

ARTICLE 56

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ARTICLE 56

TEXT OF ARTICLE 56

All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.

INTRODUCTORY NOTE

1. There were no decisions during the period under review that interpreted or referred to Article 56 in a manner which differed substantially from that described in the previous *Repertory* studies of this Article. The present study is therefore limited to a brief review of additional decisions and related discussions in the General Assembly and the Economic and Social Council in which Article 56 was referred to or its language paraphrased.

2. Article 56 was frequently mentioned in discussions jointly with Article 55: Since such references were usually made in connection with obligations or pledges of Member States, and since Article 56 refers to a pledge, such discussions have primarily been reviewed in this study, rather than in the study of Article 55.

I. GENERAL SURVEY

3. As in the past, only in a few decisions of the General Assembly and the Economic and Social Council was there reference to Article 56. Most of these references were made in the preambles to resolutions and relate primarily to questions of economic development,¹ social progress² and human rights.³ Decisions in the economic, social and human rights fields which contained no reference to Article 56, but referred in a general way to the obligations assumed by Members under the Charter, as well as incidental

references to Article 56 in discussions, are not dealt with here.⁴

4. However, as noted in the *Repertory*,⁵ since Article 56 contains a general pledge relating to the achievement of the purposes set forth in Article 55, it cannot be said with certainty that the pledge in Article 56 has not been taken into account in those decisions which contain only a general reference to obligations of Members under the Charter. It should be noted that, in the study of Article 55 in the present *Supplement*, which deals, inter alia, with the types of action taken for the "achievement of the purposes set forth in Article 55", the section on international cooperation is pertinent to this study.

¹GA resolutions 2626 (XXV), 2625 (XXV), 2658 (XXV), 3176 (XXVIII), 3201 (S-VI), 3202 (S-VI), 3281 (XXIX), 3262 (S-VII) and 3517 (XXX); ESC resolutions 1627 (LI), 1911 (LVII) and 2009 (LXI).

²GA resolutions 2998 (XXVII) and 3130 (XXVIII); ESC resolutions 1581 (L) and 1805 (LV).

³GA resolutions 2625 (XXV), 2856 (XXVI), 3068 (XVIII), 3176 (XXVIII), 3447 (XXX), 3517 (XXX), 31/6 J, 32/105 M, 32/130 and 33/100; ESC resolutions 1592 (L), 1768 (LIV) and 1921 (LVIII).

⁴See, for example, GA resolutions 2686 (XXV), 2784 (XXVI), 2787 (XXVI), 2804 (XXVI), 31/77, 31/178, 32/64, 32/66, and 33/54; ESC resolutions 1622 (LI), 1643 (LI), 1895 (LVII), 1910 (LVII), and GA (XXV), 2nd Comm., 1315th mtg., paras. 61 and 68; GA (XXV), Plen., 1883rd mtg., para. 12; GA (XXVII), 3rd Comm., 1996th mtg., para. 16; GA (XXVIII), 3rd Comm., 2012th mtg., para. 28.

⁵See *Repertory*, vol. III, under Article 56, footnote 1, and also paras. 1-3.

II. ANALYTICAL SUMMARY OF PRACTICE

Scope of the pledge to take joint and separate action in cooperation with the Organization Joint and separate action in cooperation with the Organization

1. ECONOMIC DEVELOPMENT

5. In the preamble to General Assembly resolution 2626 (XXV) of 24 October 1970, entitled "International Development Strategy for the Second United Nations Develop-

ment Decade", the Assembly underlined the need for a global development strategy based on joint and concentrated action by developing and developed countries in all spheres of economic and social life. In paragraph (12) of the preamble, Governments designated the 1970s as the Second United Nations Development Decade and pledged themselves, "individually and collectively, to pursue policies designed to create a more just and rational world economic and social order in which equality of opportunities

should be as much a prerogative of nations as of individuals within a nation." They subscribed to the goals and objectives of the Decade and resolved to take the measures to translate them into reality. In order to reflect their political will and collective determination to achieve those goals and objectives, Governments, individually and jointly, solemnly resolved to adopt and implement the policy measures set out in paragraphs (21) to (78) of the strategy.

6. In resolution 2625 (XXV) of 24 October 1970,⁶ entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations", the General Assembly solemnly proclaimed in the preamble certain principles, inter alia, the duty of States to cooperate with one another in accordance with the Charter, in which it set out that "States Members of the United Nations have the duty to take joint and separate action in cooperation with the United Nations in accordance with the relevant provisions of the Charter. States should cooperate in the economic, social and cultural fields as well as in the field of science and technology and for the promotion of international cultural and educational progress. States should cooperate in the promotion of economic growth throughout the world, especially that of the developing countries."

7. In its resolution 2658 (XXV) of 7 December 1970, entitled "The role of modern science and technology in the development of nations and the need to strengthen economic and technico-scientific cooperation among States", the General Assembly, bearing in mind the responsibilities of the United Nations, particularly under Articles 55 and 56 of the Charter, took into account the need for increased international cooperation in bringing the benefits of science and technology to all peoples of the world. In recalling paragraphs 60 to 64 of the International Development Strategy for the Second United Nations Development Decade,⁷ the General Assembly called upon Governments to give due attention to the promotion of science and technology in their national policies and to encourage increased international technical and scientific cooperation, on both a bilateral and a multilateral basis, in accordance with the principles of the Charter of the United Nations.

8. In its resolution 1627 (LI) of 30 July 1971 on the international monetary situation, the Economic and Social Council, noting the importance of cooperation among the Members of the United Nations to enable the international community to achieve the goals and objectives of the International Development Strategy for the Second United Nations Development Decade, called upon the Members, individually and collectively, to take positive and coordinated fiscal and monetary measures to remedy such imbalances as might exist or from time to time occur within the international monetary system, and to improve the working of that system.

9. By its resolution 3176 (XXVIII) of 17 December 1973,⁸ the General Assembly adopted the text of the first biennial overall review and appraisal of progress in the implementation of the International Development Strategy for the Second United Nations Development Decade.⁹ According to the terms of paragraph 69, all Governments are urged to adapt their development policies, not only indi-

vidually but also jointly, to the implementation of the Strategy in a consistent and forward-looking manner. As planned in paragraph 83 of resolution 2626 (XXV), the General Assembly adopted resolution 3517 (XXX) of 15 December 1975,¹⁰ in which it reaffirmed its adherence to a strategic framework for international development cooperation as embodied in the International Development Strategy for the Second United Nations Development Decade, based on mutually consistent and reinforced goals, objectives and commitments to the adoption and implementation of measures to realize those goals and objectives. It also urged developed and developing countries to continue to seek new areas of agreement and to widen the existing ones, within the framework of the appropriate international organizations.

10. The General Assembly, at its sixth and seventh special sessions, adopted resolutions 3201 (S-VI) of 1 May 1974 on the Declaration on the Establishment of a New International Economic Order, 3202 (S-VI) of 1 May 1974 on the Programme of Action on the Establishment of a New International Economic Order, and 3362 (S-VII) of 16 September 1975 on development and international cooperation. In resolution 3201 (S-VI), Members of the United Nations, bearing in mind the spirit, purposes and principles of the Charter of the United Nations to promote the economic advancement and social progress of all peoples, solemnly proclaimed their determination to work urgently for the establishment of a new international economic order, based on the full respect for certain principles, inter alia, the strengthening, through individual and collective actions, of mutual economic, trade, financial and technical cooperation among the developing countries, mainly on a preferential basis. In part IX of resolution 3202 (S-VI), entitled, "Strengthening the role of the United Nations system in the field of international economic cooperation", all Member States pledged to make full use of the United Nations system in the implementation of the Programme of Action they had jointly adopted, and in working for the establishment of a new international economic order and thereby strengthening the role of the United Nations in the field of worldwide cooperation for economic and social development. In its resolution 3362 (S-VII), the General Assembly expressed its conviction that the overall objective of the new international economic order was to increase the capacity of developing countries, individually and collectively, to pursue their development.

11. In its resolution 1911 (LVII) of 2 August 1974, the Economic and Social Council, recalling earlier General Assembly resolutions,¹¹ urged Governments of all States Members of the United Nations to take the necessary political decisions and specific and concrete measures, individually and collectively, required for the implementation of the provisions of the Declaration and the Programme of Action on the Establishment of a New International Economic Order.

12. The General Assembly, by its resolution 3281 (XXIX) of 12 December 1974, adopted and solemnly proclaimed the Charter of Economic Rights and Duties of States. It re-

⁶See also para. 17 below.

⁷GA resolution 2626 (XXV). See also para. 5 above.

⁸Based on ESC resolution 1827 (LV) of 10 August 1973.

⁹Based on GA resolution 2626 (XXV), para. 83.

¹⁰Mid-term review and appraisal of progress in the implementation of the International Development Strategy for the Second United Nations Development Decade.

¹¹GA resolutions 3201 (S-VI) and 3202 (S-VI). See also para. 10 above.

affirmed in the preamble the need for strengthening international cooperation in the economic and social fields and declared that a fundamental purpose of the Charter was to promote the establishment of the new international economic order, based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems. Pursuant to article 7 of that Charter, dealing with the responsibility of every State to promote the economic, social and cultural development of its people, "each State has the right and the responsibility to choose its means and goals of development, fully to mobilize and use its resources... [as well as] the duty, individually and collectively, to cooperate in eliminating obstacles that hinder such mobilization and use". Article 16 of the Charter states that "it is the right and duty of all States, individually and collectively, to eliminate colonialism, apartheid, racial discrimination, neo-colonialism and all forms of foreign aggression, occupation and domination, and the economic and social consequences thereof, as a prerequisite for development".

13. In its resolution 2009 (LXI) of 9 July 1976, entitled "Declaration of Abidjan", the Economic and Social Council took fully into account the Declaration and the Programme of Action on the Establishment of a New International Economic Order,¹² when it urged "all countries and international organizations to give added impetus to the efforts of the international community towards the achievement of the goals, targets and objectives of the development of developing countries through individual or collective action".¹³

2. SOCIAL PROGRESS

14. In its resolution 1581 B (L) of 21 May 1971 on the world social situation, the Economic and Social Council recalled that under the terms of the Charter of the United Nations all Member States were pledged to promote social progress and better standards of life. In its resolution 1581 C (L) of 21 May 1971, the Economic and Social Council, affirming that primary responsibility for improvement in social conditions rested with Governments, recalled Article 56 of the Charter of the United Nations under which "all Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of higher standards of living, full employment and conditions of economic and social progress and development, and solutions of international economic, social, health and related problems". The Council, *inter alia*, recommended that Member States intensify their efforts to enhance social progress and development, notably in cooperating with other Members in the framework of bilateral assistance and with international agencies in multilateral programmes and other activities.

15. In its resolution 2998 (XXVII) of 15 December 1972, the General Assembly, mindful of the aims expressed in the Preamble as well as in Articles 55 and 56 of the Charter of the United Nations to employ international machinery for the promotion of the economic and social advancement of all peoples, took note of the policy statement on urbanization of 1972 made by the International Bank for Reconstruction and Development which, *inter alia*, reaffirmed

the important role of housing and human settlements in overall national development. The General Assembly also recommended that in establishing criteria for eligibility for loans under more favourable terms and conditions, the International Bank for Reconstruction and Development should take into account, in addition to economic and monetary criteria, such critical socio-economic factors as levels of unemployment, rates of urban growth, population density and the general conditions of the housing stock in the developing countries. At its twenty-eighth session, the General Assembly, in its resolution 3130 (XXVIII) of 13 December 1973, re-examined the question of criteria governing the multilateral financing of housing and human settlements, and recalled in practically identical terms the clause contained in resolution 2998 (XXXII), with regard to the employment of international machinery for the promotion of the economic and social advancement of all peoples. The General Assembly further noted the rapid deterioration of the worldwide human settlement situation and its effects on the quality of life of vast numbers of people, and recognized the need for international efforts to develop new and additional approaches to solve those problems, especially in the developing countries.

16. In its resolution 1805 (LV) of 8 August 1973, the Economic and Social Council appealed to Governments of all States Members of the United Nations and members of the specialized agencies to take prompt and effective measures with a view, *inter alia*, to "putting into effect a policy the basic objective of which would be to satisfy fully, in all parts of the world, the fundamental right of human beings to live free from hunger through individual measures and international cooperation, a result which should be achieved through concerted action to bring about a rapid increase in food production, especially in the developing countries"; and to "making the maximum use of the institutional machinery set up within the United Nations system in accordance with the principles of the Charter", which remained "an irreplaceable instrument for the achievement of the objectives stated in Article 55 of the Charter, which all Member States, in Article 56, have undertaken to promote".

3. HUMAN RIGHTS

17. The General Assembly, in its resolution 2625 (XXV) of 24 October 1970,¹⁴ proclaimed, *inter alia*, the principle of the duty of States to cooperate with one another in accordance with the Charter. In order to reach the goals defined in that principle, States should cooperate, among others, "in the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all, and in the elimination of all forms of racial discrimination and all forms of religious intolerance". The General Assembly also proclaimed the principle of equal rights and self-determination of peoples, according to which every State has the duty to promote, through joint and separate action, the realization of that principle.

18. In its resolution 1592 (L) of 21 May 1971, the Economic and Social Council recommended that the General Assembly adopt a draft resolution in which it would recall the duty of every State to contribute through joint and independent action to the implementation of the principle of

¹²GA resolution 3202 (S-VI)

¹³GA resolution 2009 (LXI), para. 6.

¹⁴See also para 6 above.

self-determination, in accordance with the provisions of the Charter, and to assist the United Nations in discharging the responsibilities vested in it by the Charter for the implementation of that principle.

19. The General Assembly, on the recommendation of the Economic and Social Council,¹⁵ mindful of the pledge of the States Members of the United Nations under the Charter to take joint and separate action in cooperation with the Organization to promote higher standards of living, full employment and conditions of economic and social progress and development, proclaimed in its resolution 2856 (XVI) of 20 December 1971 the Declaration on the Rights of Mentally Retarded Persons and called for national and international action to ensure that the declaration would be used as a common basis and frame of reference for the protection of those rights.

20. The Economic and Social Council, in its resolution 1768 (LIV) of 18 May 1973, reaffirmed "the need for the renewed commitment of all Member States, regardless of their level of development or their social or economic systems, to worldwide cooperation within the framework of the United Nations in order to bring about the necessary fundamental improvement in the world economic and social order, thereby creating a more just and rational world economic and social order for the benefit of all peoples and nations". In the third part of the resolution, entitled "The Council's continuing functions", the Council reaffirmed that, in order to fulfil its responsibilities under Articles 55 and 56 of the Charter to promote universal respect for, and observance of, human rights and fundamental freedoms, it should consider the reports of its functional bodies responsible in the field of human rights and, on that basis, it should: (a) make appropriate recommendations to the General Assembly in that field, and (b) examine and approve the work programmes of the United Nations in the field of human rights.¹⁶

21. In its resolution 3068 (XXVIII) of 30 November 1973, the General Assembly adopted and opened for signature and ratification the International Convention on the Suppression and Punishment of the Crime of Apartheid. In the preamble to the Convention, the States parties recalled the provisions of the Charter of the United Nations, in which all Members pledged themselves to take joint and separate action in cooperation with the Organization for the achievement of universal respect for, and observance of, human rights and fundamental freedoms for all without discrimination as to race, sex, language or religion. In article IV of the Convention, States parties undertook to adopt any legislative or other measures necessary to suppress as well as to prevent any encouragement of the crime of apartheid and similar segregationist policies or their manifestations and to punish persons guilty of that crime. Under article VI of the same Convention, States parties undertook to accept and carry out in accordance with the Charter of the United Nations the decisions taken by the Security Council aimed at the prevention, suppression and punishment of the crime of apartheid, and to cooperate in the implementation of decisions adopted by other competent organs of the United Nations with a view to achieving the purposes of the Convention.

¹⁵ESC resolution 1585 (L).

¹⁶ESC resolution 1768 (LIV), para. 11.

22. In its resolution 3176 (XXVIII),¹⁷ the General Assembly, referring to "measures by the international community", set out that, "in accordance with the purposes and principles of the Charter of the United Nations and in order to create the conditions necessary for the implementation of the International Development Strategy, vigorous and concrete steps and actions should be taken collectively and individually by the members of the international community, in support of the peoples concerned, to eliminate colonialism, racial discrimination, apartheid and foreign occupation of territories so as to restore their national sovereignty, territorial integrity and their undeniable and fundamental rights and to achieve durable peace, justice and sustained progress throughout the world."¹⁸ The General Assembly, in its resolution 3517 (XXX) of 15 December 1975, referred to its earlier resolutions 2626 (XXV) and 3176 (XXVIII), cited above. Part I of resolution 3517 (XXX), entitled "Elimination of foreign aggression and occupation, racial discrimination, apartheid and colonialism", contained clauses practically identical with that of paragraph 68 of resolution 3176 (XXVIII), cited above.

23. In its resolution 1921 (LVIII) of 6 May 1975, entitled "Prevention of disability and rehabilitation of disabled persons", the Economic and Social Council, mindful of the pledge of Members States under the Charter of the United Nations to take joint and separate action in cooperation with the Organization to promote higher standards of living, full employment and conditions of economic and social progress and development, was convinced that the problem of disability was an appreciable component of the economic and social condition of every country and, consequently, that programmes to prevent disability and to rehabilitate the disabled have an essential part of comprehensive plans for economic and social development, responsibility for which must be assumed by Governments working, as appropriate, with non-governmental organizations.

24. In its resolution 3447 (XXX) of 9 December 1975, entitled, "Declaration on the Rights of Disabled Persons", the General Assembly was "mindful of the pledge made by Member States, under the Charter of the United Nations, to take joint and separate action in cooperation with the Organization to promote higher standards of living, full employment and conditions of economic and social progress and development". The Assembly underlined the necessity of preventing physical and mental disabilities and of assisting disabled persons in developing their abilities in the most varied fields of activities as well as of promoting their integration as far as possible in normal life, and proclaimed the Declaration in calling for national and international action to ensure that it would be used as a common basis and frame of reference for the protection of those rights.

25. By its resolution 31/6 J of 9 November 1976, concerning the Programme of Action against Apartheid, the General Assembly considered "the need for a programme of action to be implemented by Governments, intergovernmental organizations, trade unions, churches, anti-apartheid and solidarity movements and other non-governmental organizations in order to assist the people of South Africa in their struggle for the total eradication of apart-

¹⁷See also para. 9 above.

¹⁸GA resolution 3176 (XXVIII), para. 68.

heid and the exercise of the right of self-determination by all the people of South Africa irrespective of race, colour and creed". In the first part of the Programme of Action, concerning the action to be taken by Governments, the General Assembly called "upon all Governments, irrespective of any other differences, to unite in action against the crime of apartheid and to take vigorous and concerted measures in implementation of United Nations resolutions to isolate the apartheid regime and assist the oppressed people of South Africa and their liberation movements until they attain freedom".¹⁹ The Assembly furthermore called upon all Governments "to take appropriate action, separately or collectively, against transnational companies collaborating with South Africa".²⁰ In the last part of the Programme of Action, entitled "Action by the Special Committee against Apartheid", the General Assembly requested the Special Committee against Apartheid, with the assistance of the Centre against Apartheid, to take all appropriate measures to encourage concerted action against apartheid by Governments and intergovernmental and non-governmental organizations.²¹

26. In its resolution 32/105 M of 14 December 1977, the General Assembly reaffirmed "the importance of effective international action to abolish apartheid in sports and in all other fields", and adopted and proclaimed the "International Declaration against Apartheid in Sports". In the preamble to the Declaration, the Assembly recalled the provisions of the Charter of the United Nations, in which Member States pledged to take joint and separate action in cooperation 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, and stressed "that an effective campaign for the total boycott of South African sports teams can be an important measure in demonstrating the abhorrence of apartheid by Governments and peoples".

27. In its resolution 32/130 of 16 December 1977, the General Assembly made no express reference to Article 56, but referred to "the duty of the United Nations and of all Member States to achieve international cooperation 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". It also considered that the acceptance by the Member States of the obligations contained in the International Covenants on Human Rights and of the other important international instruments in the field of human rights was an important element for the universal realization and respect of human rights and fundamental freedoms. However, when the question of the implementation of the two International Covenants arose during the debates,²² it was pointed out that Articles 55 and 56 of the

Charter were the foundation of the principles of equality and indivisibility of all human rights. The opinion expressed by certain delegations according to which economic rights should take priority over civil and political rights was contested. It was argued that Articles 55 and 56 of the Charter proclaimed economic, social, cultural, political and civil rights on an equal footing.

28. The General Assembly, by its resolution 33/100 of 16 December 1978, entitled "Results of the World Conference to Combat Racism and Racial Discrimination", took into account "the provisions of the Charter of the United Nations whereby Member States undertake to take action separately and in cooperation with the United Nations to ensure respect for and universal observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion". It also resolved "to take all appropriate measures to bring about the total elimination of racism, racial discrimination and apartheid", and further proclaimed that "the elimination of all forms of racism and of prejudices and discrimination based on race "was" a matter of high priority for the international community and, accordingly, for the United Nations".²³

29. The Third Committee of the General Assembly, at its twenty-sixth, twenty-eighth, thirtieth, thirty-second and thirty-third sessions, discussed the question of the creation of the post of United Nations High Commissioner for Human Rights. In the course of those discussions, several references were made both to Articles 55 and 56 of the Charter of the United Nations and their relations to Article 2, paragraph 7, of the Charter.²⁴ The delegations opposing the creation of the post of a High Commissioner for Human Rights cited Article 2, paragraph 7, which stipulates that nothing in the Charter should authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State. They stated that the proposed office would necessarily lead to an intervention in their domestic affairs. Moreover, the questions which would be dealt with by a High Commissioner could be settled only through the speedy and voluntary action of sovereign States. It was also pointed out that the United Nations had adopted a number of international instruments aimed at securing human rights, and therefore the claim that the establishment of the Office of the High Commissioner would be the only way to put Articles 55 and 56 of the Charter into effect was not well founded. It was further stated that Member States which had elaborated and ratified all human rights instruments had also created the apparatus for their implementation, and that there was no necessity to create additional new institutions, but that the existing instruments should rather be made effective in practice. Others stated that the functions envisaged in Articles 55 and 56 of the Charter were quite different from the competence of the United Nations in situations where gross and systematic violations of human rights created a

¹⁹GA resolution 31/6 J, annex, para. 20.

²⁰Ibid., para. 21(c)(vii).

²¹Ibid., para. 28.

²²For texts of relevant statements, see GA (32), 3rd Comm., 52nd mtg., para. 28; 53rd mtg., paras. 10 and 13; 54th mtg., paras. 1 and 2; 67th mtg., para. 48; Plen., 105th mtg., paras. 143 and 189. References to Article 56 were also made at the thirty-third session of the General Assembly, when the Assembly discussed once again the alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms. For relevant statements, see GA (33), 3rd Comm., 53rd mtg., para. 89; 54th mtg., para. 4; 56th mtg., para. 56; 57th mtg., para. 22, and 58th mtg., para. 43.

²³GA resolution 33/100, para. 3.

²⁴For the texts of relevant statements, see GA (XXVI), 3rd Comm., 1899th mtg., paras. 20, 26 and 31; 1900th mtg., paras. 28 and 32; 1901st mtg., paras. 11 and 22; 1902nd mtg., para. 14. GA (XXVIII), 3rd Comm., 2047th mtg., paras. 44, 45, 57, 69 and 77; 2048th mtg., paras. 2, 3, 5, 6, 34, 35 and 50; 2049th mtg., paras. 1 and 10. GA (XXX), 3rd Comm., 2168th mtg., paras. 10, 11 and 34; 2169th mtg., paras. 13-15, 40 and 47; 2171st mtg., para. 10. GA (32), 3rd Comm., 52nd mtg., paras. 24, 31-33, 70 and 75; 53rd mtg., paras. 31, 34, and 39; 54th mtg., paras. 6, 18, 24, 35, 42-44 and 49. GA (33), 3rd Comm., 54th mtg., paras. 4 and 5; 56th mtg., paras. 10, 34, 56 and 57; 57th mtg., paras. 7, 8 and 38.

situation which was likely to impair friendly relations between nations or endanger peace and which was therefore of international concern.

30. The representatives who supported the draft resolutions stated that the creation of the post of High Commissioner for Human Rights must be seen as a joint cooperative effort in terms of Articles 55 and 56 of the Charter of the United Nations; and that it was one among a number of measures Member States could draw upon to fulfil their obligation under Articles 55 and 56 of the Charter to promote human rights both individually and collectively. It was stated that the question of encroaching on the sovereignty of States had been hugely exaggerated: in Article 2, paragraph 7, the Charter upheld the principle of non-intervention in matters which were essentially within domestic jurisdiction, but at the same time, Articles 55 and 56 stated that States pledged themselves to take joint and separate action, in cooperation with the Organization. For a correct discharge of obligations under the Charter, a balance had therefore to be struck between respect for national sovereignty and the protection and promotion of human rights. It was also stated that the protection and promotion of human rights was a matter of legitimate common concern, and that

the international community would be failing to live up to its responsibility if it condoned the misuse of the Charter, notably Article 2, paragraph 7. Member States, through their acceptance of Articles 55 and 56 of the Charter, the Universal Declaration of Human Rights and the International Covenants on Human Rights, had accepted that abuses of human rights, wherever they might occur, were the legitimate subject of international concern. Every country would perhaps need to have the courage to surrender part of its sovereignty and submit to effective and impartial international machinery which would come into operation whenever human rights were violated. The view was expressed that the establishment of the Office of the High Commissioner for Human Rights fell within the competence of the General Assembly, according to Article 1, paragraph 3, Article 13, paragraph 1(b), and Articles 22, 55, 56 and 60 of the Charter. According to this point of view, the General Assembly's discharge of its functions in the field of human rights would be enhanced if it was assisted by a High Commissioner for Human Rights, who could help to promote the understanding of and respect for human rights.