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

Report of the Third Committee

Rapporteur: Mr. A.A. MOHAMMED (Nigeria)

I. INTRODUCTION

1. The General Assembly at its 1564th plenary meeting on 23 September 1967, allocated to the Third Committee agenda item 61 entitled "Creation of the post of United Nations High Commissioner for Human Rights".
2. The agenda of the twentieth session of the General Assembly included an item entitled "Creation of the post of United Nations High Commissioner for Human Rights". Owing to other priorities, the proposal submitted by Costa Rica relating to this question^{1/} could not be considered. The Assembly, in resolution 2062 (XX), requested the Economic and Social Council to transmit the proposal to the Commission on Human Rights for study of all aspects of the matter and for report, through the Council, to the General Assembly at its twenty-first session.
3. In view of a decision taken by the Commission on Human Rights at its twenty-first session, the item placed on the Commission's agenda at its twenty-second session, pursuant to resolution 2062 (XX), was entitled "Question concerning the implementation of human rights through a United Nations High Commissioner for Human Rights or some other appropriate international machinery".^{2/}

^{1/} Official Records of the General Assembly, Twentieth Session, Annexes, agenda item 98, document A/5963.

^{2/} Official Records of the Economic and Social Council, Forty-first Session, Supplement No. 8 (E/4184), chapter V.

In resolution 4 (XXII) of 30 March 1966, the Commission, recognizing the importance of the proposal transmitted to it by General Assembly resolution 2062 (XX), decided to establish a working group, composed of nine States members of the Commission, to meet at Headquarters to study all relevant questions concerning the institution of a United Nations High Commissioner for Human Rights, taking into consideration the debate of the Commission on Human Rights on this item and all the questions raised therein, and to report to the Commission at its twenty-third session. The Commission requested the Secretary-General to prepare an analytical and technical study for the purpose of assisting the Working Group to carry out its mandate, and decided to consider the report of the Working Group as a matter of high priority at its twenty-third session. The Commission requested the Economic and Social Council to draw the attention of the General Assembly to the Commission's resolution 4 (XXII).

4. As requested by the Commission on Human Rights the Economic and Social Council, in resolution 1163 (XLI) of 5 August 1966, informed the General Assembly of the debate which had taken place in the Commission on Human Rights and of the establishment and mandate of the Working Group. The Council also decided to transmit to the Assembly the records of the discussion in the Commission and the Council during their consideration of the question.^{3/}

5. At its 1498th meeting, on 19 December 1966, the General Assembly approved the recommendation of the Third Committee that the consideration of the question of the post of United Nations High Commissioner for Human Rights should be postponed to the twenty-second session.

6. At its twenty-second session, the General Assembly had before it resolution 1237 (XLII) of the Economic and Social Council, in which the Council recommended that the General Assembly adopt a draft resolution approved by the Commission on Human Rights at its twenty-third session. The draft resolution recommended by the Council called for the establishment of a United Nations High Commissioner's Office for Human Rights and specified the High Commissioner's functions and powers.

7. The Third Committee considered this item at its 1551st meeting, held on 14 December 1967.

^{3/} Ibid., chapter V; E/CN.4/SR.876 and 879 to 883; and ibid., Forty-first Session, 1445th meeting.

II. DRAFT RESOLUTION AND AMENDMENT

8. Canada, Costa Rica, Dahomey, France, Philippines, Senegal and Uruguay submitted a draft resolution (A/C.3/L.1517) reading as follows:

"The General Assembly,

"Recalling its resolution 2062 (XX) of 16 December 1965 relating to the creation of the post of United Nations High Commissioner for Human Rights,

"Noting Economic and Social Council resolution 1237 (XLII) of 6 June 1967, in which the Council endorsed the recommendation to the General Assembly contained in the draft resolution proposed by the Commission on Human Rights, and Economic and Social Council resolution 1238 (XLII) of 20 June 1967 relating to the same subject,

"Regretting that, despite the decision at its 1498th plenary meeting, held on 19 December 1966, whereby it approved the recommendation of the Third Committee that consideration of agenda item 61 should be postponed to the twenty-second regular session, such consideration has not been possible, owing to the heavy programme of work at the present session,

"1. Decides to give a high priority in accordance with the aforementioned resolutions and decisions, to the consideration of this question at its twenty-third regular session;

"2. Requests the Secretary-General to provide the General Assembly at its twenty-third regular session with all the relevant information prepared in conformity with the resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights with regard to this matter."

9. An amendment submitted by India (A/C.3/L.1523) proposed the insertion of the following new operative paragraph before paragraph 1:

"Decides, in view of the controversial nature of the subject, to refer the item to the Economic and Social Council and to the Commission on Human Rights for consideration of the institution of appropriate alternative international machinery for the implementation of human rights;"

IV. ISSUES DISCUSSED

10. Several representatives said that as, because of lack of time, the Committee had had no opportunity to discuss the proposal before the General Assembly in full and it was now confronted with a resolution of a merely procedural character, any observations on the substance of the question were not called for at this time.

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11. Several representatives contended that the establishment of a High Commissioner for Human Rights would be a very effective means of extending the moral influence of the United Nations into areas where the existing machinery for implementing human rights was now inadequate. Other speakers were categorically opposed to the recommendations contained in Economic and Social Council resolution 1237 (XLII), believing that the best means of implementing human rights lay in the ratification and enforcement of treaties, and stressed that they would never recognize a High Commissioner or give any support to the financing of such an institution. Certain representatives, for their part, felt that the new office would overlap and conflict with the implementation machinery set up by existing United Nations organs or contemplated under conventions adopted by the General Assembly. Others again expressed the view that unless the High Commissioner enjoyed a minimum degree of universal support, the proposed office would be doomed to failure.

12. Representatives supporting the amendment proposed by India felt that the merits of the proposal to establish a United Nations High Commissioner for Human Rights had never been examined by a body fully representative of all Member States and that the proposal in its present form presented ambiguities which needed further study and clarification. Moreover, neither the Commission nor the Council had ever gone into the possibilities of alternative appropriate machinery for the implementation of human rights. In this connexion, it was proposed that the title of the item should be amended to read as it did on the agenda of the Commission and of the Council, namely, "Question concerning the implementation of human rights through a United Nations High Commissioner for Human Rights or some other appropriate international machinery". Other representatives stressed that the recommendation contained in Council resolution 1237 (XLII) had been adopted by a large majority, both in the Council and in the Commission. To refer the item back to those bodies would thus amount to an expression of lack of confidence in them.

13. Some representatives voiced misgivings regarding the proposal in operative paragraph 1 to accord high priority to the item at the next session of the General Assembly; the Third Committee had already decided to give priority to

the items on religious intolerance and the punishment of war criminals. Other representatives, however, thought that the prolonged delay in the establishment of a High Commissioner's Office retarded progress in the implementation of human rights and that therefore the establishment of such an office was urgent.

V. VOTING

14. At its 1551st meeting, on 14 December 1967, the Third Committee voted on the seven-Power draft resolution (A/C.3/L.1517) and on the amendment thereto proposed by India (A/C.3/L.1523).
15. The preamble of the seven-Power draft resolution was adopted by 63 votes to 11, with 14 abstentions.
16. The amendment proposed by India was rejected by 43 votes to 32, with 19 abstentions. At the request of the representative of Nigeria the vote was taken by roll-call. The voting was as follows:

In favour: Algeria, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Ceylon, Cuba, Czechoslovakia, Ethiopia, Hungary, India, Indonesia, Iraq, Japan, Jordan, Kenya, Kuwait, Lebanon, Mongolia, Morocco, Nigeria, Poland, Romania, Saudi Arabia, Sudan, Syria, Togo, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia.

Against: Argentina, Australia, Austria, Barbados, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, Ecuador, Finland, France, Greece, Guatemala, Guyana, Honduras, Israel, Italy, Jamaica, Madagascar, Mexico, Netherlands, New Zealand, Norway, Panama, Philippines, Portugal, Rwanda, Senegal, Sierra Leone, Spain, Sweden, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Abstaining: Afghanistan, Cameroon, Central African Republic, Chad, Congo (Democratic Republic of), Ghana, Iran, Ireland, Ivory Coast, Malawi, Malaysia, Mali, Mauritania, Nepal, Niger, Pakistan, Thailand, Uganda, Upper Volta.

17. At the request of the representative of Iraq, a separate vote was taken on the words "a high priority" in operative paragraph 1 of the seven-Power draft resolution. Those words were retained by 50 votes to 27, with 17 abstentions.

18. At the request of the representative of Nigeria, a separate vote was taken on the words "at its twenty-third regular session" in the same paragraph. Those words were retained by 61 votes to 22, with 7 abstentions.

19. Operative paragraph 1 was adopted by 55 votes to 20, with 19 abstentions.

20. Operative paragraph 2 was adopted by 63 votes to 13, with 14 abstentions.

21. The seven-Power draft resolution (A/C.3/L.1517) as a whole was adopted by 61 votes to 25, with 11 abstentions. At the request of the representative of the United Kingdom the vote was taken by roll-call. The voting was as follows:

In favour: Afghanistan, Argentina, Australia, Austria, Barbados, Belgium, Brazil, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo (Democratic Republic of), Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, Ecuador, Finland, France, Ghana, Greece, Guatemala, Guyana, Honduras, Iceland, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Liberia, Madagascar, Mexico, Netherlands, New Zealand, Niger, Norway, Pakistan, Panama, Peru, Philippines, Portugal, Rwanda, Senegal, Sierra Leone, Spain, Sweden, Thailand, Tunisia, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Venezuela.

Against: Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, India, Iraq, Jordan, Kuwait, Lebanon, Libya, Mongolia, Morocco, Nigeria, Poland, Romania, Saudi Arabia, Sudan, Syria, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia.

Abstaining: Burma, Ceylon, Ethiopia, Indonesia, Kenya, Malawi, Malaysia, Mali, Mauritania, Nepal, Turkey.

VI. RECOMMENDATION OF THE THIRD COMMITTEE

22. The Third Committee therefore recommends to the General Assembly the adoption of the following draft resolution.

Creation of the post of United Nations High Commissioner for Human Rights

The General Assembly,

Recalling its resolution 2062 (XX) of 16 December 1965 relating to the creation of the post of United Nations High Commissioner for Human Rights,

Noting Economic and Social Council resolution 1237 (XLII) of 6 June 1967, in which the Council endorsed the recommendation to the General Assembly contained in the draft resolution proposed by the Commission on Human Rights, and Economic and Social Council resolution 1238 (XLII) of 20 June 1967 relating to the same subject,

Regretting that, despite the decision at its 1498th plenary meeting, held on 19 December 1966, whereby it approved the Third Committee's recommendation that the consideration of agenda item 61 should be postponed to the twenty-second session, such consideration has not been possible at the present session, owing to the heavy programme of work,

1. Decides to give high priority, in accordance with the aforementioned resolutions and decisions, to the consideration of this question at its twenty-third session;
2. Requests the Secretary-General to provide the General Assembly at its twenty-third session with all the relevant information prepared in conformity with the resolutions of the Assembly, the Economic and Social Council and the Commission on Human Rights with regard to this matter.
