

# Getting Our History Right: How Were the Equal Rights of Women and Men Included in the Charter of the United Nations?

## Abstract

The article analyses the founding conference of the United Nations in San Francisco in 1945 to find out how a nearly completely male-dominated assembly could proclaim the equal rights of men and women as part of the fundamental human rights. The participation and proceedings of the conference are studied on the basis of official UN documents, autobiographies from women delegates and reports. It is noted that the accounts provided by the UN itself in basic reference books as well as the UN website are partly incomplete, partly incorrect. The processes described are oversimplified, important actors are left out and others are attributed with roles they did not in fact play. Regarding the actual course of events, the active lobbying of women's nongovernmental organisations (NGOs), the differing views of various female delegates and the supportive action of leading male politicians are particularly worthy of notice.

*Keywords:* Charter of the United Nations, Commission on the Status of Women, human rights, Inter-American Commission on Women, Latin America, League of Nations, nongovernmental organisations, United Nations, women, women's organisations

## 1. Introduction

When representatives of 50 Allied states got together in San Francisco at the end of the Second World War to create a new international organisation with the aim of maintaining peace and security, the governments of these states were nearly completely male-dominated. In fact, women had equal voting rights with men in only 30 of the countries present at the United Nations Conference on International Organisation (UNCIO). Female ministers were practically non-existent and only one country had a woman Head of State (a hereditary, mainly ceremonial position). In the 26

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parliaments that existed at the time, 3 per cent of the members were women.<sup>1</sup> As a consequence, almost all of the 3,500 participants with various functions at the UNCIO conference were men. There were some female secretaries, but among delegates the number of women was miniscule.

Nevertheless, the Charter of the United Nations became the first international agreement to proclaim the equal rights of men and women as part of fundamental human rights.

An international women's movement at grassroots level struggling for women's rights began many years before the founding of the United Nations. In the later part of the 19th century and the early part of the 20th the economic and social changes caused by the industrial revolution led to the creation of voluntary associations of various kinds. In some cases women participated together with men, but they also set up separate organisations, among others to combat discrimination and improve the position of women. As the work gained momentum, collaboration extended across national borders. In the 1920s and 1930s international women's organisations collaborated with the League of Nations and the International Labour Organization (ILO) in Geneva. The organisations included the International Council of Women (ICW), the International Alliance of Women (IAW), the International Cooperative Women's Guild (ICWG), the International Federation of Business and Professional Women (IFBOW), the International Federation of University Women (IFUW), the World Young Women's Christian Association (WYWCA), the Women's International League for Peace and Freedom (WILPF) and the International Federation of Working Women (IFWW). These were mainly based in Europe and the United States.

The League of Nations represented an unprecedented form of intergovernmental collaboration. Voluntary organisations immediately realised the importance of this for promoting peace and human welfare. Women's organisations also felt the need for support from governments to achieve progress for women. The Covenant of the League did not provide for consultations with nongovernmental organisations (NGOs), but they developed in an informal fashion. The League and the ILO served as training grounds for testing methods

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1 Of the 50 states present in San Francisco less than 10 had had a woman minister at some point in time. One of the most notable was Frances Perkins, Minister of Labor in the United States 1933-45. Luxembourg had Grand Duchess Charlotte as Head of State (Christensen, 2008; IPU, 1997; UN, 1996; 2005; UNDAW, 2003a).

of cooperation between private organisations and international bodies. Women's organisations started observing the proceedings of the League and the ILO, built alliances with delegates and Secretariat staff, organised parallel meetings and presented proposals. Thus they managed to put women's issues on the international agenda. The League of Nations realised that women were a valuable support group, while women saw the League as a powerful arena for the advancement of their objectives. When progress was slow at the national level, they could obtain recommendations supporting their efforts as a result of international negotiations where more advanced governments put pressure on the others. The Covenant of the League provided that women could serve as delegates and as staff in the Secretariat, but few did. Nevertheless, the League took several steps on behalf of women: collected data on women's situation in different countries and adopted international normative instruments. In 1937, the League established a Committee of Experts on the Legal Status of Women.

Latin American women were forerunners. In 1923, at a time when only Canada and the United States in the Americas had given women the right to vote, an emerging women's movement throughout the hemisphere demanded recognition of equal rights by the International Conference of American States. The demand was not met right away, but in 1928 the first intergovernmental body to address issues related to the status of women was created: the Inter-American Commission of Women (IACW or CIM). Members of the Commission worked closely with women's groups and feminist organisations and obtained the adoption of a Convention on the nationality of women and a Declaration in favour of women's rights.<sup>2</sup>

In San Francisco in 1945, besides the official government delegations, members of a great number of nongovernmental organisations were present. As the conference started before the war was over, many networks and NGOs in Europe were put out of action and thus unable to send representatives. Travel to the American West Coast from other parts of the world was also difficult and costly. But some governments appointed NGO representatives in their delegations, including a few from women's organisations. There was a representative of the Australian Women's Organisations and the Confederated

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2 The history is described in D'Amico, 1999: 20; Galey, 1995a: 1-6; Jain, 2005: 12-5; OAS, 2007; Meyer, 1999a: 58-9, 62-4; Miller, 1992, 1994; Pietilä, 2007: 1-8; Robins, 1971: 12-26; Stienstra, 1994: 43-76; UN, 1996: 9-10 and UNDAW, 2003a.

Association of Women of Brazil. The US government invited a total of 42 national organisations to purpose representatives to serve as ‘consultants’ to the delegation at the UNCIO. Included among them were leading organisations in the fields of labour, law, agriculture, business and education together with principal women’s associations, church groups, veterans’ associations and civic organisations generally. The group of consultants consisted of outstanding figures in American public life, highly capable thinkers about problems of international organisation and many with wide experience in research, writing and education. Five women’s organisations were represented: the American Association of University Women, the General Federation of Women’s Clubs, the National Federation of Business and Professional Women’s Clubs, the National League of Women Voters and the Women’s Action Committee for Victory and Lasting Peace.<sup>3</sup> In addition, members of around 160 other national organisations came to San Francisco on their own.<sup>4</sup>

Dorothy Robins notes in her study that there were nine women’s organisations, consultant and non-consultant, operating in San Francisco, asking specifically for equality for women in the new international organisation (1971: 135). But the non-consultant organisations are not specified.<sup>5</sup> Though there might have been organisations present that were not registered, the total number of women’s NGOs following the conference proceedings must have been extremely limited (*Charter of the United Nations*, 1945: 27;

3 According to the official UN listing of delegates, seven delegations included members representing NGOs, mainly organisations in the economic field (labour, employers, commerce), but two (Australia and Brazil) had representatives of women’s organisations. Some of the other women present were affiliated to women’s organisations, but apparently not formally appointed as their representatives. The US consultants were not included in the official UN listing, but the list was printed in the Report to the President by the Chairman of the United States Delegation. In addition to the women’s organisations two NGOs appointed female consultants and nine female associates.

4 Some American NGOs were affiliated to international organisations, but it is not clear which international organisations actually were represented at the UNCIO.

5 Francine D’Amico mentions that the US State Department excluded from the official delegation the National Council of Negro Women while including the National Association for the Advancement of Colored People, NAACP. The National Council of Negro Women composed an unofficial delegation along with other non-consultant women’s groups, such as the National Council of Jewish Women and the National Council of Catholic Women. The State Department argued that these women’s concerns were adequately represented by ‘umbrella’ groups (1999: 21). It is not clear if this unofficial delegation is included in the summing up made by Robins. Women’s International League for Peace and Freedom (WILPF) complained to the State Department, because no women were invited to the Dumbarton Oaks consultations, but the organisation was not represented among the US consultants selected to go to San Francisco. It participated, nevertheless, at the UNCIO (Hilderbrand, 1990: 81-2; Meyer, 1999b: 110).

262–6; Robins, 1981: 102–3, 135; UNCIO, 1945, Vol. I: 14–5).

Thus the presence and possible influence of representatives promoting women’s interests at the UNCIO was initially very small. How were the equal rights of women and men accepted in the Charter of the United Nations? What actually happened in San Francisco?

## 2. Incomplete and Incorrect Picture

The accounts provided by the United Nations itself are brief as regards the inclusion of women’s equality in the Charter and the picture they draw of the process is partly incomplete and partly incorrect.

A main reference book, *The United Nations and The Advancement of Women 1945–1996* published in the Blue Book Series, states only that early drafts of the Charter did not start out with passages outlawing discrimination on the basis of sex, and that they were introduced later, at the insistence of women delegates and representatives of NGOs accredited to the founding conference (UN, 1996: 10).

The *Short History of the Commission on the Status of Women* presented on the UN website makes the following observations relating to the Charter:

Of the 160 signatories, only four were women – Minerva Bernardino (Dominican Republic), Virginia Gildersleeve (United States), Bertha Lutz (Brazil) and Wu Yi-fang (China) – but they succeeded in inscribing women’s rights in the founding document of the United Nations, which reaffirms in its preamble ‘faith in fundamental human rights, in the dignity of the human person, in the equal rights of men and women and of nations large and small’ (UNDAW, 2003b: 1).

The CD-ROM on which the short history is based also gives a glimpse of the proceedings at the UNCIO:

The handful of women delegates attending the Conference from Dominican Republic, Brazil, Uruguay, China, Canada and the United States successfully worked together to include key wording for women’s rights in the UN Charter (UNDAW, 2003a).

The most important documents from the UNCIO conference were assembled and published by the UN in 22 volumes. In addition, there were reports from country delegations and representatives.

Of particular interest here are the autobiographies of three women participants describing what happened at the conference. They were all appointed as the only women in their delegations: Virginia Gildersleeve as a ‘delegate’ from the United States, Åse Gruda Skard as ‘adviser’ from Norway and Jessie Street as ‘consultant’ from Australia.

*Virginia Gildersleeve* (1877–1965) was Professor of English and Dean of Barnard Women’s College. As a founder of IFUW she worked to advance the cause of women at Columbia University. She campaigned for the Democratic Party and was appointed to the UNCIO by President Franklin D. Roosevelt. She wrote her memoirs in 1954.

*Jessie Street* (1889–1970) was a feminist and social activist. She became a leading member of Australian Women’s Organisations, participated in the Labour Party and attended Assemblies of the League of Nations. John Curtin’s Labour government included her in the UN delegation in spite of criticism from male politicians. A first volume of her memoirs, including 1945, appeared in 1966.

*Åse Gruda Skard* (1905–85) was a psychologist and active in women’s organisations and the labour movement before the Second World War. Her father was Minister of Foreign Affairs in the Labour government when Norway was attacked by the Germans. He fled with the King to Great Britain, while she travelled with her family (including myself) to the United States, where we stayed during the war. It was therefore convenient for the government in exile in London to appoint her to go to San Francisco. Her memoirs were published just after her death in 1986.<sup>6</sup>

The UN accounts present a picture of female representatives who simply and straightforwardly ensured the interests of women in a male-dominated organisation. But the reality was more complex. According to the documentation, there were different approaches among the women at the conference. The handful of women delegates did not ‘work successfully together’ to inscribe women’s rights in the Charter. The Latin American women collaborated closely, pushing to include references to women in the basic texts, and they were supported to a certain extent by the representative from China. But the US delegate dissociated herself clearly from them and actively opposed several of the proposals, including the

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6 Minerva Bernardino also wrote an autobiography: *Lucha, Agonia Y Esperanza: Trayectoria Triunfal De Mi Vida* (1993), but it does not include a description of her participation at the UNCIO.

insertion of women's rights in the preamble. The Canadian woman apparently also had reservations. On the other hand, women from other delegations played an active role, though formally they were not 'delegates', as did representatives of women's NGOs. In addition, a number of male delegates supported language in the Charter enshrining equality for women. One of the most notable was the head of the delegation from South Africa.

### 3. Who Participated?

There is considerable confusion in the various accounts regarding the number of women who actually participated in the UNCIO, their names and status. Even the UN history lacks a complete overview (UNDAW, 2003a).

Delegations used a variety of titles for the representatives to the conference. Of the 50 delegations present 12 had female members with functions other than ordinary secretarial assistance. According to the official UNCIO listing,<sup>7</sup> there were 6 women 'delegates' (2 per cent of the total number of 'delegates') and 15 'assistant delegates', 'advisors', 'consultants', 'counsellors' or 'experts' (4 per cent of the total). Of all the representatives with political and technical functions the 21 women amounted to 3 per cent.<sup>8</sup>

These were truly exceptional women. Among the 'delegates' there was – in addition to Virginia Gildersleeve – a Member of Parliament, Cora T. Caselman from Canada, and a senator, Isabel P. de Vidal from Uruguay. Dr Bertha Lutz was a prominent scientist, a former Congresswoman and President of the Confederated Association of Women in Brazil. Wu Yi-fang from China had a PhD in biology, was President of the Ginling Women's College in Nanjing and a member of the People's Political Council. The Inter-American Commission of Women was strongly represented. Both the President, Minerva Bernardino, and the Vice-President, Amalia C. de Castillo Ledón, were present. Bernardino was a feminist, had several executive positions in the government of the

7 UNCIO, 1945, 'Delegates and Officials', Third edition revised to May 28, Doc. 639 G/3(2), *General*, Vol. I: 5-55, with additions and corrections in the 'Journal', *General*, Vol. II, No. 38: 126, No. 40: 130, No. 42: 134, No. 43: 136.

8 According to the listing there were totally 674 members of the delegations with what appears to be political and technical functions (278 'delegates' and 396 'assistant delegates, advisers' etc). Adding also people with communication and secretarial functions the total number is higher. According to the UN there were totally 850 'delegates', but it is not clear what this includes (UN, 2005).

Dominican Republic and became a ‘delegate’ at the UNCIO. Ledón was a playwright active in women’s and social work in Mexico and participated as an ‘adviser’.

Among the assistant delegates, advisers and so on there were also very competent women. Besides Åse Gruda Skard and Jessie Street, the delegation from the United Kingdom included as ‘assistant delegates’ two parliamentary secretaries: Ellen Wilkinson (Labour) to the Home Office and Florence Horsbrugh (Conservative) to the Ministry of Health. Venezuela had two women ‘counsellors’: Isabel Sánchez de Urdaneta, a teacher and diplomat who was active in the work of the Pan-American Union, and Lucila L. de Pérez Diaz. From Mexico, in addition to Ledón, the President and Founder of the Women’s University of Mexico, Adela Formoso de Obregón Santacilia, was appointed as ‘adviser’. Elizabeth MacCallum from the Canadian Department of External Affairs was ‘special adviser’ and Elisabeth de Miribel from France in the Cabinet of Charles de Gaulle ‘technical adviser and expert’. The United States had a much larger delegation than any of the other countries (around 150 people, not including the ‘consultants’). In addition to Virginia Gildersleeve there were five women ‘technical experts’ from the Department of State: Assistant Legal Adviser Majorie M. Whiteman, Esther Brunauer from the Division of International Security Affairs and from the Division of International Organisation Affairs Dorothy Fosdick, Marcia Maylott and Alice M. McDiarmid.

Why women were included in some of the UNCIO delegations is not always clear. Gildersleeve, Skard and Street were all appointed because women’s organisations in their countries required the presence of a woman.<sup>9</sup> When the Chinese government learnt that the United States had appointed the head of a women’s college, they followed the example (Gildersleeve, 1954: 350–1; Sekules, 1978: 127–8; Skard, 1986: 89). During the preparations for San Francisco the US Secretary of State went to Mexico City for a meeting of the Latin American States. President Roosevelt and his advisers believed that a major cause of World War II had been the gross violations of human rights, especially Nazi atrocities, and insisted that human rights be given an international legal status in the Charter. But British and Soviet government representatives were opposed.

9 The appointment of Gildersleeve was not considered beneficial to the equal-rights feminists, because of her anti-equal-rights amendment stance within the United States (Stienstra, 1994: 77) In the case of Street the choice of person was controversial for political reasons and some felt other women were better qualified (Sekules, 1978: 127–30).



Roosevelt therefore wanted to enlist Latin American support. The mission resulted in endorsement of the American view and several resolutions calling on governments to abolish discrimination against women, adopt a charter for women and children and appoint women as conference delegates. Several Latin American countries evidently took the recommendations seriously (Galey, 1995a: 6–7; Russell, 1958: 568–9). A number of the women present at the UNCIO were active in political parties that were in power in their home countries, or held special positions in the government. As a rule the women were very highly educated.

Not all the women stayed during the whole conference, from 25 April to 26 June. Cora Caselman from Canada and one of the British women left after a little while. Åse Gruda Skard went home at the end of May because she was expecting her fifth child (Gildersleeve, 1954: 351; Skard, 1986: 95, 98)

#### **4. The Work of the UNCIO**

The text for discussion at the UNCIO consisted basically of the Dumbarton Oaks proposals, elaborated by representatives of the four sponsoring powers – China, the United Kingdom, the USSR and the United States – and presented to all the United Nations governments and peoples for discussion in October 1944. The Roosevelt administration organised what has been called an ‘experiment in democracy’ in the US, involving the civil society on a broad scale. Public interest in foreign affairs had greatly increased during the war and the State Department wished to be ‘an instrument of the people’. It was also hoped that voluntary associations would help improve the Charter and avoid a repetition of President Woodrow Wilson’s failure in 1919 to persuade the US to join the League of Nations. Approximately 1.9 million copies of the Dumbarton Oaks proposals were distributed in the United States alone and numerous NGOs prepared statements and resolutions supporting the proposals, but also suggesting improvements, changes and additions. In other parts of the world such a large-scale consultation was impossible, or may even have been unwished for, but the proposals were discussed in the various Allied countries. In addition to NGOs practically all governments elaborated draft amendments, some very extensive. More than 700 were presented at the conference.<sup>10</sup>

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<sup>10</sup> *Charter of the United Nations*, 1945: 26–7; Robins; 1971: 34–99; Street, 1966: 267; UNCIO, 1945, Vol. III; UN, 2005–6.

The UNCIO included only Allied states. The war not being over, however, when the conference convened, many states were unable to attend.<sup>11</sup> The delegations in San Francisco included 23 from the Americas (including Canada and the United States), 15 from Europe (including the USSR, Byelorussian SSR and Ukrainian SSR), 10 from Asia (including Iran, Iraq, India, China, Australia and New Zealand) and four from Africa (Egypt, Ethiopia, Liberia and South Africa). In addition to the members of the different delegations and NGOs there were great numbers of journalists (UNCIO, Vol. I: 13–54; UN, 2005).

The conference had a Steering Committee consisting of the heads of delegations with a smaller Executive Committee. The chief representatives of the four sponsors – Mr T. V. Soong, Minister of Foreign Affairs from China, Mr Anthony Eden, Secretary of State for Foreign Affairs from the UK, Mr Edward R. Stettinius, Secretary of State from the United States, and Mr V. M. Molotov, People's Commissar for Foreign Affairs from the USSR – chaired the plenary sessions. To discuss the Charter, the conference split into four commissions subdivided into 12 technical committees with one representative of each nation. Thus each text was discussed first in a committee, then a commission before it was presented and adopted in the plenary. A Coordination Committee coordinated the different texts. No women were elected as officers at the conference.

The US NGOs participating in the Dumbarton Oaks campaign established an unofficial Core Committee to service the voluntary associations, consultants as well as non-consultants to the official delegation. The State Department added to its staff two aides for liaison work between the government and the NGO community. Being the host country of the founding conference the United States was responsible for conference facilities, support and logistics. Rooms, equipment and information materials were provided and regular briefings organised for the NGO representatives, both consultants and non-consultants. They got access to UNCIO meetings and could talk freely with members of the American and other delegations. The nongovernmental organisations were also instrumental in introducing important provisions in the final Charter. Among other things they contributed to a formalisation of the relationship

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11 To obtain their support the United States ensured that six Latin American states (Chile, Ecuador, Paraguay, Peru, Uruguay and Venezuela) declared war by 1 March 1945, so they could be invited to the conference. Denmark only joined at the end of the conference after the country got a free government (Russell, 1958: 556, 626-7; UNCIO, 1945, Vol. I: 22).

between the UN and the NGOs. After a complicated debate on inter-governmental and nongovernmental organisations it was decided that the Economic and Social Council might make suitable arrangements for consultation with nongovernmental organisations, ‘with international organisations and, where appropriate, with national organisations after consultation with the Member of the United Nations concerned’ (article 71).<sup>12</sup> This was of great importance, not least for women’s NGOs.

In San Francisco members of the women’s organisations formed a special committee, chaired by the President of the General Federation of Women’s Clubs, to draft amendments, lobby delegations and liaise with women delegates (Gildersleeve, 1954: 331; Street, 1966: 267–8; UNDAW, 2003a). References to women and women’s rights were mainly discussed in connection with the following sections of the Charter:

- The preamble,
- The working principles of the Organisation,
- Participation in the organs of the United Nations and
- Establishment of commissions under the Economic and Social Council.

## 5. Disagreement among Women

The Latin American women at the UNCIO, headed by Bertha Lutz, were the most active in pushing to ensure women’s rights in the Charter. In the Americas some countries had accepted universal suffrage, but not all, and those who had, had done so only recently. In many cases women militated for a long time to obtain political rights and were in the middle of the struggle in 1945. Representatives at the UNCIO were involved in the women’s movement and had pioneered conventions on political and civil rights for women through the Pan-American Union (later the Organisation of American States). They wanted to make sure that the principle of women’s equality was part of the founding ideas of the new international organisation. To ensure this, specific references to women had to be inserted in the text. The old argument that ‘men’ included women was not good enough. Experience showed that this always resulted in the exclusion of women (Jain, 2005: 12–14; Skard, 1986: 95; Street, 1966: 282–3).

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<sup>12</sup> *Charter of the United Nations*, 1945: 120-1; Robins, 1971: 102-13; Russell, 1958: 800-1; Stephenson, 1995: 136; UNCIO, 1945, Vol. V: 207-12, Vol. X: 172.

Jessie Street shared the Latin American viewpoint. Though women's right to vote was recognised early in the 20th century in many Western countries, in Australia as far back as 1902, her experience was that laws everywhere were interpreted as applying to men only unless it was specifically stated that women were included. She canvassed to ensure that equality for women was explicitly mentioned in crucial articles of the Charter. She distributed copies of telegrams from 1200 traders and women's groups in Australia urging the conference to support equality of status for women and men, and made a strong impact, according to Hilikka Pietilä (Pietilä, 2007: 10–1; Stienstra, 1994: 77; Street, 1966: 274, 280–1).

Though Virginia Gildersleeve worked for decades on behalf of women, she did not like to identify herself as a 'feminist'. Equal-rights feminists in fact saw her as an 'insurmountable obstacle'. And she felt that the Latin-American delegates expressed an 'old militant feminism' which she thought had passed away. Perhaps in the 'backward countries', she noted, where women had no vote and few rights of any kind, 'spectacular feminism' might still be necessary, but personally she preferred to work from within instead of battering at the doors from without. She disagreed with what seemed to her to be a segregation of women, and at the UNCIO she based herself on the conception of women as equal comrades with men working for the same end and on the same basis. She acknowledged that she had herself been appointed partly because she was a woman, but hoped she also had been chosen because of her experience in international affairs and the study of peace.

The British and Canadian women shared Gildersleeve's approach. In England, women already had a high degree of equality, so there was no reason for the female representatives to behave as women. Arriving at the UNCIO, Florence Horsbrugh and Ellen Wilkinson were met by enthusiastic reporters demanding to know how it felt to be women delegates. The two Britons replied indignantly: 'We are *not* 'women delegates'. We are delegates of our country and ministers of our government' (Gildersleeve, 1954: 349–53; Rosenberg: 12; Skard, 1986: 95; Stienstra, 1994: 77).

When the women's NGOs tried to establish contact with the female members of the delegations, the UK and US representatives did not accept the invitation, while the Latin Americans did, in addition to Jessie Street. They formed an informal delegates' liaison committee and collaborated closely.

Åse Gruda Skard participated in the informal women's network and worked particularly with Wu Yi-fang, because they both occu-

pied a position ‘in between’. Skard and Wu supported references to women in the Charter when there was reason to do so, but not when it would seem ‘funny’ (which proposals these might have been, is not indicated). Since the mandate was to create an international organisation to prevent war and promote international cooperation, women’s issues could only be a part of the whole, Skard noted. Both Skard and Wu maintained good relations with Gildersleeve (Gildersleeve, 1954: 351; Skard, 1986: 95–6; Street, 1966: 267–8).

## 6. Support from Men

To have equality for women included in the Charter, it had to be formally proposed by official delegations and accepted by a majority at the conference. The Dumbarton Oaks proposals had no references to women’s equality, but 11 delegations presented formal amendments or additions to the text at the UNCIO. These were the four sponsoring powers, four Latin American countries – Brazil, Dominican Republic, Mexico and Uruguay – and Canada, India and South Africa. The proposals related to the aims, working principles and participation in the new organisation. Several of the proposals were controversial, leading to debate. In the committees the wording was changed, particularly in one case, where opposition was so strong that there was a vote. But with the exception of the suggestion to create a commission for the status of women, all the proposals were, in one form or the other, finally adopted by consensus and included in the Charter. And a women’s commission was created later, at the inaugural meetings of the United Nations.

The women representatives from Brazil, Dominican Republic, Mexico, Uruguay and Venezuela promoted women’s equality with the full support of their delegations, though the Venezuelan delegation did not sponsor any formal amendments (UNCIO, Vol. VIII: 58). The Australian and Norwegian delegations did not present formal proposals, either, but Skard and Street felt that their colleagues shared their viewpoints with regard to women (Coltheart, 2004: 180; Skard, 1986: 95; Street, 1966: 268, 280).

For the US delegation Gildersleeve underlined that she did not find the slightest tendency to object to any statement granting women the right to equal opportunity and privilege with men. The US thus supported the principle of human rights for all without distinction as to sex. However, the delegation as a whole had very little interest in the preamble as well as economic and social cooperation, so Gildersleeve often had to act on her own responsibil-

ity. Therefore it is not always clear to what extent her views were shared by colleagues in the delegation. In her autobiography, she describes how American and British men were bored and irritated by repeated and lengthy feminist speeches and hated being lectured on the virtues and rights of women. Some American staff gave Dr Lutz the nickname ‘Lutzwaffe’, a humorous adaptation of the German Luftwaffe, which had been devastating Europe during the war. Gildersleeve noted, however, that men from other nations felt differently, speaking with admiration of the feminists, especially of Dr Lutz (Gildersleeve, 1954: 330, 352–3).

## 7. The Preamble

The Dumbarton Oaks proposals did not include a preamble to the Charter. Following a meeting of British Commonwealth countries in London shortly before the San Francisco conference, Field Marshal Smuts, head of the South African delegation, elaborated a draft preamble that was presented to the UNCIO. Smuts was a prominent elderly statesman, military leader and philosopher, who played an important role in the establishment of the League of Nations. In spite of the fact that he was a strong supporter of segregation between the races, he was at times hailed as a liberal (Wikipedia, 2008). The version of his preamble that was presented at the opening of the UNCIO, made no reference to women, but this was changed in a revised version distributed a week later, probably as a result of the lobbying of women’s delegates and NGOs (UNCIO, 1945, Vol. III: 474–7). The revised text stated that the nations were determined to re-establish faith in ‘the equal rights of men and women’. Smuts was held in high regard in San Francisco and used his authority to ensure that his preamble was accepted. Gildersleeve describes how he appeared in person at an early meeting in the committee, urged the adoption as the fulfilment of his dream and crowning achievement of his life and stood in his marshal’s uniform with decorations watching while the delegates voted. The preamble was unanimously approved ‘in principle’ (Gildersleeve, 1954: 344; Russell, 1958: 911–3; Stienstra, 1994: 78; UNCIO, 1945, Vol. III: 365–6).

Unlike the other women, Gildersleeve was not happy with the draft. She thought it was ‘far too long, ill arranged in part and occasionally couched in clumsy, awkward English’. After the adoption in principle by the committee, a subcommittee was assigned the task of redrafting the text. It included representatives of Belgium, Chile, China, France, New Zealand, Panama, South Africa, the UK, the

US and the USSR (UNCIO, 1945, Vol. VI: 286–7). Gildersleeve represented the US and presented, as her personal suggestion, a revised version with only 133 words instead of the original 200. In her autobiography she does not comment on her choice of wording, but in fact she deleted the reference to women. ‘The equal rights of men and women’ was changed to ‘the equal rights of men’. She was a professor of English and her main concerns were brevity and style. She might have felt that the specification of ‘women’ was unnecessary or even disagreed with it, because she saw it as a segregation of women.

Numerous amendments to the preamble were proposed by different delegations and Gildersleeve noted that the negotiations became ‘a strenuous and generally losing battle for me’. Her explanation was that nations wanted to support South Africa for political reasons and therefore defended the Smuts wording. However, a number of changes in the text were in fact made. Gildersleeve managed among other things to get her version of the first paragraph adopted: ‘We, the peoples of the United Nations...’. But the committee would not delete ‘women’ in the second paragraph. There is no mention of other female representatives in the subcommittee. Therefore, to maintain the reference to women, male representatives must have actively supported it, opposing the wish of a distinguished female delegate from a great power that they should be content with ‘the equal rights of men’. In fact, the United Nations reaffirmed faith in women’s equality in the preamble not due to the efforts of Virginia Gildersleeve, but in spite of them (Gildersleeve, 1954: 344–8; UN, 1945; UNCIO, 1945, Vol. III: 476–7).

The final text of the preamble contained 178 words, including ‘the equal rights of men and women’. It was unanimously accepted by the committee and afterwards by the commission and the plenary. After the vote in the committee Gildersleeve hoped the Coordination Committee would ‘smooth out’ the awkwardness of the English and knock the text into a better shape, but this did not happen (Gildersleeve, 1954: 347; Russell, 1958: 913–8; UNCIO, 1945, Vol. I: 613–4; Vol. VI: 366).

## 8. Rights without Distinction as to Sex

The Charter states that the human rights and fundamental freedoms should be for all without distinction as to race, sex, language or religion. This principle is reiterated four times in different sections.<sup>13</sup>

<sup>13</sup> In connection with the purposes of the organisation (chapter I, article 1.3), the promotion of international cooperation (chapter IV, article 13.b), international social and economic cooperation (chapter IX, article 55.c) and the international trusteeship system (chapter XII, article 76.c).

Women's organisations suggested that 'sex' should be added in the clauses prohibiting discrimination on the basis of race, language or religion, and the wording was supported by a number of governments, notably India, as well as Brazil, the Dominican Republic, Mexico and Uruguay. When the four sponsoring powers met at the beginning of the UNCIO, the USSR, being ready to add human rights to the purposes of the organisation, proposed the clause, which was accepted by the other powers and thus adopted.<sup>14</sup> Gildersleeve felt that the wording definitely established the position of women so far as the Charter was concerned, and that thereafter there really was not very much for the militant feminists to do at the UNCIO (Gildersleeve, 1954: 351–2).

## 9. Equal Participation in the Organisation

The militant feminists had a different opinion. For them the general clause against discrimination of women was insufficient to safeguard the interests of women in the new organisation. There should also be wording to ensure that women obtained positions in the United Nations under the same conditions as men. The League of Nations had such a clause, but it was not included in the Dumbarton Oaks proposals. Several delegations at the UNCIO therefore proposed including one: Canada, Brazil, the Dominican Republic, Mexico and Uruguay (UNCIO, 1945, Vol. III: 37: 595, 602–3; Vol. VII: 43).

There was an exchange of views in the committee. Defending the proposal were particularly the female representatives from Australia, Brazil and Uruguay (Street, 1966: 280–3). The principal argument was that the historic evolution of women's rights had proved the importance of inscribing the principle of equality in laws and other important public documents, and in addition the clause would recognise the contributions of women to peace. The main arguments against the clause were that it indicated the existence of an issue which in fact did not exist, as non-discrimination would be explicit in the Charter, and it might constitute undue interference in the domestic affairs of member states. The speakers in opposition were mainly from Cuba, UK and the US (UNCIO, vol. VII: 31, 64). Street perceived the opposition as rather strong, but the US delegation underlined that there were no differences of opinion on the principle,

14 Gale, 1995a: 7; Russell, 1958, 778–81; Street, 1966: 267; UNCIO, 1945, Vol. I: 613–4, 621–3; Vol. III: 34, 41, 527, 602–3, 622–3, 626; Vol. X: 513–4.



only the exact wording of the text (*Charter of the United Nations*, 1945: 52–3; Gildersleeve, 1954: 352; Street, 1966: 280).

The insertion of a clause was first accepted by the committee in principle. A subcommittee was established to draft the exact text with delegates from Australia, Brazil, Belgium, Canada, Netherlands, Norway, US and Uruguay. Though a consensus was arrived at, the wording was put to a vote twice in the committee. First, the draft from the subcommittee was adopted by 35 to 2. The Coordination Committee required adjustments, however, and after a renewed debate and further revisions the final clause was adopted by 34 to 2. Cuba and the US voted against, while the UK abstained.<sup>15</sup>

The wording in the Charter is as follows: ‘The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs’ (article 8). The feminists managed to get a clause covering the whole organisation, not only the Secretariat, as some delegations proposed, but the requirement, to place no restrictions on the eligibility of women and men, was much weaker than the women wanted. In the official reports it is noted that ‘the lady delegates graciously led the discussion on this topic... in a friendly atmosphere of mutual regard and understanding’ (Stienstra, 1994: 79–80; UNCIO, 1945, Vol. I: 617; Vol. VI: 250).

## 10. A Women’s Commission?

The Sponsoring Powers proposed the establishment of a Commission on Human Rights under the Economic and Social Council, ECOSOC. Feminists also suggested a commission on the status of women. Throughout history women had not been considered as ‘humans’ and most human rights had been enjoyed exclusively by men, being denied to women. There was hardly any sphere of life in which the rights of women had been respected. The Brazilian delegation therefore presented a declaration proposing a commission ‘to study conditions and prepare reports on the political, civil and economic status and opportunity of women with special reference to discrimination and limitations placed upon them on account of their sex’.

The declaration was presented by Bertha Lutz and obtained support from a total of 33 delegations. However, it was opposed

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<sup>15</sup> Street, 1966: 280–3; UNCIO, 1945, Vol. I: 615–7; Vol. VI: 167–73, 250; Vol. VII: 31, 50, 57, 63–5, 182, 187–8, 334, 548–9.

by Virginia Gildersleeve on behalf of the United States and Wu Yi-fang from China. In their view, segregating women in a special commission was contrary to the principle of non-discrimination. Women should be regarded as human beings, as men were, and the eventual elimination of discrimination against women – or against any other disadvantaged group – should be part of the task of the Commission on Human Rights.

There was quite a discussion in the committee, and in her autobiography Gildersleeve states that at the end the Commission on the Status of Women was voted down. According to Street, however, a large majority at the conference voted in favour of setting up the Commission. Peter Sekules even considers it ‘a major victory’ of the women at the UNCIO.

The Brazilian declaration was not submitted during the general discussion, but at the end of the committee sessions. The committee had already decided unanimously that the Charter should only make commissions under ECOSOC mandatory in the economic and social fields and for the promotion of human rights. In this connection Brazil proposed commissions in other areas (which were not accepted), but not related to the status of women. Maybe the idea of a special women’s commission came up too late or it was discussed, though it does not appear in the summary records, but did not obtain sufficient support to be included in the Charter. And according to the rules of the conference, the committee could not pass resolutions on other subjects. So there was no formal vote.<sup>16</sup>

The Charter gives ECOSOC the possibility, however, of setting up commissions as may be required in addition to those mentioned in the founding text (article 68). Though there was no formal decision at the UNCIO, a clear majority expressed themselves in favour of a Commission on the Status of Women. When the United Nations held its inaugural meetings in London in February 1946, women’s rights were a prominent item on the agenda. The former First Lady of the United States, Eleanor Roosevelt, a social reformer and human rights advocate, was now appointed a delegate. She read ‘An Open Letter to the Women of the World’ from the 17 women attending the session, expressing the hope that women’s involvement in the UN would grow, and calling on governments to encourage women to be active in national and international affairs and in build-

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16 *Charter of the United Nations*, 1945: 123; Galey, 1995: 7; Gildersleeve, 1954: 352; Russell, 1958: 792–4; Sekules, 1978: 134–5; Stienstra, 1994: 81; Street, 1966: 274; UNCIO, 1945, Vol. III: 627; Vol. VIII: 96–7; Vol. X: 151–2, 189, 212–4, 277–9.

ing peace. This letter was the first formal articulation of women's voices in the UN. At the meeting a subcommission on the status of women was created under the Human Rights Commission (Pietilä, 2007: 11–2; UN, 1947: 528; UN, 1996: 11; UNDAW, 2003a).

Many delegates and NGO representatives felt, however, that a separate body specifically dedicated to women's issues was required. The Commission on Human Rights would likely be preoccupied with pressing issues of a general character and not be able to give sufficient attention to questions specifically concerning women. At its first meeting the subcommission, chaired by Bodil Begtrup, President of the Danish National Council of Women and delegate to the League of Nations, recommended a fully-fledged Commission on the Status of Women. Eleanor Roosevelt was elected Chair of the Human Rights Commission and first opposed the change, but then relented. The four-month old subcommission was upgraded to a full commission directly under ECOSOC and women's NGOs were invited to work closely with it (Galey, 1995b: 11–4; Pietilä, 2007: 13–4; Stienstra, 1994: 82–4; UN, 1996: 11–2; UNDAW, 2003a).

## 11. Concluding Remarks

The UN Charter was a pioneering document in the area of women's rights. This most probably would not have happened without the involvement and active lobbying of women's organisations. They were clear about their aims and knowledgeable about international collaboration. They had access to the intergovernmental meetings and were experienced in dealing with official representatives. In spite of the war, women's organisations in different parts of the world could and did exert an influence – putting pressure on governments to include women in the delegations and lobbying to obtain support for women's requests. The geographical breadth of the demands for women's rights was important to prevent them from being brushed aside. In addition to American NGOs, Latin American women's organisations and women representatives at the UNCIO played a pivotal role; among the representatives in particular Bertha Lutz from Brazil, Minerva Bernardino from the Dominican Republic, Amalia Ledon from Mexico, Isabel de Vidal from Uruguay, Isabel Sanchez de Urdaneta from Venezuela. In addition, Jessie Street from Australia promoted feminist views effectively.

The process of including women's equality in the Charter was not simple. In fact, it was more complicated than the UN itself

leads us to believe. There were not only very few women present at the UNCIO, but they held partly differing views. Some female delegates were not preoccupied with women's issues, and those who were, did not always define 'feminism' in the same way or agree on strategic choices. The issues were also complicated and sensitive, though precedents from the League of Nations undoubtedly were of help.

Women's demands for equality were accepted by the male-dominated governments at the UNCIO. Some male representatives provided active support, at times at a very high level, though their role was not always very visible. Thus the final text was the result of joint action by women and men.

Reasons for the overall male support were surely varied. Some men might have been genuinely egalitarian in their approach. Nearly all the countries taking on a leading role had adopted universal suffrage and accepted women representatives in their delegations. Other countries with political rights for women probably also had a positive attitude, at least in principle. Though a number of governments might have been indifferent, sceptical or even opposed, the issues were not among the most important and burning at a conference mainly dealing with security and power issues, so they quietly went along with the proposals.

However, the time and place might have been propitious for promotion of the status of women. The world was just coming out of a devastating war. In many places, men and women worked, fought and suffered together as equals. The Allied countries fought not only against aggressive states, but against Nazism and fascism. Great expectations and hope were attached to the founding conference of a new international organisation. It was supposed to fulfil a vision of a better world, marked by lofty ideals in addition to tough realities. There was thus a moral perspective at work that gave room for movements fighting against injustice and domination. One of the main driving forces behind the new organisation was President Roosevelt, a Democrat pursuing broad progressive policies. He wanted to promote not only peace, tolerance and welfare, but also fundamental human rights and freedoms, and this was generally accepted at the UNCIO. The proceedings at San Francisco took place in a blaze of publicity. In this situation, it was difficult for governments to refuse when women called for recognition of their basic rights.

In theory it might seem sufficient only to lay down a principle of non-discrimination. But later generations have regarded the wording

of the preamble as being of crucial importance. However brief, it gave the UN a mandate not only to prevent discrimination, but also to actively promote equal rights of women and men. The five clauses later in the Charter, affirming human rights without distinction as to sex, and the eligibility of women to participate in the organisation, added strength to such a broad mandate. There could be no doubt that women's equality was part of the UN agenda (Galey, 1995a: 6–8; Pietilä, 2007: 10–11).

The references to women's equality in the founding document did not entail specific obligations, however. The wording was general and vague. It might not have been particularly difficult for governments to reaffirm faith in fundamental human rights when they did not have to undertake concrete action. And it might not have been clear in 1945 how the women's movement could use the Charter to try to make governments and the international community accountable, requiring commitment and the implementation of measures.

The words in the UN Charter were surely not self-enforcing. Laying down universal principles was not the same as putting the principles into practice on a global scale. Even in the UN, the hiring of women staff and the promotion of women's issues were extremely slow. The Charter started a process of internationally agreed norms and standards, programmes and strategies for the advancement of women worldwide and it became much more important than the founding fathers and mothers probably envisaged. But decades of struggle were needed to bring women's human rights high on the international agenda and start turning rhetoric into tangible realities. For years women's organisations had to keep on fighting, mobilising and presenting demands. It was only in the 1970s that women's issues started to be taken seriously in the United Nations system and by Member States broadly speaking.

The Commission on the Status of Women with the corresponding division in the UN Secretariat played a crucial role. As an independent commission it could set its own agenda, decide its priorities and make proposals directly to ECOSOC. Though it is an intergovernmental institution, the members generally had a special involvement in women's issues and the collaboration with women's organisations was broad-based and close. Countless proposals began as NGO demands and ended up as UN recommendations. This led the UN Secretary-General Boutros Boutros-Ghali to declare at the International Women's Conference in Beijing in 1995 that the United Nations was a 'staunch ally of the women's movement'

(UN, 2001:1).

It is true that the UN has taken important initiatives to strengthen the status of women, but there are also unfulfilled promises, sins of omission and striking failures. Very much still remains to be done to make equality between women and men part and parcel of the UN's activities and the basis of women's everyday realities around the world, particularly the realities of poor, vulnerable and abused women and girls. In fact, more than 100 women's organisations and other supporters of women's equality worldwide were so dissatisfied with the UN performance 60 years after the founding conference, that in connection with UN reform they demanded a complete overhaul of the gender equality architecture and the creation of a new and strengthened UN agency for women (CWGL and WEDO, 2006; UN, 2006).

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