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Human Rights in the Mining Industry of Mongolia

This is an excerpt of the report included in the book entitled Bridging Human Rights Principles and Business Realities in Northeast Asia (2014). This article discusses some of the highlights of the report on the mining operations in Mongolia that affect the human rights of workers and the people in the surrounding areas.

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This is a report on the expert workshop on human rights cities that was held in May 2014 in Gwangju. It summarizes the different components of human rights cities and the relevant experiences in this regard. The article also cites the opportunities and challenges facing local governments in functioning as human rights cities.

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Mekong Workshop on EIU/GCE

This is a report on the first-ever workshop held by APCEIU in Myanmar. The subregional workshop, focused on Education for International Understanding and Global Citizenship Education, was attended by educators from the Mekong subregion (Cambodia, Lao PDR, Myanmar, Singapore, Thailand and Vietnam). The article cites the significance of the subregional workshop in relation to the changing situation in Myanmar.

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Editorial

Human Rights Centers

The story behind the establishment of an institution largely defines its vision, mission and goal. The story also reveals the context that supported the establishment of such institution.

The same must be true of the human rights centers in Asia and the Pacific. There should be stories of people whose vision and commitment to realize their vision led to the establishment of human rights centers. There should be stories of human rights violations that led people to see the need to have an institution that would promote human rights and address the violations.

Some institutions developed their human rights center function after years of providing human rights protection services. More recently, others saw the viability of promoting human rights solely through the current internet technology (website in particular), a new facet in the work of human rights centers.

Among the human rights centers, there is the basic objective of helping people understand human rights through presentations on human rights principles, reports on human rights violations, and discussions on concrete efforts to counter them.

A Human Rights Center in Osaka

Jefferson R. Plantilla

More than thirty years ago, a call was made on Japan to support the promotion of human rights in the Asia-Pacific region in order to prepare the ground for the proposed establishment of a regional human rights mechanism.

This call was made in 1983, when the region had just started discussing the United Nations (UN) proposal for a human rights mechanism in the vast and highly diverse Asia-Pacific region. It was made a year after the first UN-organized regional seminar on human rights was held in Colombo that formally discussed the proposal for the establishment of a regional human rights mechanism. The response of the UN member-states in the region was lukewarm, justified by practical difficulties. Nevertheless, the UN proposal was a valid one, considering the need to address the human rights situation in the region at that time.

The governments and peoples in the region were at that time probably not yet ready for this kind of mechanism. Regional human rights promotion was instead seen as an appropriate step that should be undertaken.¹

Local Institution

Yo Kubota, a United Nations officer, called for the establishment of a "Human Rights Information Center in

Asia" that would help promote human rights in the region. While he was calling on Japan, as a state, to take this challenge, his proposal was taken up instead by the local social movement in Osaka where he spoke about this idea in 1983. The local social movement supported his idea of establishing such a center on the "strengths of the people and the local governing bodies." The anti-discrimination movement in Osaka (principally consisting of the anti-Buraku discrimination movement, the Korean residents movement and other groups) saw this proposal as an appropriate project for the local governments in Osaka.

A decade-long negotiation by the local anti-discrimination movement with the Osaka city and prefectural governments led to the establishment of a local institution named *Ajia Taiheiyou Jinken Jouhou Senta* (Asia-Pacific Human Rights Information Center) in the summer of 1994. It was established with the joint financial support of the local governments and the social movements consisting of the anti-discrimination movement, a labor union, a religious organization, an organization of private corporations, etc. The Osaka city mayor, Osaka prefecture governor, a senior adviser to the then newly created Office of the UN High Commissioner for Human

Rights, and the widow of Yo Kubota, who unfortunately failed to see the fulfillment of his idea due to his death while on official mission in Africa, attended the inauguration ceremonies.²

The center, also known as HURIGHTS OSAKA, was established as a local institution that promoted human rights in the Asia-Pacific region.

It should likewise be noted that the same social movement in Osaka lobbied the Osaka city and prefectural governments to support the establishment of a human rights museum. The lobby started in 1982 and the museum was established three years later, in 1985, and named Osaka Human Rights Museum (popularly known as LIBERTY OSAKA) with support from the Osaka local governments.³

Objectives

At the establishment of HURIGHTS OSAKA in 1994, the objectives were stated as follows:

- a. To promote human rights in the Asia-Pacific region;
- b. To convey Asia-Pacific perspectives on human rights to the international community;
- c. To ensure inclusion of human rights principles in Japanese international cooperation activities;

- d. To raise human rights awareness among the people in Japan to meet its growing internationalization.

These objectives gave HURIGHTS OSAKA a unique character of being a local institution with a regional (Asia-Pacific) perspective. They reflected a strong regional, or international, consciousness among the people and institutions that worked for its establishment.

In mid-1990s, the idea of a human rights center for Asia-Pacific with support from local governments and the local social movement was ahead of its time.

HURIGHTS OSAKA came into existence a year after the 1993 World Conference on Human Rights was held in Vienna; a conference that attracted much attention from governments and the non-governmental organizations in Asia and the Pacific. This conference seemed to have influenced the establishment of national human rights institutions in several countries in Asia either before or after it was held, and helped stoke alarming discussion among governments about an Asian version of human rights. The Vienna conference also caused the first massive mobilization of Asia-Pacific non-governmental organizations working on human rights during the preparatory conference in Bangkok in March 1993.

Regionally speaking, HURIGHTS OSAKA was established at the right time. Human rights constituted an

important concern that Asia-Pacific governments could not ignore in mid-1990s.

Tasks

A number of regional non-governmental organizations working on specific human rights issues regarding women, children, workers, indigenous peoples, and other vulnerable sectors were already existing from early 1990s. National human rights institutions were being established in a number of Asian countries during this period. And the United Nations had started its regional workshops on human rights.⁴

What then should HURIGHTS OSAKA do for the Asia-Pacific region under this situation? What kind of program should it espouse that would respond to the needs of the region?

Promotion of human rights was certainly a task HURIGHTS OSAKA must perform. And to pursue this task, HURIGHTS OSAKA was aided by the international initiatives on human rights promotion particularly the United Nations Decade for Human Rights Education (1995-2004).

At the outset, HURIGHTS OSAKA adopted the following activities:

- a. Information Handling - collection of basic international human rights documents; information on social, economic and cultural situations in the Asia-Pacific; and materials on human rights education;
- b. Research - study in collaboration with experts in Japan and other countries

in the region on a range of issues such as marginalization of indigenous peoples, minorities, refugees, migrant workers and other vulnerable groups; discrimination based on social status; and development and human rights;

- c. Education and Training - setting up of human rights education program for those concerned with human rights issues in the region. This includes education and training for citizens and private and public corporations in Japan;
- d. Publication - production of materials either in English or Japanese languages such as newsletters, booklets, journal, occasional papers, annual activity reports, audio-visuals, and other research materials;
- e. Consultancy - provision of advisory services on human rights programs and research.

HURIGHTS OSAKA's regional activities had to contend with limited financial and human resources, however. HURIGHTS OSAKA could not launch a program that could be implemented over several years. It had to search for project funds to start its regional program. Its projects received support from private funding organizations, national human rights institutions and government ministries in other countries in Asia, and also from United Nations agencies. As a matter of policy and procedure, HURIGHTS OSAKA works in

partnership with non-governmental organizations, government agencies, national human rights institutions, and also international organizations in order to address resource limitation and to have greater chances of achieving project objectives.

Human Rights Center

HURIGHTS OSAKA is a human rights center. It gathers, processes and disseminates human rights information of various kinds and from different sources. Despite limited resources, HURIGHTS OSAKA has been able to implement several regional projects since its establishment in 1994.

In support of the UN Decade for Human Rights Education, HURIGHTS OSAKA launched a regional human rights education program. The program started with a research project on the culture-human rights issue, the focus of debate on the universality of human rights in early 1990s. The program continued with consultation workshops, development of human rights teaching materials, training workshops, more research projects, collection of human rights education materials, and preparation of publications.⁵ The continued implementation of the regional program led to the collection of information on human rights education (in the form of teaching and learning materials, program implementation reports, audio-visual materials, etc.) from institutions in various countries in Asia and the Pacific. HURIGHTS OSAKA also implemented research projects

on other issues including development and human rights, and business and human rights.

A major collection of information in HURIGHTS OSAKA relate to human rights education as a consequence of its regional program. Other information covers various human rights issues and sectors in Asia and the Pacific, court decisions on human rights, declarations on human rights, and human rights centers.⁶

Promoting Human Rights Centers

HURIGHTS OSAKA has been conscious of the existence of numerous human rights organizations in the region that operate at national and regional levels. HURIGHTS OSAKA has been constantly seeking their cooperation in implementing projects and in undertaking its regular regional activities such as preparation of publications (quarterly newsletter, annual publication and research reports).

As a human rights center, HURIGHTS OSAKA also promotes the role of fellow human rights centers in the region. In 2001, it started identifying institutions in the region that have the human rights center function (that is, gathering, processing and disseminating information related to human rights).

HURIGHTS OSAKA sees the value of making people in the region appreciate the services that human rights centers can provide. The profile of the human rights centers reveals a variety of services that can

address people's needs such as maintenance of library or resource centers that offer human rights materials to the public, provision of human rights education activities in various educational forms and for different types of audiences, monitoring of the human rights situation (local, national and regional levels), and provision of protection service for those who suffer human rights violations.

It classifies these centers as non-governmental organizations (NGOs), university-based research and outreach centers, and government-supported institutions. Some centers are based in local areas, away from the capital city, and thus provide a very important institutional resource for the local people and groups.⁷

To be able to promote the human rights centers, HURIGHTS OSAKA published in 2008 the *Directory of Asia-Pacific Human Rights Centers* with one hundred eighty one centers. In 2013, the second edition of the Directory was published with two hundred forty eight centers covered. Many more human rights centers were profiled from Central and West Asia in the second edition of the Directory, showing the existence of such centers in majority of the countries in Asia and the Pacific.

Human rights promotion in the vast Asia-Pacific region has to be done at various levels by a wide array of institutions such as human rights centers, national human rights institutions, and government

agencies with human rights programs. The UN agencies in the region play very important role. The Social Development Division of UNESCAP (United Nations Economic, Social Commission for Asia-Pacific), designated in 1988 as the regional human rights focal point, was “encouraged” to act as “depository centre of United Nations human rights materials within the Commission in Bangkok, the function of which include the collection, processing and dissemination of such materials in the Asian and Pacific region.”⁸

HURIGHTS OSAKA advocates the appropriate functioning of, and support for, these institutions in promoting human rights in the region. They constitute the major mechanisms for human rights promotion that operate not only at the regional and national levels but also at the community level in some countries.

Two Decades

HURIGHTS OSAKA celebrates its twentieth year of existence in 2014. It continues to pursue its original goals although several challenges surfaced during the last five years regarding resources and organizational structure. Necessarily, it has also redefined its goals. In 2012, HURIGHTS OSAKA stated its goals as follows:

- a. To engender popular understanding in Osaka of the international human rights standards;
- b. To support international exchange between Osaka and countries in Asia-

Pacific through collection and dissemination of information and materials on human rights;

- c. To promote human rights in Asia-Pacific in cooperation with national and regional institutions as well as the United Nations.

While the promotion of human rights in the Asia-Pacific region remains a goal, the current goals of HURIGHTS OSAKA have distinct stress on promoting human rights at the local level. Perhaps, this is a way of formalizing the actual situation of HURIGHTS OSAKA as a local institution whose resources are largely devoted to domestic activities.

During the first decade of its existence, HURIGHTS OSAKA relied much on “physical facilities” for visitors (such as library, audio-visual equipments, computers and also a microfiche machine [for old UN documents]). But during the second decade, it began to rely more on “digital space” using its website (www.hurights.or.jp) as a major mode of information dissemination. HURIGHTS OSAKA also maintains an e-mail listserv, an online magazine, Facebook and Twitter accounts that are used to disseminate information on local issues and activities. The e-mail listserv, online magazine, Facebook (www.facebook.com/hurightsosaka) and Twitter (https://twitter.com/hurights_osaka) accounts are in Japanese language.

The current domestic activities of HURIGHTS OSAKA consist of seminars, “human rights

tours,” telephone and online information service, and publication. It will hold during the last quarter of 2014 a human rights film festival, poster exhibition, workshop on human rights centers, and a symposium on children to celebrate its twenty years of existence.

Despite the challenges, the implementation of the regional program of HURIGHTS OSAKA continues. HURIGHTS OSAKA proceeds to seek partners in different parts of the region for its activities, and to search for relevant information that can help promote human rights in the region.

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For more information, please contact HURIGHTS OSAKA.

Endnotes

- 1 See UN General Assembly resolution 37/171 of 17 December 1982 on the report of the *Seminar on National, Local and Regional Arrangements for the Protection of Human Rights in the Asian Region*, held in Colombo from 21 June to 2 July 1982.
- 2 See *HURIGHTS OSAKA Newsletter*, volume 1, 28 February 1995 for the reports on the opening ceremonies of HURIGHTS OSAKA held on 7 December 1994.
- 3 Nobutoyo Kojima, “LIBERTY OSAKA: Promoting Human Rights to All,” *FOCUS Asia-Pacific*, volume 57,

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Human Rights in the Mining Industry of Mongolia*

Centre for Human Rights and Development

The mining industry is a core player in Mongolian development and economic growth. It is flourishing, and drawing attention from many foreign investors. Yet it has been getting more and more clear that local and foreign mining companies are practicing the so-called “Take the gold and leave the dirt” approach. In other words, the mining activities of both local and foreign companies are damaging the environment, and violating the human rights of people in the mining areas.

The Mineral Resources Authority of Mongolia reported that it issued 3,692 special licenses in 2012 covering 22.3 million hectares of land.¹ These licenses cover areas in different provinces and *soums* (districts) of the country. In one case, eleven mining companies have license to mine on 1.1 million hectares out of 2.8 million hectares of the Gurvan Tes Soum. The mining operations in this *soum* would make herding by local people difficult. Mining operations have adverse impact on the traditional agricultural activities of a significant number of the population. The mining operations affect herders due to decreasing pasture area and water resources. They are also displaced due to resettlement in other areas.² This is an example of unsystematic granting of licenses.

Dust pollution caused by the transportation of minerals from the mines is also causing hardship on people and animals along the roads used by big mining trucks. Even in areas where roads are paved, the level of dust pollution does not go down due to the number of trucks traversing them.

Air pollution in the form of dust cloud is either forty five times higher in the case of large particle dust or thirty to thirty-five times higher in the case of small particle dust than the national standard average. This is true in several *soums*.

The Ministry of Environment and Tourism, on the other hand, has reported earlier in 2010 that 17,966 hectares have been destroyed by mining operations. The National Human Rights Commission of Mongolia reported that mining companies left unrehabilitated hundreds of hectares of land in several *soums* (46.7 hectares in Airag Soum, Dornogobi province; 562.6 hectares in Uyanga *soum*, Uvurkhongor province; 500 hectares in Bayan-oo *soum*, Bayankhongor province). Another report puts the figure at more than six thousand hectares.³

The mining industry, the major pillar of the Mongolian economy, is concentrating on the Gobi region that has scarce water resources. This means that mining operations would have

major impact on the Gobi ecological system, which in turn can lead to serious impact on the health of people in the area.

Northeast Asian Companies in the Mining Industry

Northeast Asian companies are very much involved in the Mongolian mining industry according to relevant government records.

As of 2012, four hundred fifteen foreign companies have registered in Mongolia to do business pertaining to the mining and oil industries. Of this number, one hundred seventy-nine are Chinese, Korean and Japanese companies as shown in the following data:

- China – one hundred thirty-nine companies (33.49 percent);
- South Korea - thirty companies (7.23 percent); and
- Japan - ten companies (2.41 percent).

The analysis of various reports about the mining operations of the Northeast Asian companies show violations of the mining and other laws, including:

- a. Undertaking activities (such as drilling holes, boring water wells, mining) without proper authorization;

- b. Failure to secure and rehabilitate abandoned mining areas;
- c. Unauthorized construction of railway and exportation of minerals;
- d. Securing an extension of exploration license period despite reports of serious violations of terms of the license;
- e. Failure to comply with the regulations on safety of workers and protection of the environment;
- f. Threat of dismissal of workers who planned to form a trade union;
- g. Failure to compensate family of worker who died due to work-related accident; and
- h. Failure to raise the salary of workers.

Laws and Mining

The Mongolian Constitution guarantees the right to “healthy and safe environment and to be protected from environmental pollution and ecological imbalance.” (Article 6). Further, the Constitution provides the State responsibility on human rights:

- 1. The State shall be responsible to the citizens for the creation of economic, social, legal and other guarantees for ensuring human rights and freedoms, to fight against violation of human rights and freedoms and to [remedy these violations]. (Article 19)

On the use of natural resources, Article 6 of the Constitution provides:

- 4. The State shall have the right to hold responsible the land owners in connection with the manner the land is used, to exchange or take it over with compensation on the grounds of special public need, or confiscate the land if it is used in a manner adverse to the health of the population, the interests of environmental protection and national security.
- 5. The State may allow foreign nationals, legal persons and stateless persons to lease land for a specified period of time under conditions and procedures as provided for by law.

Mongolian laws⁵ regulate the mining industry with provisions on granting and revocation of mining licenses, exclusion of areas from mining operations, local government authority on mining operations, rehabilitation of areas that have been mined, and consultation with local residents on the planned mining operations.

Mongolia joined in 2006 the Extractive Industries Transparency Initiative (EITI), which has two main objectives: to disclose and reconcile extractive industries revenues paid to and received by governments (taxes, royalties, and signature bonuses), and to promote and strengthen the multi-stakeholder dialogue approach. In short, the process requires companies to “publish what they pay and governments publish what they receive in an EITI Report where the tax and royalty payments are independently verified and reconciled.” This process is

overseen by a multi-stakeholder group of governments, companies and civil society.⁶

By participating in EITI, Mongolia addresses the “Paradox of Plenty” issue and endeavors to make the benefits of extractive industries reach the poorer sections of society.⁷ The Mongolia EITI Mid-term Strategy (2010-2014), adopted on 24 June 2010, includes the following provisions on stakeholders in the extractive industry:

Objectives of Mongolia EITI capacity building:

xxx xxx xxx

- 3. To cooperate with stakeholders and concerned civil society representatives on civil monitoring and policy influencing methods; and
- 4. To continue collaboration with other NGOs for company governance and responsible mining.⁸

Mongolia published its latest report in December 2013, the seventh reconciliation report.⁹

General Observations

An analysis of the problems that arose from the operations of mining companies in Mongolia identified several root causes:

- 1. Laws are too general and weak to enhance public participation in environmental decision-making, and to strengthen the capacity and knowledge of local communities to enable them to protect their rights and interests;

2. Environmental laws are dedicated only to protecting plants or animals and do not consider the individual's right to land, safety and security;
3. The international mining operations standards are not implemented, while domestic standards are poor and outdated. Mining operations are commonly allowed to start even before the needed infrastructures have been prepared;
4. Lack of policy on the use of income earned from the mining industry to support sustainable development, reduce poverty and mitigate risks after exhausting limited non-renewable natural resources;
5. Lack of regulations on holding private companies accountable for the environmental problems and human rights abuses caused;
6. Lack of regulations on holding state organizations and civil servants accountable for their illegal activities by bringing them to court, and lack of enforcement of related court decisions.

Legal Remedies

Civil society organizations have been handling most of the public interest litigation cases in Mongolia since 2000. Most of the cases involved environmental and human rights abuses caused by irresponsible mining activities, and the protection of human rights of local nomadic

communities. The issues affecting nomadic communities constitute the emerging human rights issues in Mongolia.

However, civil society organizations have been facing numerous challenges in taking public interest cases in courts including problems of *locus standi* and court expenses, and lack of expertise in discussing scientific aspects of the issues involved (particularly in environmental cases).

Concluding Notes

As shown by past initiatives, it is obvious that the country has realized the need to develop and implement responsible mining and to protect the environment from the adverse effects of mining operations. However, the public lacks participation in monitoring the implementation of relevant policies and regulations. More importantly, there is a lack of accountability mechanism for those who are violating the laws.

In this context, there is more work to do to address the damage to the environment caused by mining operations, and their (mining operations) adverse impact on the health, safety and livelihood of people in mining areas.

* This is an edited excerpt of the report with the same author and title in *Bridging Human Rights Principles and Business Realities in Northeast Asia* (Kuala Lumpur/Osaka: HURIGHTS OSAKA and SIRD, 2014).

The Centre for Human Rights and Development (CHRD), a

human rights center based in Ulaanbaatar, has been supporting communities that were adversely affected by the mining operations in Mongolia.

For further information, please contact: Centre for Human Rights and Development (CHRD), Building of "Ok" centre, Youth avenue 13, 8th khoroo, Sukhbaatar district, Ulaanbaatar, Mongolia; Postal address: Central post office Box 551, Ulaanbaatar-211213; ph (976-11) 325721; www.chrd.org.mn.

Endnotes

- 1 Byambadorj Jamsran, *Mining Sector Development and Human Rights in Mongolia*, paper delivered at the International Conference on "Mining and Human Rights," 10-11 October 2012 in Ulaanbaatar and organized by the National Human Rights Commission of Mongolia, page 2. Paper available at www.mn-nhrc.org/eng/main3/120/.
- 2 Jamsran, page, 7; Bayarsaikhan Namsrai, *Cultural and Economic Rights of Herders as Related to Mining*, 2012, paper delivered at the International Conference on "Mining and Human Rights," page 3. Paper available at www.mn-nhrc.org/eng/main3/120/48-report.html.
- 3 Namsrai, *ibid.*, page 2.
- 4 Appendix-1, Invest Mongolia Agency, official letter-information, 20 June 2013.
- 5 The text of the Minerals Law of Mongolia used in this report is from "Minerals Law," *Mongolian Mining Journal*,

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Local Government and Human Rights

HURIGHTS OSAKA

Local governments are key players in the promotion, protection and realization of human rights. They complement the work of the national government in fulfilling state obligation on human rights. But how far have the local governments been able do their human rights work?

An expert workshop, hosted by Gwangju city on 15 May 2014, provided answers to this question by taking stock of existing local government human rights practices in different parts of the world, and identifying emerging trends and challenges in this field. This workshop was held prior to the 4th World Human Rights Cities Forum (WHRCF).

Human Rights Council

The United Nations Human Rights Council adopted a resolution (A/HRC/RES/24/2) on 26 September 2013 requesting the Human Rights Council Advisory Committee (HRCAC) to prepare “a research-based report on the role of local government in the promotion and protection of human rights, including human rights mainstreaming in local administration and public services, with a view to compiling best practices and main challenges.”¹ This report would be presented to the Human Rights Council at its twenty-seventh session in

September 2014. Two members of the HRCAC drafting group attended the Gwangju workshop.

Role of Local Governments

Since local governments provide direct service to the community, and local government leaders have direct contact with the local population, they are in the best position to work on local human rights issues.

Local governments that uphold human rights can actively protect the rights of local residents. The local residents in turn can exercise their right to demand from their local governments support for their human rights. There are services that local governments can provide to the local community that the national government may not be able to supply. However, the human rights programs of local governments should not dilute the obligation of the national government to promote, protect and realize human rights. Local and national governments should collaborate on human rights work.

A recent survey by the Human Rights Council reveals a number of challenges affecting the human rights work of local governments pertaining to:

- a. Direct democracy at the local levels;

- b. Cultural practices that affect human rights;
- c. Mainstreaming of human rights principles into the different components of the local government structures and procedures; and
- d. Human rights education for local government officials and local population.

The Gwangju workshop took note of other serious challenges facing local governments regarding:

- a. Change in political leadership;
- b. Continuation of local government human rights initiatives;
- c. Development of existing local government human rights programs;
- d. Link between local governments and the regional/international programs; and
- e. Human rights protection.

Some local governments were found to have strong sense of autonomy, progressive leadership, support from local social movements and other attributes that facilitate the mainstreaming of human rights principles in the local governance system. Historical local movements fighting for freedom and human rights can also inspire local governments in their human rights work. The

Donghak Revolution in 1894 in Gwangju was cited as an example of such inspiring historical event.

Establishing a Human Rights City

Today's cities face a number of problems that impact on human rights. They face social and economic inequality among the residents, inadequate facilities to serve their needs, limited space for housing and other infrastructures, isolation or exclusion of specific groups of residents including foreign residents (permanent residents and also migrant workers, asylum seekers, refugees, etc.), lack of participation of non-citizens in the governance of the city, discrimination in various forms, etc.

In this context, the main question is: How can a city become a human rights city? Or, how can a local government be able to perform its obligation to promote, protect and realize human rights within its own territory and using its limited resources?

There should be appropriate utilization of existing opportunities that support the local government work on human rights. Superior court decisions that recognize the human rights mandate of local governments especially in meeting the essential needs of the local residents (such as food, housing, water supply, health service, sanitation, protection from violence) should be given importance. Local government autonomy laws that empower local governments to enact

ordinances such as budget ordinance supporting gender programs at the local level should be invoked effectively. National action plans on different human rights issues should be utilized to benefit local communities.

Institutions that work on human rights such as national human rights institutions, local human rights centers (including those based in local universities), local offices of national government agencies and non-governmental organizations should all be tapped for local level human rights programming.

Local governments can actively seek out people whose human rights are being violated or on the verge of getting violated in order to give them protection and other support. This effort makes the existence of local institutions or local programs for the underprivileged or discriminated people more relevant and needed.

They can also develop or use existing systems for rating performance on human rights work. Such rating system would support effective implementation of local government action plans on human rights.

On raising human rights awareness of the general public, human rights activities should be held in open, public spaces where ordinary residents can learn as well as contribute in the discussions of local human rights issues and programs.

Local government experiences on human rights work can be found in Kaohsiung city that

created a human rights information center inside a busy train station to provide information on human rights and hold discussion activities on human rights issues for the general public;² established numerous museums with related human rights themes; and supported human rights education in the school system. In a small town in the Philippines, the lady mayor promotes the idea that local residents have the right to demand service from their local government, and implements programs addressing different aspects of human rights (using the 1986 United Nations Declaration on the Right to Development as framework). In Utrecht (the Netherlands), the local government brought together representatives of different non-governmental organizations that work on human rights issues in Africa and Asia to discuss what could be done on local human rights problems. The variety of ideas that came out provided a good start to developing local human rights programs for the city. The city government of Nanterre (France) developed a program to address the needs of those in the "peripheries" (physically and socially) of the city, who are mainly descendants of foreign migrant workers.³

Korean Template

The Korea Human Rights Foundation (KHRF), one of the co-organizers of the expert workshop, presented the current situation of human rights cities in Korea through a draft white paper entitled *Human Rights Cities in Korea 2014*.

Table 1. Components of Human Rights Cities⁴

Category	Component	Local government example
Norm	Charter	Gwangju Human Rights Charter (2012)
	Ordinance	Busan Haeundae-gu Ordinance (2010)
	Others	Gyeongsangnam-do Jingju city's Declaration of Human Rights City (2005)
Policy	Human Rights Action Plan	Ulsan Dong-gu Human Rights Plan of Action (2013-2015)
	Human Rights Impact Assessment	Human Rights Impact Assessment in construction of government buildings (2012) in Seoul Seongbuk-gu
	Human Rights Index/Indicator	Gwangju Human Rights Indicator (2012)
	Human Rights Education	Permanent lecture program on human rights in Gwangju
Institution	Human Rights Office	Gwangju Human Rights Division (2010), Seoul Human Rights Division (2012)
	Human Rights Commission	Ulsan Dong-gu Human Rights Commission (2012)
	Human Rights Ombudsman	Gwangju Human Rights Ombudsman (2013), Seoul Citizen's Human Rights Ombudsman (2013)
	Human Rights Center	Gyeonggi-do Gwangmyeong City Citizens' Human Rights Center

The paper provides a good template for compiling and analyzing information on local government initiatives related to human rights. It presents the different initiatives of Korean local governments as shown in Table 1.

According to the KHRF report, a human rights charter “articulates the rights that a local government guarantees [to] its citizens;”⁵ a human rights ordinance is a law or regulation enacted by local government councils that specifically relate to human rights;⁶ a human rights declaration “elucidates a city’s

commitment toward establishing itself as a human rights city to the city’s residents as well as to the ... world.”⁷

A human rights action plan is a “comprehensive plan that [translates] the human rights charter or statement into policy to promote human rights;” a “blueprint that gives guidance to the local government ... [in] developing systematic human rights policy.”⁸ Human Rights Impact Assessment is a “tool that allows the local government [to] monitor the plans and actions ... to protect and improve the human rights of the residents.”⁹ Human

Rights Index/Indicator means “a sign that displays the direction, goal, or standard of human rights... [specifically] the general numerical value of the various human rights situations.”

The human rights office has the responsibility over all activities of the local government related to human rights. The name of the office includes “human rights” and thus can refer to Human Rights Division, Human Rights Policy Division, Human Rights Team, etc.¹⁰ The human rights center, on the other hand, promotes human rights culture and citizen participation in

local communities by providing human rights education for citizens and civil servants. Local government officials manage the human rights office, while the civil society (though receiving support from the local government) operates the human rights center.¹¹

The local human rights commission serves as a “mechanism through which active participation of citizens in realizing the ideal of a human rights city could be guaranteed...[It monitors] from the outside whether [or not the local government is properly implementing the] human rights charters and declarations, and in some cases, serve[s] as relief [body] when [the local government or related institution breaches] established norms or violate the human rights of its citizens.”¹² The human rights ombudsman, on the other hand, has the sole purpose of providing relief or remedy to victims of human rights violations.

Mainstreaming Human Rights in Local Governance

A major task in the mainstreaming of human rights into the local government system is the institutionalization of policies, mechanisms, programs and activities that serve to promote, protect and realize human rights in the local communities.

Such mainstreaming effort should be supported by a participatory process that allows effective involvement of local residents in the task, provision of sufficient financial and other resources, awareness-raising among the public and the local government officials, and collaboration with other institutions working on human rights and local government fields.

For further information, please contact the Korean Human Rights Foundation, 4F, 18-1, Dongsomoonro, Seongbuk-Gu, Seoul, South Korea; ph: (82 070) 4367 2787; fax: (82 0505) 115-3682; e-mail: alee7080@gmail.com; www.humanrights.or.kr.

Endnotes

- 1 Report of the Human Rights Council on its twenty-fourth session, advanced unedited version, A/HRC/24/2, 27 January 2014, page 8.
- 2 For additional information, read Elsa Wen-Ying Hsu, “Crossing Boundaries in an Educating City: A Case Study of City Human Rights Education at the Open University of Kaohsiung,” *Human Rights Education in Asia-Pacific*, volume four (Osaka: HURIGHTS OSAKA) pages 125-136. Full article available at www.hurights.or.jp/archives/asia-pacific/.
- 3 These experiences were presented in one of the workshops held during the 2014 World Forum on Human Rights Cities.
- 4 Data in Table 1 are from Korean Human Rights Foundation, *Human Rights Cities in Korea 2014* (Seoul, 2014), pages 6-7.
- 5 Ibid., page 8.
- 6 Ibid., page 9.
- 7 Ibid., page 10.
- 8 Ibid., page 16.
- 9 Ibid., page 18.
- 10 Ibid., page 11.
- 11 Ibid., page 15. The word citizens would probably mean “residents” to include non-citizens such as foreigners.
- 12 Ibid., pages 12-13.



Mekong Workshop on EIU/GCE

HURIGHTS OSAKA

At the behest of the Director General of UNESCO (Irina Bokova),¹ the Asia-Pacific Centre of Education for International Understanding (APCEIU) started an educational initiative in Myanmar in mid-2014. APCEIU held its first activity in the country in collaboration with the Myanmar government by holding a workshop for the Mekong subregion on 17 - 19 June 2014 in Yangon. A workshop exclusively for Myanmar educators followed the Mekong subregional workshop.

The sub-regional workshop, co-organized with the UNESCO Asia and Pacific Regional Bureau for Education (UNESCO Bangkok), had the theme, "EIU: Global Citizenship Education for a Culture of Peace and Sustainability," and was attended by thirty educators from Cambodia, Laos, Myanmar, Singapore, Thailand and Vietnam.

APCEIU

As the leading advocate of Education for International Understanding (EIU) in Asia-Pacific since 2000, APCEIU has been tirelessly holding workshops, seminars and teacher exchanges; publishing various materials including monographs on best practices on EIU; and undertaking research projects. As a

mandated institution of UNESCO, it has been working with the Ministries of Education and other educational institutions in the Asia-Pacific. Teachers, education and school officials and other educators from the region have participated in its activities.² Its current Director (Utak Chung) hopes that APCEIU will also become a regional hub for Global Citizenship Education (GCE).

Subregional Workshop

The holding of a subregional workshop on EIU and GCE in Yangon is significant in light of the recent political developments in Myanmar. Professor Aung Tun Thet, Advisor to the President of the Republic of the Union of Myanmar, talked about re-engagement and recommitment to the global community in his welcome remarks. He also

mentioned ethnic, political and religious tensions that should be resolved through dialogue with the government.

In relation to GCE he answered a number of questions:

- a. What are the traits of a good global citizen?
 - Good character and fairness;
 - Responsibility, trustworthiness, care and respect for others, the capacity to tolerate and utilize critical thinking.
- b. What do we want out of a global citizen?
 - Tolerance;
 - The ability to work together and embrace diversity;
 - Responsibility for our actions;
 - Critical thinking towards actions to promote peace and tolerance.

He emphasized the need to think globally and act locally.



Human Rights as a Theme

The opening ceremonies of the subregional workshop included a keynote speech by U Win Mra, the Chairperson of Myanmar National Human Rights Commission (MNHRC). In the speech, he stressed the role of education as the most effective means to understand and respect human rights. He emphasized that education must not only facilitate acquisition of knowledge on human rights. He raised the need for teachers to be trained and empowered.

He elaborated on the role of the MNHRC in providing a window of opportunity for people to enjoy human rights by being a mechanism for resolving conflicts and by facilitating human rights education.

He explained that the MNHRC did its own translation of the Universal Declaration of Human Rights and disseminated copies of it to many educational institutions. It held workshops on various issues such as business and human rights,

human rights and the role of the media, Universal Periodic Review of the United Nations Human Rights Council, and the international human rights instruments. It has held training workshops for its staff on the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination Against Women, and the Convention on the Rights of Persons with Disabilities. It also held human rights education activities in thirty-seven townships on international human rights norms and standards.

The MNHRC has reached out to the religious leaders in the country. It has linked up with national human rights institutions in Southeast Asia through the Southeast Asia National Human Rights Institutions Forum (SEANF) and those in the whole region through the Asia-Pacific Forum of National Human Rights Institutions (APF). Chairperson Wra saw these linkages as important means to share and learn experiences in making the MNHRC work effectively.

Chairperson Wra also mentioned the necessity of having a law on the establishment of MNHRC. He expressed hope that such law would be enacted soon.

The keynote speech of Chairperson Wra put an important stress on human rights in the whole subregional workshop.

The workshop program had a slot for the discussion of human rights. A resource person³ gave a presentation on the background of the international human rights standards and explained the basic human rights principles by linking them to values.

The stress on the link between human rights and values echoed the welcome remarks of the representative of the Myanmar government on the need for citizens to have values. It also related to the school syllabus in Singapore on discussing EIU by emphasizing certain values that are included in the school curriculum such as in social studies subject.

The subregional workshop opened another opportunity for educators in the Mekong subregion to network with each other in promoting EIU and GCE. The participants expressed their desire during the workshop to be involved in relevant projects being planned by their respective institutions.

For further information, please contact: APCEIU, 20, Saemallo, Guro-gu, Seoul, Republic of Korea (152-050); ph (82-2)



774-3933; fax (82-2) 774-3958;
www.unescoapceiu.org.

Endnotes

1 See "Sub-regional Workshop on EIU/GCE for Educators from Mekong Cluster Countries & National Capacity-building Workshop for Educators in

Myanmar," APCEIU News, www.unescoapceiu.org/board/bbs/board.php?bo_table=m31&wr_id=430&page=3.

2 For more information about APCEIU visit www.unescoapceiu.org.

3 The presentation on human rights was given by Jefferson R. Plantilla of HURIGHTS OSAKA.

Human Rights Center in Osaka

(Continued from page 5)

September 2009, full text available at www.hurights.or.jp/archives/focus/section2/2009/09/liberty-osaka-promoting-human-rights-to-all.html.

4 See "UN Workshops on Regional Arrangement for Human Rights in the Asia-Pacific," *FOCUS Asia-Pacific*, volume 7, March 1977 for a report on the intergovernmental workshop on human rights. This article is available at www.hurights.or.jp/archives/focus/section2/1997/03/un-workshops-on-regional-

arrangement-for-human-rights-in-the-asia-pacific.html.

5 See Jefferson R. Plantilla, "Regional Programming on Human Rights Education," *Human Rights Education in Asia-Pacific*, volume 4, pages 195-250, for more information on the regional human rights education program. The article is available at www.hurights.or.jp/archives/asia-pacific/section1/2013/12/volume-four.html.

6 The major categories of the content of the English section of the HURIGHTS OSAKA website reflect the kind of work and information being sought and disseminated

under the regional program. See www.hurights.or.jp/english/ for more details.

7 For more information on the human rights centers visit: Directory of Human Rights Centers in the Asia-Pacific, www.hurights.or.jp/english/directory-of-hr-centers.html; and its wiki version: http://hurights.pbworks.com/w/page/11947500/FrontPage.

8 *Regional arrangements for the promotion of human rights in the Asian and Pacific region*, UN General Assembly, A/C.3/43/L.63, 22 November 1988, page 2.

Mining Industry of Mongolia

(Continued from page 8)

http://en.mongolianminingjournal.com/content/38041.shtml.

6 Background, Mongolia Extractive Industries Transparency Initiative Secretariat, http://english.eitimongolia.mn/page/334.shtml?sel=607.

7 Paradox of Plenty is explained as follows: "Historically, several resource-rich developing countries have shown below-average

growth performance and their citizens live in persistent poverty due to a lack of transparency and corruption caused by weak governance." See World Bank, Extractive Industries Transparency Initiative: Results Profile, 15 April 2013, www.worldbank.org/en/results/2013/04/15/extractive-industries-transparency-initiative-results-profile.

8 Restatement of 10.6. Objective "Mongolia EITI capacity build-up" in the Mongolia EITI mid-term strategy (2010-2014),

http://english.eitimongolia.mn/content/639.shtml.

9 See Stephens and Van Audit, op. cit.

10 This is an edited version of Namsrai's list of root causes of human rights violations/abuses in the Mongolian mining industry, page 7.

HURIGHTS OSAKA Calendar

We mourn the passing of the first Director of HURIGHTS OSAKA, Professor Kim Dong-hoon. He was the Director of HURIGHTS OSAKA from 1994 till 2000. After retiring from his teaching post in Japan, he spent much of his time in Korea. He died in Korea on 31 May 2014.

A special memorial service for the late Professor Kim was held on 26 September 2014 in Osaka city with the attendance of people he worked with in the international human rights law academic circle and in the anti-discrimination movement in Japan.



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HURIGHTS OSAKA, inspired by the Charter of the United Nations and the Universal Declaration of Human Rights, formally opened in December 1994. It has the following goals: 1) to promote human rights in the Asia-Pacific region; 2) to convey Asia-Pacific perspectives on human rights to the international community; 3) to ensure inclusion of human rights principles in Japanese international cooperative activities; and 4) to raise human rights awareness among the people in Japan in meeting its growing internationalization. In order to achieve these goals, HURIGHTS OSAKA has activities such as Information Handling, Research and Study, Education and Training, Publications, and Consultancy Services.

FOCUS Asia-Pacific is designed to highlight significant issues and activities relating to human rights in the Asia-Pacific. Relevant information and articles can be sent to HURIGHTS OSAKA for inclusion in the next editions of the newsletter.

FOCUS Asia-Pacific is edited by Osamu Shiraishi, Director of HURIGHTS OSAKA.

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