

Focus

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Editorial

Finding a Place of Safety

Communities of indigenous peoples and ethnic minorities in many cases survive in an environment of uncertainty. Their resilience has a high cost - they face displacement from the land they occupy, violence and lack of protection from the government.

Being members of these communities means having less rights. Christians in India have to hide their religious beliefs or practices in order to avoid attacks from Hindu nationalists. Kyrgyz people get their livelihood from a harsh mountainous environment and are unable to access government services if they are available. The Ainu have to live without recognition of the deprivation suffered from colonization of their land and the discrimination they endure as indigenous people. Rohingyas have to suffer from exclusion as citizens of Myanmar; a policy supported by many who fight for democracy in the country.

Is there a place then where they can enjoy safety and their human rights respected? There is no other place but that where they have lived all along. The place of safety should not be across national border or any border for that matter but the place that they call home. Human rights must be there, enjoyed as a community in peaceful coexistence with the rest of society.

Patterns in Hate Crimes Against Indian Christians*

People's Union for Civil Liberties

From violent attacks to verbal abuse of Christians during their prayer meetings, Karnataka is witnessing a sharp increase in both the frequency and intensity of these attacks led by the Hindutva¹ groups. While these attacks on the face of it appear to be geographically spread out, in reality they arise out of a far sinister concerted political project of reducing Christians to second-class citizens who must not be allowed to exercise their constitutionally provided fundamental right to freedom of religion. This political project finds its roots in the Hindutva ideology as articulated by M.S. Golwalkar in "We or Our Nationhood Defined":²

The non-Hindu peoples in Hindusthan must either adopt the Hindu culture and language, must learn to respect and hold in reverence Hindu religion, must entertain no idea but those of glorification of the Hindu race and culture i.e., they must not only give up their attitude of intolerance and ungratefulness towards this land and its age-long traditions but must also cultivate the positive attitude of love and devotion instead—in other words they must cease to be foreigners, or may stay in the country, wholly subordinated to the Hindu nation, claiming nothing, deserving no privileges, far less preferential treatment—

not even citizen's rights. There is, or at least should be, no other course for them to adopt. We are an old nation; and let us deal, as old nations ought to and do deal, with foreign races, who have chosen to live in our country.

Golwalkar, in a book chapter titled "Bunch of Thoughts," refers specifically to the Christians.³ He notes that: "So long as Christians here indulge in such activities and consider themselves as agents of the international movement for the spread of Christianity, and refuse to offer their first loyalty to the land of their birth and behave as true children of the heritage and culture of their ancestors, they will remain here as hostiles and will have to be treated as such."

Local Police is seen to be colluding with the Hindutva supremacists to incite fear and hatred against Christians, and police commonly turn a blind eye to incidents of violence, abuse, sexual assaults, economic and social boycott.

In some cases, large mobs barged in during Sunday morning prayer meetings, and executed violent attacks leading to injury, damage to property, psychological and physical trauma. In some others, smaller mobs disrupted prayer meetings, threatening murder, criminal charges of forced

conversion, or even the revoking of reservation rights. A common theme in these incidents is the threat of pressing criminal charges under Section 295A and Section 298 of the Indian Penal Code, 1860 (both sections refer to offences relating to religion⁴).

Each time victims were contacted, a common response at the beginning of conversations was that the victims almost always were initially confused about which incident was being referred to. This indicates how frequently they encounter violence, threats and disruption by Hindutva mobs and how the lives of thousands have been filled with fear because of their religious faith.

In many cases, the pastors and believers have not just suffered from trauma from a particular attack, but continue to face dire consequences of being a religious minority in their daily lives. At the very heart of it, all these attacks must be seen as an attack on the fundamental right to freedom of religion under Article 25 of the Constitution.

Right to Freely Practice Religion

In most cases, Christians have been forced to shut down their places of worship and stop assembling for their Sunday prayers. Effectively, these attacks

by Hindutva groups on praying as a religious community in a gathering act as a bar on the freedom to practice religion itself. Leave alone the right to propagate religion, today the attacks in Karnataka are actually on the right to freely profess and practice religion. This is in direct violation of a fundamental right guaranteed by the Indian Constitution:

Article 25. Freedom of conscience and free profession, practice and propagation of religion

(1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion

It is extremely important to note that the Christian community in rural and semi-rural Karnataka hail from impoverished backgrounds and are mostly from Dalit and lower caste communities. Prayer meetings held on Sunday mornings are important spaces that provide support and a sense of belongingness. These spaces allow both for religious expression of the believers as well as a sense of hope in the future.

When pastors are threatened by the Hindutva groups to shut down these prayer meetings, it is not only a gross violation of their right to religious freedom but also robs an entire community of their right to dignity and the right to life defined as psychological well-being.

In many places after facing the attack or hearing about attacks on Christians in different parts of the State, members of the community are scared. After the attacks, prayer meetings in many places have been discontinued. There is an omnipresent fear among Christians. This fear is a hindrance to dignified existence.

The fact that several Christians are being violently attacked in their own houses of worship, spending days in jail, criminalized, humiliated and discriminated against, only because of their choice of religion, is the dismal consequence of today's state-sponsored Hindutva extremism in Karnataka.

Hate Crimes against Christians

Broadly, all these attacks on Pastors, believers and churches are communal hate crimes. Hate crime as a concept arguably is able to recognize the harm done to the victims as members of a collective or a social group. In the United Kingdom, a hate crime is defined as "any crimes that is motivated by hostility on the grounds of race, religion, sexual orientation, disability or transgender identity."⁵ In the Indian context, the social groups of gender and caste have to be added.

The Supreme Court in *Tehseen Poonawalla v Union of India*,⁶ recognizes hate crimes as,

20. Hate crimes as a product of intolerance, ideological dominance and prejudice ought not to be tolerated; lest

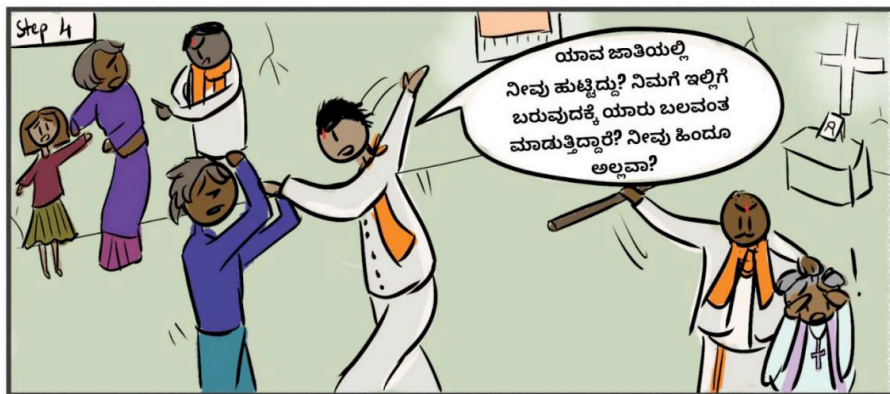
it results in a reign of terror. Extra judicial elements and non-State actors cannot be allowed to take the place of law or the law enforcing agency. A fabricated identity with bigoted approach sans acceptance of plurality and diversity results in provocative sentiments and display of reactionary retributive attitude transforming itself into dehumanisation of human beings. Such an atmosphere is one in which rational debate, logical discussion and sound administration of law [elude] thereby manifesting clear danger to various freedoms including freedom of speech and expression. One man's freedom of thought, action, speech, expression, belief, conscience and personal choices is not being tolerated by the other and this is due to lack of objective rationalisation of acts and situations.

Living under Threat in a Post-pandemic Karnataka

Attack in Hubballi on 17 October 2021⁷

- Testimony of Pastor Sanket

When we started the prayer meeting, there were already some people wearing saffron scarves sitting inside the church. During the prayer, they suddenly started chanting *bhajans* and slogans like *Jai Shri Ram*. This group of people who were from Bajrang Dal and Vishwa Hindu Parishad, soon started shouting at me and accusing me for forcing someone called Vishwanath to convert to Christianity.



They hurl castiest slurs and violently beat up as many people in the room with their bare hands and rods and sticks, while children watch in fear.

They started beating up the believers and some of them started assaulting me. I sustained many severe injuries.

After the believers and I were dragged to the police station, a bigger mob of about one hundred people gathered. The police could not do much because the mob was growing in number and were becoming very violent. They kept some of us in the police station and lodged a First Information Report against us. Six others and I were taken in an ambulance to the hospital, after which the hospital issued a report saying that we only had minor bruises and no fractures. The police arrested some of us and we were kept in jail for eleven days.

Now, we are no longer praying together in the church. Christians are facing threats on a regular basis from neighbors and others in the town. Not just me, but so many of our believers are also being told to vacate their houses by their landlords and house-owners. The same mob from Bajrang Dal and Vishwa Hindu Parishad are spreading vicious rumors in attempts to get Christians terminated from their jobs, and

to make it difficult for them to apply for new ones.

Christians in our locality are very scared. Still, many are slowly trying to return to pray on Sundays.

Even recalling the psychological torture that I had to undergo for eleven days, the physical and emotional pain we all had to suffer is very anxiety-inducing and it has become very difficult for me to retell this story.

Attack in Yadgir on 19 September 2021⁸

- Testimony of Pastor Jim

I was organizing weekly prayers for eight months in the same prayer hall for fifteen believers. One such Sunday, two hundred people came to our prayer hall and started raising slogans against Christianity. A *Panchayat* member named Narsappa, and many people from the village joined the crowd and started exerting pressure on the believers to not go to church anymore. They spoke in abusive language against me and my faith.

Within five minutes of the mob's verbal abuse and shouting, the

police came. Perhaps they were nearby because they knew that this was happening. The police detained four of us at the station till 8 pm before giving any of us any information. They filed a complaint against me, a woman, her husband and their son under 295A, but refused to file our complaint against the Hindutva mob that was abusing us verbally.

Our lawyer came to the police station at 5 pm but the police refused to file our complaint even after he spoke to them. They told us that the Sub-Inspector had instructed them to not file any complaint on behalf of us. We were in jail for three days.

Now, prayers have completely stopped and the believers from that village are no longer coming to church. They have also been facing threats from school teachers, who have said that they will expel their children from school. Ration card shops and smaller businesses have also started refusing to sell to Christian customers.

Failure of the State

The COVID-19 pandemic brought severe distress to Karnataka, wherein marginalized communities faced severe shortages of food and a complete lack of access to healthcare. Agricultural laborers, daily wage workers, and other workers in the informal sector in particular, faced severe crises because of non-payment of wages.

During such a time, when thousands lost their lives and

thousands more lived on the brink of survival, the need of the hour was health-centric and people-centric governance, solidarity among communities and communitarian relief to protect communities from poverty and hunger.

Instead, the State through the police and the administration was complicit in antagonizing those praying. In many cases of mob violence, the police arrested pastors and believers. They even issued formal notices to churches to stop prayer meetings. One of the reasons cited by authorities was that the church was allegedly violating COVID-19 protocols. Neither was there any lockdown in place nor were there limitations regarding small gatherings, and yet, the police along with the administration use the excuse of COVID-19 to interrogate and accuse Christians. At a time of such increased vulnerability, the minority community was marginalized even further by the inaction of the State to protect their fundamental rights. This failure of the State further marginalizes a minority community in how they live their lives struggling to access education, shelter, food, livelihood and basic dignity during COVID-19 pandemic. These daily struggles are exacerbated with the threat to their life and liberty leaving them in a place where exercising their social, economic, civil and political rights is a distant reality.

The social and cultural fabric of diverse and secular Karnataka is stained with this dispossession faced by Christians as also the discrimination and atrocities

faced by Dalits, Adivasis and Muslims.

**This is an edited excerpt of Criminalising the Practice of Faith - A Report by PUCL Karnataka on Hate Crimes against Christians in Karnataka, December 2021.*

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Endnotes

- 1 "Hindutva is a political movement advocating Hindu nationalism and the establishment of a Hindu state," Collins, www.collinsdictionary.com/dictionary/english/hindutva. Hindutva is the name by which the ideology of the Hindu right, represented by the political party Bharatiya Janata Party, or Indian People's Party (BJP), is known. It is also the ideology of the cultural body known as Rashtriya Swayamsevak Sangh, or National Volunteer Core (RSS), which was founded in 1925 and with which the BJP has strong links. See Arvind Sharma, *On the Difference Between Hinduism and Hindutva*, Education About Asia, Online Arcoves, Volume 25:1 (Spring 2020) Asian Philosophies and Religions, Association for Asian Studies, www.asianstudies.org/publications/eaa/archives/on-the-difference-between-hinduism-and-hindutva/.
- 2 Golwalkar, M.S., *We or Our Nationhood Defined*, Bharat Prakashan, 1939.
- 3 Golwalkar, M.S. "A Bunch of Thoughts," in *Hindu Nationalism: A Reader*, Christophe Jaffrelot, editor, Princeton University Press, 2007.

- 4 Chapter XII, "Section 295A. Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs;" "Section 298. Uttering words, etc., with deliberate intent to wound the religious feelings." Full text of these sections available at India Code, www.indiacode.nic.in/handle/123456789/1362.
- 5 Olivia Hambly, Joanne Rixom, Shivani Singh and Tamsyn Wedlake-James, "Hate crime: a thematic review of the current evidence," *Research Report 102*, UK Government, October 2018, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/748140/hate-crime-a-thematic-review-of-the-current-evidence-oct2018-horr102.pdf.
- 6 Tehseen S. Poonawalla vs Union of India, 17 July 2018, AIR 2018 SC 3354, <https://indiankanoon.org/doc/71965246/>.
- 7 "Row between Bengaluru church followers and local residents, cops file FIRs," *The News Minute*, <https://www.thenewsminute.com/article/row-between-bengaluru-church-followers-and-local-residents-cops-file-firs-145630>.
- 8 Videos of news report on this incident available at <https://drive.google.com/drive/folders/1tZn72UWhww1F9E9qX0p-zYJRjyFawovA?usp=sharing>.

The Kyrgyz of the Afghan Pamirs: A Resilient Community in a Harsh Environment*

Tobias Marschall

The Afghan Pamirs – a remote, high-altitude region marked by an average of ten months with below freezing temperatures – presents numerous challenges to human habitation. However, two groups – the nomadic Kyrgyz and agro-pastoral Wakhi – have managed to subsist in the harsh conditions of the Pamirs for several generations.¹ The difficulty of living year-round in such conditions is compounded by a near-total absence of any state-run services such as medical clinics, something reflected in the extremely low life expectancy and one of the world's highest infant mortality rates among the Kyrgyz.

Today, a small Kyrgyz community remains in the

Afghan Pamirs after the repatriation of some of them to Turkey and Kyrgyzstan during the last four decades. But, given the political turmoil in Afghanistan following the Taliban's take-over of the country last year, it is more unclear than ever if they will survive into the future.

Kyrgyz Community in the Afghan Pamirs

The Afghan Pamirs consist of two high-altitude valleys situated at about 4,300 meters above sea level at the northeastern tip of Afghanistan. They are part of the so-called "Wakhan Corridor," which is "a narrow panhandle of alpine valleys and high mountains that stretches eastward from the

province of Badakhshan following the head waters of the Amu Darya River to its sources in the Pamir Mountains."² It borders Tajikistan (north), Pakistan (south), and China (east).

The Taliban take-over of Badakhshan's Wakhan district in early July 2021, around a month before they captured the rest of the country, compelled around three hundred fifty Kyrgyz to flee across the border into Tajikistan with their livestock. But, with their plea for humanitarian assistance to the United Nations not yielding any result, they eventually returned to their camps in the Afghan Pamirs two weeks later. Various reports, however, suggest that there were contributing factors in the Kyrgyz decision to leave the Pamirs, such as an unusually harsh winter that killed many animals, "lack of healthcare and education, high infant mortality, and a dearth of marriageable women."³ While the Taliban's take-over of Wakhan district was a truly novel occurrence – they had never had any presence there previously – the other issues have affected the Kyrgyz since Afghanistan's borders were demarcated in the late 19th century, when they became de facto Afghan citizens.



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History of Migration

While the Kyrgyz community had to adapt to the extreme environmental pressures of the Afghan Pamirs, they also had to reach some accommodation with whatever political power claimed dominion over their territory at a given time. When accommodation failed, they employed migration as a strategy. The settlement in the Afghan Pamirs by the Kyrgyz community was the result of a long period of migration to escape the Soviet and later the Communist Chinese regimes throughout the 20th century.

Kyrgyz migration to Afghanistan is believed to have started in the 16th century. In 1916, during a major revolt against the Tsarist Russian empire, they left the Osh region (now part of Kyrgyzstan) for the Afghan Pamirs. But, facing Bolshevik incursions into the Afghan Pamirs, they crossed the border to eastern Turkestan (Xinjiang) in China after 1945. With the Chinese Communist Party taking power in China after 1949, they returned back to the Afghan Pamirs. However, with the hardening of international borders during the Cold War, the Kyrgyz were forced to adapt their economy and society to “closed frontiers nomadism” within the confines of Afghanistan.

Since then, there have been two additional waves of migration from the Afghan Pamirs. The first occurred in July 1978, when 1,300 Kyrgyz fled to Pakistan following a communist coup in Afghanistan (in advance of the Soviet invasion).⁴ The second wave – less dramatic and more piecemeal – has been occurring

since 2017, when a “dozen families” returned to Kyrgyzstan as part of a state-sponsored “repatriation” program targeting “diaspora” Kyrgyz living outside of Kyrgyzstan. In April 2021, the President of the Kyrgyz Republic promised the “return of the remaining three hundred families [from Afghanistan] by the end of the year.”⁵

The latter migration can be partially framed as a choice between having a modernized way of life (medical care, education, motorized transportation) or remaining in the Pamirs. But the dire conditions across Afghanistan in the wake of the Taliban’s take-over, characterized by supply shortages, rising food prices, currency depreciation, and the collapse of government services in many areas, threatens the existence of the remaining Kyrgyz community there.

Life in the Afghan Pamirs

As recently as 2019, many Kyrgyz did not want to leave the Afghan Pamirs and resisted the

offer to relocate to Kyrgyzstan. They did not want to be seen as people who need help.⁶ They valued their life in the Afghan Pamirs as herders and nomads.⁷ And their herds afforded them a degree of autonomy in Afghanistan, despite the hardship. As some of them said, “As long as there is livestock, the Pamirs will always have their nomads.”⁸

The Kyrgyz economy in the Afghan Pamirs depends entirely on livestock for both subsistence (meat, milk and milk-derived products, wool, dung) and exchange with lowland traders for manufactured goods and food staples such as rice and flour. The Kyrgyz raise sheep and goats primarily for trade while yaks and camels are raised mainly for subsistence (and used as transportation). They do not cultivate any crops in the Pamir or engage in any manufacturing aside from artisanal production of felt and dairy products. The Kyrgyz are therefore dependent upon trade to meet their remaining subsistence needs.⁹



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At present, the Kyrgyz community has a looser political structure than historically has been the norm. Many of the traditional leaders – called khans – were descended from the families that led the Kyrgyz in their 1916 escape from Osh region, which have since gone to Turkey or Kyrgyzstan. This decentralization of leadership left the community free from the control of rich families and allowed the members to decide matters on their own, including whether to leave the Afghan Pamirs or not.¹⁰

Life in Kyrgyzstan

There are members of the Kyrgyz community who have not seen the promised improvement in their living situation after migrating to Kyrgyzstan. They complain that wealthy leaders have appropriated provisions for their needs and exploited the costly migration opportunities. Sultan, an important *bai* (wealthy man in Kyrgyz), was opposed to seeing only the wealthiest leave for Kyrgyzstan:¹¹

“What will we earn then?” he asked, “look at the son of Rahman Kul Khan [whose father initiated the 1982 migration to Turkey]. Now in Bishkek, he has expected for years to be nominated as a professor, yet instead, he is only teaching [without such status]. Once in Kyrgyzstan, they will not see [us as] Kyrgyz, only [as] Afghans, Afghans!”

But there are others, including young Kyrgyz, who see a better future in Kyrgyzstan, especially

opportunities to study and work, compared to the Afghan Pamirs.¹²

Despite having successfully weathered many of the last century’s major historical events by dint of living in one of the world’s harshest and most remote environments, the Kyrgyz of the Afghan Pamirs are likely to face exceptional pressures in 2022 with the ongoing collapse of the Afghan economy. Migration is a central point of contention, it raises hopeful expectations but also reveals important inequalities in opportunities. The current repatriation program to the Kyrgyz Republic affords a few beneficiaries a glimpse of new but contested participation prospects while the majority of the Kyrgyz in Afghan Pamirs get by with the vagaries of a high-risk, high-reward pastoral mode of existence.

*The author thanks Ted Callahan for editing this article.

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Endnotes

- 1 While the Kyrgyz have permanently resided in the Afghan Pamirs since the mid-1900s, the Wakhi have only taken up residence in the Pamirs since the early 1980s.
- 2 *Afghanistan Wakhan Mission Technical Report*, UNEP and FAO, 2003, https://wedocs.unep.org/bitstream/handle/20.500.11822/7692/-Afghanistan_Wakhan_mission_Technical_report-2003Afghanistan_wakhan_mission.pdf?sequence=3&isAllowed=y.
- 3 See Bermet Talant, “Taliban, weather, geopolitics: Afghanistan’s Kyrgyz wrestle with ‘stay or go?’,” EURASIANET, 9 August 2021, <https://eurasianet.org/taliban-weather-geopolitics-afghanistans-kyrgyz-wrestle-with-stay-or-go?fbclid=IwAR2Xipd1E>.
- 4 In 1982, the Kyrgyz in Pakistan were resettled in eastern Turkey by the Turkish government.
- 5 Tobias Marschall, “The Demise of yet Another Migration: A View from the Margins of Afghanistan,” Graduate Institute Geneva, 30 August 2021, www.graduateinstitute.ch/communications/news/demise-yet-another-migration-view-margins-afghanistan.
- 6 One report states that the Kyrgyz media stereotypes the Kyrgyz from Afghanistan as “backward relatives in need.” See Bermet Talant, op. cit.
- 7 See interview of Tobias Marschall with Radio Free Europe/Radio Liberty in Ron Synovitz, “Will Pamir Kyrgyz Leave The ‘Roof Of The World’?,” Gandhara, 30 April 2021, <https://gandhara.rferl.org/a/pamir-kyrgyz-choice-resettle-afghanistan/31232096.html>.
- 8 See quotation from author in Bermet Talant, op. cit.
- 9 The Wakhi community engages in growing wheat and other crops in addition to herding animals in the Pamirs and other part of the Wakhan corridor.
- 10 Ron Synovitz, op.cit.
- 11 Tobias Marschall, “Endangerment Reframed - Portrait of a Contested Migration,” *Tsantsa: Journal of the Swiss Anthropological Association*, 2021.
- 12 Ron Synovitz, op.cit.

Critiquing the Colonialist Origins of the New National Museum Upopoy

Mashiyat Zaman, Leni Charbonneau and Hiroshi Maruyama

On 12 July 2020, Japan's national museum conglomerate welcomed The National Ainu Museum and Park in the town of Shiraoi, Hokkaido. Known as Upopoy, an Ainu word that means "singing together as a large group," the new museum complex deviates from its predecessors as it highlights not Japanese culture, but that of Ainu, who are Indigenous to northern Japan and its surroundings. Proponents claim that Upopoy celebrates the country's multiculturalism while preserving Ainu culture, depicted as being "on the verge of extinction."¹ However, Ainu activists and allies have critiqued Upopoy, its underlying narratives concerning Ainu culture's position within Japanese society, and the policy measures that contributed to its genesis. From these perspectives, Upopoy represents the continued infringement on the rights of Ainu as an autonomous Indigenous community.

Historical Foundations of Upopoy

Upopoy's development cannot be understood without the context of Ainu-Japanese relations throughout history. Ainu and the Japanese had maintained trade-based and political relations for centuries, but by the late 17th century

these became characterized by practices that privileged *Wajin*, or Japanese, parties. In the late 19th century, the newly-formed Meiji government enacted regulations to incorporate Ainu territories and enhance the nascent Japanese Empire's economic and political prosperity. Ainu populations on Hokkaido, Sakhalin (Karafuto), and the Kuril Islands were forcibly conscripted into projects of Japanese statecraft. Assimilationist policies prohibited and criminalized aspects of Ainu life, banning their language, dress, and subsistence practices such as fishing, hunting, and farming. The influx of Japanese settlers and industry drove overfishing, overhunting, and exploitation of forests and other bioregions, depleting the resources that formed the basis of Ainu subsistence.

Against this backdrop, the colonial Meiji regime passed the Former Aborigines Protection Act in 1899. The destitution that Ainu faced in the wake of settler-colonialism contributed to an enduring discourse that they needed "protection", and that the Japanese were in a superior position to administer it (obscuring their complicity in the causes of destitution). The narrative of a protective, paternalistic, and unilateral relationship from the Japanese

to Ainu took concrete forms. Most notably, the colonial government "gave" land to Ainu following the *Wajin* settlement on their own territories. However, since the most viable areas had been allocated to Japanese projects and industry, "protection" for Ainu meant that they were "given" the least preferable allotments. The Japanese government's detrimental acts of "protection" administered under the guise of benevolence have normalized Ainu poverty and social stigma in mainstream Japanese society over the course of generations, continuing to this day.

In May 1997, the Ainu Cultural Promotion Act replaced the Former Aborigines Protection Act. This novel policy had a narrowly-focused gaze into a rigidly-defined and static image of Ainu culture, and blatantly ignored the long-standing demands of Ainu activists for respect and acknowledgement of their land and political rights.² Under the 1997 Act, Ainu culture was more of a historical relic to be preserved rather than an element of the lives of autonomous, enlivened people. It was also legibly "exotic" features of Ainu life such as dance, song, and craft which were recognized and protected as "culture." Thus, "protection" emerged synonymous with commodification, as the cultural markers of difference for Ainu

became commercialized in the tourist market of Hokkaido.

But in 2007, Japan joined one hundred forty-four countries in adopting the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The Declaration stresses the obligations of signatory states to facilitate the realization of the sovereignty of Indigenous peoples and their lands, and to take measures to correct, reconcile, and provide reparations for instances of historical exploitation and colonization. Japan's voting for UNDRIP would set a course for subsequent Ainu-Japanese relations, although representatives of the latter group would largely dictate the agenda. The Japanese Diet established an Advisory Council for the Future of Ainu Policy, which featured only a single Ainu representative.³ In addition to taking preliminary steps to envision a New Ainu Law to replace the 1997 Act, the Advisory Council declared it would take "concrete measures" to realize the "cultural distinctiveness" of Ainu people. These measures amounted to formalizing the discourse of Ainu people as "culture" as opposed to autonomous political agents, as well as outlining initial plans for development of the "symbolic space for ethnic harmony."⁴

On 24 May 2019, the Japanese Diet implemented the Ainu Policy Promotion Act.⁵ The new Act is most differentiated from its predecessors by its first article, which officially recognizes Ainu as an "indigenous" group for the first time in government policy. However, in all remaining articles, Ainu are referenced as

an ethnic group, a severe shortcoming highlighted by critics who note the stark distinctions between the legal designations of Indigenous peoples and ethnic groups. The former category would recognize the political implications of collective rights based on original occupancy in a territory, provisions not accommodated in the status of ethnic minorities. Once again, the Ainu Policy Promotion Act focuses predominantly on the promotion and protection of Ainu culture and "the importance of the diversity that ethnic groups contribute to society."⁶ Thus, it has been interpreted as a symbolic gesture that neither alters the norms established by the 1997 Act, nor facilitates the realization of Ainu's rights as guaranteed by UNDRIP.

The new Act also stipulates the establishment of the "Symbolic Space for Ethnic Harmony." But while a number of articles in UNDRIP (18, 19, 20, 31, 33, 34) outline the rights of Indigenous peoples to their autonomy, and authority to determine the representation and development of their cultural institutions, there were meagre attempts to include Ainu voices in the Symbolic Space/Upopoy's planning and implementation. Japanese perspectives held precedence, as was evident in a press conference on 10 July 2020 with the Minister of Education, Culture, Sports, Science, and Technology, Hagiuda Koichi. When asked how the Museum would depict the history of discrimination against Ainu, he responded:⁷

There were supposedly different values between the Aborigines and the Japanese. I maintain a distance from opinions that these different values should be recorded as discrimination against the ethnic minority by the majority. If there is a negative or sad history in the relationship between the Aborigines and the Japanese peoples, it is of importance that memorial keepers tell it or record it at Upopoy. I do not deny it and I will not close my eyes to it. However, the efforts of the Museum are to promote the positive aspects of the Ainu culture in a way that is future-oriented.

In response to these remarks, Ainu activist Kimura Fumio expressed that Hagiuda's sentiment continues a pattern of historical revisionism espoused by Japanese conservative elites. For Kimura, these views are in line with the tone set by past politicians such as former Prime Minister Nakasone and Deputy Prime Minister Aso, both of whom denied the existence of Indigenous populations in Japan. For activists and Ainu citizens like Kimura, Upopoy is merely the materialization of the empty, platitudinal measures taken to participate in a discourse around indigeneity for the sake of political grift, while ignoring the issues and inequalities that persist for Indigenous individuals and communities. Upopoy does not fulfil the stipulations of UNDRIP; it has been crafted along with the Ainu Policy Promotion Act to sidestep real issues of concern to Ainu. This is demonstrated most succinctly with a primary feature of Upopoy: a memorial hall that

consolidates nearly 1,300 Ainu human remains in one place.

The Memorial Hall: A Concrete Violation of Ainu Dignity

Upopoy comprises three central components. The first is the National Ainu Museum building, which includes exhibition rooms, a theater, library, and museum shop. The second component is the National Ainu Park, an open-air ethnographic complex featuring reconstructed Ainu dwellings and areas for performance. The last, and most problematic, is a Memorial Site for thousands of Ainu human specimens, mainly extracted from their burial grounds by researchers affiliated with universities and research institutions across Japan.⁸

In the late 19th and 20th centuries, growing ethno-nationalist sentiment in the early Japanese empire contributed to institutionalized pursuits of eugenics to define the Japanese race by differentiating other populations under its imperial reach. The 1930s saw the establishment of the Japan Society for Racial Hygiene, responsible for the systemic excavation of hundreds of Ainu bodies from their resting places. Prominent researchers of anatomy at Hokkaido Imperial University (now the University of Hokkaido), Yamazaki Haruo and Kodama Sakuzaemon, led research trips in which they subjected thousands of Ainu to anatomical measurements, often as demonstrations in front of classes of medical students.⁹ This period cast the foundation from which Ainu bodies were not only thoroughly racialized, but also classified as research objects, living or dead. In subsequent decades, researchers

took it upon themselves to excavate Ainu graves without the free, prior or informed consent of Ainu residents or relatives.

Over 1,600 Ainu human remains have since been excavated, collected, and held in repositories across research institutions in Japan, with a number also circulating internationally. Since the 1980s, Ainu activists have initiated legal battles to reclaim these ancestral remains, as well as cultural artefacts that were excavated in kind. But requests for their return were often obstructed – information pertaining to catalogues of research specimens were obscured from Ainu claimants trying to locate the remains of their relatives or community members. Though a number of ancestral remains returned to their original resting sites following several lawsuits beginning in 2012, the majority are still maintained by research institutions.¹⁰ Ainu individuals and families trying to reclaim them have repeatedly met barriers to repatriation.

The Japanese government failed to provide mechanisms for repatriation with Ainu's consultation as provided for in Article 12 of UNDRIP.¹¹ Between 2014 and 2018, it drew guidelines creating even more restrictions to repatriation.¹² When the Ainu Policy Promotion Act was enacted in May 2019, Ainu organizations and individuals were given until 25 October 2019 to initiate an application process for ancestral repatriation in accordance with these guidelines. After that, almost all unclaimed remains were to be consolidated at Upopoy.

The Upopoy complex, especially the memorial hall, is an infringement upon both the direct wishes of many Ainu as well as the international conventions to which Japan is obliged to follow. Racially-infused research is still underway in Japan, with researchers claiming that genetic research on Ainu specimens is in the best interest of Ainu.¹³ Many presume that the consolidation of their ancestral remains in the memorial hall at Shiraoi will facilitate and streamline research, the measure enacted under the notion of fulfilling Ainu's Indigenous rights. But days before Upopoy's opening, Shikada Kawami, former curator of the Asahikawa City Museum, summarised a sentiment shared by many Ainu about the complex:¹⁴

Upopoy looks like another instance of the Japanese exerting their power over Ainu. Stolen Ainu human remains have been collected in the memorial building. The collection benefits Japanese researchers, but doesn't alleviate the profound sorrow held by many grieving families. Some Japanese people blame us Ainu for wanting more besides Upopoy. In other words, they say that we should be satisfied and grateful. I don't know how many Ainu are aware of the degree to which they are still exploited and discriminated against.

"Protecting Ainu": Conserving National Ideology

At first glance, Upopoy presents a novel institution in the network of officially-sanctioned

Japanese national museums, in that it is the first not to feature Japanese culture as its focal point. We argue that this depiction is misleading, and the specific representation of Ainu and Ainu history it pursues still casts the Japanese voice as dominant.

Structuring the ethos of the complex is a stringent meta-narrative that depoliticizes Ainu indigeneity as having merely cultural dimensions. This agenda is propagated through the language it uses to describe Ainu and their culture, even in its mission statement. A promotional pamphlet from 24 August 2019 described Upopoy's purpose as seeking the revival of "an invaluable culture in Japan that's on the verge of extinction."¹⁵ An updated description on the Upopoy website adds that Ainu culture "remains under threat."

As officials have suggested themselves, the Museum has no intention of describing the historical context of this enduring threat to Ainu culture or of addressing Japanese colonialism. The language of extinction provides an impression that Ainu are something of a dying species, distorting the reality of the tens of thousands of Ainu who are continuously suffering from or fighting against enduring discrimination and social stigmatization. This is not abated by accompanying descriptions of Ainu culture as "cultivated amidst nature." These rhetorical patterns essentialize Ainu, and do not do justice to the diversity of contemporary Ainu life across Hokkaido, Japan, and beyond. Forcing Ainu into relics of nature, Upopoy does not provide a platform to showcase

the modern and progressive leadership of Ainu individuals and communities.

This configuration of Ainu as a type of "ecological noble savage" complements policy-based strategies that emphasize a static definition of culture while avoiding delineation of the political rights of Ainu.¹⁶ As a culture on the verge of extinction – as opposed to a robust collective composed of enlivened individuals – Ainu, like a natural resource, are a thing to be conserved. Relegated as dehumanized relics, their stories are hidden behind the commodification of Ainu life, preservation of "exotic" song and dance, and continued research on ancestral remains.

Thus, this newest addition to the Japanese national museums is not so different from its predecessors; Upopoy is another opportunity for Japan to exploit Ainu people as a cultural resource and display them in support of a national narrative of Japaneseness. In this instance, the Japanese ideal touted is one of benevolent conservation of humans-as-artefacts. There is no room for Ainu humanity in Upopoy, never mind their self-determination and inherent rights as Indigenous peoples.

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Cooperation, Reconciliation and Self-reflection: A few thoughts on the NUG and ethnic minorities in post-coup Myanmar

Yaolong Xian

In Myanmar, marginalized ethnic minorities have suddenly received a great deal of attention after the military coup in February 2021 by the Tatmadaw. Many media outlets reported on the anti-coup protests organized by ethnic people and their condemnation of the military coup and the dictatorship. The more compelling discussion was about the cooperation between the Ethnic Armed Organizations (EAOs) and the National Unity Government (NUG) in fighting the Tatmadaw. Many militias of the People's Defence Force (PDF), the armed wing of the NUG, have either received assistance from the EAOs or directly allied with them. For example, the Kachin Independent Army (KIA) and Karen National Liberation Army have allied with PDF to conduct joint military operations.¹ Against this backdrop, some observers see this cooperation as a sign that divisions among Myanmar's ethnic communities have softened after the coup.² It is safe to say that EAOs are playing an important role in the post-coup era that could even shape the country's future, and yet this does not mean the marginalization of ethnic minority communities in Myanmar has disappeared.

While their motivations for cooperation are manifold, the self-interest that comes from fighting a common enemy is at play significantly.³ The NUG's goal is to overthrow the Tatmadaw and transform itself from a shadow government to a government in office. For EAOs, fighting the Tatmadaw (their decades-old foe) alongside the NUG, which enjoys a popular support base, can enhance combat power as well as legitimacy. The KIA, for example, has taken this opportunity to seize Tatmadaw bases, gaining control of territory and requiring all PDFs in Kachin state to be administered by it. There is no doubt that this has increased the autonomy of the Kachin community in its controlled area, but it remains to be seen whether or not this can contribute to the assertion of ethnic minority rights nationwide. Also, there is uncertainty regarding equal treatment of ethnic groups that do not directly support NUG in the future. Thus, this cooperation may facilitate change in recognition of ethnic minority rights but does not in itself mean that the situation of ethnic minorities in Myanmar has improved.

Some of the plans that the NUG is currently implementing to

promote ethnic minority rights appear to be attempts at winning cooperation and international attention. For example, the NUG took a stand in June 2021 that the Tatmadaw was responsible for the citizenship issue of ethnic minorities, and expressed intention to repeal the 1982 citizenship law to guarantee the human rights of the Rohingyas (Muslims living in Rakhine State); and then invited the Rohingyas to cooperate with the NUG against the Tatmadaw.⁴ Admittedly, it is a positive statement, as it officially recognizes the Rohingya and rejects the 1982 citizenship law. This law provides that "Nationals such as the Kachin, Kayah, Karen, Chin, Burman, Mon, Rakhine or Shan and ethnic groups as have settled in any of the territories included within the State as their permanent home from a period anterior to 1185 B.E., 1823 A.D. are Burma citizens." Not being explicitly included in this list, the Rohingyas have not been recognized as Myanmar citizens and have suffered restrictions on movement, landholding, education, health, and employment.⁵ This law made Myanmar home to one of the largest stateless populations in the world.⁶

However, mere top-down repeal of law would not resolve a problem in a complicated society setting. Clashes between believers of Islam and Buddhism have been occurring since the 20th century, while Islamophobia among the general population of Myanmar exists. Buddhist-dominated nationalist movements in Myanmar such as the monk-led 969 movement in 2012 and the MaBaTha movement in 2013 openly voiced out Islamophobic sentiments, which further translated into disapproval of the identification of the Rohingyas as Myanmar nationals, and violence against them. On the other hand, Buddhists are in many cases a pro-democracy force in Myanmar. For example, the monk-led Saffron Revolution in 2007 was against Myanmar's military dictatorship and demonstrated support for Aung San Suu Kyi. A seemingly contradictory result is that there is an overlap between people who support the NUG and those who oppose the Rohingyas. To protect the rights of the Rohingyas, NUG has to facilitate reconciliation of the two religious groups, a more complicated task than repealing the citizenship law.

Some ethnic communities see the military coup as essentially an intra-Bamar (Burman) civil-military power struggle,⁷ which aligns with their long-held view of "Burmanization" under the decades-old "one language, one religion, and one culture" policy. To be fair to the previous National League for Democracy (NLD), Myanmar's Ruling Party from 2015 to 2021, and the current NUG, they are far too liberal compared to Tatmadaw's

attitude towards ethnic minorities. The NLD also expressed that it never had a Bamar-dominance mentality when it won the 2020 election.⁸

However, research shows that NLD's contribution to promoting minority rights while in office is minimal. 2016-2020 data show very little progress in providing mother-tongue education in Myanmar's minority areas and in including minority history and culture in the school curriculum during the NLD's term.⁹ The Karen Human Rights Group revealed in its 2020 report how the Burmanization policies affected peoples' everyday lives and challenged their ethnic identity; and concluded that the NLD government actually continued to embody the Burmanization agenda from 2015 to 2020.¹⁰ In some Kawthoolei areas, the teaching of the Karen language is allowed only after school hours, which means that the students are longer motivated to learn.¹¹ In early 2016, the ethnic Mong Wong people in northern Shan State were officially reclassified as Mong Wong-Bamar to qualify them for citizenship application.¹² Ironically, they are actually ethnic Chinese, and therefore, this move does not imply recognition that they are a distinct "national" of Myanmar but a strategy for assimilation. The NLD was silent at the time on this ridiculous solution.

Given the fact that many NUG officials are political veterans of the NLD, traditional fissures of distrust between the NLD and ethnic minorities groups could quickly reemerge. Therefore, the NUG's ethnic policy must be based on its self-reflection in order to remove the shadow of

long-standing Burmanization and build trust with ethnic minorities. Without such a reflection, NUG might simply exploit EAO's military strength to fight Tatmadaw, and subsequently fail to include the ethnic policy in its political agenda.¹³

Some conclusions arise from these discussions. First, the phenomenon of post-coup cooperation between ethnic minorities and the NUG in Myanmar does not represent a change in the long-standing marginalization of ethnic minorities. Second, the Rohingya citizenship issue suggests that in addition to top-down approaches, such as repealing the law, the NUG needs bottom-up initiatives to promote reconciliation to truly solve the problem rather than just gain cooperation and attention. Last but not least, the NUG needs to reflect on the ethnic minority policy during the NLD administration when officials thought they were free of the Bamar-dominated mentality and yet contributed to Burmanization in practice.

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(Continued from page 12)

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