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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

Report of the Third Committee

Rapporteur: Mr. Fuad M. AL-HINAI (Oman)

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-second session of the General Assembly in accordance with paragraph 5 of its resolution 3451 (XXX) of 9 December 1975.
2. At its 5th plenary meeting, on 23 September 1977, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Third Committee.
3. The Committee considered the item at its 42nd to 44th, 49th to 55th, 62nd, 64th, 65th and 67th to 69th meetings, between 9 November and 6 December. The views expressed by the representatives of Member States on the item are contained in the summary records of those meetings (A/C.3/32/SR.42-44, 49-55, 62, 64, 65 and 67-69).
4. For the consideration of the item, the Committee had before it the following documents:
 - (a) Report of the Secretary-General prepared in accordance with paragraph 3 of General Assembly resolution 3451 (XXX) (A/32/178);
 - (b) Report of the Secretary-General on the status of the international conventions in the field of human rights, prepared in accordance with paragraph 4 of General Assembly resolution 3451 (XXX) (A/32/179);
 - (c) Letter dated 15 March 1977 from the Deputy Prime Minister and Minister for Foreign Affairs of Egypt to the Secretary-General (A/32/61).
5. At the 42nd meeting, on 9 November, the Deputy Director of the Division of Human Rights introduced the item.

II. CONSIDERATION OF DRAFT RESOLUTIONS

A. Draft resolution A/C.3/32/L.17

6. At the 54th meeting, on 22 November, the representative of Yugoslavia introduced a draft resolution (A/C.3/32/L.17) which was sponsored by Argentina, Cuba, Egypt, India, Iran, Iraq, Jordan, the Libyan Arab Jamahiriya, Madagascar, Mali, Pakistan, Peru, the Philippines, Senegal, the United Republic of Tanzania, Yemen, Yugoslavia and Zambia, subsequently joined by Angola, Bangladesh, Benin, Burundi, the Comoros, Ethiopia, Kenya, Papua New Guinea, the Syrian Arab Republic and Viet Nam. Senegal later withdrew as sponsor. The draft resolution read as follows:

"The General Assembly,

"Convinced that the observance by all States of the purposes and principles of the United Nations Charter 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,

"Conscious that it is the duty of all Member States to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language or religion,

"Convinced that such co-operation should be based on a profound understanding of the variety of problems existing in different societies and on the full respect for their economic, social and cultural realities,

"Bearing in mind the Universal Declaration of Human Rights,

"Acknowledging the progress achieved by the international community in the promotion and protection of human rights and fundamental freedoms, particularly, with respect to the standard-setting work within the United Nations system,

"Noting with satisfaction the entry into force of the International Covenants on Human Rights and of a large number of other important international instruments in the field of human rights,

"Considering that the acceptance by Member States of the obligations contained in said instruments is an important element for the universal realization and respect of human rights and fundamental freedoms,

"Profoundly convinced that all human rights and fundamental freedoms are interrelated and indivisible,

"Recognizing that the persistence of apartheid and all forms of racial

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discrimination, colonialism, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity, as well as the refusal to recognize the fundamental rights of all peoples to self-determination, and of every nation to exercise full sovereignty over its national wealth and resources constitute situations which in themselves are and generate mass and flagrant violations of all human rights and fundamental freedoms,

"Deeply concerned at the continuing existence of an unjust international economic order which constitutes a major obstacle to the realization of the economic, social and cultural rights in developing countries,

"Considering that the approach to the future work within the United Nations system in the field of human rights should take into due account the experiences and the general situation of, as well as the efforts made by, the developing countries to implement human rights and fundamental freedoms,

"Considering that the thirtieth anniversary of the Universal Declaration of Human Rights should be marked by an over-all analysis of existing problems in the field of human rights and by increased efforts in finding appropriate solutions for the effective promotion and protection of human rights and fundamental freedoms taking into account the experiences and contributions of both developed and developing countries,

"Having considered the reports 1/ by the Secretary-General on this item,

"1. Decides that the approach to the future work within the United Nations system with respect to human rights questions should take into account the following concepts:

"(a) All human rights and fundamental freedoms are indivisible and interdependent; equal attention and urgent consideration should be given to the implementation of both civil and political, and economic, social and cultural rights;

"(b) The full realization of civil and political rights without the enjoyment of economic, social and cultural rights is impossible, as recognized by the Proclamation of Teheran (1968);

"(c) Consequently, human rights questions should be examined globally, taking into account both the over-all context of the various realities in which they present themselves, as well as the need for the promotion of the full dignity of the human person and the development of the society;

"(d) In this revaluation of the approach to human rights within the United Nations system, the international community should accord priority to the search of solutions to the mass and flagrant violations of human rights

1/ A/10235, A/32/178 and A/32/179.

of peoples, such as those resulting from the persistence of apartheid and all forms of racial discrimination, colonialism, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity, as well as of the refusal to recognize the fundamental rights of peoples to self-determination, and of every nation to exercise full sovereignty over its wealth and natural resources;

"(e) The implementation of the New International Economic Order is an essential element for the effective promotion of human rights and fundamental freedoms and should also be accorded priority;

"(f) It is of paramount importance for the promotion of human rights and fundamental freedoms that Member States undertake specific obligations through accession 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;

"(g) The experience and contribution of both developed and developing countries should be taken into account by all organs of the United Nations system in their work related to human rights and fundamental freedoms;

"2. Requests the Commission on Human Rights:

"(a) To undertake, as a matter of priority at its thirty-fourth session 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 above concepts;

"(b) To comply with the mandate established in Economic and Social Council resolution 1992 (LX) and its decision 4 (XXXIII), also in the light of this resolution;

"(c) To submit to the General Assembly, at its thirty-fourth session, a report with its conclusions and recommendations on the work done with respect to (a) and (b) above, and to present a progress report to the General Assembly, at its thirty-third session;

"3. Requests the Secretary-General to transmit this resolution to all United Nations organs and specialized agencies concerned;

"4. Decides to include in the provisional agenda of its thirty-third 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 55th meeting, on 23 November, the representative of Morocco introduced amendments (A/C.3/32/L.33) to the draft resolution which incorporated the following changes:

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(a) The insertion, between the seventh and eighth preambular paragraphs, of the following new paragraph:

"Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of a free human being, liberated from fear and poverty, can be achieved only if conditions are created which permit everyone to enjoy his economic, social and cultural as well as his civil and political rights,";

(b) The insertion, in the tenth preambular paragraph, of the word "full" before the word "realization";

(c) The insertion, in the twelfth preambular paragraph, of the words "of individuals" after the words "fundamental freedoms";

(d) The replacement, in operative paragraph 1 (a), of the words "to the implementation of both civil and political, and economic, social and cultural rights" by the words "to the implementation, promotion and protection of civil and political as well as economic, social and cultural rights for all, without distinction as to race, sex, colour, language or religion";

(e) The insertion, in operative paragraph 1 (b), of the word "effective" before the word "enjoyment";

(f) The replacement, in operative paragraph 1 (c), of the words "human rights questions" by the words "questions relating to the promotion and protection of the human rights of individuals" and the insertion of the words "and well-being" after the word "development";

(g) The insertion, in operative paragraph 1 (d), of the words "a certain degree of" before the word "priority";

(h) The replacement of operative paragraph 1 (e) by the following:

"Although every Government has the primary role in and the ultimate responsibility for ensuring the social progress and well-being of its people, the implementation of the New International Economic Order is likely to facilitate the effective promotion of the rights of individuals, particularly their economic, social and cultural rights, and should also be accorded priority";

(i) The replacement, in operative paragraph 1 (g), of the words "human rights and fundamental freedoms" by the words "the protection and promotion of human rights for all, without distinction as to race, sex, language or religion".

8. At the 67th meeting, on 5 December, the representative of Yugoslavia introduced a revised draft resolution (A/C.3/32/L.17/Rev.1) which was sponsored by Angola, Argentina, Bangladesh, Benin, Bulgaria, Burundi, the Comoros, Cuba, Egypt, Ethiopia, Finland, Hungary, India, Iran, Iraq, Jordan, Kenya, the Libyan Arab Jamahiriya, Madagascar, Mali, New Zealand, Pakistan, Papua New Guinea, Peru, the Philippines, Sweden, the Syrian Arab Republic, the United Republic of Tanzania,

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Viet Nam, Yemen, Yugoslavia and Zambia, subsequently joined by Democratic Yemen, Equatorial Guinea and Guinea. 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 United Nations Charter 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,

"Conscious that it is the duty of the United Nations and of all Member States to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language or religion,

"Convinced that such co-operation should be based on a profound understanding of the variety of problems existing in different societies and on the full respect for their economic, social and cultural realities,

"Bearing in mind the Universal Declaration of Human Rights,

"Acknowledging the progress achieved by the international community in the promotion and protection of human rights and fundamental freedoms, particularly with respect to the standard-setting work within the United Nations system,

"Noting with satisfaction the entry into force of the international Covenants on Human Rights and of a large number of other important international instruments in the field of human rights,

"Considering that the acceptance by Member States of the obligations contained in said instruments is an important element for the universal realization and respect of human rights and fundamental freedoms,

"Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

"Profoundly convinced that all human rights and fundamental freedoms are interrelated and indivisible,

"Recognizing that apartheid, all forms of racial discrimination, colonialism, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity, as well as the refusal to recognize the fundamental rights of all peoples to self-determination, and of every nation to exercise full sovereignty over its natural wealth and resources constitute situations which in themselves are

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and generate mass and flagrant violations of all human rights and fundamental freedoms of peoples as well as of individuals,

"Deeply concerned at the continuing existence of an unjust international economic order which constitutes a major obstacle to the realization of the economic, social and cultural rights in developing countries,

"Considering that the approach to the future work within the United Nations system in the field of human rights should take into due account the experiences and the general situation of, as well as the efforts made by, the developing countries to implement human rights and fundamental freedoms,

"Considering that the thirtieth anniversary of the Universal Declaration of Human Rights should be marked by an over-all analysis of existing problems in the field of human rights and by increased efforts in finding appropriate solutions for the effective promotion and protection of human rights and fundamental freedoms taking into account the experiences and contributions of both developed and developing countries,

"Having considered the reports of the Secretary-General on this item,

"1. Decides that the approach to the future work within the United Nations system with respect to human rights questions should take into account the following concepts:

"(a) All human rights and fundamental freedoms are indivisible and interdependent; 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;

"(b) '... the full realization of civil and political rights without the enjoyment of economic, social and cultural rights is impossible. The achievement of lasting progress in the implementation of human rights is dependent upon sound and effective national and international policies of economic and social development' as recognized by the Proclamation of Teheran (1968);

"(c) All human rights and fundamental freedoms of the human person and of peoples are inalienable;

"(d) Consequently, human rights questions should be examined globally, taking into account both the over-all context of the various societies in which they present themselves, as well as the need for the promotion of the full dignity of the human person and the development and well-being of the society;

"(e) In the approaching human rights questions within the United Nations system, the international community should accord or continue to accord priority to the search for solutions to the mass and flagrant violations of human rights of peoples and persons affected by situations such as those

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resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity as well as of the refusal to recognize the fundamental rights of peoples to self-determination, and of every nation to exercise full sovereignty over its wealth and natural resources;

"(f) The realization of the New International Economic Order is an essential element for the effective promotion of human rights and fundamental freedoms and should also be accorded priority;

"(g) It is of paramount importance for the promotion of human rights and fundamental freedoms that Member States undertake specific obligations through accession 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;

"(h) The experience and contribution of both developed and developing countries should be taken into account by all organs of the United Nations system in their work related to human rights and fundamental freedoms;

"2. Requests the Commission on Human Rights:

"(a) To undertake, as a matter of priority at its thirty-fourth session 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 above concepts;

"(b) To comply with the mandate established in Economic and Social Council resolution 1992 (LX) and its decision 4 (XXXIII), also in the light of this resolution;

"(c) To submit to the General Assembly, at its thirty-fourth session, a report with its conclusions and recommendations of the work done with respect to (a) and (b) above, and to present a progress report to the General Assembly, at its thirty-third session;

"3. Requests the Secretary-General to transmit this resolution to all United Nations organs and specialized agencies concerned;

"4. Decides to include in the provisional agenda of its thirty-third 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 Morocco withdrew the amendments contained in paragraph 7 (a), (e), (f) and (g) above. In view of the changes made in the order of the paragraphs in the revised draft resolution, the representative of Morocco announced some consequential changes in the remaining amendments (see para. 7 (b), (c), (d), (h) and (i) above).

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10. At the 68th meeting, on 5 December, the Committee voted on the revised draft resolution (A/C.3/32/L.17/Rev.1) and amendments (A/C.3/32/L.33) thereto, as follows:

(a) The second amendment (see para. 7 (b) above) was rejected by a roll-call vote of 63 to 48, with 24 abstentions. The voting was as follows:

In favour: Australia, Austria, Belgium, Bolivia, Canada, Chile, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Federal Republic of, Ghana, Guatemala, Honduras, Iceland, Ireland, Israel, Italy, Japan, Lebanon, Lesotho, Liberia, Luxembourg, Mauritania, Mexico, Morocco, Netherlands, Nicaragua, Nigeria, Norway, Panama, Paraguay, Rwanda, Senegal, Singapore, Spain, Surinam, Swaziland, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Venezuela, Zaire. 2/

Against: Algeria, Angola, Argentina, Bahrain, Bangladesh, Benin, Bhutan, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, German Democratic Republic, Guinea, Guinea-Bissau, Hungary, India, Iran, Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Mali, Mongolia, Mozambique, New Zealand, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Qatar, Samoa, Saudi Arabia, Somalia, Sudan, Sweden, Syrian Arab Republic, Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Yugoslavia, Zambia.

Abstaining: Afghanistan, Bahamas, Barbados, Burma, Central African Empire, Chad, Gambia, Greece, Grenada, Haiti, Indonesia, Ivory Coast, Jamaica, Malawi, Malaysia, Nepal, Niger, Oman, Portugal, Romania, Sierra Leone, Thailand, Tunisia, United Republic of Cameroon.

(b) The third amendment (see para. 7 (c) above) was rejected by a recorded vote of 63 to 54, with 20 abstentions. The voting was as follows:

In favour: Australia, Austria, Belgium, Bolivia, Canada, Chile, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, France, Gabon, Gambia, Germany, Federal Republic of, Ghana, Grenada, Guatemala, Honduras, Iceland, Ireland, Israel, Italy, Ivory Coast, Japan, Lebanon, Lesotho, Liberia, Luxembourg,

2/ The representative of Gabon subsequently indicated that her delegation had intended to vote in favour of the second amendment.

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Malawi, Mauritania, Mexico, Morocco, Netherlands, Nicaragua, Nigeria, Norway, Panama, Paraguay, Rwanda, Senegal, Sierra Leone, Singapore, Spain, Surinam, Swaziland, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Venezuela, Zaire.

Against: Algeria, Angola, Argentina, Bahrain, Bangladesh, Benin, Bhutan, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Comoros, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, German Democratic Republic, Guinea, Guinea-Bissau, Hungary, India, Iran, Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Maldives, Mali, Mongolia, Mozambique, New Zealand, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Qatar, Samoa, Saudi Arabia, Somalia, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Yugoslavia, Zambia.

Abstaining: Afghanistan, Bahamas, Barbados, Burma, Central African Empire, Chad, Congo, Greece, Haiti, Indonesia, Jamaica, Malaysia, Nepal, Niger, Oman, Portugal, Romania, Thailand, Tunisia, United Republic of Cameroon.

(c) The fourth amendment (see para. 7 (d) above) was rejected by a roll-call vote of 63 to 49, with 23 abstentions. The voting was as follows:

In favour: Australia, Austria, Belgium, Bolivia, Canada, Chile, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, France, Gabon, Germany, Federal Republic of, Ghana, Guatemala, Iceland, Ireland, Israel, Italy, Ivory Coast, Japan, Lebanon, Lesotho, Liberia, Luxembourg, Malawi, Mauritania, Mexico, Morocco, Netherlands, Nicaragua, Nigeria, Norway, Panama, Paraguay, Rwanda, Senegal, Singapore, Spain, Surinam, Swaziland, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zaire.

Against: Algeria, Angola, Argentina, Bahrain, Bangladesh, Benin, Bhutan, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Comoros, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, German Democratic Republic, Guinea, Guinea-Bissau, Hungary, India, Iran, Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Maldives, Mali, Mongolia, Mozambique, New Zealand, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Qatar, Samoa, Saudi Arabia, Somalia, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Republic,

Union of Soviet Socialist Republics, United Arab Emirates,
United Republic of Tanzania, Viet Nam, Yemen, Yugoslavia,
Zambia.

Abstaining: Afghanistan, Bahamas, Barbados, Burma, Central African Empire,
Chad, Congo, Gambia, Greece, Haiti, Honduras, Indonesia,
Jamaica, Malaysia, Nepal, Niger, Oman, Portugal, Romania, Sierra
Leone, Thailand, United Republic of Cameroon, Upper Volta.

(d) The eighth amendment (see para. 7 (h) above) was rejected by a roll-call
vote of 65 to 44, with 25 abstentions. The voting was as follows:

In favour: Australia, Austria, Belgium, Bolivia, Canada, Chile, Colombia,
Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador,
France, Gabon, Germany, Federal Republic of, Ghana, Guatemala,
Iceland, Ireland, Israel, Italy, Ivory Coast, Lebanon, Liberia,
Luxembourg, Mauritania, Morocco, Netherlands, Nicaragua, Norway,
Panama, Paraguay, Rwanda, Senegal, Singapore, Spain, Surinam,
Swaziland, Turkey, United Kingdom of Great Britain and Northern
Ireland, Upper Volta, Uruguay, Venezuela, Zaire.

Against: Algeria, Angola, Argentina, Bahrain, Bangladesh, Benin, Bhutan,
Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist
Republic, Cape Verde, Comoros, Congo, Cuba, Cyprus,
Czechoslovakia, Democratic Yemen, Egypt, Equatorial Guinea,
Ethiopia, Fiji, Finland, German Democratic Republic, Guinea,
Guinea-Bissau, Hungary, India, Iran, Iraq, Jordan, Kenya,
Kuwait, Lao People's Democratic Republic, Libyan Arab
Jamahiriya, Madagascar, Maldives, Mali, Mongolia, Mozambique,
New Zealand, Niger, Nigeria, Pakistan, Papua New Guinea, Peru,
Philippines, Poland, Qatar, Samoa, Saudi Arabia, Somalia, Sri
Lanka, Sudan, Sweden, Syrian Arab Republic, Uganda, Ukrainian
Soviet Socialist Republic, Union of Soviet Socialist Republics,
United Arab Emirates, United Republic of Tanzania, Viet Nam,
Yemen, Yugoslavia, Zambia.

Abstaining: Afghanistan, Bahamas, Barbados, Burma, Central African Empire,
Chad, Gambia, Greece, Grenada, Haiti, Honduras, Indonesia,
Jamaica, Japan, Malawi, Malaysia, Nepal, Oman, Portugal,
Romania, Sierra Leone, Thailand, Trinidad and Tobago, United
Republic of Cameroon, United States of America.

(e) The ninth amendment (see para. 7 (i) above) was rejected by a recorded
vote of 64 to 51, with 22 abstentions. The voting was as follows:

In favour: Australia, Austria, Belgium, Bolivia, Canada, Chile, Colombia,
Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador,
France, Gabon, Gambia, Germany, Federal Republic of, Ghana,
Guatemala, Iceland, Ireland, Israel, Italy, Ivory Coast, Japan,
Lebanon, Lesotho, Liberia, Luxembourg, Malawi, Mauritania,

Morocco, Netherlands, Nicaragua, Nigeria, Norway, Panama, Paraguay, Rwanda, Senegal, Singapore, Spain, Surinam, Swaziland, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Venezuela, Zaire.

Against: Algeria, Angola, Argentina, Bahrain, Bangladesh, Benin, Bhutan, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, German Democratic Republic, Guinea, Guinea-Bissau, Hungary, India, Iran, Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Maldives, Mali, Mexico, Mongolia, Mozambique, New Zealand, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Qatar, Samoa, Saudi Arabia, Somalia, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Yugoslavia, Zambia.

Abstaining: Afghanistan, Bahamas, Barbados, Burma, Central African Empire, Chad, Greece, Grenada, Haiti, Honduras, Indonesia, Jamaica, Malaysia, Nepal, Niger, Oman, Portugal, Romania, Sierra Leone, Thailand, Trinidad and Tobago, United Republic of Cameroon.

(f) The revised draft resolution (A/C.3/32/L.17/Rev.1) was adopted by a recorded vote of 126 to none, with 11 abstentions (see para. 24 below). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Central African Empire, Chad, Chile, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Israel, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Mozambique, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Surinam, Swaziland, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic,

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Union of Soviet Socialist Republics, United Arab Emirates,
United Republic of Cameroon, United Republic of Tanzania, Upper
Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire,
Zambia.

Against: None.

Abstaining: Austria, Belgium, France, Germany, Federal Republic of, Ireland,
Italy, Luxembourg, Netherlands, Spain, United Kingdom of Great
Britain and Northern Ireland, United States of America.

B. Draft resolution A/C.3/32/L.25

11. The Committee had before it a draft resolution (A/C.3/32/L.25) which was sponsored by Bolivia, Botswana, Colombia, Costa Rica, Denmark, Gambia, Honduras, Ireland, Italy, Lesotho, the Netherlands, Norway, Panama, Senegal, Spain and Venezuela. Botswana later withdrew as sponsor. The draft resolution read as follows:

"The General Assembly,

"Recalling that Member States under the Charter of the United Nations have pledged themselves to take joint and separate action in co-operation with the Organization 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 the entry into force of a number of international instruments in the field of human rights the implementation of which has involved the establishment of new procedures and new committees or other organs,

"Recalling that important work is being carried out in the field of human rights by a number of United Nations specialized agencies and other United Nations bodies and organs,

"Noting the importance of the role of the Secretary-General in providing good offices and other assistance and services at the request of States and United Nations organs,

"Noting that there is a need to make full and more effective use of all United Nations resources in the field of human rights and also that there is a need to facilitate the co-operative fulfilment by Member States of their Charter commitments to human rights,

"Convinced that these functions could be most usefully combined and carried out by a permanent mechanism mandated with the resources to enhance and co-ordinate human rights activities within the United Nations system and to act in a consultative capacity providing advice and assistance in human rights questions at the specific request of States,

"Having considered the recommendation contained in Economic and Social Council resolution 1237 (XLII) of 6 June 1967,

"1. Decides to establish, under the authority of the Secretary-General, a United Nations High Commissioner for Human Rights, who will possess the degree of personal independence, prestige and integrity required for the discreet and impartial performance of his functions;

"2. Decides that the High Commissioner shall act within the framework of the Charter of the United Nations in order to:

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"(a) Promote and strengthen universal and effective understanding and respect for human rights and fundamental freedoms for all without distinction as to race, religion, sex or language, as set forth in the Charter of the United Nations, the Universal Declaration of Human Rights and other instruments of the United Nations and in particular:

"(i) Consider as areas of special concern and attention such massive violations of human rights as apartheid, racism and racial discrimination, colonial domination, foreign occupation and alien subjugation;

"(ii) Give special attention to the critical importance of ensuring the effective enjoyment by all of their civil and political rights and their economic, social and cultural rights and such other rights as are recognized by the Charter of the United Nations and by the General Assembly, bearing in mind that all human rights and fundamental freedoms are indivisible and interdependent;

"(iii) Actively promote the understanding of the basic human rights inherent in the establishment of a new international economic order and of the necessity to link the traditional concept of human rights with the rights of all to have their basic needs met;

"(b) Render, at the specific request of any State assistance and services, including good offices, to that State; the High Commissioner may submit a report on such assistance and services and on its results with the consent of the State or States concerned;

"(c) Maintain close relations with the Secretary-General and all other organs of the United Nations, specialized agencies and other intergovernmental organizations concerned with human rights, and give advice and assistance in order to ensure co-ordination of their activities in the human rights field;

"(d) Report annually to the General Assembly on his activities and on developments in the field of human rights;

"3. Stresses that the High Commissioner will have to exercise his functions in full compliance with the provisions of the Charter of the United Nations, and that the authority given to the High Commissioner by this resolution shall not prejudice or authorize interference in the functions and powers of organs already in existence or which may be established for the promotion or protection of human rights and fundamental freedoms;

"4. Emphasizes that, in the accomplishment of his task, the High Commissioner will have to give the most careful consideration to the economic and social situation and the cultural and religious values of the different countries;

"5. Requests the Secretary-General to keep the High Commissioner

/...

informed of the work of all organs of the United Nations and specialized agencies concerned with human rights, including the struggle against colonialism, apartheid, racism and racial discrimination, colonial domination, foreign occupation and alien subjugation, and to supply the facilities and information required for carrying out his functions;

"6. Decides that:

"(a) The High Commissioner shall be appointed by the Secretary-General and confirmed by the General Assembly for a term of five years and that his emoluments shall not be less favourable than those of an Under-Secretary;

"(b) The emoluments of the High Commissioner shall be financed under the regular budget of the United Nations;

"7. Requests the Secretary-General to submit at its thirty-third session concrete proposals on the organization of the UNHC's office, taking into account the need to make full use of the existing resources;

"8. Decides to hold, at its thirty-eighth session, a comprehensive review of the question of the United Nations High Commissioner for Human Rights in the light of the activities undertaken and the results achieved by the High Commissioner."

12. At the 50th meeting, on 17 November, the representative of Italy introduced a revised draft resolution (A/C.3/32/L.25/Rev.1) which was sponsored by Bolivia, Colombia, Costa Rica, Denmark, El Salvador, Gambia, Honduras, Ireland, Italy, Lesotho, the Netherlands, Norway, Panama, Senegal, Spain, Surinam and Venezuela, subsequently joined by Australia, Canada, Finland, Iceland, New Zealand, Sweden and the United Kingdom of Great Britain and Northern Ireland. The revised draft resolution read as follows:

"The General Assembly,

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

"Bearing in mind the entry into force of a number of international instruments in the field of human rights, the implementation of which has involved the establishment of new procedures and new committees or other organs,

"Recalling that important work is being carried out in the field of human rights by a number of United Nations specialized agencies and other United Nations bodies and organs,

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"Noting the importance of the role of the Secretary-General in providing good offices and other assistance and services at the request of States and United Nations organs,

"Noting that there is a need to make full and more effective use of all United Nations resources in the field of human rights and also that there is a need to facilitate the co-operative fulfilment by Member States of their Charter commitments to human rights,

"Convinced that these functions could be most usefully combined and carried out by a permanent mechanism mandated with the resources to enhance and co-ordinate human rights activities within the United Nations system and to act in a consultative capacity providing advice and assistance in human rights questions at the specific request of States,

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

"1. Decides to establish, under the authority of the Secretary-General, a United Nations High Commissioner for Human Rights, who will possess the degree of personal independence, prestige and integrity required for the discreet and impartial performance of his functions;

"2. Decides that the High Commissioner shall act within the framework of the Charter of the United Nations in order to:

"(a) Promote and strengthen universal and effective understanding and respect for human rights and fundamental freedoms for all without distinction as to race, religion, sex or language, as set forth in the Charter of the United Nations, the Universal Declaration of Human Rights and other instruments of the United Nations and in particular:

"(i) Consider as areas of special concern and attention such massive violations of human rights as apartheid, racism and racial discrimination, colonial domination, foreign occupation and alien subjugation;

"(ii) Give special attention to the critical importance of ensuring the effective enjoyment by all of their civil and political rights and their economic, social and cultural rights and such other rights as are recognized by the Charter of the United Nations and by the General Assembly, bearing in mind that all human rights and fundamental freedoms are indivisible and interdependent;

"(iii) Actively promote the understanding of the basic human rights

inherent in the establishment of a new international economic order and of the necessity to link the traditional concept of human rights with the rights of all to have their economic, social and cultural needs met;

"(b) Render, at the specific request of any State, assistance and services, including good offices, to that State; the High Commissioner may submit a report on such assistance and services and on its results with the consent of the State concerned;

"(c) Maintain close relations with the Secretary-General and all other organs of the United Nations, specialized agencies and other intergovernmental organizations concerned with human rights, and give advice and assistance in order to ensure co-ordination of their activities in the human rights field;

"(d) Report annually to the General Assembly on his activities and on developments in the field of human rights;

"3. Stresses that the High Commissioner will have to exercise his functions in full compliance with the provisions of the Charter of the United Nations, and that the authority given to the High Commissioner by this resolution shall not prejudice or authorize interference in the functions and powers of organs already in existence or which may be established for the promotion or protection of human rights and fundamental freedoms, in particular those bodies within the United Nations system entrusted with a specific mandate and competence in the areas listed in paragraph 2, subparagraph (a) (i) of the present resolution;

"4. Emphasizes that, in the accomplishment of his task, the High Commissioner will have to give the most careful consideration to the economic and social situation and the cultural and religious values of the different countries;

"5. Requests the High Commissioner to keep in close contact with the Secretary-General in order to be informed of the work of all organs of the United Nations and specialized agencies concerned with human rights, including the struggle against colonialism, apartheid, racism and racial discrimination, colonial domination, foreign occupation and alien subjugation, and for the supply of facilities and information required for carrying out his functions;

"6. Decides that:

"(a) The High Commissioner shall be appointed by the Secretary-General and confirmed by the General Assembly for a term of five years and that his emoluments shall not be less favourable than those of an Under-Secretary;

"(b) The emoluments of the High Commissioner shall be financed under the regular budget of the United Nations;

/...

"7. Requests the Secretary-General to submit at its thirty-third session concrete proposals on the organization of the UNHC's office, taking into account the need to make full use of the existing resources;

"8. Decides to hold, at its thirty-eighth session, a comprehensive review of the question of the United Nations High Commissioner for Human Rights in the light of the activities undertaken and the results achieved by the High Commissioner."

13. A statement on the administrative and financial implications of draft resolution A/C.3/32/L.25/Rev.1 (A/C.3/32/L.34) was submitted by the Secretary-General at the 67th meeting, on 5 December.

14. Amendments to the revised draft resolution were proposed as follows:

(a) At the 55th meeting, on 23 November, the representative of the German Democratic Republic, on behalf of the German Democratic Republic and Madagascar, introduced amendments (A/C.3/32/L.35) to the revised draft resolution (A/C.3/32/L.25/Rev.1) incorporating the following changes:

(i) The replacement of operative paragraph 1 by the following text:

"1. Decides to defer the establishment of a High Commissioner for Human Rights until a consensus is reached";

(ii) The replacement of operative paragraph 2 by the following text:

"2. Decides that the High Commissioner, if established, shall act within the framework of the Charter of the United Nations, and according to a mandate agreed upon by consensus in the General Assembly in order to:";

(iii) The replacement of operative paragraph 6 by the following text:

"6. Requests the Secretary-General to undertake consultations with regional groups in order to ascertain the feasibility of a consensus on the establishment of a High Commissioner for Human Rights or any other mechanism to enhance human rights activities within the United Nations system and to report to the Commission on Human Rights at its thirty-fourth session";

(iv) The deletion of operative paragraphs 7 and 8.

(b) A revised text of the amendments (A/C.3/32/L.35/Rev.1) submitted by the same sponsors incorporated the following changes:

(i) The replacement of operative paragraph 1 by the following text:

"1. Decides to defer the consideration of the establishment of a High Commissioner for Human Rights until the feasibility of a general agreement between Member States is ascertained";

(ii) The deletion of operative paragraph 2;

(iii) The replacement of operative paragraph 6 by the following text:

"6. Requests the Secretary-General to undertake consultations with regional groups in order to ascertain the feasibility of a general agreement on the establishment of a High Commissioner for Human Rights or any other mechanism to enhance human rights activities within the United Nations system and to report to the Commission on Human Rights at its thirty-fourth session";

(iv) The deletion of operative paragraphs 7 and 8.

(c) Amendments to draft resolution A/C.3/32/L.25/Rev.1 (A/C.3/32/L.36) submitted by Angola, Benin, Bulgaria, Burundi, Mongolia and the Ukrainian Soviet Socialist Republic incorporated the following changes:

(i) The deletion of the words "a consultative capacity" and the insertion, after the word "providing", of the word "consultative" in the sixth preambular paragraph;

(ii) The insertion, after the seventh preambular paragraph, of the following new paragraph:

"Recalling Economic and Social Council resolution 1995 (LX) of 14 May 1976 in which it commended the Commission on Human Rights for its contribution to the promotion of respect for human rights and fundamental freedoms";

(iii) The replacement of operative paragraph 1 by the following text:

"1. Determines that the Commission on Human Rights possesses the prestige and integrity required for performance of its functions";

(iv) The replacement of the beginning of operative paragraph 2 by the following:

"2. Requests the Commission to act within the framework of the Charter of the United Nations in order to:";

(v) The replacement of the first phrase of operative paragraph 2 (b) by the following:

"(b) Requests the Secretary-General to continue and strengthen advisory services in accordance with General Assembly resolution 926 (X);"

and the deletion, also in operative paragraph 2 (b), of the phrase after the semicolon;

(vi) The deletion, in operative paragraph 2 (c), of the words "the Secretary-

General and" and of the phrase "and give advice and assistance in order to ensure co-ordination of their activities in the human rights field";

- (vii) The replacement, in operative paragraph 2 (d), of the words "General Assembly" by the words "Economic and Social Council" and of the word "his" by the word "its";
- (viii) The replacement, in operative paragraph 3, of the words "High Commissioner" by the word "Commission" and of the word "his" by the word "its";
- (ix) The replacement, in operative paragraph 4, of the words "his" and "High Commissioner" by the words "its" and "Commission";
- (x) The replacement of the beginning of operative paragraph 5 to the word "work" by the following:

"5. Requests the Secretary-General to keep the Commission informed of the work"

and the deletion, also in operative paragraph 5, of the words "and for the supply of the facilities and information required for carrying out his functions";

- (xi) The deletion of operative paragraphs 6, 7 and 8.

(d) In a revised text of the amendments (A/C.3/32/L.36/Rev.1) to draft resolution A/C.3/32/L.25/Rev.1 submitted by the same sponsors, there were only two changes to the original amendments (A/C.3/32/L.36). The first was to the fifth amendment (see para. 14 (c) (v) above) and the second was the addition of a twelfth amendment. The revised fifth amendment incorporated the following change:

- (v) The deletion of the text in operative paragraph 2 (b);

The additional revised amendment, adding a new subparagraph xii, incorporated the following change:

- (xii) The addition of a new operative paragraph reading as follows:

"6. Requests the Secretary-General to continue and strengthen advisory services in accordance with General Assembly resolution 926 (X)".

(e) At the 68th meeting, on 5 December, the representative of Saudi Arabia introduced two oral amendments to draft resolution A/C.3/32/L.25/Rev.1 which incorporated the following changes:

- (i) The addition, after the word "functions" in operative paragraph 1, of the following:

"taking into account that, notwithstanding all these high qualities, he will do his utmost to be impervious to any campaign that may be waged by a State or its mass media aimed at besmirching the reputation of another State Member of the United Nations";

- (ii) The addition, in operative paragraph 4, after the word "countries" in the last line of the paragraph, of the following:

"taking into account that, in the discharge of his duties, he will refrain from resorting to any action which may jeopardize the development of friendly relations among nations and he should scrupulously observe paragraph 7 of Article 2 of the Charter of the United Nations which states:

'Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall required the Members to submit such matters to settlement under the present Charter';".

15. At the same meeting, the sponsors of the revised draft resolution (A/C.3/32/L.25/Rev.1) accepted the first amendment of Saudi Arabia (see para. 14 (e) (i), above).

16. At the same meeting, the representative of Cuba submitted a draft decision reading as follows:

"The Committee decides 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."

17. At the 68th meeting, the Committee adopted the proposal by Cuba referred to in paragraph 16 above by a recorded vote of 62 to 49, with 21 abstentions (see para. 23 below). The voting was as follows:

In favour: Algeria, Angola, Argentina, Bahrain, Bangladesh, Benin, Bhutan, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Empire, Comoros, Congo, Cuba, Czechoslovakia, Egypt, Equatorial Guinea, Ethiopia, Fiji, Gabon, German Democratic Republic, Guinea, Guinea-Bissau, Haiti, Hungary, Indonesia, Iraq, Jamaica, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mongolia, Mozambique, Oman, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Samoa, Saudi Arabia, Sierra Leone, Sri Lanka, Sudan, Syrian Arab Republic, Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Yugoslavia, Zambia.

Against: Australia, Austria, Bahamas, Belgium, Bolivia, Canada, Chile, Colombia, Costa Rica, Denmark, Dominican Republic, El Salvador, Finland, France, Gambia, Germany, Federal Republic of, Ghana, Honduras, Iceland, Ireland, Israel, Italy, Ivory Coast, Japan, Kenya, Lesotho, Liberia, Luxembourg, Malawi, Mauritania, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Paraguay, Portugal, Senegal, Spain, Surinam, Swaziland, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zaire.

Abstaining: Afghanistan, Barbados, Burma, Chad, Cyprus, Ecuador, Greece, India, Iran, Jordan, Lebanon, Mexico, Nepal, Nigeria, Rwanda, Singapore, Thailand, Tunisia, Turkey, United Republic of Cameroon, Upper Volta.

C. Draft resolution A/C.3/32/L.28

18. At the 49th meeting, on 16 November, the representative of Belgium introduced a draft resolution (A/C.3/32/L.28) which was sponsored by Austria, Belgium, Denmark, Ireland, Rwanda and Senegal, subsequently joined by Luxembourg. The draft resolution read as follows:

"The General Assembly,

"Recalling Economic and Social Council resolution 1503 (XLVIII) setting out 'the procedure ... for dealing with communications relating to violations of human rights and fundamental freedoms', and in particular article 6 thereof, which provides inter alia for the appointment of an ad hoc committee to investigate any situation which appears to reveal a consistent pattern of gross violations of human rights,

"Recognizing that it is essential to make substantial progress towards better safeguards of the inviolability of human rights and fundamental freedoms,

"1. Notes that such progress would be made if States voluntarily consented to the holding of an investigation requested by the Commission on Human Rights pursuant to resolution 1503 (XLVIII), including access to their territory by the ad hoc committee appointed by the Commission for the purpose of carrying out the investigation;

"2. Requests States voluntarily to waive the right accorded to them by resolution 1503 (XLVIII), and in particular article 6 thereof, to withhold consent for the holding of such an investigation and for access to their territory by the ad hoc committee as appointed by the Commission on Human Rights, and to communicate to the Secretary-General their statement of intent to that effect;

"3. Requests the Secretary-General to list the names of States which have transmitted such communications to him in a report to be submitted annually by him to the General Assembly as from the thirty-third session."

19. At the 69th meeting, on 6 December, the Committee rejected draft resolution A/C.3/32/L.28 by a recorded vote of 45 to 29, with 51 abstentions. The voting was as follows:

In favour: Australia, Austria, Belgium, Canada, Costa Rica, Denmark, Dominican Republic, Ecuador, Finland, Germany, Federal Republic of, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Portugal, Rwanda, Senegal, Singapore, Spain, Surinam, Swaziland, Sweden, United States of America, Venezuela.

Against: Algeria, Argentina, Bahrain, Benin, Bolivia, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Chile, Comoros, Cuba, Czechoslovakia, Democratic Yemen, Equatorial Guinea, Ethiopia, German Democratic Republic, Guinea, Hungary, Indonesia, Iraq, Jamaica, Jordan, Kuwait, Lao People's Democratic Republic, Madagascar, Mongolia, Mozambique, Oman, Paraguay, Poland, Qatar, Romania, Sudan, Syrian Arab Republic, Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, Viet Nam, Yemen, Yugoslavia, Zambia.

Abstaining: Afghanistan, Bahamas, Bangladesh, Barbados, Bhutan, Botswana, Burma, Cape Verde, Central African Empire, Chad, Colombia, Congo, Cyprus, Egypt, El Salvador, Fiji, France, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, India, Iran, Israel, Ivory Coast, Lebanon, Liberia, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Morocco, Nepal, Niger, Pakistan, Papua New Guinea, Peru, Philippines, Saudi Arabia, Sri Lanka, Thailand, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Upper Volta, Uruguay, Zaire.

D. Draft resolution A/C.3/32/L.32

20. At the 53rd meeting, on 22 November, the representative of Chile introduced a draft resolution (A/C.3/32/L.32) which read as follows:

"The General Assembly,

"Recalling that Articles 55 and 56 of the Charter of the United Nations provide that the Organization shall promote universal respect for human rights and that all Member States pledge themselves to take joint and separate action for that purpose,

"Bearing in mind the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Declaration drawn up by the International Conference on Human Rights held at Teheran in 1968, and other universal and regional instruments promoting human rights and establishing machinery for their protection,

"Noting the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (resolution 2625 (XXV)), especially in so far as relates to the duty of States to co-operate in the promotion of universal respect for human rights and fundamental freedoms for all,

"Also noting, inter alia, General Assembly resolutions 2144 (XXI), 3136 (XXVIII) and 3221 (XXIX), Economic and Social Council resolution 1164 (XLI) and resolution 2 (XXII) of the Commission on Human Rights, which call for strengthening the United Nations system in order to ensure universal realization of human rights without distinction of any kind and for determining the ways and means of strengthening it,

"Considering that resolution 3221 (XXIX) called for soliciting the views of Member States, the specialized agencies and regional intergovernmental organizations on possible ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms and that resolution 3451 (XXX) requested the Secretary-General to submit an updated version of his report to the General Assembly at its thirty-second session,

"Having considered the reports of the Secretary-General of the United Nations on this subject (A/10235, A/32/178 and A/32/179),

"Bearing in mind Economic and Social Council resolution 1159 (XLI), the report of the Ad Hoc Working Group on regional human rights commissions (E/CN.4/966 and Add.1) and other agreements and documents referring to the activities and functions of the said regional commissions,

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"Noting that the only existing system for the investigating of specific allegations of violations of human rights (resolution 1503 (XLVIII)) has not completely fulfilled the purposes for which it was created,

"Believing that it is essential to establish a general and universally applicable system which will permit the effective investigation of all reliably attested allegations of violations of human rights,

"1. Requests the Secretary-General of the United Nations to appoint a group of 10 experts of recognized competence and proven experience in human rights matters, including representatives of the different geographical areas and legal systems, to prepare a study looking to the establishment of a system for the investigation of allegations of violations of human rights;

"2. Decides that the said system, while universal in nature, should take into account the characteristics of each geographical area and recognize the primary and decisive participation of regional organizations, avoid overlapping of competence, provide suitable machinery for co-operation between the United Nations and the States under investigation, and provide the latter with appropriate guarantees of equity and discretion;

"3. Requests the group of experts to submit its report for consideration by the Economic and Social Council at its sixty-sixth session and for subsequent consideration by the General Assembly at its thirty-fourth session, bearing in mind the material accumulated during the consideration of this subject by the United Nations and the views recently expressed by Member States in that regard;

"4. 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'."

21. A statement on the administrative and financial implications of draft resolution A/C.3/32/L.32 was submitted by the Secretary-General (A/C.3/32/L.44) in accordance with rule 153 of the rules of procedure.

22. At the 69th meeting, on 6 December, the Committee rejected draft resolution A/C.3/32/L.32 by a recorded vote of 50 to 15, with 65 abstentions. The voting was as follows:

In favour: Bolivia, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Nicaragua, Paraguay, Peru, Singapore, Spain, Surinam, Uruguay.

Against: Algeria, Bahrain, Bangladesh, Benin, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Congo, Cuba, Czechoslovakia, Democratic Yemen, Egypt, Equatorial Guinea, Ethiopia, German Democratic Republic, Guinea, Guinea-Bissau,

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Hungary, Iraq, Jamaica, Lao People's Democratic Republic, Mexico, Mongolia, Mozambique, Niger, Oman, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United States of America, Upper Volta, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia.

Abstaining: Afghanistan, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Bhutan, Botswana, Brazil, Burma, Central African Empire, Chad, Comoros, Cyprus, Denmark, Fiji, Finland, France, Gabon, Germany, Federal Republic of, Ghana, Greece, Grenada, Honduras, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Kenya, Lebanon, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Papua New Guinea, Philippines, Portugal, Sierra Leone, Sweden, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Zaire.

III. DECISION OF THE THIRD COMMITTEE

23. The Committee decides 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.

IV. RECOMMENDATION OF THE THIRD COMMITTEE

24. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

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,

Conscious that it is the duty of the United Nations and of all Member States to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language or religion,

Convinced that such co-operation should be based on a profound understanding of the variety of problems existing in different societies and on the full respect for their economic, social and cultural realities,

Bearing in mind the Universal Declaration of Human Rights,

Acknowledging the progress achieved by the international community in the promotion and protection of human rights and fundamental freedoms, particularly, with respect to the standard-setting work within the United Nations system,

Noting with satisfaction the entry into force of the international Covenants on Human Rights 3/ and of a large number of other important international instruments in the field of human rights,

3/ General Assembly resolution 2200 A (XXI), annex.

Considering that the acceptance by Member States of the obligations contained in those instruments is an important element for the universal realization and respect of human rights and fundamental freedoms,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Profoundly convinced that all human rights and fundamental freedoms are interrelated and indivisible,

Recognizing that apartheid, all forms of racial discrimination, colonialism, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity, as well as the refusal to recognize the fundamental rights of all peoples to self-determination and of every nation to exercise full sovereignty over its natural wealth and resources constitute situations which in themselves are and generate mass and flagrant violations of all human rights and fundamental freedoms of peoples as well as of individuals,

Deeply concerned at the continuing existence of an unjust international economic order which constitutes a major obstacle to the realization of the economic, social and cultural rights in developing countries,

Considering that the approach to the future work within the United Nations system in the field of human rights should take into due account the experiences and the general situation of, as well as the efforts made by, the developing countries to implement human rights and fundamental freedoms,

Considering that the thirtieth anniversary of the Universal Declaration of Human Rights should be marked by an over-all analysis of existing problems in the field of human rights and by increased efforts in finding appropriate solutions for the effective promotion and protection of human rights and fundamental freedoms, taking into account the experiences and contributions of both developed and developing countries,

Having considered the reports of the Secretary-General on this item, 4/

1. Decides that the approach to the future work within the United Nations system with respect to human rights questions should take into account the following concepts:

(a) All human rights and fundamental freedoms are indivisible and interdependent; 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;

(b) The full realization of civil and political rights without the enjoyment of economic, social and cultural rights is impossible; the achievement of lasting

progress in the implementation of human rights is dependent upon sound and effective national and international policies of economic and social development, as recognized by the Proclamation of Teheran (1968); 5/

(c) All human rights and fundamental freedoms of the human person and of peoples are inalienable;

(d) Consequently, human rights questions should be examined globally, taking into account both the over-all context of the various societies in which they present themselves, as well as the need for the promotion of the full dignity of the human person and the development and well-being of the society;

(e) In the approaching human rights questions within the United Nations system, the international community should accord, or continue to accord, priority to the search for solutions to the mass and flagrant violations of human rights of peoples and persons affected by situations such as those resulting from apartheid, from all forms of racial discrimination, from colonialism, from foreign domination and occupation, from aggression and threats against national sovereignty, national unity and territorial integrity, as well as from the refusal to recognize the fundamental rights of peoples to self-determination and of every nation to the exercise of full sovereignty over its wealth and natural resources;

(f) The realization of the new international economic order is an essential element for the effective promotion of human rights and fundamental freedoms and should also be accorded priority;

(g) 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;

(h) The experience and contribution of both developed and developing countries should be taken into account by all organs of the United Nations system in their work related to human rights and fundamental freedoms;

2. Requests the Commission on Human Rights:

(a) To undertake at its thirty-fourth session, as a matter of priority, 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 above concepts;

(b) To comply with the mandate established by the Economic and Social Council

5/ See Final Act of the International Conference of Human Rights (United Nations publication, Sales No. E.68.XIV.2), p. 3.

in its resolution 1992 (LX) of 12 May 1976 and the Commission in its decision 4 (XXXIII) of 21 February 1977, and also in the light of the present resolution;

(c) To submit to the General Assembly at its thirty-fourth session, through the Economic and Social Council, a report with its conclusions and recommendations of the work done with respect to paragraph 2 (a) and (b) above, and to submit a progress report to the Assembly, at its thirty-third session, through the Council;

3. Requests the Secretary-General to transmit the present resolution to all United Nations organs and specialized agencies concerned;

4. Decides to include in the provisional agenda of its thirty-third 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".
