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Looking Back: How the Founders Considered Science and Progress in their Relation to Human Rights

Un regard rétrospectif: comment les fondateurs envisageaient science et progrès dans leur relation aux droits de l’homme

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Abstract

Article 27 of the Universal Declaration of Human Rights enshrines the right of everyone to share in scientific advancement. The word ‘advancement’ may imply a value judgment on the content of science. However, the drafting history of the Declaration shows that a more robust effort to frame and define the nature of science, promoted by the Soviet Union and some of its allies, was not successful. This is in contrast with a similar and more successful effort in article 26 which concerns the right to education. The paper analyses the travaux préparatoires of the Universal Declaration. These materials are inconclusive, although subsequent application and interpretation of article 27 lends support to the view that its interpretation is not entirely neutral as far as the direction and content of scientific research are concerned.

Résumé

L’article 27 de la Déclaration universelle des droits de l’homme consacre le droit de toute personne de participer au progrès scientifique. Le mot «progrès» peut impliquer un jugement de valeur sur le contenu de la science. Toutefois, l’histoire de la rédaction de la Déclaration démontre que des efforts importants afin d’encadrer et définir la nature de la science, promu par l’Union soviétique et ses alliés, n’ont pas porté leurs fruits. Cela contraste avec un effort similaire et couronné de succès en ce qui concerne le droit à l’éducation consacré à l’article 26. Cette contribution analyse les travaux préparatoires de la Déclaration universelle des droits de l’homme. Ces travaux ne sont que peu concluants, bien que l’application et l’interprétation subséquentes de l’article 27 étayent l’idée que son interprétation n’est pas entièrement neutre en ce qui concerne le contenu et la direction de la recherche scientifique.

The contributions to this volume confirm that human rights, science and progress is a ‘new topic’ generating much interest in the academic community yet it is also an ‘old right’, one that was studied and developed during the earliest phase of international human rights law-making. Since that seminal period of the late 1940s, it has remained very much of a ‘sleeping beauty’. Sleeping beauties don’t really exist in science but they are familiar enough in the fine arts. Rich-
ard Wagner wrote the final opera of the Ring cycle first, recounting the tragic conclusion of the relationship of Brünnhilde and Siegfried who, as we are told in the prologue to *Götterdammerung*, had awakened his partner from the prolonged sleep imposed upon her by her father Wotan. Later, Wagner returned to compose *Die Walküre* and *Siegfried*, the operas that tell the story of Brünnhilde’s quarrel with her father and his tormented decision to put her to sleep on the mountain-top. And so, like Wagner, after discussing the modern revival of this sleeping beauty, we return to her youth.

Human rights scholars seem inexorably drawn towards the treaties, be they thematic or general, regional or universal. In the case of the right to science and progress, the core provision is article 15(1)(b) of the International Covenant on Economic, Social and Cultural Rights. The provisions of the Covenant, together with its sibling, the International Covenant on Civil and Political Rights, are themselves drawn largely from the Universal Declaration of Human Rights (UDHR), proclaimed by UN General Assembly, Resolution 217 A (III) (10 December 1948) (A/RES/3/217 A). When the United Nations Commission on Human Rights began its work of standard-setting, in 1947, its primary task was to prepare an ‘International Bill of Rights’. Later that year, the Commission opted to produce both a manifesto or declaration and a treaty or covenant. Work on the first project advanced rapidly and by late 1948 the Declaration was ready for adoption. Drafting of the treaty took longer, by contrast, and was only finished in the mid-1960s. By then, the ‘covenant’ had split into two pieces, taking its final form. Thus, to consider the origins of the right to science and progress within international human rights law, we must look to the Universal Declaration of Human Rights and to the work of its drafters during the period 1947-1948, primarily the Commission on Human Rights and the Third Committee of the General Assembly.

The Universal Declaration of Human Rights does not have any explicit formulation about the ideological or philosophical direction that science is to take. In that sense, Article 27 UDHR contrasts rather strikingly with its immediate predecessor on the right to education. Article 26(2) UDHR specifies that education is to be directed to the full development of the human personality, the strengthening of respect for human rights and fundamental freedoms, the promotion of understanding, tolerance and friendship among all nations, racial or religious groups, and furtherance of the activities of the United Nations for the maintenance of peace. During the drafting of Article 27 UDHR, the Soviet Union unsuccessfully proposed that the following text be added to the provision: “The development of science must serve, the interests of progress and democracy and the cause of international peace and co-operation”. Little has been written on the rejection of the Soviet proposal and the consequences that it may have, if any, for the interpretation of Article 27 UDHR. For example, the authoritative study by Hans Morsink passes over the matter, focussing instead on the tension between the right to science and the protection of intellectual property.1

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The debate around the Soviet proposal manifested an issue that remains a feature to the present day in debates about the place of science within the overall scheme of human rights. As Yvonne Donders notes in her contribution to this volume, recently both national and international courts have had to contend with the scope of the term ‘science’ or ‘scientific’. The debate highlights a matter that preoccupied the drafters of article 26(2) of the Universal Declaration, namely, whether all work or research purporting to be ‘scientific’ in an objective sense may claim the protection given by law and in particular human rights law.

Although it was a dimension of the problem, and indeed a dimension of the entire catalogue of human rights, that was not adequately understood in 1948, it seems that the debate about the direction of science also addressed, at least indirectly, the nature of duty bearers. Samantha Besson notes, in her essay in this collection, the role that private actors play in the production of scientific knowledge, be it through financing, development or dissemination. If the right to science excludes certain forms of anti-social research, then it is clear that the activities of non-state actors, whether individuals or corporate bodies, must be addressed. One of the marvellous features of the Universal Declaration, in contrast with the treaties that succeeded it, is that its message is not addressed to States alone. In its preamble, it exhorts that ‘every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms’. This is of course relevant to the subtle distinction that Professor Besson makes between duties and responsibilities.

I. Latin American Origins of the Right

The origin of Article 27 DUHR can be traced to a draft of the American Declaration of Human Rights prepared by the Inter-American Juridical Committee in 1946 in accordance with decisions taken at the Chapultepec Conference. After failing to put the matter of the International Bill of Rights on the agenda of the General Assembly in late 1946, the text was presented by Chile at the first session of the Commission on Human Rights of the United Nations, which met in New York City in January 1947. Entitled “Right to Share in Benefits of Science”, it read as follows:

| “Article 15

Right to Share in Benefits of Science

Every person has the right to share in the benefits accruing from the discoveries and inventions of science, under conditions which permit a fair return to the industry and skill of those responsible for the discovery or invention.

How the Founders Considered Science and Progress

The State has the duty to encourage the development of the arts and sciences, but it must see to it that the laws for the protection of trademarks, patents and copyrights are not used for the establishment of monopolies which might prevent all persons from sharing in the benefits of science. It is the duty of the State to protect the citizen against the use of scientific discoveries in a manner to create fear and unrest among the people.3

The text balanced the right to share in the benefits of science with the rights of those entitled to “a fair return” for their discoveries or inventions. It also indicated that scientific discoveries were not to be used “in a manner to create fear and unrest among the people”. Both of these ideas were effectively removed from the final version of the text, which is much more succinct. Article 13(1) of the American Declaration of the Rights and Duties of Man, adopted in May 1948, states: “Every person has the right to take part in the cultural life of the community, to enjoy the arts, and to participate in the benefits that result from intellectual progress, especially scientific discoveries.”4

The Chilean proposal prompted the Division of Human Rights, under the direction of John P. Humphrey, to include what was labelled a “right to share in the benefits of science” in its list of types of rights contained in drafts of proposed international bills of rights, issued in late-January 1947. It was placed under the broad rubric of the “Status of Social Security”.5 In June 1947, the Division of Human Rights presented a “Draft Outline of International Bill of Rights”, often referred to as the “Humphrey draft”, to the Drafting Committee of the Commission on Human Rights. The relevant text read: “Everyone has the right to participate in the cultural life of the community, to enjoy the arts and to share in the benefits of science.”6 Humphrey had placed art before science, perhaps reflecting a personal idiosyncracy, as Hans Morsink has suggested.7 But in the title Humphrey gave to the provision, “Right to participate in cultural, scientific and artistic life”, science came before art.8

In preparing his initial draft, Humphrey had drawn upon national constitutions, as well as various drafts submitted by international organisations and non-governmental organisations. These included the text prepared by the Inter-American Juridical Committee. There was little if anything in the catalogue of national constitutions to resemble the text Humphrey had proposed. Nicaragua’s constitution said: “The sciences, letters, and arts, as well as their instruction, are free

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3 Economic and Social Council, Draft Declaration of the International Rights and Duties of Man, Formulated by the Inter-American Juridical Committee (8 January 1947) (E/CN.4/2).
4 American Declaration on the Rights and Duties of Man, Res. XXX, Final Act of the Ninth International Conference of American States (Pan American Union), Bogota, Colombia, (30 March-2 May 1948) (OEA/Ser.L/V/II.23 Doc. 21 Rev. 6).
The provision concerning scientific progress was discussed by the Drafting Committee in conjunction with the text on rest and leisure: “Everyone has the right to a fair share of rest and leisure and to the knowledge of the outside world.”14 Eleanor Roosevelt suggested that this idea of knowledge of the outside world be moved to the provision dealing with freedom of information, but René Cassin disagreed, explaining that it referred to the advance of culture and had no direct relation to freedom of information. This prompted Roosevelt to propose including the notion in the provision on scientific progress. Cassin then suggested adding the words “to broaden his knowledge and outlook through the knowledge of his fellow-men” immediately before “to share in the benefits of science.”15 Roosevelt, who was the Chairman, then proposed that the Commission agree to a slightly modified version of the Humphrey text (“Everyone has the right to participate in the cultural life of the community, to enjoy the arts and to share in the benefits that result from scientific inventions and discoveries”) with a note indicating that it might be included in the preamble.16 The report of the draft made only a minor change to the text initially proposed by Humphrey: “Everyone has the right to participate in the cultural life of the community, to enjoy the arts, and to share in the benefits that result from scientific discoveries.”17

10 Commission on Human Rights, International Bill of Rights (Documented Outline), op. cit., p. 299.
11 Commission on Human Rights, International Bill of Rights (Documented Outline), op. cit., p. 293.
12 Commission on Human Rights, International Bill of Rights (Documented Outline), op. cit., p. 305.
16 Commission on Human Rights, Summary Record of the Fifteenth Meeting, op. cit., p. 4.
II. UNESCO’s Contribution

In parallel with the work at the United Nations Commission on Human Rights, the United Nations Educational, Scientific and Cultural Organisation (UNESCO) undertook an initiative intended to contribute to the drafting of the International Bill of Rights. Almost certainly the members of the Commission were aware of UNESCO’s activity although there was no real coordination. The work at UNESCO went on under the auspices of its Committee on the Philosophical Principles of the Rights of Man. The central personality in this Committee was the French philosopher Jacques Maritain. On the issue of “the right to share in progress” the report of the Committee contains the following:

Every man has the right to full access to the enjoyment of the technical and cultural achievements of civilisation.

Such a study should be undertaken, however, only if it is seen to contribute to the formulation and implementation of the Declaration of Human Rights which is in process of preparation by the Commission on Human Rights, for the Unesco Committee is convinced that agreement is possible concerning such a declaration and that it will constitute a basic contribution to the fullness of man’s life, and to the stability and to the effectiveness of the operation of the United Nations.

These rights, the UNESCO Committee on the Philosophical Principles of Human Rights is convinced, are of fundamental importance not only to the enrichment of the human spirit but to the development of all forms of human association, including the development of national cultures and international co-operation. The UNESCO Committee has attempted to indicate some of the intellectual ramifications and implications of the problem of human rights in the modern world and in the international framework of the United nations by setting forth briefly the turns of the historical development of human rights and the broad lines of the interrelations of human rights which are consequent on that development. The Committee is particularly concerned to emphasise the dynamic character of the interrelations of human rights and the need, therefore, to explore and control the basic ideas which are in the process of being fitted to new industrial and technological means for the improvement of human good. The Committee reaffirms its conviction that a further study of the oppositions of philosophical doctrines which lead to diversities of interpretation of human rights, or which counsel fundamental principles on which agreement is possible despite these diversities, might facilitate the discussion of human rights today. It reaffirms also the further conviction that UNESCO might properly be asked to take the study of these philosophical differences. Such a study should be undertaken, however, only if it is seen to contribute to the formulation and implementation of the Declaration of Human Rights which is in process of preparation by the Commission on Human Rights, for the UNESCO Committee is convinced that agreement is possible concerning such a declaration and that it will constitute a basic contribution to the full-
These vague remarks did not constitute a particularly useful contribution and they do not appear to have been taken seriously by the Commission.  

III. Debates in the Commission on Human Rights

The provision was next discussed in the Working Group on the draft declaration established during the second session of the Commission on Human Rights, in December 1947. The Panamanian representative proposed that the article on scientific progress be dropped altogether, a suggestion that was rejected by three votes to one, with two abstentions. Cassin explained that the provision was linked to the right to rest and leisure, with which it might perhaps be advisable to connect it ultimately. After the Working Group had voted to adopt the Drafting Committee text, by three to one with two abstentions, the Soviet delegate, A.E. Bogomolov, asked what was meant by sharing in the benefits that resulted from scientific discoveries. Eleanor Roosevelt answered that “the idea of the Drafting Committee had been to stress the universality of such sharing”. When the Soviet representative replied that the phrase seemed to imply an obligation to reveal patents of scientific discoveries, the Chairman answered that a comment could be included indicating that the text did not imply an obligation to reveal the secret scientific discoveries that had been patented. It was an odd comment because divulgence of the ‘secret’ of a scientific discovery is the very essence of a patent.

Discussion of the provision resumed in June 1948 during the third session of the Commission on Human Rights. Cassin proposed inserting the words “in scientific research and” between the words “share” and “in the benefits”. In answer to questions, he explained that “cultural life included science but that he wished to lay particular stress on the participation of even uneducated persons in scientific progress”. Peng-chun Chang of China proposed replacing the last part of the sentence after “share” by “in scientific advancement”, noting that the phrase was derived from Bacon. At this point the Soviet delegate, A.P. Pavlov, said he favoured the article because it emphasised the right of “everyone” to participate in cultural life. He said that the “benefits of science were not the property of a chosen few but the heritage of the people”. Furthermore, the task of science was

21 Commission on Human Rights, Summary Record of the Ninth Meeting, op. cit., p. 3.
22 Commission on Human Rights, Summary Record of the Ninth Meeting, op. cit., p. 4; Commission on Human Rights, Report of the Working Group on the Declaration on Human Rights (10 December 1947) (UN Doc. E/CN.4/57), p. 15, containing the following explanatory note: “It was understood that this does not mean that secret processes that have been patented should be revealed.”
How the Founders Considered Science and Progress

Dossier

to work for the advancement of peaceful aims and to make human life better.\textsuperscript{24} Pavlov proposed an amendment: “In the advancement of science which should serve the interests of the progress of mankind, the cause of peace, and co-operation amongst peoples.”\textsuperscript{25} The French version is no more grammatical than the English: “Au développement de la science qui sert le progrès de l’humanité, la cause de la paix et la collaboration internationale”. Pavlov’s amendment was immediately defeated, by nine votes to four, with three abstentions.\textsuperscript{26} The Commission continued to debate the provision but only with respect to a French amendment concerning intellectual property\textsuperscript{27} and a proposal from Lebanon about the rights of cultural groups.\textsuperscript{28} When the Commission concluded its session, the Soviet Union made a statement in which it set out its difficulties with the draft text of the Declaration. Several formal proposals were submitted, including the following addition to the cultural rights provision: “The development of science must serve the interests of progress and democracy and the cause of international peace and co-operation.”\textsuperscript{29}

IV. Adoption by the General Assembly

The debate on the cultural rights provision was introduced in the Third Committee of the General Assembly by the Mexican representative, who emphasised its role in the protection of the right of the individual as an intellectual worker.\textsuperscript{30} The Soviet text on the development of science produced at the conclusion of the Commission session in June had been transmitted to the General Assembly as a proposed amendment to be debated.\textsuperscript{31} Comment on the Soviet amendment came first from the United States. Eleanor Roosevelt explained that the United States opposed it for “reasons both of form and substance”. According to the summary record of the discussions, she “emphasised \textit{inter alia} that the words “progress” and “democracy” applied to abstract ideas for which no uniform interpretation existed. It seemed dangerous to adopt a text which could be interpreted as a pretext for the enslavement of science.” She said that the United States delegation “would under no circumstances agree that science should be placed at the service of politics. Yet that might be the practical effect of the USSR amendment.”\textsuperscript{32} The delegate from Uruguay echoed these views, insisting that “[s]cience could not serve an

\textsuperscript{24} Commission on Human Rights, Summary Record of the Seventieth Meeting, \textit{op. cit.}, pp. 4-5.
\textsuperscript{25} Commission on Human Rights, Summary Record of the Seventieth Meeting, \textit{op. cit.}, p. 6.
\textsuperscript{26} Commission on Human Rights, Summary Record of the Seventieth Meeting, \textit{op. cit.}, pp. 6-7.
\textsuperscript{27} Commission on Human Rights, Summary Record of the Seventy-fourth Meeting, (28 June 1948) (E/CN.4/SR.74), pp. 2-4.
\textsuperscript{28} Economic and Social Council, Report of the third session of the Commission on Human Rights, Statement Made by the Delegation of the Union of Soviet Socialist Republics (18 June 1948) (E/800, Appendix), p. 44.
\textsuperscript{31} UN General Assembly, Compilation of Amendments to the Draft Declaration of Human Rights Submitted to the Third Committee before 4 p.m. 6 October in Chronological Order (6 October 1948) (A/C.3/230), p. 16.
\textsuperscript{32} UN General Assembly, Official Records (Meeting of 20 November 1948), \textit{op. cit.}, p. 620.
ideology; it obeyed a process of independent evolution, and very often politics, on the contrary, were influenced by science.”

Carton de Wiart, speaking on behalf of Belgium, described the Soviet amendment as “an attempt to assign to science a political mission”. He said that although he wanted science to serve the cause of peace and co-operation among nations, “it was not for the declaration of human rights to define its role”. If this had to be done, “it would have been better to say that the aim of science was to search for truth”. Australia endorsed Belgium’s remarks, saying “the sole aim of science could only be the quest for truth”.

René Cassin, speaking for France, said he agreed with the Soviets “that science must be put at the service of progress and of peace, but believed that the problem raised by the USSR delegation fell outside the framework of the declaration of human rights”. He indicated that France would have approved the principle in the amendment “were it not for the apprehension that that principle might be invoked to justify the harnessing of science to political ends”. Chile, too, said it was “fully in agreement with the principles” of the Soviet amendment, but said it felt that “in the form in which it was drafted it might in practice lead to the control of scientific research for political ends”.

Pavlov then took the floor to explain the Soviet amendment, noting his agreement with the principle on which the original text adopted by the Commission was based. But he said that the provision as it stood was incomplete. Pavlov said he was not surprised that the Soviet Union’s proposed addition to the article had met with some opposition. That was because “where science was subservient to militarism and where intellectual forces were concentrated on producing a terrible weapon of aggression for the destruction of millions of peaceful human beings, the USSR thesis that science to must be placed at the service of peace became unacceptable”. Pavlov spoke of “the principle that science should serve the interests of progress, democracy and peace since it could not but be aware of the atmosphere of terror which prevailed throughout the world owing to the application of scientific discoveries for destructive purposes. According to the Press of certain countries, scientists were at present engaged in perfecting a bacteriological weapon which would destroy 180 million human beings at one blow.”

33 UN General Assembly, Official Records (Meeting of 20 November 1948), op. cit., p. 621.
34 UN General Assembly, Official Records (Meeting of 20 November 1948), op. cit., p. 622.
37 UN General Assembly, Official Records (22 November 1948), op. cit., p. 630.
38 UN General Assembly, Official Records (22 November 1948), op. cit., p. 631.
How the Founders Considered Science and Progress

Throughout the General Assembly session in late 1948, the Soviets regularly skirmished with the United Kingdom and the United States. On the issue of scientific development, however, the British representative did not rise to the bait. She congratulated the Soviet Union on “tremendous progress” in the cultural field and insisted that her remarks not be taken as indicating any opposition to “the principles underlying the amendment”.  

However, “the conception of democracy and of progress did not seem to be the same everywhere. The word “democracy” could be interpreted in many ways.” She said “science should not be placed at the service of an ideology”. Warning that a principle could be misinterpreted and abused, she said “[i]t must not be forgotten that Dr. Rosenberg had been the propagandist of a doctrine which bestowed racial superiority upon Germany.”

Cuba said it could not support the Soviet amendment as it expressed an idea “so vague and general that it could be interpreted in very different ways”. According to the proposed text, “science should be made to serve objectives determined by States or Governments”, Cuba warned. It said it was convinced that “science should remain entirely free and that the State should not interfere at any stage in scientific or literary creation. On the contrary, it was democracy which should be placed at the service of science, the latter itself the servant of truth.”

The delegate from Argentina said he could support the Soviet amendment “in a spirit of understanding”, but only if reference to democracy was removed. He suggested the following: “The development of science must serve the interests of progress, the cause of peace and cooperation between the peoples.” In response, Pavlov suggested that the Soviet amendment be put to a vote in two parts, first on the principle and then on the rest of the amendment. He continued:

He thought it insufficient to state that science should serve the interests of human beings. The real problem consisted in defining the direction to be given to scientific research. Should scientific advancement be placed at the service of peaceful world progress or should it, on the contrary, be placed at the service of the forces of destruction and war? Unfortunately, the latter tendency seemed to prevail in the present state of world affairs. If science were thus placed at the service of the forces of destruction, it was to be feared that it might completely destroy all forms of human culture.

Pavlov raised the tone slightly, claiming that scientific research in the United States was controlled by the military authorities and developed for military purposes. Under the circumstances, “there was a danger of disinterested scientific research ceasing to exist. The universities were transformed into veritable

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41 UN General Assembly, Official Records (Meeting of 20 November 1948), op. cit., p. 625.
42 UN General Assembly, Official Records (Meeting of 20 November 1948), op. cit., p. 625.
43 UN General Assembly, Official Records (22 November 1948), op. cit., p. 627.
44 UN General Assembly, Official Records (Meeting of 20 November 1948), op. cit., p. 625.
45 UN General Assembly, Official Records (22 November 1948), op. cit., p. 627.
laboratories of research for military purposes.”\textsuperscript{46} Criticism of military domination of scientific research in the United States also came from the representative of the Ukrainian Soviet Socialist Republic.\textsuperscript{47} Poland too spoke in favour of the Soviet amendment, criticising the United States because of its difficulty with the word “democracy”.\textsuperscript{48}

The Soviet amendment was voted in parts. At the request of Pavlov, this was by roll call. The first phrase to be considered was: “The development of science must serve the interests of progress.” It was rejected with eleven votes in favour (Argentina, Byelorussian Soviet Socialist Republic, Colombia, Czechoslovakia, Ecuador, India, Iran, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia), twenty-four votes opposed (Afghanistan, Australia, Belgium, Brazil, Canada, Chile, China, Denmark, France, Greece, Honduras, Lebanon, Luxembourg, Netherlands, New Zealand, Norway, Panama, Peru, Philippines, Sweden, Syria, United Kingdom, United States of America, Uruguay) and seven abstentions (Cuba, Dominican Republic, Mexico, Pakistan, Saudi Arabia, Venezuela, Yemen).\textsuperscript{49} The second phrase to be voted was: “The development of science must serve the interests of democracy.” It was even more decisively defeated, with Argentina and Iran switching from being in favour to against.\textsuperscript{50} The third part, reading “[The development of science must serve] the cause of international peace and co-operation”, was also rejected, by ten votes to twenty-five, Argentina have returned to the camp in favour of the amendment.\textsuperscript{51}

Several delegations offered explanations of their vote. In his final remarks following the vote, Pavlov said it was illogical to include a statement of the purposes of education elsewhere in the Declaration yet refuse to set down a similar definition when speaking of the purposes of science. He said “science in the modern world could and often did serve the interests of aggression and reaction and was elaborating means for massacring peaceful populations”.\textsuperscript{52} Ecuador said it had voted for the Soviet amendment “in the firm conviction that science should serve the interests of life rather than death, of peace rather than war.”\textsuperscript{53} Argentina explained that its vote for the amendment was “in the conviction that science should indeed serve the interests of progress and international peace”.\textsuperscript{54}

The delegate for Venezuela said it had abstained despite agreeing with the ideas the amendment expressed “because words like ‘progress’ and ‘democracy’ unless defined in legal terms, might be misinterpreted and used to defend persecution

\textsuperscript{46} UN General Assembly, Official Records (22 November 1948), op. cit., p. 627.  
\textsuperscript{47} UN General Assembly, Official Records (22 November 1948), op. cit., p. 632.  
\textsuperscript{48} UN General Assembly, Official Records (22 November 1948), op. cit., p. 631.  
\textsuperscript{49} UN General Assembly, Official Records (22 November 1948), op. cit., p. 633.  
\textsuperscript{50} UN General Assembly, Official Records (22 November 1948), op. cit., pp. 633-634.  
\textsuperscript{51} UN General Assembly, Official Records (22 November 1948), op. cit., pp. 633-634.  
\textsuperscript{52} UN General Assembly, Official Records (22 November 1948), op. cit., p. 636.  
\textsuperscript{53} UN General Assembly, Official Records (22 November 1948), op. cit., pp. 633-634.  
\textsuperscript{54} UN General Assembly, Official Records (22 November 1948), op. cit., p. 636.
of scientists for political reasons”.55 Saudi Arabia, which had also abstained, said that “while science plainly should serve the interests of international peace and co-operation, that statement by itself would not have been sufficiently comprehensive and was superfluous”. Its delegate explained that it might take generations to determine whether a certain action had been conducive to progress. Finally, he also expressed discomfort about using the word “democracy” because there existed “two strongly divergent views” about its meaning and “it would be better not to use it until the views had been reconciled”.56

The United Kingdom delegate said that there was no disagreement with the ideas in the Soviet amendment, but felt it did not fit in with the rest of the article. She explained that “[h]er negative vote should consequently not be misconstrued as applying to the principle involved”.57 On the other hand, Eleanor Roosevelt insisted that “her delegation felt strongly that science, art and literature should be free from government control”. She referred to a recent Soviet publication stating that all the efforts of the Academy of Sciences should be directed towards the building of Communism. But, she said, “[t]he United States delegation did not agree that cultural activities such as literature, music or science should be directed.”58 Norway said that it had opposed the Soviet amendment despite being “sincerely and strongly in favour of progress, democracy and the cause of international peace and co-operation”. Its delegate said Norway also believed unconditionally in the freedom of science and was opposed to limiting that freedom on any pretext. It had been unable to accept an amendment which it considered reactionary and out of place in the declaration.59 Syria explained that it had opposed the Soviet amendment because “the ideas it expressed would be out of place in the declaration” although they might well be appropriate in a resolution to be adopted by the First Committee of the General Assembly or the Security Council.60 Minerva Bernardino, representing the Dominican Republic, said her delegation had opposed the amendment “because it did not wish to impose any restrictions on the free development of science which should serve all the interests of humanity”.61 Jiménez de Aréchaga of Uruguay said that although “on the face of it, an amendment which said that science should serve the interests of progress, democracy and peace was eminently acceptable, it might be interpreted as a restriction on the freedom of thought and research”.62 Lebanon said it voted against the Soviet amendment because “it confused the true aims of science with its accidental results. It was true that those results should be put to the service of peace and progress; to say that, however, without at the same time stating that

55 UN General Assembly, Official Records (22 November 1948), op. cit., p. 635.  
56 UN General Assembly, Official Records (22 November 1948), op. cit., p. 637.  
57 UN General Assembly, Official Records (22 November 1948), op. cit., p. 637.  
60 UN General Assembly, Official Records (22 November 1948), op. cit., p. 636.  
the purpose of science was to enquire into the mysteries of nature in the search for truth was to distort the meaning of science\textsuperscript{63}.

V. Concluding Observations

The message that emerges from the debates in 1947 and 1948 is not entirely clear. Certainly it does not provide evidence of any consensus on the subject, yet nor can it be said that the issue was a Soviet obsession on which its views were marginal or isolated. Predictably, the Soviets were able to count on the votes of Ukraine and Belarus as well as their allies in Eastern and Central Europe. But their ideas were also accepted by several Latin American delegations. Even the United Kingdom and France did not adopt the position of wholesale rejection proposed by the United States. In assessing the import of the debates it is important to bear in mind the political context. This early phase in the Cold War was hardly conducive to serene discussion.

Despite the rejection of attempts to include language concerning the purposes of scientific research within the normative provisions concerning the right to enjoy the benefits of scientific progress, there is considerable authority for the view that a notion analogous to the text in Article 26 UDHR, concerning education, should also apply with respect to science. It is worth recalling that the only reference to science in the International Covenant on Civil and Political Rights (ICCPR) occurs in the provision concerning torture, Article 7 ICCPR: "In particular, no one shall be subjected without his free consent to medical or scientific experimentation." It recalls – indeed, its adoption was driven by – the abuse of scientific research conducted by Nazi doctors in extermination camps such as Auschwitz.

The reports of the international conferences on human rights contribute to this perspective on Article 27 UDHR. Paragraph 18 of the Proclamation of Tehran, adopted by the 1968 International Conference on Human Rights declares: "While recent scientific discoveries and technological advances have opened vast prospects for economic, social and cultural progress, such developments may nevertheless endanger the rights and freedoms of individuals and will require continuing attention." The subsequent paragraph in the Proclamation, which addresses disarmament, deals with scientific “progress” indirectly. It says that disarmament “would release immense human and material resources now devoted to military purposes. These resources should be used for the promotion of human rights and fundamental freedoms.” The Vienna Declaration and Programme of Action, adopted at the 1993 Conference, also refers, though perhaps more modestly, to the objectives of science:

\textsuperscript{63} UN General Assembly, Official Records (22 November 1948), \textit{op. cit.}, pp. 637-638.
Everyone has the right to enjoy the benefits of scientific progress and its applications. The World Conference on Human Rights notes that certain advances, notably in the biomedical and life sciences as well as in information technology, may have potentially adverse consequences for the integrity, dignity and human rights of the individual, and calls for international cooperation to ensure that human rights and dignity are fully respected in this area of universal concern.

It manifests shifting priorities in international human rights, away from a focus on disarmament and the harmful uses of scientific progress towards concerns about biotechnology.

The UN Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind is also of interest. Its preamble notes that “while scientific and technological developments provide ever increasing opportunities to better the conditions of life of peoples and nations, in a number of instances they can give rise to social problems, as well as threaten the human rights and fundamental freedoms of the individual”. The Declaration is largely focussed on the possible abusive use of science and technology in a way contrary to the protection of human rights. It calls upon States to promote international co-operation to ensure that the results of scientific and technological developments are used in the interests of strengthening international peace and security, freedom and independence, and also for the purpose of the economic and social development of peoples and the realisation of human rights and freedoms in accordance with the Charter of the United Nations. The Declaration affirms that “[a]ll States shall take measures to ensure that scientific and technological achievements satisfy the material and spiritual needs for all sectors of the population”. Furthermore, “[a]ll States shall take measures to extend the benefits of science and technology to all strata of the population and to protect them, both socially and materially, from possible harmful effects of the misuse of scientific and technological developments, including their misuse to infringe upon the rights of the individual or of the group, particularly with regard to respect for privacy and the protection of the human personality and its physical and intellectual integrity.”

Many other authorities could also be invoked, from declarations and treaties to the writings of experts. In her paper at this symposium, Lea Shaver speaks of “science in the service of humanity” as part of a core content of a human right to science. Professor Shaver explains that science is “not inherently good” but that it is a vehicle for values, both good and evil. She says that the Universal Declaration of Human Rights articulates a vision of “science as a public good”. The proposal for an explicit recognition in Article 27 UDHR that the development of science

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64 UN Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, Proclaimed by UN General Assembly, Resolution 3384 (XXX) (10 November 1975) (A/RES/30/3384).
should take on an orientation consistent with the objectives of the UDHR did not succeed. But nor does the Declaration contain language suggesting the rejection of such an idea. The best that can be said of the *travaux préparatoires* is that they are inconclusive. Subsequent practice tends to confirm the importance of this facet of the right to benefit from scientific progress.

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