

Remarks by H.E. Mr. Kenzo Oshima

Permanent Representative of Japan

Informal Consultation of the General Assembly

Human Rights Council

18 October 2005

Messrs. Co-Chairs,

First, we commend you for assuming the responsibility to guide us through the deliberations on the Human Rights Council, and assure you that you have my delegation's full confidence and support.

Member states are here to identify and agree on concrete ways to establish the Human Rights Council as an efficient and effective body in order to achieve the basic objectives stipulated in the Outcome Document. The key mandate and functions of the Council should be to promote "universal respect for the protection of all human rights and fundamental freedoms for all", as stated in paragraph 158. Paragraph 159 mentions the role of the Human Rights Council in "addressing situations of violations of human rights" and "making recommendations thereon". The mainstreaming of human rights is another important role identified, and, for that purpose, the Council should be able to report to other entities of the UN system.

Let us on this occasion renew our resolve to finish our work by the end of this year and show the international community that we have the will and ability to reform the United Nations so as to meet our common challenges.

To develop points of detail in order to reach an agreement on these key issues, you proposed an agenda for discussion in your letter of 12 October, which we support. As suggested, we would now like to focus on the question of mandate and functions, with emphasis on the five specific issues you identified.

First, we expect and support that the Human Rights Council will function as the central thematic forum within the UN system, in addition to its role of addressing individual human rights situations. An important point of consideration in this connection is how to ensure the quality of debate and improve the efficiency of deliberations in the Council. In part, this will have to do with the Council's working methods and my delegation will elaborate on this issue when we discuss this point later on.

Second, cooperation and technical assistance is another important aspect to be fully considered to give concrete effect to the promotion and protection of human rights. Its practical importance cannot be overemphasized. Our basic human rights policy approach consists, as a matter of first practical measure, in promoting mutual understanding and engaging in cooperation through dialogue, with a view to enhancing human rights protection in an effective and practical way. Serious violations of human rights must be

rebuked and they must be rejected in extreme cases, but dialogue and cooperation should be the guiding principles in addressing specific situations. We believe the Council's function to encourage and promote cooperation and technical assistance should be strengthened.

We acknowledge that the Commission on Human Rights has played an important role in developing human rights norms. Although in our view, the emphasis should shift from developing new norms to implementing those already developed, the norm-making role is still important. At the same time, we should give further consideration as to what the proper forum might be for the discharge of this function. For example, the General Assembly is now considering the convention on the rights of persons with disabilities, while the Commission on Human Rights is working on the legal framework for enforced disappearance. There is perhaps room for a clearer division of labor worth considering between the General Assembly and the proposed Human Rights Council.

Universal periodic review, according to which all Member States will be subject to a review based on a set of common criteria and procedure, is a response to the criticism leveled against the Commission on Human Rights on the grounds of arbitrariness, selectivity and politicizing of human rights debate. Japan strongly supports this review to be included in the mandate of the new Council. At the same time, we should be careful not to put the cart before the horse by causing Member States to devote too much energy and resources to preparations for the review at the expense of efforts to improve actual human rights situations. In this regard, we should make every effort to avoid duplicating the review process of treaty bodies, especially in terms of the reporting requirements of Member States.

Finally, concerning the assumption of the mandates of Commission of the Human Rights, we believe that proposed Council should assume the strengths of the Commission, in particular its special mechanism. However, we are not convinced that as a general principle the Council should assume all the mandates of the Commission. The strengths and weaknesses of the CHR should be thoroughly examined to this end.

The Council will be established in part to overcome the shortcomings of the Commission and give primacy to human rights in the UN system. Specific improvements over current practice in the CHR are needed to enhance the efficiency and effectiveness of the inter-governmental human rights body. For example, although this can be taken up when we discuss the working method, a system of field assessment missions may be worth institutionalizing in the Council.

In conclusion, these are our comments for the moment and my delegation looks forward to the option paper that you will provide us as the basis for our negotiations.

Thank you very much.