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

Note by the Secretary-General

The Secretary-General has the honour to submit herewith the reply received, in accordance with paragraph 1 of Economic and Social Council resolution 1238 (XLII), from the Government of Japan.

JAPAN

[Original: English]  
10 October 1967

1. The establishment of new international machinery to promote and encourage respect for human rights and fundamental freedoms within the framework of the United Nations is one of the most important questions in the field of human rights. The question as to what functions the United Nations should be authorized to perform in this field requires very careful consideration in the light of provisions of the Charter. It also needs a careful examination in respective Member States as an important legal question.
2. During the discussion of the implementation clauses of the International Covenants on Human Rights in the Third Committee of the General Assembly at its twenty-first session, the proposals which aimed at introducing a rigorous implementation system incorporating obligatory conciliation procedures and a petition system were rejected after a long and heated discussion. The adoption by the Assembly of the International Covenants on Human Rights with a moderate implementation system by a unanimous vote should be interpreted as the final decision of the Assembly on the question of setting up international machinery to ensure respect for fundamental freedoms and human rights.

3. In the light of these observations, the Government of Japan considers it inappropriate to establish a High Commissioner for Human Rights outside the framework of the International Covenants on Human Rights, for the following reasons:

(a) It is inadvisable to take up the question of similar nature on which the Assembly has come to a conclusion only at its last session. The area of activities for the proposed High Commissioner is within the scope of the International Covenants on Human Rights, implementation measures of which represent the decision of the Assembly on the question of establishing permanent machinery to deal with the problem of human rights in all its aspects.

(b) The General Assembly should not take action by means of a summary procedure, namely, the adoption by majority of a resolution, on a question which was already settled in the course of the deliberation of the Covenants.

(c) It would be questionable, to say the least, whether the General Assembly is authorized to establish, by a simplified procedure as mentioned above, such an institution as the proposed High Commissioner whose activities may give rise to possible interference in matters which are essentially within the domestic jurisdiction of Member States in that the High Commissioner may intervene even in matters involving those Member States which oppose the establishment of such machinery.

(d) The proposal that the office of the High Commissioner shall be financed under the regular budget of the United Nations may give rise to a difficult financial question because it may lead to non-payment of the portion of the contributions related to the cost of maintaining this office on the part of those Member States which oppose its establishment.

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