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ARTICLE 56

TEXT OF ARTICLE 56

All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in article 55.

INTRODUCTORY NOTE

1. In the present study, a brief review is made of decisions and related discussions of the General Assembly and the Economic and Social Council in which Article 56 has been referred to or its language paraphrased. Decisions in the economic, social and human rights fields in which reference has been made only in a general way to obligations of Members under the Charter and where no clear connection with Article 56 can be established, are not dealt with in this study, nor are merely incidental references to Article 56 in discussions included.

2. The types of action taken for the “achievement of the purposes set forth in Article 55” are dealt with in the Repertory and its Supplements under Article 55. Questions concerning the relationship of Article 56 to domestic jurisdiction and to reports on steps taken to give effect to recommendations of the General Assembly and the Economic and Social Council on economic, social and human rights matters are dealt with in the Repertory and its Supplements under Article 2 (7) and Article 64, respectively.

3. 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.

4. As in the Repertory and Supplements Nos. 1, 2, 3 and 6, the general survey contains an account of the manner in which Article 56 has been referred to and the analytical summary of practice deals with the question of the scope of the pledge of Member States under Article 56 as reflected in the proceedings of the General Assembly.

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1 It is to be noted that 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 or discussions in which only a general reference has been made to obligations of Members under the Charter. See Repertory, vol. III, under Article 56, footnote 1.

I. GENERAL SURVEY

5. As in the past, only a few decisions of the General Assembly and the Economic and Social Council contained references to Article 56. Some of those references were made in the preambles of resolutions, whereas in some cases the reference was included in the operative part of resolutions, and all those resolutions relate primarily to questions of economic development, social progress, and human rights.

6. As in the past, a reaffirmation was made in resolutions with respect to a previous decision concerning the obligations contained in Article 56, a reference was made to the obligations assumed by all Member States under Article 56, or the Article was quoted in part. Sometimes, the reference was made in connection with the work of specialized agencies or of the Commission on Human Rights.

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7 G A resolutions 44/103 of 11 December 1989 and 45/86 of 14 December 1990.


During the period under review, there was no elaboration of the meaning of the word “pledge” in the decisions of the United Nations. It may be noted that in some decisions which paraphrase Article 56, the words “importance of co-operation among countries,” 12 “commitments and policies for international co-operation,” 13 “all possible steps to promote and implement individually and in co-operation with other States,” 14 “importance of unconditional international co-operation,” 15 and “strong commitment to promote urgently international co-operation” 16 were used.

II. ANALYTICAL SUMMARY OF PRACTICE

The scope of the pledge to take joint and separate action in co-operation with the Organization

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

8. As in the preceding periods, 17 two approaches conflicted during the discussions on the creation of a post of a United Nations High Commissioner for Human Rights, with reference to Articles 55 and 56 of the Charter of the United Nations.

9. The delegations which opposed the creation of the post of a High Commissioner for Human Rights said 18 that the establishment of that post would certainly not contribute to a real improvement in the effective enjoyment of human rights and fundamental freedoms. They argued that it was a well-known fact that in international relations the sovereignty of independent States was being interfered with, unreasonable pressure imposed, and partiality, double standards and selectivity were enforced under the pretext of the human rights issue.

10. The view was also expressed that that post could be abused by its use as a tool for infringing upon the sovereignty of other countries, which would be incompatible with its mandate and in particular with the Charter of the United Nations. It was further mentioned the fact that international treaties and instruments were being abused by some countries or groups of countries for political purposes and that several developing countries had been victimized. Finally, it was stated that that post should be established only when the Organization would be sufficiently democratized to enable due progress to be made in international efforts for the promotion of human rights.

12 G A resolutions 44/55 of 8 December 1989, 45/86 of 14 December 1990.
18 See, for example, G A (48), 3rd Comm., 85th mtg., agenda item 114b.
11. The delegations supporting the creation of the post argued\textsuperscript{19} that the idea of establishing the post of United Nations High Commissioner for Human Rights had been the subject of deliberation in United Nations forums for nearly half a century. While the reality of the world political situation and the reluctance of Member States to take a decision on that matter\textsuperscript{20} had prevented the achievement of that aim in the past, the consensus that had been achieved in the draft resolution under discussion\textsuperscript{21} was a compromise between various alternative proposals concerning the nature of the post and its value.

12. It was also emphasized that the responsibility of formulating the policies of the United Nations was the responsibility of the Member States through the deliberative organs. Therefore, it would be a necessity for the High Commissioner to implement under the authority of the Secretary-General the policies given by those organs of the United Nations, especially the three intergovernmental organs dealing with human rights, namely the General Assembly, the Economic and Social Council and the Commission on Human Rights.

13. It was further stated that the establishment of the post of High Commissioner for Human Rights, with an appropriate mandate as provided for in the resolution under discussion, would make a positive contribution to the work of the United Nations in the field of human rights and that the universality of human rights and the universal nature of the High Commissioner’s mandate would confer upon the Commissioner a responsibility whose impartial fulfillment would directly reflect on the credibility of the post itself: in carrying out the mandate, the High Commissioner would act in accordance with the principle of fairness, objectivity and non-selectivity and in the spirit of constructiveness, international dialogue and co-operation. The adoption of the resolution would represent a recognition by the entire international community of the vital role that the High Commissioner would be playing and would be a pledge of co-operation by each and every State Member of the United Nations.

14. Finally, by its resolution 48/141 of 20 December 1993 adopted by consensus, the General Assembly created the post of the United Nations High Commissioner for Human Rights. It was said\textsuperscript{22} that the establishment of that post by consensus was the result of a process of joint action and collective efforts by all delegations, and that the post which was created would meet the expectations of all countries, thus dissipating any fear or doubt about the mandate of the High Commissioner who would therefore be recognized by all parties and receive extensive support and co-operation in his or her work.

15. Subsequently, by its decision 48/321 of 14 February 1994, the General Assembly approved the appointment proposed by the Secretary-General of the new High Commissioner for a four-year term beginning on 28 February 1994.

\textsuperscript{19}\textit{Ibid.}


\textsuperscript{21} G A draft resolution 48/141, which will be adopted on 20 December 1993. See also below para. 14.

\textsuperscript{22} See, for example, G A (48), 3rd Comm., 85th mtg, agenda item 114b.