



UNITED NATIONS  
GENERAL  
ASSEMBLY



Distr.  
GENERAL

A/35/721  
10 December 1980

ORIGINAL: ENGLISH

Thirty-fifth session  
Agenda item 77

ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS  
SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS

Report of the Third Committee

Rapporteur: Miss Olajumoke Oladayo OBAFEMI (Nigeria)

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: reports of the Secretary-General" was included in the provisional agenda of the thirty-fifth session of the General Assembly in accordance with its resolution 34/46 of 23 November 1979.
2. At its 3rd plenary meeting, on 19 September 1980, the General Assembly decided to include the item in its agenda and to allocate it to the Third Committee.
3. The Committee considered the item at its 56th to 60th, 66th and 70th to 72nd meetings, from 13 to 18 and on 24, 26 and 28 November 1980. The views expressed by the representatives of Member States on the item are set forth in the summary records of those meetings (A/C.3/35/SR.56-60, 66 and 70-72).
4. The Committee had before it the following documents:
  - (a) Report of the Secretary-General on the item (A/35/373);
  - (b) Report of the Secretary-General on the status of international conventions in the field of human rights in respect of which the Secretary-General performs depositary functions (A/35/389);
  - (c) Report of the Secretary-General on the services of the Secretariat concerned with human rights (A/35/607).
5. At the 56th meeting, on 13 November 1980, the Director of the Division of Human Rights made an introductory statement on the item.

## II. CONSIDERATION OF DRAFT RESOLUTIONS

### A. Draft resolution A/C.3/35/L.53 and Rev.1

6. The Committee had before it a draft resolution (A/C.3/35/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", sponsored by Algeria, Angola, Argentina, Benin, Cuba, Democratic Yemen, Grenada, Guinea, Guinea-Bissau, India, Madagascar, Nicaragua, Pakistan, Panama, Romania, Viet Nam and Yugoslavia. The draft resolution read as follows:

"The General Assembly,

"Bearing in mind the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights in further promoting international co-operation for respect and observance of human rights and fundamental freedoms,

"Bearing in mind also subparagraph 1 (b) of Article 13 of the Charter by which the General Assembly shall initiate studies and make recommendations for the purpose of 'promoting international co-operation in the economic, social, cultural, educational and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion',

"Recognizing that it is necessary to establish the new international economic order so that the rights and freedoms set forth in the Declaration and Covenants can be fully realized,

"Reiterating its profound conviction that all human rights and fundamental freedoms are indivisible and interdependent, and that equal attention and urgent consideration should be given to the implementation, promotion and protection of both civil and political, and economic, social and cultural rights,

"Stressing that, in order fully to guarantee human rights and complete personal dignity, it is necessary to guarantee the right to work, participation of workers in management, and the right to education, health and proper nourishment, through the adoption of measures at the national and international levels, including the establishment of the new international economic order,

"Emphasizing that the right to development is a human right and that equality of opportunity is as much a prerogative of nations as of individuals within nations,

"Recalling its resolutions 32/130 of 16 December 1977, and 34/46 of 23 November 1979,

"Appreciating that it is necessary that the Commission on Human Rights continues its ongoing work on the over-all analysis with a view to further

/...

promoting and improving human rights and fundamental freedoms, including the question of the Commission's programme and working methods, and the over-all analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms in accordance with the provisions and concepts of resolution 32/130, within the existing structures of the United Nations system,

"Taking note with appreciation of the results of the United Nations Seminar held at Geneva from 30 June to 11 July of the present year, on the effect of the existing unjust international economic order on the economies of the developing countries and the obstacles that this represents for the implementation of human rights and fundamental freedoms,

"Taking into account the request made to the Secretary-General contained in paragraph 12 of resolution 34/46,

"1. Reiterates its request to the Commission on Human Rights to continue its ongoing work on the over-all analysis with a view to further promoting and improving human rights and fundamental freedoms, including the question of the Commission's programme and working methods, and on the over-all analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms in accordance with the provisions and concepts of resolution 32/130 within the existing structures of the United Nations system;

"2. Emphasizes the necessity of establishing the new international economic order to ensure promotion and full enjoyment of the human rights and fundamental freedoms set forth in the Universal Declaration of Human Rights and the Covenants;

"3. Requests the Commission on Human Rights to undertake necessary measures to promote the right to development and the actions to be adopted for its realization;

"4. Requests the Secretary-General to give, through the programme of advisory services in the field of human rights, priority to the holding in 1981 of a seminar on the relations that exist between human rights, peace and development and, to this end, to present a report to the Commission on Human Rights at its thirty-seventh session as was recommended by the Seminar on the effect of the existing unjust international economic order on the economies of the developing countries and the obstacles that this represents for the implementation of human rights and fundamental freedoms, held at Geneva from 30 June to 11 July 1980;

"5. Requests the Secretary-General, when preparing the study requested in paragraph 12 of resolution 34/46, to include possible solutions which will help eliminate the massive and flagrant violations of human rights and the rights of peoples and individuals affected by situations mentioned in subparagraph (e) of paragraph 1 of resolution 32/130 and to indicate the

/...

obstacles for the establishment of the new international economic order which is essential for the effective promotion of human rights and fundamental freedoms;

"6. Decides to include in the provisional agenda of its thirty-sixth session 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".

7. At the 66th meeting, on 24 November, the representative of Cuba introduced and further orally revised a revised draft resolution (A/C.3/35/L.53/Rev.1) sponsored by Algeria, Angola, Argentina, Benin, Cuba, Democratic Yemen, Grenada, Guinea, Guinea-Bissau, India, Madagascar, Nicaragua, Pakistan, Panama, Romania, Viet Nam and Yugoslavia, subsequently joined by Burundi, the Congo, Guyana, the Philippines, Sao Tome and Principe, the Syrian Arab Republic and Zambia.

8. The revised draft resolution read as follows:

"The General Assembly,

"Convinced that the obligation of all States to observe the purposes and principles of the Charter of the United Nations is fundamental for the promotion and respect of human rights and fundamental freedoms and for the realization of the full dignity and worth of the human person,

"Bearing in mind subparagraph 1 (b) of Article 13 of the Charter by which the General Assembly shall initiate studies and make recommendations for the purpose of 'promoting international co-operation in the economic, social, cultural, educational and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion',

"Recalling the importance of the Universal Declaration of Human Rights and of the International Covenants on Human Rights in further promoting international co-operation for respect for and observance of human rights and fundamental freedoms,

"Recalling also its resolution 32/130 of 16 December 1977, in which it decided that the approach to the future work within the United Nations system with respect to human rights questions should take into account the concepts set forth in that resolution,

"Recognizing that it is necessary to establish the new international economic order so that human rights and fundamental freedoms for all can be fully realized,

"Recognizing also that the efforts of the United Nations and its Member States to promote and protect all human rights should continue,

/...

"Reiterating its profound conviction that all human rights and fundamental freedoms are indivisible and interdependent and that equal attention and urgent consideration should be given to the implementation, promotion and protection of both civil and political, and economic, social and cultural rights,

"Stressing that in order fully to guarantee human rights and complete personal dignity, it is necessary to guarantee the right to work, participation of workers in management and the right to education, health and proper nourishment through the adoption of measures at the national and international levels, including the establishment of the new international economic order,

"Emphasizing that the right to development is a human right and that equality of opportunity is as much a prerogative of nations as of individuals within nations,

"Recalling its resolution 34/46 of 23 November 1979,

"Appreciating that it is necessary that the Commission on Human Rights continues its ongoing work on the over-all analysis with a view to further promoting and improving human rights and fundamental freedoms, including the question of the Commission's programme and working methods and the over-all analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms in accordance with provisions and concepts of resolution 32/130, within the existing structures of the United Nations system,

"Taking note with appreciation of the report of the United Nations Seminar held at Geneva from 30 June to 11 July of the present year, on the effect of the existing unjust international economic order on the economies of the developing countries and the obstacles that this represents for the implementation of human rights and fundamental freedoms,

"Taking into account the request made to the Secretary-General contained in paragraph 12 of resolution 34/46,

"1. Reiterates its request to the Commission on Human Rights to continue its ongoing work on the over-all analysis with a view to further promoting and improving human rights and fundamental freedoms, including the question of the Commission's programme and working methods, and on the over-all analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms in accordance with the provisions and concepts of resolution 32/130, within the existing structures of the United Nations system;

"2. Reaffirms also that it is of paramount importance for the promotion of human rights and fundamental freedoms that Member States undertake specific obligations through accession to or ratification of international instruments in this field; consequently, the standard-setting work within the United Nations system in the field of human rights and the universal acceptance and implementation of the relevant international instruments should be encouraged;

/...

"3. Emphasizes the necessity of establishing the new international economic order to ensure promotion and full enjoyment of human rights and fundamental freedoms for all;

"4. Affirms that the efforts of the United Nations and its Member States to promote and to protect all human rights should continue;

"5. Requests the Commission on Human Rights to undertake necessary measures to promote the right to development as a human right which is as much a prerogative of nations as of individuals within nations, and to take action for its realization;

"6. Requests the Secretary-General to give, through the programme of advisory services in the field of human rights, priority to the holding in 1981 of a seminar on relations that exist between human rights, peace and development and, to this end, present a report to the Commission on Human Rights at its thirty-seventh session as was recommended by the Seminar on the effect of the existing unjust international economic order on the economies of the developing countries and the obstacles that this represents for the implementation of human rights and fundamental freedoms, held at Geneva from 30 June to 11 July 1980;

"7. Requests the Secretary-General, when preparing the study requested in paragraph 12 of resolution 34/46, to include possible solutions which will help eliminate the massive and flagrant violations of human rights and the rights of people and individuals affected by situations such as those resulting from the evils mentioned in subparagraph (e) of paragraph 1 of resolution 32/130, and to indicate the obstacles for the establishment of the new international economic order which is essential for the effective promotion of human rights and fundamental freedoms;

"8. Decides to include in the provisional agenda of its thirty-sixth session 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'."

9. At the same meeting, the representative of Cuba orally revised draft resolution A/C.3/35/L.53/Rev.1, as follows:

(a) In the sixth preambular paragraph and in operative paragraph 4, the words "all human rights" were replaced by "civil and political as well as economic, social and cultural rights";

(b) At the end of the eleventh preambular paragraph and of operative paragraph 1, the word "within" was replaced by "through".

10. At the same meeting, the representative of Ireland orally proposed the following amendments to draft resolution A/C.3/35/L.53/Rev.1:

/...

- (a) The sixth preambular paragraph would be replaced by the following:

"Recognizing also that the efforts of the United Nations and its Member States to promote and protect civil and political rights should accompany the efforts to establish the new international economic order";

- (b) A new eighth preambular paragraph would be inserted, reading:

"Remaining convinced of the importance of achieving complete respect for the civil and political rights of individuals at the national and international levels";

- (c) In the original eleventh preambular paragraph, the words "as well as resolution 33/105" would be inserted after the words "resolution 32/130", and the words "through the existing structures of the United Nations system" would be deleted;

- (d) In operative paragraph 1, the words "as well as resolution 33/105" would be inserted after the words "resolution 32/130", and the words "through the existing structures of the United Nations system" would be deleted;

- (e) Operative paragraph 4 would be replaced by the following:

"Emphasizes also that the efforts of the United Nations and its Member States to promote and protect civil and political rights should accompany the efforts to establish the new international economic order";

- (f) At the end of operative paragraph 7, the words "which is essential for the effective promotion" would be replaced by the words "which is an essential element for the effective promotion".

11. Also at the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland orally proposed the following amendments to the text of the draft resolution:

- (a) A new fifth preambular paragraph would be inserted to read:

"Recalling further its resolution 34/175 about the need for appropriate United Nations bodies, particularly the Commission on Human Rights, to take timely and effective action in existing and future cases of mass and flagrant violations of human rights,";

- (b) In the original fifth preambular paragraph, after the words "new international economic order" the words "based on respect for human rights" and the word "all" before the words "human rights and fundamental freedoms" would be inserted;

- (c) In operative paragraph 5, the words "to promote" would be replaced by the words "to define";

/...

(d) In operative paragraph 7, after the words "resolution 32/130" the following words would be inserted: "and referred to in resolution 34/175".

12. At the 70th meeting, on 26 November, the representative of Cuba further orally revised the text of the draft resolution as follows:

(a) In the eleventh preambular paragraph and in operative paragraph 1, the words "through the existing structures of the United Nations system" were deleted;

(b) At the end of operative paragraph 7, the words "which is essential for the effective promotion" were replaced by the words "which is an essential element for the effective promotion".

13. The representatives of Ireland and the United Kingdom withdrew their oral amendments (see paras. 10 and 11).

14. At the same meeting, the representative of Morocco orally proposed the following amendments to the draft resolution:

(a) The fifth preambular paragraph would be replaced by the following:

"Recognizing that the efforts of States and of the United Nations for the promotion of political, civil, economic, social and cultural rights should go hand in hand with the establishment of the new international economic order in order to ensure the full enjoyment of those rights,";

(b) Operative paragraph 3 would be replaced by the following:

"3. Stresses the fundamental importance of the establishment of the new international economic order to ensure the full enjoyment of all human rights and fundamental freedoms for everyone;".

15. At the 71st meeting, on 26 November, the representative of Argentina proposed an oral subamendment to the first amendment of Morocco to replace the words "should go hand in hand with" by "necessitate".

16. The attention of the Committee was drawn to the administrative and financial implications of draft resolution A/C.3/35/L.53/Rev.1 contained in document A/C.3/35/L.87.

17. At the same meeting, the Committee voted on the draft resolution and the amendments thereto as follows:

(a) The subamendment of Argentina (see para. 15) to the first amendment of Morocco (see para. 14 (a)) was adopted by 58 votes to 32, with 29 abstentions;

(b) The first amendment of Morocco, as subamended, was adopted by a recorded vote of 61 to 23, with 40 abstentions. The voting was as follows:

/...



In favour: Afghanistan, Argentina, Bangladesh, Bhutan, Bolivia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Central African Republic, Chad, Chile, Costa Rica, Cuba, Czechoslovakia, Democratic Yemen, Djibouti, Ecuador, Egypt, Ethiopia, Gabon, German Democratic Republic, Grenada, Guatemala, Guinea-Bissau, Honduras, Hungary, India, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Mauritius, Mexico, Mongolia, Morocco, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Poland, Romania, Rwanda, Senegal, Sierra Leone, Somalia, Sri Lanka, Sudan, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Cameroon, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire.

Against: Australia, Austria, Belgium, Canada, Denmark, Dominican Republic, Finland, Guinea, Haiti, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Saudi Arabia, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Algeria, Angola, Barbados, Benin, Burma, Burundi, Cape Verde, Colombia, Congo, Cyprus, Fiji, France, Gambia, Germany, Federal Republic of, Ghana, Greece, Guyana, Indonesia, Iran, Jamaica, Lesotho, Malawi, Malaysia, Maldives, Mali, Mauritania, Mozambique, Nepal, Philippines, Sao Tome and Principe, Singapore, Spain, Suriname, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, Zambia.

(c) The words "with appreciation" in the twelfth preambular paragraph were adopted by 74 votes to 11, with 36 abstentions;

(d) The second amendment of Morocco (see para. 14 (b)) was rejected by 46 votes to 21, with 48 abstentions;

(e) Draft resolution A/C.3/35/L.53/Rev.1, as revised and amended, was adopted by a recorded vote of 110 to 1, with 25 abstentions (see para. 28, draft resolution I). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia,

/...

Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: United States of America.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Greece, Guatemala, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Malawi, Morocco, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

B. Draft resolution A/C.3/35/L.58

18. At the 66th meeting, on 24 November, the representative of Costa Rica introduced a draft resolution (A/C.3/35/L.58) entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms", sponsored by Costa Rica, Denmark, Dominican Republic, Gambia, Honduras, Lesotho, Netherlands, Spain and Suriname, and subsequently joined by Canada and Norway. The draft resolution read as follows:

"The General Assembly,

"Recalling its resolution 34/48, by which it decided, with respect to the over-all analysis of the United Nations alternative approaches to human rights undertaken by the Commission on Human Rights, to consider at its thirty-fifth regular session the question of the creation of a post of High Commissioner for Human Rights,

"Recalling also its resolution 33/105, by which it requested the Commission on Human Rights to consider the proposal for a High Commissioner for Human Rights as part of its work on the over-all analysis of the United Nations alternative approaches and ways and means with respect to human rights,

"Bearing in mind resolution 28 (XXXVI) of the Commission on Human Rights, in which the Commission decided to continue at its thirty-seventh session its work on the over-all analysis of further promotion and encouragement of human rights and fundamental freedoms, including alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms,

/...

"Recognizing the long-standing interest in the establishment of a United Nations High Commissioner for Human Rights, as a means of improving the effectiveness of United Nations machinery for the promotion and protection of human rights and fundamental freedoms,

"Believing that a decision on the establishment of a post of United Nations High Commissioner for Human Rights would be facilitated if a more careful examination of the possible terms of reference of that post was carried out,

"1. Requests the Commission on Human Rights to give comprehensive consideration at its thirty-seventh session to the possible terms of reference of a High Commissioner for Human Rights and to submit its views to the General Assembly at its thirty-sixth session;

"2. Decides to consider at its thirty-sixth session the possible terms of reference of the proposed High Commissioner for Human Rights, taking into account the work already done on the subject, including the views expressed by the Commission on Human Rights at its thirty-seventh session;

"3. Requests the Secretary-General to submit to the Commission on Human Rights at its thirty-seventh session and to the General Assembly at its thirty-sixth session a document containing a tabulation of the possible terms of reference for the proposed High Commissioner for Human Rights which have been suggested to date to the General Assembly, the Economic and Social Council, the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

"4. Decides to consider the question of the creation of a post of United Nations High Commissioner for Human Rights at its thirty-sixth session under an item entitled 'Question of the establishment of a United Nations High Commissioner for Human Rights'."

19. The Committee also had before it amendments to the draft resolution proposed by Algeria, Cuba, India and Yugoslavia (A/C.3/35/L.89) whereby:

1. The first preambular paragraph would be replaced by the following text:

"Recalling its resolution 34/48, by which it decided to consider at its thirty-fifth session the question of the creation of a post of High Commissioner for Human Rights under the item 'Alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms',"

2. The fourth preambular paragraph would be replaced by the following text:

"Taking note of the proposal on the establishment of a United Nations High Commissioner for Human Rights,"

3. The fifth preambular paragraph would be replaced by the following text:

"Bearing in mind that the proposal for the establishment of a post of a High Commissioner for Human Rights requires more careful examination,"

4. Operative paragraph 1 would be replaced by the following text:

"1. Requests the Commission on Human Rights to consider this proposal at its thirty-seventh session under the item 'Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission: alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms';"

5. Operative paragraph 2 would be replaced by the following text:

"2. Requests also the Commission to submit through the Economic and Social Council, to the General Assembly at its thirty-sixth session a report on its work under the item given in the preceding paragraph, including the views expressed in the Commission in regard to the proposal for the establishment of a post of United Nations High Commissioner for Human Rights;"

6. Operative paragraph 3 would be replaced by the following text:

"3. Decides to consider the question of the creation of a post of United Nations High Commissioner for Human Rights at its thirty-sixth session under the item 'Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms';"

7. Operative paragraph 4 would be deleted.

20. At the 71st meeting, on 26 November, the representative of Costa Rica orally revised the text of draft resolution A/C.3/35/L.58 by accepting the amendments thereto contained in document A/C.3/35/L.89.

21. At the same meeting, the Committee adopted the draft resolution, as revised, without a vote (see para. 28, draft resolution II).

C. Draft resolution A/C.3/35/L.59 and Rev.1 and 2

22. At the 66th meeting, on 24 November, the representative of Italy introduced and orally revised a draft resolution (A/C.3/35/L.59) entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms". The draft resolution read as follows:

"The General Assembly,

"Recalling its resolution 33/176,

/...

"Recalling the responsibility entrusted by the Charter to the United Nations for ensuring universal respect for human rights and fundamental freedoms,

"Also recalling the extensive experience acquired by the United Nations in the pursuance of the goal of the protection of human rights, in particular through the establishment of bodies entrusted with fact-finding missions, in cases in which consistent patterns of gross violations of human rights have been recognized,

"Noting the growing awareness of the international community of the need to ensure the increasingly effective protection of human rights,

"Decides that, in the light of past experience, the creation of bodies entrusted with fact-finding missions, to be established under the authority of the General Assembly, taking into due account the ongoing co-operation between the United Nations and regional organizations, may usefully complement existing procedures and significantly enhance the role played by the United Nations in ensuring, in accordance with its Charter, an effective protection of human rights in those cases in which consistent patterns of gross violations of human rights, including those referred to in paragraph 1 (e) of resolution 32/130, have been recognized by the competent United Nations organs."

23. The revisions were as follows:

- (a) In the third preambular paragraph:
  - (i) The word "extensive" was deleted;
  - (ii) The words "promotion and" were inserted before the word "protection";
  - (iii) The words "in particular" were replaced by "inter alia";
  - (iv) The words "consistent patterns of gross violations" were replaced by "gross, mass and flagrant violations";
- (b) In the operative paragraph:
  - (i) The word "Decides" was replaced by "Expresses the view";
  - (ii) The words "in principle and" were inserted before the words "in the light of past experience";
  - (iii) The word "complement" was replaced by "strengthen";
  - (iv) The words "in accordance with its Charter" were replaced by the words "in full respect of Article 2, paragraph 7, of the Charter";
  - (v) The words "consistent patterns of gross violations" were replaced by the words "gross, mass and flagrant violations".

/...

24. The revised text was later issued as document A/C.3/35/L.59/Rev.1 which read as follows:

"The General Assembly,

"Recalling its resolution 33/176,

"Recalling the responsibility entrusted by the Charter to the United Nations for ensuring universal respect for human rights and fundamental freedoms,

"Also recalling the experience acquired by the United Nations in the pursuance of the goal of the promotion and protection of human rights, inter alia, through the establishment of bodies entrusted with fact-finding missions, in cases in which gross, mass and flagrant violations of human rights have been recognized,

"Noting the growing awareness of the international community of the need to ensure the increasingly effective protection of human rights,

"Expresses the view that, in principle, and in the light of past experience, the creation of bodies entrusted with fact-finding missions, to be established under the authority of the General Assembly, taking into due account the ongoing co-operation between the United Nations and regional organizations, may usefully strengthen existing procedures and significantly enhance the role played by the United Nations in ensuring, in full respect of Article 2, paragraph 7, of the Charter, an effective protection of human rights in those cases in which gross, mass and flagrant violations of human rights, including those referred to in paragraph 1 (e) of resolution 32/130, have been recognized by the competent United Nations organs."

25. The Committee also had before it amendments to draft resolution A/C.3/35/L.59/Rev.1, proposed by Algeria, Cuba, India and Yugoslavia (A/C.3/35/L.90), which read as follows:

"Third preambular paragraph:

1. Delete the words from 'inter alia' up to 'fact-finding missions';
2. Delete the word 'gross';

"Fourth preambular paragraph:

1. Delete the word 'growing';
2. Replace the words 'increasingly effective protection' by the words 'respect for and promotion of';

/...

"Operative paragraph:

1. Delete the operative paragraph and replace it by the following two paragraphs:

'1. Considers that the question of the establishment of bodies entrusted with fact-finding missions and the extent to which they may usefully complement existing procedures for the promotion of human rights requires further consideration;

'2. Requests the Commission on Human Rights to discuss this question at its thirty-seventh session under the item "Further promotion and encouragement of human rights and fundamental freedoms, including the questions of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms'."

26. At the 71st meeting, on 26 November, the representative of Italy introduced a further revised text of the draft resolution (A/C.3/35/L.59/Rev.2) which took into account the amendments contained in document A/C.3/35/L.90. The revised draft resolution read as follows:

"The General Assembly,

"Recalling the responsibility entrusted by the Charter to the United Nations for ensuring universal respect for human rights and fundamental freedoms,

"Noting the growing awareness of the international community for the need to ensure the effective promotion and protection of human rights,

"Also recalling the experience acquired by the United Nations in the pursuance of the goal of the promotion and protection of human rights, inter alia, through the use of fact-finding missions, in cases in which mass and flagrant violations of human rights have been recognized,

"1. Considers that the question of the establishment of bodies entrusted with fact-finding missions and the extent to which they may enhance the promotion and protection of human rights requires serious consideration;

"2. Requests the Commission on Human Rights to discuss this question at its thirty-seventh session under the item 'Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission: alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms'."

27. At the same meeting, the Committee took action on draft resolution A/C.3/35/L.59/Rev.2 as follows:

/...

(a) Operative paragraph 1 of the draft resolution was adopted by 58 votes to 1, with 58 abstentions;

(b) The draft resolution as a whole was adopted without a vote (see para. 28, draft resolution III).

### III. RECOMMENDATIONS OF THE THIRD COMMITTEE

28. 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,

Convinced that the obligation of all States to observe the purposes and principles of the Charter of the United Nations is fundamental for the promotion and respect of human rights and fundamental freedoms and for the realization of the full dignity and worth of the human person,

Bearing in mind Article 13, paragraph 1 (b) of the Charter by which the General Assembly shall initiate studies and make recommendations for the purpose of promoting international co-operation in the economic, social, cultural, educational and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion,

Recalling the importance of the Universal Declaration of Human Rights 1/ and of the International Covenants on Human Rights 2/ in further promoting international co-operation in respecting and observing human rights and fundamental freedoms,

Recalling also its resolution 32/130 of 16 December 1977, in which it decided that the approach to the future work within the United Nations system with respect to human rights questions should take into account the concepts set forth in that resolution,

Recognizing that the efforts of States and of the United Nations for the promotion of political, civil, economic, social and cultural rights necessitate the establishment of the new international economic order in order to ensure the full enjoyment of those rights,

Recognizing also that the efforts of the United Nations and its Member States to promote and protect civil and political as well as economic, social and cultural rights should continue.

Reiterating its profound conviction that all human rights and fundamental freedoms are indivisible and interdependent, and that equal attention and urgent consideration should be given to the implementation, promotion and protection of both civil and political, and economic, social and cultural rights,

Stressing that, in order fully to guarantee human rights and complete personal dignity, it is necessary to guarantee the right to work, participation of workers in management, and the right to education, health and proper nourishment, through the

---

1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

adoption of measures at the national and international levels, including the establishment of the new international economic order,

Emphasizing that the right to development is a human right and that equality of opportunity is as much a prerogative of nations as of individuals within nations,

Recalling its resolution 34/46 of 23 November 1979,

Appreciating that it is necessary that the Commission on Human Rights continues its current work on the over-all analysis with a view to further promoting and improving human rights and fundamental freedoms, including the question of the Commission's programme and working methods and the over-all analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms, in accordance with the provisions and concepts of resolution 32/130,

Noting with appreciation, the report of the United Nations seminar held at Geneva from 30 June to 11 July 1980 on the effects of the existing unjust international economic order on the economies of the developing countries and the obstacle that this represents for the implementation of human rights and fundamental freedoms, 3/

Taking into account the request made to the Secretary-General in paragraph 12 of resolution 34/46,

1. Reiterates its request to the Commission on Human Rights to continue its current work on the over-all analysis with a view to further promoting and improving human rights and fundamental freedoms, including the question of the Commission's programme and working methods, and on the over-all analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms in accordance with the provisions and concepts of General Assembly resolution 32/130;

2. Reaffirms also that it is of paramount importance for the promotion of human rights and fundamental freedoms that Member States undertake specific obligations through accession to or ratification of international instruments in this field; consequently, the standard-setting work within the United Nations system in the field of human rights and the universal acceptance and implementation of the relevant international instruments should be encouraged;

3. Emphasizes the necessity of establishing the new international economic order to ensure the promotion and the full enjoyment of human rights and fundamental freedoms for all;

4. Affirms that the efforts of the United Nations and its Member States to promote and to protect civil and political rights, as well as economic, social and cultural rights should continue;

---

3/ ST/HR/SER.A/8.

5. Requests the Commission on Human Rights to undertake the necessary measures to promote the right to development as a human right, which is as much a prerogative of nations as of individuals within nations, and to take action for its realization;

6. Requests the Secretary-General to give priority through the programme of advisory services in the field of human rights, priority to the holding in 1981 of a seminar on the relations that exist between human rights, peace and development and, to this end, to present a report to the Commission on Human Rights at its thirty-seventh session, as was recommended by the seminar on the effects of the existing unjust international economic order, on the economies of the developing countries and the obstacle that this represents for the implementation of human rights and fundamental freedoms, held at Geneva from 30 June to 11 July 1980;

7. Requests the Secretary-General, when preparing the study requested in paragraph 12 of resolution 34/46, to include possible solutions which will help eliminate the massive and flagrant violations of human rights and the rights of peoples and individuals affected by situations such as those resulting from the evils mentioned in paragraph 1 (e) of resolution 32/130, and to indicate the obstacles to the establishment of the new international economic order, which is an essential element for the effective promotion of human rights and fundamental freedoms;

8. Decides to include in the provisional agenda of its thirty-sixth session 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".

## DRAFT RESOLUTION II

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

The General Assembly,

Recalling its resolution 34/48 of 23 November 1979, in which it decided to consider at its thirty-fifth session the question of the creation of a post of United Nations High Commissioner for Human Rights under the item entitled "Alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms",

Recalling also its resolution 33/105 of 16 December 1978, in which it requested the Commission on Human Rights to consider the proposal of a post of United Nations High Commissioner for Human Rights as part of its work on the over-all analysis of alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms,

Bearing in mind Commission on Human Rights resolution 28 (XXXVI) of 11 March 1980, in which the Commission decided to continue at its thirty-seventh

/...

session its work on the over-all analysis of the further promotion and encouragement of human rights and fundamental freedoms, including alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms,

Taking note of the proposal for the establishment of a United Nations High Commissioner for Human Rights,

Bearing in mind that the proposal for the establishment of a post of High Commissioner for Human Rights requires more careful examination,

1. Requests the Commission on Human Rights to consider this proposal at its thirty-seventh session under the item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission: alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and freedoms";

2. Further requests the Commission on Human Rights to submit through the Economic and Social Council to the General Assembly at its thirty-sixth session a report on its work under the same item, including the views expressed in the Commission with regard to the proposal for the establishment of a post of United Nations High Commissioner for Human Rights;

3. Decides to consider the question of the creation of a post of United Nations High Commissioner for Human Rights at its thirty-sixth session under 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".

#### DRAFT RESOLUTION III

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

The General Assembly,

Recalling the responsibility entrusted by the Charter to the United Nations for ensuring universal respect for human rights and fundamental freedoms,

Noting the growing awareness of the international community of the need to ensure effective promotion and protection of human rights,

Also recalling the experience acquired by the United Nations in pursuing the goal of the promotion and protection of human rights, inter alia, through the use of fact-finding missions, in cases in which mass and flagrant violations of human rights have been recognized,

/...

1. Considers that the question of the establishment of bodies entrusted with fact-finding missions and the extent to which they may enhance the promotion and protection of human rights requires serious consideration;

2. Requests the Commission on Human Rights to discuss this question at its thirty-seventh session under the item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission: alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

-----