



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/33/142
19 July 1978
ENGLISH
ORIGINAL: SPANISH

Thirty-third session

REQUEST FOR THE INCLUSION OF AN ITEM IN THE PROVISIONAL AGENDA
OF THE THIRTY-THIRD SESSION

CREATION OF THE POST OF UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS

Letter dated 18 July 1978 from the Permanent Representative
of Costa Rica to the United Nations addressed to the
Secretary-General

On instructions from my Government, I have the honour to inform you that, in accordance with rule 13 (e) of the rules of procedure of the General Assembly, the Government of Costa Rica requests that an item entitled "Creation of the post of United Nations High Commissioner for Human Rights" should be included in the provisional agenda of the thirty-third session.

In accordance with rule 20 of the rules of procedure, I am appending an explanatory memorandum setting forth the reasons governing my Government's request for the inclusion of this item in the provisional agenda of the thirty-third session.

I shall be glad to submit in due course the relevant draft resolution for your consideration.

(Signed) Rodolfo E. PIZA-ESCALANTE
Permanent Representative of Costa Rica
to the United Nations

ANNEX

Explanatory memorandum

After appraising the status of the item entitled "Creation of the post of United Nations High Commissioner for Human Rights", which, at the request of Costa Rica was included in the agenda of the General Assembly as early as 1965, at the twentieth session, my Government has again decided to request its inclusion in the agenda of the thirty-third session of the General Assembly.

Over the years the proposal has been enriched by the ideas and contributions of many delegations and took shape in the draft resolution considered by the Third Committee at the thirty-second session in document A/C.3/32/L.25/Rev.1. This resolution provides a more thorough and comprehensive definition of the functions to be conferred on the United Nations High Commissioner for Human Rights. As is evident, the wording of this resolution is also an improvement on the text adopted by the Economic and Social Council on 6 June 1967 in resolution 1237 (XLII), in which the Council recommended the creation of the post to the General Assembly.

In view of the interest which the Government of Costa Rica has shown in the item during the years since the submission of its first proposal, I should like to advance a further reason in support of the present request.

During the thirty-second session of the General Assembly, it seemed that the improved and up-to-date version of the proposal submitted to the Third Committee for consideration in document A/C.3/L.25/Rev.1 on 16 November 1977 would receive the final approval awaited for so many years. As is known, however, such approval was not forthcoming owing to procedural circumstances. At the time the climate of opinion appeared to indicate that the proposal was sufficiently mature for the Committee, and subsequently the Assembly, to take a final decision on the matter. However, again procedural circumstances intervened, preventing the adoption of the proposal, and the Third Committee decided:

"... not to vote on the draft resolution contained in document A/C.3/32/L.25/Rev.1 on the understanding that the said proposal and all documents related to it that have been before the Third Committee during the thirty-second session of the General Assembly, as well as the opinions advanced in the course of the debate on the said proposal, are to be transmitted to the Commission on Human Rights to be considered at its thirty-fourth session during the over-all analysis it should undertake on the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms."

The Third Committee adopted this decision by a narrow margin of 62 votes in favour, 49 against and 21 abstentions; in other words, the sum of the negative votes and the abstentions exceeded the affirmative votes. Furthermore, because of the late hour, some delegations had left before the vote was taken. Had they been

/...

present, the voting no doubt would have produced a different result. It may have been for this reason that the very delegation which proposed the draft decision adopted by the Third Committee opposed its ratification by the General Assembly, as can be seen from pages 71 to 81 of verbatim record A/32/PV.105 of 16 December 1977. It was adduced that the Committee had already decided not to vote on the substantive draft resolution proposing the creation of the post, and that it was therefore simply necessary for the Assembly, on that occasion, to take note of the controversial decision in paragraph 23 of document A/32/423.

That being so, my Government considers that it is high time for the General Assembly to take a decision on the actual proposal designed to contribute to the promotion and more effective enjoyment of human rights which was co-sponsored by the delegation of Costa Rica and a representative group of distinguished delegations and which appeared in the aforementioned Third Committee document (A/C.3/32/L.25/Rev.1). It is the inclusion of this item that I have the honour to request.

This request is without prejudice to the decision taken by the Commission on Human Rights - as a consequence of General Assembly resolution 32/130 concerning item 76 - at its thirty-fourth session in February 1978, which was reflected in resolution 26 (XXXIV), paragraph 2, as follows:

"Considers it advisable to set up an open-ended working group which will meet for a week immediately before the thirty-fifth session of the Commission to undertake the necessary work relating to this analysis and report to the Commission with its conclusions and recommendations."

I trust that the General Assembly will be willing at its thirty-third session to take a decision on the idea which for so many years has awaited the Assembly's final approval, as a positive contribution to the wish expressed in the aforementioned resolution 1237 (XLII) of the Economic and Social Council, the Universal Declaration of Human Rights and the Charter of the United Nations.

(Signed) Rodolfo E. PIZA-ESCALANTE