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ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS  
SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS, INCLUDING THE CREATION OF A POST OF UNITED  
NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

Report of the Third Committee

Rapporteur: Miss Ana RICHTER (Argentina)

I. INTRODUCTION

1. The item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms" was included in the provisional agenda of the thirty-third session of the General Assembly in accordance with its resolution 32/130 of 16 December 1977.
2. The inclusion of the item entitled "Creation of the post of United Nations High Commissioner for Human Rights" in the agenda of the thirty-third session was proposed by Costa Rica (A/33/142).
3. At its 4th and 5th plenary meetings, on 22 September 1978, the General Assembly, on the recommendation of the General Committee, decided to include the item "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms, including the creation of a post of United Nations High Commissioner for Human Rights" in its agenda and to allocate it to the Third Committee.
4. The Committee considered the item at its 53rd to 59th, 62nd, 67th and 68th meetings, from 21 to 28 November, on 30 November and on 5 and 6 December. The views expressed by the representatives of Member States and by observers on the item are set forth in the summary records of those meetings (A/C.3/33/SR.53-59, 62, 67 and 68).
5. In connexion with item 86, the Committee had before it the following documents:

- (a) Status of international conventions in the field of human rights in respect of which the Secretary-General performs depositary functions (A/33/143 and Corr.1);
- (b) The resolutions of the Ninth Islamic Conference of Foreign Ministers, held at Dakar from 24 to 28 April 1978 (A/33/151);
- (c) Documents of the Conference of Ministers for Foreign Affairs of Non-Aligned Countries, held at Belgrade from 25 to 30 July 1978 (A/33/206);
- (d) Report of the Commission on Human Rights on the work of its thirty-fourth session. 1/

6. At the 53rd meeting, on 21 November, the Director of the Division of Human Rights introduced the item (A/C.3/33/SR.53, paras. 88-93).

## II. CONSIDERATION OF DRAFT RESOLUTIONS

### A. Draft resolution A/C.3/33/L.37

7. At the 54th meeting, held on 22 November, the representative of Costa Rica introduced a draft resolution (A/C.3/33/L.37) entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms, including the creation of a post of United Nations High Commissioner for Human Rights", of which Senegal subsequently became a sponsor and the financial implications of which are set out in document A/C.3/33/L.61. Draft resolution A/C.3/33/L.37 reads as follows:

The General Assembly,

Considering that one of the purposes of the United Nations, in accordance with Article 1 of the Charter, is to promote and encourage respect for human rights and for fundamental freedoms, as solemnly set forth in the Universal Declaration of Human Rights,

Recalling that, under the terms of the Charter of the United Nations, Member States have pledged themselves to take joint and separate action in co-operation with the United Nations for the achievement of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Bearing in mind that the entry into force of a number of international instruments in the field of human rights has resulted in the establishment of a variety of bodies and procedures for the implementation thereof,

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1/ Official Records of the Economic and Social Council of 1978, Supplement No. 4 (E/1978/34).

Convinced of the urgent need for the United Nations to adopt more effective concrete measures in order to carry out its obligations with respect to human rights,

Having regard to the report of the Working Group on the proposal for the establishment of a post of United Nations High Commissioner for Human Rights, which appears in document E/CN.4/AC.21/L.1 of 30 December 1966, and to the recommendation contained in Economic and Social Council resolution 1237 (XLII) of 6 June 1967,

1. Decides in principle to establish, under the authority of the Secretary-General, a United Nations High Commissioner for Human Rights possessing the degree of personal independence, the prestige and the integrity required for the prudent and impartial performance of his functions, within the framework of the Charter of the United Nations;

2. Requests the Secretary-General to submit to the General Assembly, at its thirty-fourth session, concrete proposals concerning the organization of the Office of the United Nations Commissioner for Human Rights, taking into account the results of the study entrusted to the Commission on Human Rights by the General Assembly in its resolution 32/130.

8. At the 59th meeting, held on 28 November, the representative of Hungary introduced amendments (A/C.3/33/L.50), sponsored by Afghanistan, Angola, Benin, Bulgaria, Burundi, Congo, Cuba, Hungary, Iraq, Mozambique, Syrian Arab Republic and Viet Nam, which read as follows:

1. In the first preambular paragraph to replace the words "to promote and encourage" with the words "to achieve international co-operation in promoting and encouraging". In the same paragraph after the words "in the Universal Declaration of Human Rights" add the following "and embodied in the International Covenants on Human Rights".

2. To insert between the second and the third preambular paragraphs the following new paragraph:

"Commending the consistent efforts made by the existing United Nations organs, including the Commission on Human Rights, Special Committee against Apartheid and Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, to combat flagrant and mass violations of human rights of peoples and persons as a result of the policies of colonialism, racism, foreign occupation and domination, aggression and threats to national sovereignty, territorial integrity, to put an end to the policies and practices of the crime of apartheid, to isolate the racist régimes in southern Africa, to terminate the flagrant and mass violations of human rights on the occupied Arab territories."

3. In the fifth preambular paragraph add at the end the following: "as well as General Assembly resolution 3136 (XXVIII)".

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4. In the first operative paragraph after the word "in principle" insert the words "not to take any action for the time being".

5. Amend operative paragraph 2 to read as follows:

"Requests the Secretary-General to submit to the General Assembly at its thirty-fourth session a report on the study entrusted to the Commission on Human Rights by the General Assembly in its resolution 32/130."

9. At the 67th meeting, on 5 December, the representative of Costa Rica withdrew draft resolution A/C.3/33/L.37.

#### B. Draft resolution A/C.3/33/L.46

10. At the 62nd meeting, on 30 November, the representative of India introduced a draft resolution (A/C.3/33/L.46) sponsored by Angola, Argentina, Bangladesh, Benin, Bulgaria, Burundi, Egypt, Finland, Hungary, India, Jordan, Libyan Arab Jamahiriya, Madagascar, New Zealand, Pakistan, Papua New Guinea, Philippines, Sweden, United Republic of Tanzania, Yemen, Yugoslavia and Zambia, subsequently joined by Jamaica, Oman, Peru, the Syrian Arab Republic and Viet Nam.

11. At the 68th meeting, on 6 December, the representative of France proposed an amendment to the first preambular paragraph whereby "Reaffirming" would be replaced by "Recalling".

12. At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland proposed an amendment which would replace operative paragraph 4 by the following:

"4. Invites the Commission on Human Rights to consider recommending an exceptional additional session in 1979 in order to complete work on the over-all analysis".

13. At the same meeting, after holding consultations, the sponsors of the draft resolution agreed to include the word "Recalling" in the first preambular paragraph and accepted a proposal by the representative of Oman that the word "likewise" should be inserted after the "Recalling" in the second preambular paragraph, and the representative of the United Kingdom withdrew his amendment.

14. At that meeting the Committee adopted draft resolution A/C.3/33/L.46, as revised, without a vote (see para. 18 below, draft resolution I).

#### C. Draft resolution A/C.3/33/L.53

15. At the 67th meeting, on 5 December, the representative of Guatemala introduced a draft resolution (A/C.3/33/L.53) entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of

human rights and fundamental freedoms, including the creation of a post of United Nations High Commissioner for Human Rights", sponsored by the Dominican Republic, Guatemala and Panama, the operative part of which read as follows:

The General Assembly,

1. Requests the Commission on Human Rights to take into account, in continuing its work on the over-all analysis, the views expressed on the proposal for the establishment of a post of United Nations High Commissioner for Human Rights at the thirty-third session of the General Assembly;

2. Decides to consider the question of the establishment of a post of United Nations High Commissioner for Human Rights on the basis of the report of the Commission on Human Rights on the over-all analysis at its thirty-fourth regular session.

16. The Committee had before it the following amendments (A/C.3/33/L.58) sponsored by Afghanistan, Angola, Benin, Bulgaria, Burundi, the Congo, Cuba, the German Democratic Republic, Hungary, Iraq, Madagascar, Mozambique, the Syrian Arab Republic and Viet Nam:

Change operative paragraph 2 to read as follows:

"2. Decides not to take any action, for the time being, on the establishment of a United Nations High Commissioner for Human Rights."

17. At the 67th meeting, on 5 December, the representative of Guatemala revised the draft resolution (A/C.3/33/L.53). The representative of Bulgaria withdrew his amendments (A/C.3/33/L.58).

18. At the same meeting, the Committee adopted draft resolution A/C.3/33/L.53, as revised (see para. 18 below, draft resolution II) without a vote.

### III. RECOMMENDATIONS OF THE THIRD COMMITTEE

19. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

#### DRAFT RESOLUTION I

Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

The General Assembly,

Recalling its resolution 32/130 of 16 December 1977,

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Recalling also that the General Assembly, in its resolution 32/130, requested the Commission on Human Rights to undertake an over-all analysis of the alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms in the light of the concepts enumerated in that resolution,

Noting Economic and Social Council decision 1978/20 of 5 May 1978 in which the Council authorized the convening of an open-ended working group of the Commission on Human Rights to meet for one week immediately before the Commission's thirty-fifth session to continue this over-all analysis,

Taking note of relevant parts of the Declaration of the Conference of Ministers for Foreign Affairs of Non-Aligned Countries 2/ held at Belgrade from 25 to 30 July 1978, in which, inter alia, the Ministers pointed out that the human rights and fundamental freedoms of the individual and of the peoples are inalienable and, proceeding from the inseparability of economic, social, cultural, civil and political rights, stressed the need to create conditions, on the national and international level, for the full promotion and protection of human rights of the individual and peoples,

Welcoming the Ministers' expressed readiness to work towards the implementation of General Assembly resolution 32/130 through the United Nations system,

1. Takes note with appreciation of the progress report on the over-all analysis 3/ which was submitted to the General Assembly by the Commission on Human Rights, through the Economic and Social Council, in accordance with General Assembly resolution 32/130;

2. Requests the Commission on Human Rights to continue with high priority this over-all analysis, which will contribute to the implementation of General Assembly resolution 32/130;

3. Expresses the hope that all Member States, specialized agencies concerned and United Nations organs in the field of human rights will continue to support the ongoing process of over-all analysis being carried out by the Commission on Human Rights;

4. Looks forward to discussing at its thirty-fourth session the conclusions and recommendations of the Commission on Human Rights which will result from its over-all analysis;

5. Requests the Secretary-General to transmit the present resolution to specialized agencies concerned and all United Nations organs in the field of human rights;

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2/ A/33/206, annex I.

3/ Official Records of the Economic and Social Council of 1978, Supplement No. 4 (E/1978/34), chap. IX.

6. Decides to include in the provisional agenda of its thirty-fourth session an item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

DRAFT RESOLUTION II

Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms, including the creation of a post of United Nations High Commissioner for Human Rights

The General Assembly,

Bearing in mind resolution 32/130 of 16 December 1977 requesting an over-all analysis of the United Nations approach to human rights in the light of the concepts contained in that resolution,

Recalling the decision of the Third Committee at the thirty-second regular session of the General Assembly to refer the proposal for the establishment of a post of United Nations High Commissioner for Human Rights for consideration by the Commission on Human Rights at its thirty-fourth session in the context of the over-all analysis of the alternative approaches and ways and means for improving the enjoyment of human rights and fundamental freedoms, 4/

Recalling also resolution 26 (XXXIV) of 8 March 1977 of the Commission on Human Rights, requesting that an open-ended working group of the Commission be set up which would meet for a week before its thirty-fifth session to undertake the necessary work relating to the over-all analysis which was endorsed by the Economic and Social Council in its decision 1978/20 of 5 May 1978,

1. Requests the Commission on Human Rights to take into account, in continuing its work on the over-all analysis, the views expressed on the various proposals during the general debate on the present item during the current session, as well as during the thirty-second session of the General Assembly, including a post of United Nations High Commissioner for Human Rights;

2. Decides to consider these questions again after the Commission on Human Rights has completed and/or reported on the over-all analysis.

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4/ Official Records of the General Assembly, Thirty-second Session, Annexes, agenda item 76, document A/32/423, para. 23.