting that their people demand the correction of situations

created by some previous war or imposed long ago by stronger neighbors. Other bold leaders simply proclaim the superiority of their race or religion or culture and the need to impose their rule on weaker neighbors, especially when there are valuable resources in the other countries that can be plundered or people who can be enslaved to work hard under the supervision of the master race. The leaders can appeal to the patriotism of their people and, in addition, lure them into a foreign adventure by promising them a pot of gold at the end of the rainbow.

If the United States wants to preserve democracy and human rights at home, it has to do two things. First, it must deal effectively with the domestic economic and social situation, by executing a program similar to that proposed by President Roosevelt. This can be done by using the new scientific and technological developments that were only dreamed about then but are a reality today. Secondly, it has to start working together with the other developed countries to do what was done in the United States when, at the end of the war, the pent-up domestic demand for goods rather than guns threatened a new economic crisis. As you well know, the Marshall Plan that originated in a speech made at Harvard by General, then Secretary of State, George Catlett Marshall, helped to utilize the excess capacity and the reserve manpower, including the new womanpower which was put to work during the war.

A global, second Marshall Plan today can help to reopen factories that are being down-sized and can provide work for the millions of unhappy people who are discovering that there is no longer place for them in our economy. The situation is not better in Europe or Japan, and their willing cooperation in any grand new venture can be expected, as the result would benefit all concerned.

The next issue is how to start the ball rolling. It has to be a joint effort of the whole international community. The United Nations should join forces with the Organization for Economic Cooperation and Development (OECD), the old Marshall Plan Organization that is the economic counterpart of NATO. The OECD became the main consultation and planning body for the developed countries and one of the main channels of advice for the developing countries, and more recently, also for the new countries in transition from centrally-managed to free-market economies.

It can be hoped that this common effort might be more successful than United Nations cooperation with NATO in the peacekeeping area. While the United Nations and NATO had encountered difficulties in adapting their peacemaking activities to new requirements, the United Nations and OECD have much more experience with economic assistance. Together, they might be able to arrange for groups of experts from both developed and developing countries who would determine the economic and political needs and priorities of both the older developing countries and the new countries in transition, as well as each country's economic potential. They would then find unused or under-used farms or factories in the developed countries that could produce the goods or machinery to fill the needs of the assistance-receiving countries. In some countries machinery may be needed to build roads so that farmers can bring goods to market. In others farmers might need more fertilizers or herbicides. In some countries there is a shortage of electricity or means of transport.

The companies that have the capacity to produce the goods or to provide the services and the people that need them would then be brought together to reach an agreement on the arrangements to execute a particular project. The financing would be arranged with the cooperation of national institutions that would provide the necessary money and an international institution that would guarantee the repayment. The money would be paid directly to the local agricultural or industrial producer in the developed country and not to the foreign government. However, the foreign government would be obliged to assist in arranging repayment by the persons, natural or juridical, which have received the goods or other related services as soon as the economy of the country had sufficiently recovered. As the money will be spent by the United States (or any other developed country) at home and would help in maintaining domestic production, part of it may be considered as a domestic subsidy, similar to that given to domestic farmers or some important corporations when they are in trouble. This way the people of both the United States and the aided country will be assisted directly, avoiding the danger of some of the money disappearing before it gets to the intended foreign consumer.

The result of the Marshall Plan was an increase in production in the United States, the revival of production in ruined Europe, the development of a new market for United States products and a considerable increase in bilateral trade. A similar thing can happen now. While there are billions of potential customers in China and South Asia, there are also billions of them in the suffering countries of Africa and the former Soviet Union. What is important is to remove governmental barriers on both sides, and provide an international supervision both of the removal of unnecessary barriers and of ensuring proper use of the products made available.

As far as possible, all transactions should be on a people-to-people basis, without costly governmental intermediaries. Together, this synergy makes the gains of each side greater. After a slow start, things are likely to start moving much faster, as happened in Europe by 1950. Our and their youth may find employment, and the crimes and drugs may start disappearing. What Roosevelt hoped for may finally happen -- freedom from fear and want may be secured everywhere in the world.

The prescription for attaining these goals is embodied in the Charter of the United Nations. Not only government but



also human rights activists usually forget that the Charter provisions relating to human rights and fundamental freedoms are accompanied by provisions relating to social and economic progress. For instance, the preamble to the Charter emphasizes the determination of the United Nations "to promote social progress and better standards of life in larger freedom," and to employ international machinery for the promotion of the economic and social advancement of all peoples." Article 1 of the Charter lists as a common purpose of the United Nations: "to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."

Similarly, the General Assembly is mandated to initiate studies and make recommendations for the purpose of: "promoting international cooperation in the economic, social, cultural and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." There is even a closer link between the main objectives of the United Nations in Article 55 of the Charter, which first establishes the political goal of creating "conditions of stability and well-being (bien-être) which are necessary for peaceful and friendly relations between nations" (Roosevelt's freedom from fear), and establishes three conjoined ways of achieving that goal by promoting:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health and related problems; and international cultural and educational cooperation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

As these goals were important to the generation that survived the Second World War, they should also be important to the current generation which just survived the Cold War and hopefully has been freed from the constant danger that a nuclear war might destroy life on earth in less than a day. Any sacrifice should be better than having to return to a new armaments race and the dangers it would imply. The drafters of the Charter did not know about the nuclear bomb but their prescription for "social progress and better standards of life in larger freedom" continues to be the best way to achieve peace, stability and well-being for all the peoples of the world.

Enforcement of human rights is not likely to be done by punishing the evil rulers or by imposing economic sanctions on the people of their countries, with the hope that they will revolt against their governments and the armies that support them. More positive thinking is necessary and all around us is evidence that the United Nations has started to proceed in that direction in recent years.

First, in adopting the Declaration on the Right of Development in 1986, the General Assembly defined that right as "an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized." 27

Second, at the United Nations Conference on Environment and Development in Rio de Janeiro in 1992, these two main areas were linked in Agenda 21, a proposal for sustainable development.28 The Rio Declaration on Environment and Development starts with the statement that: "Human beings are at the center of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature." It adds that the "right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations." Consequently, it imposes on all states and all peoples the duty to cooperate "in eradicating poverty as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world." 29

Third, the 1993 World Conference on Human Rights held in Vienna recognized that major changes are taking place on the international scene and that all the people are aspiring for an international order based on the principles enshrined in the Charter of the United Nations, including not only those relating to human rights and fundamental freedoms but also those which relate to "peace, democracy, justice, equality, rule of law, pluralism, development, better standards of living and solidarity." The Conference stressed that human rights and fundamental freedoms are "the birthright of all human beings," and that "their protection and promotion is the first responsibility of Governments," and "a legitimate concern of the United Nations." It was emphasized not only that all human rights are "universal, indivisible and interdependent and interrelated," but also that "[d]emocracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing," and that the international community "should support the strengthening and [the] promoting" of all of them. 30

Fourth, the 1994 Cairo International Conference on Population and Development considered this topic in relation to sustainable economic growth, sustainable development, alleviation of poverty, gender equality and reproductive health. It took into account, in particular, the general duty to meet the needs and fulfill the rights of individual women, men

and children. It proceeded also on the assumption that population changes, poverty, inequality, patterns of consumption and threats to the environment are so closely intertwined that none of them can be addressed in isolation; and emphasized the centrality of human beings in the development process. [31](#)

Fifth, the World Summit for Social Development, being held in Copenhagen in March 1995, is devoted to the social dimension of development, and includes such challenging subjects as crime, drugs, unchecked migration, poverty, unemployment and social disintegration.[32](#) Each of these topics affects important human rights.

Later in 1995, the Fourth World Conference on Women will be held in Beijing. While it is intended to emphasize such topics as poverty, education and health as critical areas of concern, issues of sustainable development and human rights are also on the agenda, including such topics as discrimination in employment and in economic decision-making, and violence against women and children.

In the light of all these conferences, it is not surprising that the present United Nations Secretary-General has entitled his 1994 report, "Building Peace and Development." While he started at the other end of the spectrum, emphasizing in "An Agenda for Peace" problems of maintenance of international peace and security, by 1994 he came to the conclusion that the "definition of security is no longer limited to questions of land and weapons," but includes also economic well-being, environmental sustainability and the protection of human rights." As a result, "[p]eace, the economy, the environment, society and democracy are interlinked."[33](#) Similarly, the widespread violations of human rights require the identification and elimination of the root causes of these violations. It is necessary, therefore, to focus on "efforts to implement the right to development, to define better and ensure greater respect for economic, social and cultural rights, and, at the most fundamental level, to improve the daily life of the individual."[34](#)

Democracy, human rights, rule of law, protection of the environment, social justice and economic development, taken together, are the best guarantee against dictatorships, revolutions and wars, both internal and international. One cannot have peace without justice, and one cannot have justice without democracy, human rights or sustainable development. Freedom from fear and freedom from want are inseparable partners. We cannot have one without the other.

The task before us is a great one, but as President Roosevelt wrote in a draft of a speech for the Jefferson Day, on April 11, 1945, one day before his death: [35](#)

The only limit to our realization of tomorrow will be our doubts of today. Let us move forward with strong and active faith.

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## *Endnotes*

1 See Jeanne Hersch, *Birthright of Man* (1969). [BACK TO TEXT](#)

2 Basil Rauch, ed., *Franklin D. Roosevelt: Selected Speeches, Messages, Press Conferences, and Letters* 361, 366-67 (1957). See also the statistics of total United States arms production between 1940 and 1945, analyzed in Elberton Smith, *The Army and Economic Mobilization* 9-27 (1959); they are also quoted in Doris Kearns Goodwin, *No Ordinary Times: Franklin and Eleanor Roosevelt: The Home Front in World War II* 608, 710 (1994). [BACK TO TEXT](#)

3 See, e.g., Kenneth S. Davis, *F.D.R.: The Beckoning of Destiny, 1882-1928: A History* 264-69 (1972) (Roosevelt as N.Y. Senator); Frank Freidel, *Franklin D. Roosevelt: The Triumph* 35-46, 133-36, 159-60, 183-98 (1956) (Roosevelt as N.Y. Governor). [BACK TO TEXT](#)

4 *The Public Papers and Addresses of Franklin D. Roosevelt: 1940*, at 281-285 (1941) (hereinafter cited as *Roosevelt Papers*; starting with the 1941 volume, these papers were edited by Samuel I. Rosenman). In 1940, Roosevelt listed five freedoms: freedom of information, freedom of religion, freedom of speech, freedom from fear, and freedom from want. [BACK TO TEXT](#)

5 *Id.*, at 672. [BACK TO TEXT](#)

6 *Id.*, at 671. With respect to the drafting of this speech, see Samuel I. Rosenman, *Working with Roosevelt* 262-265 (1952); and Laura Crowell, "The Building of the 'Four Freedoms' Speech," *22 Speech Monographs* 266-83 (1955). [BACK TO TEXT](#)

7 "The Light to Democracy Must be Kept Burning" -- Address at the Annual Dinner of the White House Correspondents' Association, March 15, 1941. Rosenman, *Roosevelt Papers: 1941*, supra note 4, at 60, 65-66. [BACK TO TEXT](#)

8 Rosenman, *Working with Roosevelt*, supra note 6, at 415. [BACK TO TEXT](#)

9 Charles E. Merriam, *On the Agenda of Democracy* 98-99 (1941). [BACK TO TEXT](#)

10 *Id.*, at 52-53. [BACK TO TEXT](#)

11 *Id.*, at 56-57. [BACK TO TEXT](#)

12 *Id.*, at 64-65. [BACK TO TEXT](#)

13 *Id.*, at 117. [BACK TO TEXT](#)

14 *Id.*, at 118. [BACK TO TEXT](#)

- 15 Rosenman, Roosevelt Papers: 1942, supra note 4, at 52-53 (1950). [BACK TO TEXT](#)
- 16 National Resources Planning Board, National Resources Development: Report for 1942, at 3. This section of the report was reprinted several times in later publications of the Board and was widely distributed under the title, Our Freedoms and Rights. It is quoted also in Rosenman, supra note 15, at 53-54. [BACK TO TEXT](#)
- 17 National Resources Planning Board, 1942 Report, supra note 16, at 4. [BACK TO TEXT](#)
- 18 Id., at 8. In its 1943 report, the Board presented its proposals for implementing the various rights. See, e.g., National Resources Planning Board, National Resources Development Report for 1943, at 60-67 (equal access to health), 68-74 (equal access to education), 75-81 (equal access to economic security including the right to work, expansion of various kinds of social insurance, and integration of various public assistance programs) (1943). [BACK TO TEXT](#)
- 19 Charles E. Merriam, "The National Resources Planning Board: A Chapter in American Planning Experience," 38 American Political Science Review 1075, 1079 (1944). He notes also (at 1083) that another report of the Board became the basis of the "G.I. Bill of Rights," which was recently cited by President Clinton as a precursor for his own proposal for a "middle class bill of rights." Washington Post, December 16, 1994, at A34. [BACK TO TEXT](#)
- 20 President Roosevelt, Eleventh Annual Message to Congress, January 11, 1944, reprinted in 3 State of the Union Messages of the Presidents, 1790-1966, at 2875 (1966); Rosenman, Roosevelt Papers: 1944-45, supra note 4, at 32 (1950). [BACK TO TEXT](#)
- 21 Id., at 2880-2881; 34, 40-41. [BACK TO TEXT](#)
- 22 Id., at 1280; 42. [BACK TO TEXT](#)
- 23 Public Papers of the Presidents: Harry S. Truman, 1945, at 263; reprinted in Barton J. Bernstein and Allan J. Matusov, eds., The Truman Administration: A Documentary History 87, 89-90. [BACK TO TEXT](#)
- 24 Bernstein and Matusov, supra note 23, at 114, 115. For a negative comment by the American Medical Association, insisting that there was sufficient private prepaid medical insurance, see id., at 118-120. [BACK TO TEXT](#)
- 25 5 U.S. Department of State Bulletin 125 (1941); 9 Manley O. Hudson and Louis B. Sohn, eds., International Legislation 3 (1950). [BACK TO TEXT](#)
- 26 3 Charles I. Bevans, ed., Treaties and Other Agreements of the United States of America 697; 9 Hudson and Sohn, supra note 25, at 1. [BACK TO TEXT](#)
- 27 U.N. General Assembly, Declaration on the Right to Development, annexed to G.A. Resolution 41/128 (December 4, 1986), 41 G.A. Official Records, Supp. No. 53, at 186. [BACK TO TEXT](#)
- 28 As the U.N. Secretary-General summarized it, "Agenda 21 is the first international agreement expressing a global consensus and a political commitment at the highest level to action on population, environment, and economic advance, encompassed in a programme of sustainable development." Boutros Boutros-Ghali, Report on the Work of the Organization, September 1993, para. 17. [BACK TO TEXT](#)
- 29 U.N. Doc. A/CONF. 151/5/Rev. 1, reprinted in 31 International Legal Materials 876 (1992), Principles 1, 3 and 5. [BACK TO TEXT](#)
- 30 United Nations Conference on Human Rights, Vienna Declaration and Programme of Action, U.N. Doc. A/CONF. 157/24, Part 1 (October 13, 1993), Section I, preamble and paras. 1, 5 and 8, reprinted in 32 International Legal Materials 1661, 1666 (1993). [BACK TO TEXT](#)
- 31 See Boutros Boutros-Ghali, Building Peace and Development, 1994 Report on the Work of the Organization, paras. 228-229. [BACK TO TEXT](#)
- 32 See id., para. 11. [BACK TO TEXT](#)
- 33 See id., paras. 4, 6. [BACK TO TEXT](#)
- 34 Id., para. 178. [BACK TO TEXT](#)
- 35 James McGregor Burns, Roosevelt: The Soldier of Freedom, 1940-1945, at 597. [BACK TO TEXT](#)

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