



# UNITED NATIONS

## GENERAL ASSEMBLY



Distr.  
GENERAL

A/7434  
17 December 1968

ORIGINAL: ENGLISH

Twenty-third session  
Agenda item 56

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

#### Report of the Third Committee

Rapporteur: Mr. Yahya MAHMASSANI (Lebanon)

#### I. INTRODUCTION

1. The General Assembly, at its 1676th plenary meeting on 27 September 1968, allocated to the Third Committee agenda item 56 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<sup>1/</sup> could not be considered. The Assembly, by its 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".<sup>2/</sup>

<sup>1/</sup> Official Records of the General Assembly, Twentieth Session, Annexes, agenda item 98, document A/5963.

<sup>2/</sup> See Official Records of the Economic and Social Council, Forty-first Session, Supplement No. 8 (E/4184), chapter V.

In its 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 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.<sup>3/</sup>

5. At its 1498th plenary meeting, on 19 December 1966, the General Assembly approved the recommendation of the Third Committee that the consideration of the question of the creation 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 Economic and Social Council resolution 1237 (XLII), 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.

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<sup>3/</sup> Ibid., chapter V; E/CN.4/SR.876 and 879-883; and Official Records of the Economic and Social Council, Forty-first Session, 1445th meeting.

7. In resolution 2333 (XXII) of 18 December 1967, the General Assembly, inter alia, expressed its regret at the fact that the consideration of the item had not been possible at the twenty-second session and decided to give high priority to the consideration of the question at the twenty-third session.
8. The Third Committee considered this item at its 1642nd and 1643rd meetings, held on 16 December 1968.

## II. DRAFT RESOLUTION AND AMENDMENTS

9. At the 1643rd meeting, on 16 December 1968, the representative of Costa Rica, on behalf of Afghanistan, Canada, Costa Rica, Dahomey, France, Philippines, Senegal, Tunisia and Uruguay, introduced a draft resolution (A/C.3/L.1652) which read as follows:

"The General Assembly,

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

"Noting once again resolution 1237 (XLII) of 6 June 1967 of the General Assembly contained in the draft resolution recommended by the Commission on Human Rights, and Economic and Social Council resolution 1238 (XLII) of 20 June 1967 on the same subject,

"Recalling also that the General Assembly in its resolution 2333 (XXII) of 18 December 1967, expressed regret that the consideration of this question had not been possible owing to the heavy programme of work and decided to give high priority to the consideration of the question at its twenty-third session,

"Regretting that, despite that decision, it has not been possible to do so owing to the heavy programme of work at the current (twenty-third) session,

"1. Again decides to give high priority, in accordance with the aforementioned resolution and decisions, to the consideration of this question at its twenty-fourth regular session;

"2. Requests the Secretary-General to provide the General Assembly at its twenty-fourth regular 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 in this matter."

10. The representative of India orally proposed the following amendments to the nine-Power draft resolution (A/C.3/L.1652):

- (i) In the second preambular paragraph, to replace the final two words, "same subject", by the phrase "question concerning the implementation of human rights through a United Nations High Commissioner for Human Rights or some other appropriate international machinery";
  - (ii) To delete the third preambular paragraph;
  - (iii) In the fourth preambular paragraph, to replace the introductory word "Regretting" by "Noting"; and to delete the words "despite that decision". The latter amendment was later withdrawn by the sponsor;
  - (iv) In operative paragraph 1, to delete the words "Again", "high" and "in accordance with the aforementioned resolution and decisions".
- The last of these amendments was later also withdrawn by the sponsors.

11. The representative of the United Arab Republic orally proposed the insertion in the first preambular paragraph, before the word "creation", of the words "consideration of the".

### III. VOTING

12. At its 1643rd meeting, on 16 December 1968, the Committee voted on the nine-Power draft resolution (A/C.3/L.1652), and on the oral amendments thereto, as follows:

(a) The amendment of the United Arab Republic to the first preambular paragraph (see paragraph 11 above) was adopted by 41 votes to 31, with 16 abstentions.

(b) The first preambular paragraph, as amended, was adopted by 79 votes to none, with 8 abstentions.

(c) The Indian amendment to the second preambular paragraph (see paragraph 10 (i) above) was adopted by 40 votes to 28, with 21 abstentions.

(d) The second preambular paragraph, as amended, was adopted by 61 votes to none, with 24 abstentions.

(e) The Indian proposal to delete the third preambular paragraph was rejected by 49 votes to 29, with 14 abstentions.

(f) The third preambular paragraph, as set forth in the draft resolution, was adopted by 60 votes to 13, with 12 abstentions.

(g) The Indian proposal to replace the word "Regretting", in the fourth preambular paragraph, by "Noting" was rejected by 42 votes to 31, with 12 abstentions.

(h) The Indian proposal to delete from the fourth preambular paragraph the words "despite that decision" was rejected by 47 votes to 18, with 22 abstentions.

(i) The fourth preambular paragraph, as set forth in the draft resolution, was adopted by 64 votes to 12, with 8 abstentions.

(j) The Indian proposal to delete from operative paragraph 1 the word "Again" was rejected by 44 votes to 30, with 11 abstentions.

(k) The Indian proposal to delete from operative paragraph 1 the word "high" was rejected by 47 votes to 28, with 13 abstentions.

(l) Operative paragraph 1, as set forth in the draft resolution, was adopted by 63 votes to 12, with 13 abstentions.

(m) Operative paragraph 2, on which a separate vote had been requested by the representative of the Union of Soviet Socialist Republics, was adopted by 66 votes to 11, with 7 abstentions.

(n) The draft resolution as a whole, as amended, was adopted by 61 votes to 14, with 15 abstentions. At the request of the representative of Costa Rica, the vote was taken by roll-call. The voting was as follows;

In favour: Afghanistan, Argentina, Australia, Austria, Belgium, Brazil, Cameroon, Canada, Ceylon, Chile, China, Colombia, Congo (Democratic Republic of), Costa Rica, Cyprus, Dahomey, Denmark, Ecuador, Ethiopia, Finland, France, Ghana, Greece, Guyana, Honduras, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Liberia, Madagascar, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Portugal, Rwanda, Senegal, Singapore, South Africa, Sweden, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Venezuela.

Against: Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, India, Jordan, Mongolia, Poland, Romania, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania.

Abstaining: Algeria, Burma, Congo (Brazzaville), Guinea, Indonesia, Iraq, Kenya, Lebanon, Mauritania, Sudan, Togo, Uganda, United Arab Republic, Yugoslavia, Zambia.

#### IV. RECOMMENDATION OF THE THIRD COMMITTEE

13. 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 concerning the consideration of the creation of the post of United Nations High Commissioner for Human Rights,

Noting once again 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,<sup>4/</sup> and Economic and Social Council resolution 1238 (XLII) of 6 June 1967 on the question concerning the implementation of human rights through a United Nations High Commissioner for Human Rights or some other appropriate international machinery,

Recalling also that the General Assembly in its resolution 2333 (XXII) of 18 December 1967, expressed regret that the consideration of this question had not been possible owing to the heavy programme of work and decided to give high priority to the consideration of the question at its twenty-third session,

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<sup>4/</sup> See Official Records of the Economic and Social Council, Forty-second Session, Supplement No. 6 (E/4322 and Corr.1), chapter XVIII, draft resolution IV.

Regretting that, despite that decision, it has not been possible to do so owing to the heavy programme of work at the current session,

1. Again decides to give high priority, in accordance with the aforementioned resolutions and decisions, to the consideration of this question at its twenty-fourth session;

2. Requests the Secretary-General to provide the General Assembly at its twenty-fourth 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 on this matter.

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