
The BLC General Secretary, accompanied by U Maung Maung Lwin, U Nay Tun Naing, U Zaw Moe Aung and other comrades from NLD (LA) Korea Branch, attended a series of meetings in Korea.

On March 15, a meeting was held with the two Korean lawyers – Mr. Jihoon Cha from Sewha Park and Goo Law Firm and Mrs. Sang-Hee Lee from Hankyul Law Firm. U Aung Htoo observed the functions of the Korean legal NGOs which monitor the activities of Korean companies, operating outside Korea, from the aspect of human rights.

In the evening, the BLC General Secretary observed a trial in the Supreme Court of Korea, in which 14 high-ranking officials from the companies, including Daewoo International President Lee Tae-yong, were indicted by the Korean government on charge of exporting a number of Korean defense equipment production facilities and weapons technology to Myanmar in violation of the law on exports of strategic goods.

He provided comment that an aspect of the question is whether there would be state responsibility for Korea if the exported weapons had been used against the Burmese population in a way that violates international human rights or humanitarian law. Under the international law of state responsibility, a state can be made to answer not only for its own actions but also for the actions of its private citizens or private corporations. A pre-requisite for state responsibility based on the actions of such private actors is however that the state has been complicit in some way. It is unlikely that state responsibility would apply in this case if the exports occurred without the complicity of Korea.
He also commented that if the exported weapons to Burma have been used against the population in a way that violates human rights and/or humanitarian law, and if the leaders of the Korean companies knew or should have known that the weapons would be used for such purposes, then perhaps it could be argued that they should answer for their complicity under international criminal law. Prosecution could in such a case be lodged before the International Criminal Court or perhaps before the Korean courts themselves (if domestic rules provide for jurisdiction to prosecute international crimes).

On March 16, the BLC General Secretary and the leaders from NLD (LA) Korea Branch met officials from the National Human Rights Commission Korea, including Prof. Kyong-Whan Ahn, President, Chiljoon Kim, Secretary General, and Dr. Byung-hoon Oh, Chief Human Rights officer, in their hospitable office in Seoul. U Aung Htoo shared information on human rights abuses in Burma, learnt about the function of the National Human Rights Commission of Korea, and exchanged opinions on the status of the Korean Judiciary in regard to the possible practice of universal jurisdiction. Korean officials in the Commission agreed to find ways and means to support the human rights movement of Burma.

In the afternoon, a meeting with Korean Human Rights NGOs was held. It was attended by representatives from Citizen’s Solidarity for Human Rights, Korean House for International Solidarity, Open Network Nawauri, and etc.

On March 17, the BLC General Secretary provided a lecture to the students at Inter-Asia Graduate School of NGO Studies, Sung Kong
On March 17th 2007, the BLC General Secretary provided a lecture to the students at Inter-Asia Graduate School of NGO Studies, Sung Kong Hoe University, with the title “Possible emergence of civil society, social change and current socio/political and human rights situation background of Burma” for three hours. He responded to the question raised by Assistant Prof. Dr. Eun-Hong Park, highlighting the discrepancies between Burma and Korea from the aspect of the existence of civil society and the practice of the Rule of Law, as to why Burma could not achieve economic development under the rule of the military dictatorship while it was the case for Korea under former President Park Chun Hee, being a dictator. It is expected that Inter-Asia Graduate School of NGO Studies may join hands with the Burma Lawyers’ Council for the emergence of civil society inside Burma.

On March 18, a meeting with the Burmese community in Korea was held. It was attended by about forty Burmese activists from NLD(LA) Korea Branch, Myanmar Association in Korea, Burma Action Korea, the Millennium Window Journal, etc. The BLC General Secretary talked about legal issues, encountered by citizens within the society of Burma, from the aspect of the Rule of Law and answered the questions raised by the participants.

On March 19, the BLC General Secretary met Mr. Lim Si Heung, Deputy Director, Southeast Asia Division, at the Ministry of Foreign Affairs, Korea. On March 20, he left Seoul, Korea for Nagoya, Japan.

At the Nagoya airport, he was welcomed by Ms. Mitsuishi Akemi, a staff from Japanese Environmental Lawyers’ Federation (JELF) and U Myint San, a Burmese economic academician and democracy activist. He was also a lawyer inside Burma, previously. With the support of JELF and other Burmese activists, U Myint San was able
to arrange all meeting schedules for BLC General Secretary successfully. In addition, he also provided valuable suggestions to BLC General Secretary from economic aspect and it was applied in a series of meetings held later in Japan.

On March 21, the BLC General Secretary met Japanese lawyers who are mainly working on cases relevant to refugee issues. He suggested that they provide legal assistance to those who fall within the criteria provided for in 1951 Refugee Convention while differentiating them from migrant workers who left their motherland mainly to earn money. In the evening, he met the Burmese activists from League for Democracy in Burma (LDB) and NLD (LA) Japan Branch and elaborated the issues of Burma from the legal perspective.

On March 22-23, the BLC General Secretary, accompanied by Burmese activists, U Myint San, U Min Thein and U Ohn Lwin, made a trip from Nagoya to Osaka and met members and Japanese volunteers from Burmese Relief Center (BRC) led by Mrs. Keiko Nakao, Mr. Tetz Hakoda, Director of BurmaInfo and Japanese Attorney Mr. Shunji Kogirima.

On March 24, the BLC General Secretary met Prof. Yamazaki Koshi, Professor of Law from Niigata University, Mr. Takaaki Kagohashi, President of Japanese Environmental Lawyers’ Federation (JELF), Japanese Attorney Ms. Kazuko Ito from the organization “Human Rights Now” and other lawyers from JELF and Japan Young Lawyers’
On March 25, the BLC General Secretary made a major presentation on Burma, taking forty minutes, in the International Human Rights Seminar, held at Nagoya City Hall, attended by over two hundred participants, the majority of whom were Japanese lawyers. There, a brief background of the Burma Lawyers’ Council was introduced; and the situation of human rights in Burma was elaborated from the aspect of not only civil and political rights but also the economic, social and cultural rights, highlighting the action of Burma Lawyers’ Council on the politically motivated cases such as the U Khun Tun Oo and Shan leaders’ case and Advocate U Aye Myint’s case. Finally, the presentation was concluded with an analysis on Official Development Assistance provided by the Japanese government to the military regime in Burma as follows:

The major aims of Official Development Assistance (ODA) are to bring social development, support a market economy and promote democracy and human rights.
The BLC applauds and appreciates Japan for taking concrete steps in its attempt to raise the standard of living for people in Burma and discourage the violations of human rights and restrictions of freedoms. Unfortunately, however, the implementation of the ODA fails, in many aspects, to actually contribute to improving the human rights situation in Burma.

Japan has historically taken a soft approach towards Burma, favoring positive sanctions through extensive financial support with the apparent hope that Burma’s leaders would learn good governance and financial transparency as a result of Japan’s influence. Japan’s ODA is characterized by its focus on economic infrastructure, while it emphasizes less the building of political and civil infrastructure. In 1997, grass roots grants totaled 177 million yen for 20 projects while a loan project to expand Rangoon Airport reached 2.5 billion yen.

Too often, aid is manipulated by the regime. For instance, Japanese trucks provided to Burma were used for military purposes. Debt relief granted by Japan lacks a stringent monitoring system. It is estimated that for over four years, it was unclear how approximately 4 billion yen of debt relief was used. Foreign aid actually legitimizes the military regime.

As a result of the aid, the military regime in Burma becomes stronger and has even less of a reason to bring about political change or respect the rights of its citizens. The source of the problems is due to its own corrupt authoritarian rule; and even when the regime has money, it spends an enormous amount of its budget on arms and the military. Foreign aid should include accountability, transparency and independent monitoring.

With the title “Cultural grant”, between 1975 and 2004, 404 million yen was provided under ODA. But it lacked any transparency at all. A major part of ODA should be
channeled to the right areas, such as support for political, legal and human rights education, establishment of public institutions, and the emergence of civil society and other democratic institutions.

I would like to discuss the establishment of the economic infrastructure from the aspect of the Rule of Law, focusing on the emergence of the independence of judiciary. The market economy in a society will never be successful if it lacks independence of the judiciary based on the Rule of Law. It was evident in the case of Yaung Chi Oo company from Singapore that the judiciary failed to protect the operation of a foreign company from the unlawful interference of the ruling military authorities.

Let me also introduce the Human Resource Development program for Burma, being implemented by Japan, as a part of ODA. The human resource development program initiated by Japan should not strengthen only the administrative mechanism of the military regime. It should also focus on the capacity building of grassroots people.

The young ethnic people who come from inside Burma and who are working with and learning from Civil Society organizations, including Burma Lawyer’s Council and other democratic and ethnic organizations, should enjoy an opportunity for a higher education or university level education, at least, along the Thai Burma border areas and, in addition, if possible, in Japan.

To create a new legal generation which may replace the existing legislative, administrative and judicial mechanism of the state gradually, the BLC has already established Peace Law Academy along the Thai Burma border area. There, the students are from various ethnic backgrounds of Burma. They deserve the support of the Japanese people and their government, possibly under a program of Official Development Assistance.
Suggested Principles for Implementation of ODA:

(1) ODA should be used to foster the livelihoods of local people, facilitate the emergence of civil society, support the independence of judiciary, and promote the rule of law;

(2) In all ODA processes, transparency should be practiced and it should open to the public;

(3) In providing ODA, human rights norms should be applied, and all ODA related projects should be evaluated from the aspect of human rights.

Request to Japanese Government

• (1) Effective monitoring system and necessary monitoring teams with the participation of democratic opposition, representatives from the dignified international NGOs and independent local people’s organizations should be established;

• (2) In implementing all ODA related projects, space for participation of local civilian people and civil society organizations, which are not lackeys of the ruling regime, should be created;

• (3) Reports on merits and demerits of all ODA related projects should be produced and distributed widely;
• (4) Financial and material assistance to independent civil society organizations, which are based in Thai Burma border areas, should also be provided.

Request to Japanese People

• (1) The Japanese people should persuade their government to comply with the recommendations mentioned above, mainly regarding ODA;

• (2) The Japanese people should provide support to civil society organizations inside Burma and along the border
areas of Burma, which are independent, and are also struggling for human rights, the rule of law and sustainable development.

In the evening of 25th March, the BLC General Secretary, accompanied by U Myint San, traveled to Tokyo and held a brief meeting with the leaders of NLD(LA) Japan Branch and League for Democracy in Burma (LDB).

On 26th March, the BLC General Secretary, U Myint San and Japanese Lawyer Watanabe San visited the office of the Ministry of Foreign Affairs and met Mr. Yoshinori Yakabe, Deputy Director, First Southeast Asia Division and mainly suggested that the Japanese government ODA be used in the right direction for the benefit of people in Burma, focusing on the establishment of civil and political infrastructure while implementing a policy of transparency. Then, the group also met with Mrs. Mizuho Fukushima, member of the House of Councilors and leader of Social Democratic Party, and explained to her the background of the U Khun Tun Oo and Shan leaders’ case and mainly requested her assistance to initiate a campaign for their release. In the evening, the BLC General Secretary and U Myint San visited the law office of Japanese Attorney Watanabe San, met Mr. Hisao Tanabe, a Japanese Journalist, and talked about the legal issues of Burma. Then, the group also met three Burmese lawyers who submitted BLC membership applications and discussed how to further their legal studies. On 27th March, the BLC General Secretary left Tokyo.