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PROGRAM

12:30 Registration

13:00 Opening Remarks

Ambassador Yoshitaka AKIMOTO, Ambassador in charge of United Nations Affairs,
Ministry of Foreign Affairs

13:10 Keynote Speech: The Value of International Democracy Promotion

Keynote Speaker

Mr. Roland RICH, Executive Head, United Nations Democracy Fund (UNDEF)

13:40 Panel 1: The Current Situation and Challenges of Support
for Democratization in the World

Panel Discussion

○Moderator

Ms. Hikariko ONO, Director, Policy Planning Division, Foreign Policy Bureau,
Ministry of Foreign Affairs

○Panelists

Mr. Erik JENSEN, Senior Law Advisor, The Asia Foundation, and Co-Director,
Rule of Law Program, Stanford Law School

Professor Izumi NAKAMITSU-LENNARTSSON, Visiting Professor,
Hitotsubashi University

Mr. Roland RICH, Executive Head, United Nations Democracy Fund (UNDEF)

Q&A

15:00 Break

15:20 Panel 2: Japan's Foreign Policy for the Promotion of Human Rights
and Democracy: Challenges and Prospects

Panel Discussion

○Moderator

Ambassador Yoshitaka AKIMOTO, Ambassador in charge of United Nations Affairs,
Ministry of Foreign Affairs

○Panelists

Professor Masanori AIKYO, Director of Center for Asian Legal Exchange (CALE)
and Professor of Graduate School of Law, Nagoya University

Mr. Tetsuya KIMURA, Director, Human Rights and Humanitarian Affairs Division,
Foreign Policy Bureau, Ministry of Foreign Affairs

Professor Izumi NAKAMITSU-LENNARTSSON, Visiting Professor, Hitotsubashi University

Professor Yasunobu SATO, Graduate Program on Human Security,

Graduate School of Arts and Sciences, The University of Tokyo

Q&A

17:00 Closing Remarks

Ambassador Yoshitaka AKIMOTO, Ambassador in charge of United Nations Affairs,
Ministry of Foreign Affairs

17:10 The End of the Symposium

Profiles of Moderators and Panelists

Keynote Speaker

Roland Rich

Executive Head, United Nations Democracy Fund (UNDEF)

Prior to his appointment to UNDEF, Mr. Rich was a member of the directing staff at the Centre for Defense and Strategic Studies, Australian Defense College, a research fellow at the National Endowment for Democracy in Washington DC (2005), the Director of the Centre for Democratic Institutions at the Australian National University (1998-2005). Mr. Rich joined the Australian foreign service in 1975 and had postings in France, Myanmar, the Philippines and, from 1994-1997, as Australian Ambassador to Laos. He has also served as Assistant Secretary for International Organizations in the Department of Foreign Affairs and Trade. Mr. Rich, together with Edward Newman, edited "UN Role in Democracy Promotion" (United Nations University Press, 2004). His most recent publication is "Pacific Asia in Quest of Democracy" (Lynne Rienner Publishers, 2007).

Moderators

Yoshitaka Akimoto

Ambassador in charge of United Nations Affairs, Ministry of Foreign Affairs

Mr. Akimoto received his BA degree from University of Tokyo, Faculty of Law (LLB) in 1977. He joined Ministry of Foreign Affairs in 1977. Prior to his current position, he served positions such as Counsellor, Embassy of Japan in the United Kingdom; Counsellor, Embassy of Japan in Russia; Director, East Europe Division, European and Oceanian Affairs Bureau; Director, Grant Aid Division, Economic Cooperation Bureau; Director, Aid Policy Division, Economic Cooperation Bureau; Minister, Embassy of Japan in Indonesia; and Minister and Deputy Chief Mission, Embassy of Japan in Russia.

Hikariko Ono

Director, Policy Planning Division, Foreign Policy Bureau, Ministry of Foreign Affairs

Ms. Ono received her BA degrees from Hitotsubashi University in 1988 and from Oxford University in 1991. She joined the Ministry of Foreign Affairs in 1988. From 1991-93 she was a desk officer responsible for global environmental issues. She was Assistant Director responsible for loan aid to Asian countries from 1993-95, and for politics and economics in Indochina region from 1995-97. After having served as Assistant Director in charge of WTO, she worked as First Secretary in charge of press and public relations at the Embassy of Japan in Washington, D.C. from 2000-03. Prior to her current position, she was Senior Coordinator, responsible for developmental policies of various sectors of Japan's ODA from 2005-2007.

Panelists (Panel 1) (in alphabetical order)

Erik Jensen

Senior Law Advisor, The Asia Foundation, and Co-Director, Rule of Law Program, Stanford Law School

Mr. Jensen has, for the last 20 years, taught, written, and practiced in the field of law and development in 20 countries, as a Fulbright scholar and an occasional free-lance consultant with the World Bank, Asian Development Bank, and various other multilateral, bilateral, and non-profit organizations. He lived for 14 years in Asia and was an active participant and practitioner in policy dialogues in South and Southeast Asia.

B.A. in political science from Augustana College, South Dakota; J.D. from the William Mitchell College of Law in St. Paul, Minnesota; and a LL.M. from the London School of Economics.

Izumi Nakamitsu-Lennartsson
Visiting Professor, Hitotsubashi University

Professor of Hitotsubashi University since 2005, Visiting Professor since 2007.

She held a number of positions including Head of UNHCR office in Sarajevo and Mostar, Senior Humanitarian Affairs Officer to the Special Representative of the Secretary-General to the former Yugoslavia, Special Assistant to the Assistant High Commissioner for Refugees, First Officer at the UN Reform Team in the Executive Office of the UN Secretary-General, Chef de Cabinet and Director of Planning and Coordination at the International Institute for Democracy and Electoral Assistance (International IDEA). LL.B. from Waseda University, M.A. in Foreign Service from Georgetown University.

Roland Rich

Please refer to his profile at Keynote Speaker.

Panelists (Panel 2) (in alphabetical order)

Masanori Aikyo

Director, Center for Asian Legal Exchange (CALE), Nagoya University, Japan
Professor, Graduate School of Law, Nagoya University, Japan

Dr. Aikyo is currently Director of the Center for Asian Legal Exchange (CALE) and Professor of the Graduate School of Law, Nagoya University. He is an expert in Asian law, constitutional law, and comparative legal culture. He has conducted extensive research on Southeast Asian comparative law in general, and Vietnamese law in particular. Dr. Aikyo's publications include: Theoretical Problems on Legal Assistance (2007), What is Legal Assistance? How Should We Think Of It? (2000), History of the Vietnamese Constitution (1993), Vietnamese Legal Research (1989). LL.M. from Waseda University, and LL.D. from Nagoya University.

Tetsuya Kimura

Director, Human Rights and Humanitarian Affairs Division, Foreign Policy Bureau, Ministry of Foreign Affairs

Mr. Kimura received his BA degree from University of Tokyo, Faculty of Law (LLB) in 1986. He joined Ministry of Foreign Affairs in 1988. Prior to his current position, he served positions such as Principal Deputy Director, Second Western Europe Division, European Affairs Bureau; Principal Deputy Director, United Nations Administration Division, Global Issues Department, Foreign Policy Bureau; First Secretary, Embassy of Japan in Indonesia from 2000; First Secretary and Counsellor for Embassy of Japan in Germany from 2002-04; and Director, Terrorism Prevention Division, Consular Affairs Bureau from 2004-06.

Izumi Nakamitsu-Lennartsson

Please refer to her profile at Panelists(Panel 1).

Yasunobu Sato

Professor, Graduate Program on Human Security, Graduate School of Arts and Sciences, The University of Tokyo

Ph.D. in law (University of London 2000), LL. M. (Harvard 1989), B.A. in political science (Waseda University 1982). As Attorney-at-Law (admitted in Tokyo in 1984 and in New York in 1991), he practised law in Japan, the U.S. and Europe and is currently a (part time) advisor to Nagashima, Ohno & Tsunematsu. After working for refugee protection, peace keeping/building and law & judicial reform as legal official with international organizations : UNHCR as legal officer in Canberra, Australia in 1991-92, UNTAC as Human Rights Officer in Cambodia in 1992-93 and EBRD as Counsel in London in 1995-97, he joined Nagoya University, Graduate School of International Development in 1999 and moved to the University of Tokyo in 2005. He has represented the Peace-building Study Group since 2002 and been a Member of International Legal Cooperation Centre, the Committee on International Relations, Japan Federation of Bar Associations since 2006.

Opening Remarks

Opening Remarks
Ambassador Yoshitaka AKIMOTO
Ambassador in charge of United Nations Affairs
Ministry of Foreign Affairs (MOFA)

On behalf of the organizer of the symposium, the Ministry of Foreign Affairs, I would like to deliver some opening remarks.

It is indeed the greatest pleasure for the Ministry of Foreign Affairs to be able to hold this symposium today, following the last year's symposium, with wide participation from those who are tackling with the issues of human rights and democracy in the frontlines of the academia and international community. I would like to extend my heartfelt gratitude to the panelists as well as the audience present.

Japan has been extending cooperation to the self-help efforts of those countries which are trying to promote human rights and democracy over many years. This is because we firmly believe that the building of society which is able to guarantee the human rights of individuals under a democratic system and where all citizens can enjoy political stability and economic prosperity is indeed a crucial objective for the sake of peace, stability, and prosperity of the international community, which in turn will also contribute to ensuring safety and prosperity for Japan.

Since the 1990s, after the ending of the Cold War, human rights protection and democratization in the international community has become increasingly important. After entering the 1990s, an increasing number of countries are renewing their efforts to protect human rights and democratization and this is indeed a very desirable development for the sake of future international community. However, we have also witnessed some cases where the democratization process faced with difficulties, and it is a fact that there are not a few countries that have a will for democratization but the process has not progressed so much.

As part of the United Nations' reform in 2005, along with development and security, human rights has been once again recognized as a crucial area for the United Nations and in the year 2006 the Commission on Human Rights was upgraded to the Human Rights Council. Therefore, in the international community we have had much reform based on discussions of "mainstreaming of human rights," which is trying to reinforce the perspective of human rights. Based on this situation, we should once again question how we would be able to further promote human rights in general and democracy which is able to protect and promote human rights. We must once again question how Japan can assist the democratization process, standing on what kind of perspective.

With such an understanding in our mind our times, we are organizing today's

symposium to probe the following questions. First, how can we effectively utilize Japan's experience of accepting the ideals of human rights and democracy that originated in the West, and achieving the socioeconomic development to become the first mature democracy in Asia, and secondly, what is necessary to strengthen Japan's foreign policy for human rights and democracy?

In today's symposium, as it is listed in the agenda, first we would look at the current situation, challenges, and future direction of support for democratization. Furthermore, we would like to hear the opinions of our experts from outside Japan with regard to what kind of role is Japan, including the Japanese government and the civil societies, expected to play.

From the United Nations Democracy Fund (UNDEF) based in New York, we have been able to welcome Mr. Roland Rich who is the Executive Head of UNDEF. It is indeed our greatest honor to be able to welcome Mr. Rich, who is active in the frontline of UN support for democratization. I hope that today's symposium will provide beneficial intellectual input to strengthen the Japanese government's and the Japanese private sectors' diplomacy for human rights and democracy and be an opportunity to generate a new vision for Japan's foreign policy. Thank you very much for your kind attention.

Minutes

Keynote Speech: The Value of International Democracy Promotion

MC: Mr. Tetsuya Kimura, Director of Human Rights and Humanitarian Affairs Division, Ministry of Foreign Affairs (MOFA)

Now, I would like to call upon Mr. Roland Rich, the Executive Head of the United Nations Democracy Fund (UNDEF), to deliver the Keynote Speech on the title of “The Value of International Democracy Promotion.” UNDEF was established in 2005 under the leadership of the then UN Secretary-General Kofi Annan to support projects that build and strengthen democratic institutions, promote human rights, and ensure the participation of all groups in the democratic processes. Last year Japan made a contribution of \$10 million to this Fund and now serves as a member of its Advisory Board.

I would like to briefly introduce Mr. Rich. Mr. Rich became the Executive Head of UNDEF last October. Before he took up this post, he was a member of the directing staff of the Centre for Defense and Strategic Studies, Australian Defense College, a Research Fellow of National Endowment for Democracy (NED) in the United States, and the Director for Centre for Democratic Institutions, Australian National University. Also as an Australian diplomat, he had postings in France, Myanmar, and the Philippines. He was Ambassador to Laos and Assistant Secretary for International Organizations in the Department of Foreign Affairs and Trade of Australia. Mr. Rich, please.

Mr. Roland Rich, Executive Head, United Nations Democracy Fund (UNDEF)

Ambassador Akimoto, fellow panelists, dear colleagues, ladies and gentleman, it is indeed a great pleasure for me to be here in Tokyo participating in this important seminar hosted by Gaimusho (Ministry of Foreign Affairs of Japan). I worked for many years as you have just heard for the Australian Foreign Ministry and it is therefore a particular pleasure for me to be able to spend half an hour working for the Japanese Foreign Ministry.

I spent many years in the diplomatic service and as many of you will know who were also in the diplomatic service in the 1970s and 1980s, the world was a different place then. There were issues that one simply did not discuss openly with other governments. Issues like democracy, issues like human rights, and issues like corruption were in many ways taboo issues in diplomacy in those years.

It's really with the end of the cold war, the end of the frozen period of international relations, that we have allowed our diplomatic vocabulary to defrost and allowed issues like democracy, human rights, corruption to be debated much more openly in the international community and much more directly in bilateral discussions with fellow member states of that international community.

The challenge that we face is not just talk about these issues, but to act on them as well. And today I'd like to speak to you about acting on one of those issues, the issue of promoting democracy internationally.

Now one of the underlying questions that we need to ask is a pretty basic one about whose responsibility is it to bring about democracy in any one country. Is it solely the responsibility of that nation or is there is a responsibility of the international community as a whole? Now I think we would all agree that it is largely the responsibility of the individual nation, of the people and government of that nation, to bring about a democratic transition and hopefully a democratic consolidation.

But what we have seen in the last 15 years is that not only is it a local responsibility but it has become an international responsibility as well. Why would that be? Why should democracy promotion also be an international responsibility? And I think the arguments are quite similar to the arguments that are employed in relation to the promotion and protection of human rights. Similar arguments apply in the promotion of democracy internationally.

But if I might just cite two arguments in this regard, although the academics are still debating in issue, in my view it is quite clear that democracy brings a good governance dividend. May be not immediately but

eventually democracy brings a sustainable form of government and therefore a good governance dividend.

Secondly, and again the academics may still debate the issue but I believe that there is growing consensus in support of Democratic Peace Theory. And certainly insofar as consolidated democracies are concerned, I think we can be confident that consolidated democracies will not go to war against each other and so democracy promotion is also a part of peace building, an important part of building security in the international community.

I would suggest that the establishment of the United Nations Democracy Fund (UNDEF) is a key element in the acceptance of democracy promotion internationally. Not only is democracy promotion now a national objective by number of different countries, not only is it a regional objective by various regional organizations, but it is now a universal objective by the world's universal body, the United Nations. And it seems to me that by establishing UNDEF, the international community was saying, yes, democracy promotion is now part of the international agenda, is certainly an accepted part of international relations.

So let's just ask the question about how we got here. Let's look for a moment at the historical issues involved. We all know that every nation is a product of its history and its geography. We also know that democracy has ancient roots. People are familiar with the country that gave us the name democracy, *Demos* and *Kratos* or ruled by the people.

But I believe that scholarship that is going on now will also show that the concept of government by the people, government by discussion, has actually got far broader roots than just ancient Greece. There is evidence in Buddhist India of large clans taking decisions in open assemblies after discussion and in fact Professor John Keane at Westminster University in London is doing research that hopefully will be published soon about the casting of lots in ancient Asia Minor, in the area that is now around Iraq. So it seems to me that democracy is actually flowing from a universal need, a universal need for people to be involved in their own government, to be involved in the decisions that

affect their future and their fate.

Those are the ancient roots that tell us something about the universal quest for democracy. But we need to accept that the modern practice of democracy is a phenomenon from the modern world and its roots go to the French and American revolutions and the British development of the parliamentary government and the institutions that were developed to respond to those principles throughout history. And I think as Ambassador Akimoto said, yes, it's true that these come from a western society but it is part of the way that the globe works that good ideas are adopted by other countries and that is a normal way of the flow of history.

If we look at our region, the Asia Pacific region, of course the colonizers, especially very late in their colonial period began to endow their colonies with some form of representative structure. But what seems to me even more interesting is how two nations in Asia by their own deliberation, by their own decision making, adopted democratic ideas. And one of these of course was Thailand which in 1932 ended absolute monarchy and brought about some form of democratic structure, a form that they are still trying to develop even today.

And I don't need to tell you that the other country is Japan. In the period after the Meiji restoration, the period that's called Taisho Democracy, various aspects of democratic governance were adopted deliberately by Japan by their own decision to self-adopt those forms. And so Japan having maintained the course, having retained its democratic structures, is in an excellent position to be able to participate in democracy promotion and to tell the world about issues like its regard and its respect for constitutionalism, rule of law, and representative government.

But if we ask about the invention of the modern practice of democracy promotion, it has actually a very curious origin. There is a word in English, which I apologized to the interpreters if they don't know it but it's an unusual word called "serendipity," an accidental beneficial discovery. And democracy promotion is actually a piece of serendipity. What happened was when the fascist regimes in Portugal and Spain fell in the mid 1970s and new political parties

arose, the German party foundations, which had been established to conduct civic education in Germany, that were established for a domestic reason to teach German people about democracy but that had these structures already in place felt an obligation to assist likeminded political parties in Spain and Portugal as they were grappling with this new concept of democracy and contestation and elections. And it's the Spanish and Portuguese political parties which now say that this assistance was essential to them, that they learnt a lot of things from the German party foundations at that time. So we are familiar with the two major ones, the Konrad-Adenauer-Stiftung and the Friedrich-Ebert-Stiftung. They invented democracy promotion.

And in Washington DC, the political figures noticed this and decided that this was a good precedent to follow. In 1982 Ronald Reagan made a speech at Westminster and he called upon the world's democracies to launch a global campaign for freedom. He went home to Washington DC and the process began for the establishment of the National Endowment for Democracy (NED), which is today, I think I can say the leading organization in the democracy promotion world. So democracy was an accidental discovery. It was not an American discovery but in fact a German one and the world has followed that particular example since.

As I say, good ideas are imitated and what we have seen since the establishment of NED, many other democracy promotion organizations around the world. So let me just run through a few of them. You, I am sure, will be familiar with some; International IDEA, the International Institute for Democracy and Electoral Assistance, is an intergovernmental body with which Japan cooperates. It's based in Stockholm. The Westminster Foundation for Democracy is a British democracy promotion body. I have already mentioned NED. Droits et Démocratie is a Canadian organization focusing very much on civil society. I have mentioned the Friedrich-Ebert-Stiftung and Konrad-Adenauer-Stiftung. Australia has a set of democratic institutions, which I had the great honor to lead for a number of years. And the Netherlands has recently established the Institute for Multiparty Democracy. In our region, the other country that I mentioned in Asia that had

come to the idea of the democracy very early in its history is the King Prajadhipok Institute in Thailand, which has as its goal, civic education about democracy in Thailand but which is now also working in neighboring countries.

Now the two American political parties, the National Democratic Institute (NDI) and the International Republican Institute (IRI), both have large foundations, which are very active in democratic promotion around the world. The French Socialist Party has the Jean Jaures Foundation, which also works on this and the International Foundation for Electoral Studies (IFES) in Washington DC is a nongovernmental organization but largely supported by public money but works in this field.

And here are three regional organizations, again very active in democracy promotion, the Organization for Security Cooperation in Europe (OSCE), the Organization for American States (OAS), and the Organization for African Unity (OAU).

So as you can see I have put up this slide to show that the concept of democracy promotion is wide spread and widely practiced. I haven't put the UNDEF logo up there but we will come to that, I promise, in a moment. I think I should make a point here though that is something of a disappointment to me and that is that I was in Tokyo in 2002 at a seminar hosted by the Ozaki Yukio Memorial Foundation to talk about Japanese democracy promotion and whether or there should be a Japanese foundation for democracy promotion. And here we are in 2008 and the Japanese decision makers are still carefully deliberating on that particular issue.

What I would suggest to them is that what they have here is a host of different precedences they could look at, borrowing perhaps from one or another. It may be that for Japan political party foundations may not be the best solution. For such foundations, you need a public that's willing to see public money go to political parties for that purpose. So that's a question that politicians will need to ask themselves. But there are other precedents that one can look at.

The Netherlands has a multiparty organization where all the

political parties represented in parliament cooperate. Or the Australian model, which was deliberately taken out of the political realm and put into the academic world to give it the academic freedom it required and it works on democracy promotion from that base and that may be a precedent that Japan may also wish to look at.

When one conducts democracy promotion what is it that one is actually doing? I have listed here some of the basic ingredients of democracy promotion, some of the basic fields. Some are quite obvious, strengthening parliaments, for example seminars for new members of parliaments, helping research services of various parliaments to provide guidance to politicians and political leaders. The Inter-Parliamentary Union (IPU) is very much engaged in that process and so many of the democracy promotion bodies I spoke of before. Because corruption has become such an important issue in international relations, reforming oversight bodies such as ombudsman and ordered commissions and parliamentary public account committees have become important parts of democracy promotion.

Obviously, facilitating and observing elections are important, helping political parties very important. In my opinion that work can best be done by other political parties as the German Stiftung showed us in Iberian example back in the 1970s. One area where Japan may have its comparative advantage would be promotion of constitutionalism, rule of law, and human rights. And this may be an area where Japanese democracy promotion may wish to focus. I know that the Japanese ODA program is already quite involved in that particular field.

Civic education is another area where democracy promotion works very broadly and another UN agency, UNESCO, does quite a lot of very good work in this field because what we find is that civic education, the investment we make in civic education is best invested in young people. Usually, primary school aged children need to be told about democracy and parliaments and being involved in the governance of their own country.

Another important area is civil-military relations, especially where the transition has come from an authoritarian military

rule and to get the relationship right between the civilian leaders and the military is one of the key components.

And then finally, the area that is particularly important is strengthening civil society. Again, we know this from the work of an academic, Robert Putnam, following on a long tradition that really began with Alexis de Tocqueville, explains the important role that social capital plays in democracy and once that understanding began and began to be accepted by decision makers, a lot of work started to follow from democracy promotion bodies in strengthening civil society.

And it's in that particular field that I think UNDEF will have its most important work. UNDEF supports project in wide number of countries dealing with a wide range of issues and UNDEF is not the only UN organization that works on democracy issues. UNDP has a very large program on democratic governance and the Department of Political Affairs has the division that deals with electoral assistance. It's very specialized in helping countries with specific problems associated with conducting their elections.

So democracy is a widely practiced issue in the UN family but UNDEF is the only UN body that actually has the word democracy in its title.

UNDEF is a fund. It does not receive money from the regular budget of the United Nations. If UNDEF is to succeed, if UNDEF is to do its work in promoting democracy, in strengthening civil society around the world, it requires voluntary contributions from member states. And I am delighted to say we have had over 30 countries around the world make contributions to UNDEF and I will give you in a moment the list of the major contributors.

The important work we do is conducted annually through opening a window electronically for applications for funding, and then through a process of decision making of granting funds to a number of projects around the world. In the first round that was conducted in 2006 and for which the expenditure has been continuing, some \$35 million were spent on 120 projects. In 2006, UNDEF received 1300 applications. In 2007, we received 1,800 applications. And

what that is telling me is that if you put this in economic terms, there is a demand. There is a strong demand in the international community for democracy promotion projects.

We will only be able to fund—of those 1,800 applications; we will only be able to fund 75 approximately. At least three times that number is excellent projects that should be funded. So not only is there a demand there for democracy promotion but there are excellent projects and project deliverers out there in international community who can do that work.

These were our major contributors. I am very pleased to be able to say that amongst our major contributors are three countries from the Asia Pacific, India, Japan, and Australia, and it shows that in this field the Asia Pacific countries are playing a leading role. We also have contributions from a number of other countries and if I may put this bluntly, what this table shows is that UNDEF is not a Western construct but has a broad support from around the world. Some countries from the developing world feel the need to make a contribution to UNDEF and even if it's only \$10,000 or \$20,000 or \$50,000 we really appreciate that because we think it's an important gesture, an important symbol to support our work.

I have to say we do this work with very small number of people. You have in front of you the UNDEF team and I am delighted that one of our colleagues is Ikeda-san from Japan who is the Secretary to the UNDEF Advisory Board. We hope in the course of this year to perhaps add one or two other people to that group and to perhaps lighten the load on those who you see in that photo. So that's the Democracy Fund. That's the secretariat.

How does the fund take its decisions? Basically, it screens and prioritizes the project applications. It then goes to other parts of the UN family to seek quality control so that we don't duplicate, so that we have the benefit of the knowledge of other parts of UN in relation to certain projects or certain fields of activity or certain NGOs. And once the quality control has been done, we go to our Advisory Board and the Advisory Board is composed of a number of countries and individuals I will come to in a

moment. That board then makes the recommendation to the Secretary-General and if our work has been well done, I am sure the Secretary-General, Mr. Ban Ki-moon, will approve the recommendation he receives.

The members of the UN Project Program Coordination Group are listed on the screen for you. We work with UNDP, UNIFEM, Department of Political Affairs, Peace Keeping, and Office of the High Commissioner for Human Rights (OHCHR), etc. So we are very well grounded within the UN family.

And here is the Advisory Board for 2008. The photo which regrettably is a photo of men in suits and I am embarrassed about that particular fact was the 2007 Board. Now you will see that we have 13 member states including of course Japan and we appreciate very much the cooperation we receive from Ambassador Takasu and his team in Japan. They are very involved in our work. They are very supportive of our work.

Because we want to be involved in strengthening civil society, it was the Secretary-General's decision that the Advisory Board would not be simply being member states. This is quite unusual in the UN context. Not only do we have the member states, but the Secretary-General has four personal representatives. One is Professor Michael Doyle who is a professor of international relations and politics at Columbia University and another professor is Adebayo Olukoshi who is the head of the Council for the Development of Social Science Research in Africa based in Senegal. We also have Mr. Amir Dossal who is a secretariat member at the UN. And I left to last to mention Daw Aye Aye Thant. I am particularly pleased that Daw Aye Aye has agreed to join our Advisory Board. Why? Because one of the countries that I served in my diplomatic experience and which has left a very profound impact on me was Burma (Myanmar) (sic). And it's very frustrating that there is so little we can do to assist Burma (Myanmar) (sic) in its very difficult struggle to have some form of democracy established in that country. Of course Mr. Gambari, the Secretary-General's Representative is the key person from the UN's point of view in that regard but it's pleasing that we are able to put a citizen of Myanmar, Daw Aye

Aye Thant, on our board to at least symbolically tell the Burmese people we are thinking about them, we haven't forgotten their plight. Daw Aye Aye Thant is the head of the U Thant Institute in the United States, an institute devoted to international understanding. She is the daughter of the first Asian Secretary-General of the United Nations, U Thant.

Now I mentioned that Japan has been a very strong supporter of UNDEF and it is my deep hope that Japan will continue its interest in our work, will remain a strong supporter in the future, and we would like this to be support that comes not just from the Japanese government but also from the Japanese civil society, from NGOs of which about half a dozen put project applications in the current round of funding and we are hopeful that some of them will be able to be selected.

So we would like to see Japan stay very much involved in our work. I mentioned a number of times that the Asia Pacific has a tremendous role to play in this regard. Often when we talk about democracy, we quote Socrates or Madison or Churchill but I am particular fond of these quotes from Mahatma Gandhi about democracy because they are so focused on people. They are not institutionally focused, they are really focused on what democracy means to individual people. And that is a very important aspect.

Well, I have come to the conclusion of my presentation. Before I left the hotel to come here, my wife said to me, under no circumstances are you to tell a joke. But I said, I always tell a joke whenever I give a presentation, it's just normal. And she said, no, you don't understand Japanese humor. You don't know what will make Japanese people laugh. So don't make joke. And I think she is right because I remember a story where somebody like me coming to speak at an international conference a little like this one in Tokyo decided to make a long and complicated joke and he was making his joke and the interpreters in the booth up there listened to the joke and they said to the audience, our esteemed visitor is making a joke. We want to make our esteemed visitor feel very comfortable. So when I count to three, I want everybody to laugh. So ichi, ni, san.

Thank you very much.

(The End of Keynote Speech)

Panel 1: The Current Situation and Challenges of Support for Democratization in the World

Moderator: Ms. Hikariko Ono, Director for Policy Planning Division, Ministry of Foreign Affairs (MOFA)

In this Panel 1 entitled “The Current Situation and Challenges of Support for Democratization in the World,” we are going to discuss recent trends and the issues and challenges we are facing in this area. Today, as panelists, we have Professor Izumi Nakamitsu of Hitotsubashi University, Mr. Jensen, Senior Law Advisor of the Asia Foundation, and Mr. Rich, Executive Head of UNDEF. For each panelist, we would like to ask you to make a 10-minute presentation to start with.

In conjunction with Mr. Jensen’s presentation, in addition to his overall presentation, there will be a video presentation introducing the Asia Foundation’s Tsunami Rights and Legal Aid Referral Center (T-LAC) in Southern Thailand for victims of the earthquake that occurred off the coast of Sumatra. Now without further ado, we would like to start Panel 1.

As the first panelist, I would like invite Professor Nakamitsu. Professor Nakamitsu was Senior Humanitarian Affairs Officer to the Special Representative of the Secretary-General to the former Yugoslavia and Special Assistant to the Assistant High Commissioner for Refugees, First Officer at the UN Reform Team in the Executive Office of the UN Secretary-General, and Chef de Cabinet and Director of Planning and Coordination at the International IDEA that was mentioned earlier as well. And currently, Professor Nakamitsu is Visiting Professor of Hitotsubashi University. Professor Nakamitsu is going to talk about international trend facing the assistance for democratization today and the recent trends in the world and issues and challenges. Professor Nakamitsu, please.

Professor Izumi Nakamitsu-Lennartsson, Visiting Professor, Hitotsubashi University

Thank you. As I am going to be in the second panel discussion as well, I would like to focus on global issues in the first panel discussion.

Earlier we had a very good keynote presentation by Mr. Rich. It has been approximately 20 years since democracy assistance started to be provided by major donors in a large scale. There is no statistics on the amount of democracy assistance. However, it is estimated that \$3 billion to \$4 billion is provided from donors to recipient countries on an annual basis, on wide ranging areas including democratization, governance, social development and so forth.

Today the situation has changed very much compared to the early days of democracy assistance. Democracy assistance is considered as very important and useful. This is recognized by the developing countries as well and accepted by them. The mainstreaming of democracy assistance has been done recently in the field of assistance.

In the beginning until mid-90s, to some extent people were hesitant to use the “D word,” democracy, officially in the UN forum and other international conferences. But that hesitation has disappeared. Department of Political Affairs and UNDP are receiving many requests for assistance from developing countries as well and through conference process such as the International Conference of New or Restored Democracies, mainly carried out by developing countries, promotion of democracy and establishment of democracy has become a common cause for the international community. It is rare to find a country, which opposes to this cause formally. The establishment of UNDEF is very symbolic in my view.

However, after the war in Iraq started in 2003, unfortunately, there is what I call “unfortunate misperception.” It is the idea spread to some developing countries that sometimes democratization entails forced change of regime that may entail military intervention and also it may be considered as the establishment of government which serves the national interest of western countries as part of assistance toward democratization. “Unfortunate misperception” or “misunderstanding”, as I call it, has been generated. In that sense, I think the democracy assistance is facing at its turning point or crossroad. We have to regain trust in democracy assistance.

Therefore, I would like to emphasize once again, while democracy assistance is recognized and accepted as an important cause, however, this is also very important to be understood that it is an important initiative which should be taken by local nationals. Also, we have to be very careful in using and selecting terminology related to democracy assistance. This is my personal view, but what I wanted to emphasize at the outset.

Next, briefly, I would like to look at the contents and characteristics of democracy assistance. There are various fields of assistance. One category includes institutional designing, institutional reforms, and capacity building of various institutions. In essence, this can be a slightly top-down initiative. This includes establishment or separation of three powers, capacity building on those three branches, establishment and capacity building of multiple political party system, legal assistance to protect basic human rights, establishment of various institutions, security and police reforms, establishment of the civilian control, development of electoral system, ensuring transparency of the government and the establishment of autonomous local government. They are assistance of institutional design of governance that encompasses all these areas.

Secondly, this are fields of assistance that can be called a bottom-up approach which aims to empower civil society. For example, capacity building, promotion of participation, strengthening and establishment of independent media, various civic organizations and trade unions, empowerment of the socially vulnerable and also securing access to civil and administrative services, and helping raising awareness of the general public.

Thirdly and fourthly, there are areas where rather special attention is required. One is rebuilding post-conflict governing structure and assisting democracy at the same time. And fourthly, as we typically see in Burma (Myanmar) (sic), we should support democratic movement under the dictatorship. I would like to go back to these two points later on.

In either case, there have to be various actors involved in democracy assistance on the part of both recipients and

donors. Typically, government to government assistance was provided so far in development assistance. However, democracy assistance has to be more broad and diverse. Secondly, it has been mainstreamed today that human rights based approach is very important. In various areas of assistance, we always have to give attention to human rights. There are two points I would like to address, particularly in the case of democracy assistance. Firstly, those who guarantee rights, namely government and governance side, they have to gain the ability and capacity to guarantee human rights. Secondly, particularly important from the perspective of human rights, we have to consider how we can establish or regulate that relationship between those who have right to exercise rights and those who have that responsibility to guarantee people to exercise rights. I think this will be a very important point in democracy assistance.

For the past 20 years we have learned lessons. I would like to briefly share with you five lessons we have learned. Firstly, democracy takes a long time to be established and also it is a lofty major initiative. Therefore, highly strategic and comprehensive approach is necessary. Simple institutional designing and promotion of human rights is not sufficient in order for democracy to take root without, for example, economic development, education, promotion of women's rights or social development. Therefore, in many ways, we have to be strategic and comprehensive.

Secondly, particularly in terms of institutional designing area, knowledge of local community, analysis of situation and understanding of cultural and historical backgrounds are necessary. Therefore, just proposing western institutional design is not enough for democracy to take root. It should be accepted legitimate and should be recognized as a useful system by local people. Therefore, contents and process of democratization are very important. Those two have to be considered simultaneously.

Thirdly, supporting civil society takes a long time but today there is a view that civil society empowerment at the end is the most useful and effective kind of support. However, this is not so simple. In the past, in some cases, we supported NGOs too much. In order for political system

to function, political parties have to be effective. Traditional political system and traditional local NGOs were sometimes weakened in the process. Even in empowering civil society, we have to consider various actors involved and we have to be very strategic in providing support.

Fourthly, there is no support for democratization that can be effective instantly. It requires long-term commitment. There is no quick fix.

Fifthly, especially after the war in Iraq started, more people believe democracy support should not be imposition of specific values and has to encompass various perspectives based on local ownership and multilateral viewpoint. As values are very important in democracy, there has to be concerted involvement of not only western countries but also actors from international community. In the second panel, I would like to give you a more detailed assessment of the following point; support from the regional organization deeply rooted in the given region is very effective and also we can make use of South-South cooperation, in which we can utilize various local knowledge and experience of developing countries.

As for democracy support in post-conflict situation, the situation has changed very much but in the beginning the people considered that election was the exit strategy, that was the end of the support. That was misunderstanding. The election support should rather be considered that it is only the beginning of a long-term commitment. And second point regarding a conflict, the election has to be strategically timed. We have to be careful in selecting the timing for election. The country must be ready for election. Otherwise, according to Professor Jack Snyder, the ill-timed election would create a further conflict in the country. So we have to be careful about this.

Under the dictatorship like Burma (Myanmar) (sic), personally speaking, the support for forces for democracy movements can be a measure to prevent further instability and conflict. Based on my experience I can say that democracy will be achieved in the long run. Therefore, you have to be prepared for that. People who will be able to participate in government and leadership later on have to

gain ability to do so in the future so that they will govern the state smoothly by resolving coordination of various interests not by violence but by political dialogues after the transition to democracy. We have to help capacity building of future actors and leaders. However, in order to do that highly sophisticated political and mediating skills among the parties in conflict and political commitment are required.

I would like to raise three challenges. First, there is no agreement in the international community as to the methodology for assessing democracy assistance. Although various quantification efforts are made such as the barometer proposed by Professor Richard Rose, the Freedom House Indicators, and the International IDEA State of Democracy Assessment methodology, there is no agreement as to the methodology for assessing democracy assistance. Therefore, going forward in the multilateral stage, policy consultation will be increasingly necessary. Of course, DAC governance network exists; however, the recipients view must be often incorporated in the assessment of assistance going forward.

And the second challenge, we have to raise capacity of regional organizations. In Asia, particularly ASEAN has a principle of non-interference of domestic affairs. That is the basic principle of ASEAN. Therefore, ASEAN cannot discuss overtly democracy. However, former Thai foreign minister, Mr. Surin with a very strong leadership, assumed the Secretary-General of ASEAN. There might be some changes. We have to help these regional organizations to raise capacity.

And the third challenge, we have to strengthen ability to coordinate assistance, particularly on the ground, and also at the policy level, which are always necessary in assistance involving diverse actors. We also see such needs in peace building assistance.

In conclusion, democracy assistance will be more and more important in the future. Perhaps this is one of the most challenging tasks we are facing. Particularly after the US presidential election, we perhaps, will see new discussions to start regarding democracy assistance at the international level. For that purpose as well, we would like to have many more fora where we can exchange our experience and

knowledge. Japanese diplomacy places “human security” as one of its pillars and democracy and democratization are the most effective strategies to achieve “human security.” Democracy assistance will also give us an opportunity to reflect on our own democracy. Democratization is an endless process and perhaps, there is a room in Japan to improve the democracy in this country and this is how I feel on a day-to-day basis. Therefore, through initiative to assist democracy in other countries, that will give us a good opportunity to reflect upon our democracy. Thank you very much.

Ms. Ono Thank you very much Professor Nakamitsu. It was very easy to understand, comprehensive and insightful presentation on the current situation and challenges of democracy assistance. Thank you very much.

Now I would like to call upon the next speaker, Mr. Eric Jensen, Senior Law Advisor of the Asia Foundation. Mr. Jensen has been very active in many countries including the Philippines, Sri Lanka, Pakistan, and Afghanistan. He has been involved in the legal assistance programs in 20 countries and also he was a consultant to various international organizations, including the World Bank and the Asian Development Bank, and international NGOs. He has helped to run the program. Currently, he also teaches as Co-Director of Rule of Law Program at Stanford Law School. Although he might touch upon during his presentation, let me introduce the Asia Foundation briefly. This is a San Francisco based non-governmental, non-profit organization with a long track record in the areas of law, governance and civil society and empowerment of women. Today, as I said earlier, the video will be shown to introduce the Asia Foundation’s Tsunami Rights and Legal Aid Referral Center (T-LAC) in Southern Thailand for the victims of tsunami. This project is financed by the Japan Social Development Fund (JSDF), which is funded by the government of Japan and run by the World Bank. The center was established in Southern Thailand in 2006 to support the legal rights of victims and victims’ family of tsunami. The program will be introduced by Mr. Jensen later on but as we have many participants of NGOs today, I am sure that Mr. Jensen will give us insight as to the kinds of projects Japanese NGOs can implement to protect legal rights of the

socially vulnerable by using funds of UNDEF. Now I would like to call upon Mr. Jensen. Mr. Jensen, please.

Mr. Erik Jensen, Senior Law Advisor, The Asia Foundation and Co-Director, Rule of Law Program, Stanford Law School

Ambassador Akimoto, Ms. Ono, fellow panelists, ladies and gentlemen. It’s my pleasure to be here today on behalf of the Asia Foundation, to talk about issues that everyone in this room cares a great deal about: How political liberalization takes place and how people might enjoy the fruits of democracy. So I’m going to begin by talking about an initiative that was launched by then president of the Asia Foundation Haydn Williams back in December of 1982. It was an initiative to promote open, just, and democratic societies. This was—it has really crystallizes the historic mission of the Asia foundation which is very little over the years since the 1954 when the Asia Foundation was established. I always remember when the Asia Foundation was established because that was the year I was born. There have been different points of emphasis over the years but it’s really this core that describes what we have been doing for many years, promoting economic opportunity, effective and responsive governance, legal reform, and civil society. The Asia Foundation is not a democracy organization, as such though it believes deeply in democracy. It’s provided wide support over the 50 some years of its existence for NGO development, for civil society development, for support of parliaments, and indeed support for free and fair elections. Over the last eight years, the Asia Foundation has provided each year about \$10 million for free and fair elections across Asia. In the last election in Indonesia, it helped train 140,000 monitors.

So this is a snapshot of the Asia foundation. It has headquarters in San Francisco. It has 18 field officers. A staff of 550 employees, 450 of whom are in Asia and the vast majority of those are Asian nationals. It believes strongly—the Asia Foundation’s business model is rooted on the ground presence. This is to maximize local knowledge, trust, credibility, and access.

I thought it might be interesting for this group to perhaps digress into some discussion of democratic theory before we go forward and talk about on the ground programs.

As Professor Nakamitsu suggested, there is a lot that we still need to learn about the promotion of democracy. And our theoretical limitations are quite acute. There is no consensus on—and there is no single theory on the causes of democratic transition. There is no single theory on the causes of democratic consolidation. And there is no agreement on ideal institutional design or sequencing. NGOs we know are vital to democratization processes. They are necessary but insufficient. We know that NGOs provide countervailing forces and alternative channels of political activity and power, but in the Asia there is a possibility that we have over-burdened expectations and that we might promote more and louder NGOs in the face of very weak government capacity. So we care very much about the need for external forces as I call them to make government institutions better, but we also have to be mindful of the challenges within government to respond to a variety of demands.

What do we know about democracy and economic growth and development? I put forward to you five basic lessons. The first lesson is that economic growth makes democracy sustainable. Look at the data, the life expectancy of democracies with decline in income is 19 years, the life expectancy of democracy is at the rise in incomes is 64 years. And then look at the comparison to military regimes of 9 years and I won't go through the whole list, the data there for you to review.

Per capita income and life expectancy of democracy is quite stark. In countries where the per capita income is less than \$1,000 we can expect democracies on average and this is through extensive regressions work. We can expect them to last for eight years. In countries where the per capita income is up to \$2,000 we can expect 18 years. And in democracies where the per capita income is \$4,000 and over, we can expect them to last for ever. There is only one instance of a democracy reverting into authoritarian regime in this realm and that was Argentina.

Does democracy cause growth? The net effect of more political freedom on growth is theoretically ambiguous and that's the bottom line. But we do know that a democracy is—it helps with the stability of growth. Authoritarian

regimes as frequently argued can grow faster than democratic regimes. This is not borne out in the evidence. What is borne out in the evidence is that democracies have more stable growth rates and this is a very important point. In fact, democracies are six times more stable in their growth rate than authoritarian regimes.

So what we are left within the frontiers of knowledge about democracy and economic growth. This is really a synthesis that will be published this year by Nobel laureate Douglass North, John Wallis and Barry Weingast. Where they say, sustaining fundamental change in either political or economic systems cannot occur without changes in the other. That is to say, with economic growth, there is the need for political liberalization. And with political liberalization, there is a need for sustained economic growth.

So what is the Asia Foundation do? This is not so much what the Asia Foundation does but how it does. I don't have time and wish I did to talk more about specific projects.

We take a political economy approach. Understanding based on the theoretical evidence that I've just given you, the virtuous interaction between economy and polity as necessary to deepen and broaden democracy. We also place a very high premium on local knowledge. Since there are so many things that we don't understand on a theoretical level, we do know that local knowledge is extremely important and understanding local circumstances is extremely important to tailoring effective program interventions.

We also take very seriously the matter of genuine partnership. This some call a soft factor but it's been my experience that without a genuine sense of partnership between those who are funding and those who are receiving the funds are—that the output of projects will be considerably less. And then we look at—we take a functional approach to institutions. Looking at what institutions do rather than what they say they do. And looking at the incentives of institutions to perform or not. Last night over dinner, we were talking about the funding of militaries in various Asian countries and how their budget in some countries is not fully provided by government and militaries are expected to top off their budget through

other means. It's very important to understand those circumstances.

And finally we take very seriously the need for empirical research. As being important to define problems, design programs and project interventions and develop baselines against which progress can be made.

At this point, I would like to introduce—Ms. Ono did such an excellent job of introducing the Tsunami Rights and Legal Aid Referral Center (T-LAC) project in Thailand that I don't feel like I have to set up the video very much. Only to say that the Asia Foundation is very grateful to Japan Social Development Fund (JSDF) for providing the assistance to make this very important project happen. I think that one thing you might see in this video is that this is the mainstreaming of human rights activity and that's what we've been trying to do with the JSDF assistance. Thank you.

(Showing of the video on activities of Tsunami Rights and Legal Aid Referral Center (T-LAC) (approximately 20 minutes))

Ms. Ono Thank you very much, Mr. Jensen, for introducing of democratization theories and their limits as well as touching upon the actual projects of the Asia Foundation by using the video presentation. We very much appreciate letting us know on importance as well as various aspects of support for democratization.

I would like to call upon the last panelist, Mr. Rich, the Executive Head of UNDEF. If you have any comments with regard to the panelists you have heard so far, I would be appreciate hearing your views.

Mr. Rich Thank you very much, dear friends and colleagues. We're speaking on the topic of challenges of support for democratization and I'd like to discuss with you now three challenges that I see in this regard.

I said to you before that I had spent many years in the diplomatic service but thereafter I spent a decade as an academic and that has sort of created problems for me because I sometimes speak a little bit too frankly. So let me

apologize in advance if I step on any toes.

I think there are problems and challenges that we are facing in our work and I'd like to speak about three such problems. One is what we need in democracy promotion, in democratization are success stories. Democracy cannot be an end in itself. We can't simply be promoting democracy for its own sake. We want to promote democracy because we think it will lead to other benefits. We think it'll produce better development and I was pleased to see Eric's discussion of the issue of the relationship between democracy and development. I already mentioned that we think it will produce a more peaceful world if we can consolidate democracies and I think the evidence is also clear that democracies protect human rights whereas non-democracies do not.

So we need to see success stories emerging from the democratization process. I think there are many success stories in the world. In Central and Eastern Europe we can see a whole host of countries like Hungary and Slovakia, the Czech Republic, Poland, Croatia; we can see many countries that have taken important steps in democratization. In Africa, we can see countries like South Africa, like Benin, like Mali that have again taken very important steps in that process. In Latin America and the Caribbean, countries like Chile and Peru, Costa Rica provide us with those success stories. And in Asia itself, the Republic of Korea is almost a model of the transition from authoritarianism to democracy for many other countries to follow.

And another very important country Indonesia; because of its size, because of the fact that the vast majority of its people are Muslim, the success of Indonesia as a democracy is of critical importance to the whole project of democratization.

So that's what we need, we need success stories. And as a corollary, democratization is harmed when we get problems associated with democratic institutions. So when elections lead to violence, as we see so sadly today in Kenya, that gives democracy promotion a black eye.

That is a distinct problem and what we need to do is to

understand that elections alone do not add up to democracy. We need many other institutions and very importantly, we need to develop a democratic culture among the people and that process of developing that democratic culture can be generational. It can take decades, not one year or two years or the length of a project but a whole generation. So that's the first challenge.

Second challenge concerns the historical stage of democratization that we are currently in. Samuel Huntington, whether you agree with everything he writes or not, has really been an agenda setup for a lot of the issues that we discussed, and one of the concepts he developed was the three waves of democratization. The first wave was a very long, slow wave that as I said began with the French and American Revolutions. The second wave in my opinion has more to do with the defeat of fascism but also with the decolonization process. And the third wave, again in my opinion and I disagree with Huntington here, the third wave it seems to me really begins with the end of the communist era in Europe. It begins with the fall of the Berlin Wall if you like.

Interestingly, Huntington says that each of the first two waves had a reverse wave that after the democratization process in each of these first two waves, a number of countries failed in their democratization process and returned to military or authoritarian or other forms of non-democratic rule. So the second challenge as I see is to ask a question which Eric's colleague, Larry Diamond, asked, are we witnessing a reverse wave of the third wave of democratization? Is that what we are currently witnessing?

And of course when one lives through history, it's very much harder to discern that history that when one looks at the past. So we are living through this particular piece of history and I put this therefore to you as a questions. Are we seeing a reverse wave? In our own region, there are some very difficult examples for us to deal with, Pakistan, Bangladesh, and Thailand. Are these three countries part of the reverse wave of democratization in the current third

wave? So that is a true challenge for us to grapple with.

And the third challenge is a more practical one and perhaps I could give this the heading of push-back by various forces that are resisting democratization. What we are finding in the democracy promotion process is that the forces that wish to retain their privileged position in various societies are getting ever more sophisticated in being able to resist democracy promotion. Our work is becoming harder in the countries where our work is most needed and this is a particular challenge that we face.

I mentioned before my personal wish to be able to do something for Burma (Myanmar) (sic) but I can tell you, ladies and gentlemen, that we will not be funding any projects in Burma (Myanmar) (sic) if what results from our actions lead to our partners in Burma (Myanmar) (sic) being thrown in prison by the military regime. That doesn't seem a very constructive result to us. And what we are facing in many countries is more resistance to democracy promotion, the arrest, harassment, imprisonment of democracy promoters in those countries, the expulsion of people who are in that country to assist in that process.

And when we look at countries like Zimbabwe or Myanmar or Belarus, it is very difficult to know what it is that democracy promotion can achieve because ultimately our work is best done when we have a receptive audience, when we have an audience that wants to democratize and wants to go down that very difficult path of building democratic institutions, building a democratic culture, building the rule of law. And where we have forces in power, incumbents that are resisting, it makes our job particularly difficult.

So I wanted to speak on the issue that we have as our topic and to make clear to you that our work has great difficulties and that it is a challenge that requires persistent support from national governments that believe in democracy and greater skill and sophistication on the part of the democracy promoters. I'm delighted to share the platform with two colleagues who of course have these skills and hopefully

working with people, like Izumi and Eric, we can succeed in our task. Thank you very much, madam chair.

Ms. Ono Thank you very much Mr. Rich. You have raised very important three points for further discussion, but unfortunately we don't have much time. So I don't repeat but all those three challenges are indeed very difficult. Perhaps it will require a more than one-week seminar to cover those three issues.

Now, without further ado, at this point in time, we would like to move on to the question session. Since the time is very limited, I would appreciate if you raise your hand and make your questions or comments succinct and clear so that as many people as possible will be able to participate. Now, please.

Q.1 I have a question for the panelist about an issue which has been raised regarding war in human rights and democracy, whether they are compatible or not? So how should we look at war and in that context, I think human rights and democracy are not contradictory but as Professor Nakamitsu has pointed out, amongst developing countries, war and the use of force might be inevitable to realize democracy according to my impression. I think that was my interpretation on what he has said. And Mr. Rich, in terms of democracy, has spoken about throwing out fascism that it was important? Since 9/11 in 2001, war against terrorism, is being fought and what is the impact from this war on the human rights and democracy situations around the world? So including Japan, what should be the ideal form of foreign policy for the promotion of human rights and democracy? I'm sure this is a very perplexing question but I would like to hear the answers from the panelists and from NGOs in the floor if there are people have worked in places like Iran, Iraq or Afghanistan. I would be interested in hearing their views as well.

Ms. Ono We would like to receive multiple questions and ask the panelists to answer them together. Next question please, a lady please?

Q.2 Thank you very much. Originally, I came from Myanmar. So I'd like to address my question to Mr. Rich. What should be your personal suggestion to the Japanese government, which might be very realistic and helpful to democratization in Burma (Myanmar) (sic)? Thank you very much.

Ms. Ono Thank you very much, the person behind the lady please?

Q.3 My question is very simple. Developing countries, I have visited many of them and I am supporting democratization in those countries but on the ground, we face a lot of stumbling blocks. One is the opposition coming from the incumbent government. Therefore, international actors, such as UNDEF, the international NGOs as well as the local NGOs, have to work together that will pave the way forward. Because these countries are member of the United Nations therefore in that sense, I hope that UNDEF will invite active participation of different actors. Because so many people are engaged in democratization support, so I hope UNDEF will continue to support these actors going forward. Thank you.

Ms. Ono Thank you for that question. Any further questions?

Q.4 I have two questions. The first question is a bit academic in nature. It might be rather theoretical. In political science, the concept of democracy is an "essentially contested concept" in English language. So democracy is a concept which is considered very difficult to define but in activities that support democratization, the measurement and evaluation of activities of such support is quite difficult. So what is considered to be activities supporting democratization? Is there any controversy with regard to such activities or not? That is my first question.

Moving on to my second question, Mr. Rich you've mentioned earlier that when you arrived in 2002, Japan should be more proactive in supporting democratization. You came up with that proposal but we are now in the year

2008 but there have not been further developments. And perhaps with regard to that statement that you have made, could you specify the reasons why there is lack of activity, lack of further progress in Japan and compared to examples of other countries, perhaps the presence of support for democratization by Japan is perhaps not so very visible? So what are the causes for the lack of visibility in terms of Japan's activities?

Ms. Ono Thank you very much. We have received questions from four persons. So I would suggest that we now ask the panelists to come up with the first round of answers or comments with regards to the questions. Please.

Professor Nakamitsu So allow me to lead off. There was a question on relationship between war, human rights and democracy. In order to avoid misunderstanding, I would like to say that particularly I emphasize the days after the start of the war in Iraq, what I called "unfortunate misperception" occurred. However, the support for democratization by the West is no intention to impose the national interest or the Western system onto these countries but that is not the case. However, unfortunately in certain countries, particularly in the Middle East, it is true that such "unfortunate misunderstanding" was spread. However, the war in Iraq does not relate only to democratization. However, there are many policy challenges in the international society that are affected by the war in Iraq such as "responsibility to protect." Therefore, the war in Iraq does not affect only democratization support.

Among the experts who are promoting support for democracy, of course the war against terrorism is very important as well. It is very difficult to clearly translate that into Japanese, war on terrorism or fight against terrorism, there is a slight difference between the two, particularly in the United Nations' forum. To fight against terrorism, there is not only the war on terrorism. There are many other approaches that we can take. We have to take a comprehensive approach including development assistance,

assistance to the socially vulnerable, and democracy assistance. Therefore we use the word, fight against terrorism. We often say that fight against terrorism, in promoting the fight against terrorism, what is important is treatment of those who are suspected, we have to investigate those people based on the democracy principle. In other words, supporting democratization in developing countries, particularly western NGOs often criticize the government or regime of their own countries including the issue of the Guantanamo Bay. They have to maintain their own democracy of their own countries; otherwise, they won't be able to support democratization in other countries. I think this is adhered by western NGOs.

Now regarding assessment evaluation question made by the fourth questioner, regarding the definition of democracy, there could be different definitions from different perspectives in the political science discipline. So I will not go into that but in a sense, the wisdom in the international arena is such that we do not start with the definition of democracy. Rather it could be working definition that is to say we invite many more people to participate in a political system and we respect human rights and we raise representation of people. We will support efforts wherever possible. That is how we started. However, the point made is very important. As I said in my earlier comment, there is a conference process called the International Conference of the New or Restored Democracies run by developing countries. In this conference process, definition of democracy is presented by developing countries. In other words, we do not provide definition of democracy from the perspective of developed countries. Rather, the countries where democratization effort is being made, the definition has been provided from their perspective. That is very important.

As for evaluation, this is also a highly technical issue but quantification of results in reality is very difficult. For example, we use such indicators to evaluate the progress of democratization. For example USAID uses indicators such as the number of voters registered and voting rate before

and after election. But democratization entails different factors. Therefore we cannot depend on numbers alone. I rather think that they cannot be quantified. So a policy discussion at the multilateral level is necessary.

Mr. Jensen In a session where we're talking about challenges to democracy, on the question on war, human rights, and democracy, let me just say one thing. After World War II or after the bombing of Pearl Harbor, many hardworking, industrious, peace-loving Japanese-Americans were put in concentration camps in the US and overreaction and a very blunt instrument was used at that time. After the bombings on September 11th, there was also a period of overreaction. Guantanamo and other places still exist but as Senator John McCain once said, the way we treat terrorists, this should be about us, not about them. This is about who we are rather than who they are. And I'm pleased that the democratic and constitutional process in America has found its feet.

On the issue of the very good question on problems of opposition from incumbent governments, this is a very tricky issue that has vexed democratization efforts in many different countries.

Let me combine that question with the question about any controversy as to the best activities to support in promotion of democracy. In more honest moments, some of us will say that strengthening parliaments has not been as effective use of funding as we would have liked to have seen. One of the reasons is that support for capacity building in parliaments has taken place in institutions where the incumbents are indeed incumbent and it has been difficult to stimulate from that succession processes and more competitive processes of discourse and debate within parliament. Having said that as a general matter, there are great exceptions and Roland mentioned in Indonesia, who would have thought back in 1998 that we would sit here today 10 years later with a fairly robust parliament in Indonesia, a very robust press, and an open discourse and dialogue about various issues that democracies take up. So there are success stories out

there but obviously we need more as Roland has asked us to generate.

Mr. Rich I will try to be as brief as I can and I think a lot of the issues have been very well covered by my colleagues. So let me try to mop up some of those that still remain to be dealt with. Our colleague from Burma (Myanmar) (sic) is asking a question that we've often asked ourselves and scratched our heads asking, what we should be doing. And if I had a full-proof answer I would have already provided it long ago to all the people who want to help Burma (Myanmar) (sic).

What we do know is that one cannot be positive that either side of the debate is going to produce the results we want because isolation has been tried and engagement has been tried. I don't think either of them has produced the desired result. All I can say in this regard is that whenever we take actions in regard to Burma (Myanmar) (sic), there are two things we should remember, principles and people. We should not let go of our principles and if that means standing up for political prisoners, then that's what we should do. And we shouldn't forget the people involved in that process and if that means standing up for Daw Aung San Suu Kyi, then that's what we should be doing. I don't know if we have all the right tactics in relation to Burma (Myanmar) (sic) but I think we should stick to principles and I think we should support the people who are behind those principles.

A question was asked about UNDEF and supporting various actors in the field and it's a very difficult issue to know what UNDEF can do. But let me say that the democracy promotion family is a large family and I think between us we can cover the field. There are certain divisions of labor. I think the third questioner is correct. UNDEF, part of the UN, will naturally be a fairly conservative body. But there are many colleagues from national democracy promotion bodies who can be more assertive in various ways supported by their national governments than the UN can be. What I can assure you sir is that as the head of UNDEF, I will try to push the envelope. I will try to see how far we can go in

supporting civil society even in the problematic countries.

There was a very interesting and difficult question asked about evaluation. One of the problems we face is that democracy promotion has come with the official development assistance concept and those official development assistance concepts crystallized at a time when it was easier to measure what ODA was trying to accomplish because in the early days of ODA it was about building roads and building hospitals and bridges and you can count how many kilometers you've built and you can count how many trucks cross a bridge and you can count how many patients go to a hospital. But as there has been greater sophistication in ODA and as democracy promotion has become part of that process and we're dealing with this very nebulous, difficult concept of good governance, it's become much harder to measure what it is we are succeeding in.

One thing I can say is that we need to let go of our reliance on quantitative measures. They are very difficult to apply in this field. And secondly, we need to borrow something from the Asian mentality and have a lot more patience. We need to be able to not ask what has this two-year program achieved but we need to have the patience to accept that in promoting democracy through, for example, empowering civil society, we may be doing all sorts of things that are beneficial even beyond the narrow objectives of that particular project. And I think we do need to have patience and we do need to look at the results in the longer term.

A question was asked, a very difficult question that I am not in the position to answer as to why Japan does not have a democracy promotion organization. What I can say is that the Japanese government has been active in democracy promotion. The Japanese government has been doing a lot of very positive things through its ODA program, through its support for UNDP, through its contribution to UNDEF. So it's not to say that Japan has not been very involved in this process. And it's a decision for Japan to take whether

it can be even more effective if it had its own democracy promotion institute or foundation or process. And frankly, I would be delighted to have a new colleague join our family but it's a decision that the Japanese government needs to take and the Japanese public need to take as to whether that is the most effective way that it can promote democracy. Thank you very much.

Mr. Jensen Just a quick follow-up comment: My first comment is that it was mentioned earlier, I believe Roland mentioned that, we have to have a great sense of humility in the promotion of political and economic liberalization. And if external actors, international actors, do their job very well understanding local context and the dynamics of society and history within countries in which we work, we can have a positive, modest effect. That's the best we can do. And I think it's extremely important to understand the role of international assistance in the promotion of democracy as an important role but it's not the foundation on which democratization takes place within societies. That's a complex local dynamic that we help along in very modest ways.

The second point on evaluation, I spend most of my life doing empirical research on political and economic liberalization. In my experience, the development community does not provide enough funding for applied research and while those sums are drawing, I think we've got a lot to do to make sure that we're providing enough funding for applied research as we go about our activities, to inform our activities. So as Izumi mentioned earlier, we've got to be careful about what we're measuring. And indeed, many indicators are quite useless. For example, if you have the training program for judges, the most important indicator is not how many judges showed up, it is what the judges actually absorbed and applied in their jobs and that becomes much more difficult to measure and there cannot be just a quantitative exercise, it also has to be qualitative.

Ms. Ono Thank you very much. So with this, we would like to conclude Panel 1. Any of the issues which have been

raised are extremely important and we are hoping that in Panel 2 we will be discussing Japan's foreign policy for the promotion of human rights and democracy and I'm sure that this will be a good start for beginning Panel 2. And those of you in the floor who wanted to raise additional questions but did not get that chance; I would like to welcome those questions in Panel 2.

So I would like to thank the speakers and the panelists who have been extremely suggestive and who have come up with very sincere and accurate answers to the questions which have been raised during the Q&A. Please thank them with a very loud applause. Thank you very much for your participation. So with this, we would like to wrap up Panel 1.

(The End of Panel 1)

Panel 2: Japan's Foreign Policy for the Promotion of Human Rights and Democracy: Challenges and Prospects

MC: Mr. Tetsuya Kimura, Director of Human Rights and Humanitarian Affairs Division, Ministry of Foreign Affairs (MOFA)

We will start Panel 2. The topic is “Japan's Foreign Policy for the Promotion of Human Rights and Democracy: Challenges and Prospects” We will look at our foreign policies and how to reflect the perspective of human rights and democracies into the foreign policies. Our moderator is Ambassador Akimoto, Ambassador in charge of UN Affairs. Ambassador Akimoto, please.

Moderator: Ambassador Yoshitaka Akimoto, Ambassador in charge of United Nations Affairs, Ministry of Foreign Affairs (MOFA)

Thank you very much. We will start Panel 2. In the earlier session, in Panel 1, we looked at the current international situations of support for democratization as well as our knowledge of wisdom based on the experience of supporting democratization in Asia. Now, based on Panel 1 going onto Panel 2 as was just introduced, we would like to look at the challenges and the prospects of Japanese foreign policy for the promotion of human rights and democracy. We have four panelists. There will be brief presentations by them. I would like to ask each of you to speak for about 10 minutes or so for your initial remarks. First, I will invite Mr. Kimura, Director of Human Rights and Humanitarian Affairs Division. He will talk about the direction of human rights and democracy diplomacy of our country. Mr. Kimura, please.

Mr. Kimura First I would like to talk about the views on the current international affairs with regard to human rights and democracy. In the first panel discussion, Professor Nakamitsu has given a very detailed description of the international situation. From the end of 1980s to the beginning of 1990s, with the ending of the cold war, the so-

called new or restored democracies played a central role in setting up various fora on democracy. Also since the World Conference on Human Rights was held in Vienna in 1993, the universality of human rights and democracy has steadily progressed in terms of international debate.

Japan has discussed and cooperated with various countries on these themes because we firmly believe that guaranteeing individual's human rights under a democratic system and to make sure that all citizens are able to enjoy political stability and economic prosperity, as was explained by Mr. Jensen, are indeed very crucial objectives for the international community at large.

However, as has already being mentioned today that there are cases in which difficulties are experienced in the progressing democratization. In terms of the United Nations reform, we have been discussing very much the topic of “mainstreaming of human rights.” Based on such development, we are once again questioning what should be the ideal way of Japan's support for democratization.

Next slide, please. Based on such a situation, taking hindsight of the recent situation, what should Japan be doing? In terms of support for democratization, we are assisting electoral process as well as national institutions and civil societies and these are very important for democratization to progress. And in 1996, Japan has announced the Partnership for Democratic Development (PDD) and UNDEF was established in the year 2005. And the Ministerial Conference of Community of Democracies was held in Mali in 2007 and the International Conference of New or Restored Democracies was held in Qatar in 2006. So with the participation of developing countries, we are continuing on this debate on democratization. So in these contexts on the whole, we see a shift from the top-down institutional assistance to the bottom-up debate with further participation of the civil societies.

Next slide, please. Another change that we are experiencing is “mainstreaming of human rights.” In 2005, UN Secretary-

General, Kofi Annan, has referred to in his report “In Larger Freedom,” the three pillars of development, security and human rights are all intertwined and of course this gave an impetus for the shift.

In the year 2005, in the World Summit Outcome Document, these were references to the establishment of the Human Rights Council and strengthening the function of the Office of the High Commissioner for Human Rights (OHCHR) as well as the establishment of UNDEF. There was a discussion at the panel on “mainstreaming of democracy assistance,” but “mainstreaming of the human rights” has become one of the important topics to be addressed by the international community.

Next slide, please. So in that context, what kind of an approach Japan is taking? Up until this point in time, Japan has pursued certain approaches and I would like to emphasize two approaches. One is “flexible approach.” There is no specific model for democracy and therefore in terms of human rights and democracy, we must take account of the historical and cultural backgrounds as well as their universality. The other approach is “encouragement-based approach.” The ownership of the local government should be respected and dialogues and cooperation should be stressed. Human resources development is important to make sure that the host country is able to do the follow-up. As this kind of work is time-consuming, we have made cooperation by paying attention to efforts to improve human rights conditions, and tried to improve human rights conditions through dialogue while putting emphasis on long-term commitment. Depending on the circumstances, Japan needs to point out certain problems pertaining to human rights, but even under such circumstances, Japan has always attached the importance to the solution through dialogue. So these are kinds of Japanese style approaches—if we are to add further elements, what are the elements that we should look into?

Next slide, please. Firstly, we have to strengthen the perspective of human rights in addition to the Japanese

approaches we have taken. What kind of elements further need to be added? Based on the “mainstreaming of human rights,” we need to further incorporate the perspective of human rights. In strengthening our human rights policy, we need to have a balance between civil and political rights and economic, social rights, in line with the current international tendency.

For instance in terms of legal system assistance, we need to provide assistance not only in civil law but also in criminal law. Furthermore, we need also protect those who are vulnerable in the society. Up until to this point in time, in terms of Japanese ODA, we have emphasized strengthening the perspective of women, but in addition, we also need to further protect those who are vulnerable such as the elderly and the children and persons with disabilities and make sure that we are able to strengthen their capacity. So, this is consistent with the “human security” approach in terms of Japanese aid, which emphasizes protection and empowerment of the individuals and the capacity building.

Secondly, as it has been pointed out in the first panel, we attach the importance to the empowerment of the civil society. Not only the top-down type of assistance but also we need to integrate the bottom-up assistance such as empowerment of civil societies. In order to make this happen, we need bottom-up type support leading to empowerment of civil societies and support for NGOs is an important element in this. Tomorrow, we will be holding the “Seminar on Democratic Support by NGOs” organized by Ministry of Foreign Affairs. We would like to make sure that the existence of UNDEF is better known among the Japanese NGOs and with assistance from Mr. Rich and Ms. Ikeda from UNDEF, we want to provide an opportunity to have a discussion on the experiences of the perspective of human rights and the element of support for democratization. Japanese NGO, Shanti Volunteer Association, will be implementing this seminar. Empowerment of the civil society and strengthening the corporation between international organizations and NGOs,

as well as partnership between the government and NGOs will become important topics which will be addressed in the seminar tomorrow and we are hoping that this will give us a clue to the future direction that we should be pursuing.

Next slide, please. The third perspective is the support for human rights and the democratization in peace building. We need to discuss how we can strengthen democracy support or human rights perspective in peace building. In this regard, assistance to post conflict Cambodia is very suggestive in terms of long-term commitment.

In Cambodia, we have submitted the resolution at the UN Commission on Human Rights since 1990, which includes technical cooperation for the improvement of the situation of human rights. We have also provided electoral assistance from Japan to the general elections including the election in July of this year. As for legal assistance, we supported the drafting of civil law and civil procedures law through sending Japanese lawyers. And as has been reported in the press, we had been making various contributions in terms of human resources and financing the Extraordinary Chambers in the Courts of Cambodia. Therefore, we are touching the importance of cooperating with international organization, centering on the United Nations, and also stressing dialogue and long-term commitment. So, these are some of the features of the comprehensive assistance that we wish to extend and this is one guideline for the future of Japan's foreign policy to promote human rights and democracy.

Lastly, I would like to talk a little about strengthening multilateral activities. Japan is participating very actively in the UNDEF Advisory Board as we want to be proactive in participating in the decision making process of UNDEF. We want to increase the number of projects in the Asian region in order to make sure that the Japan's participation in UNDEF activities is meaningful.

So, I have talked about some of the points which we should take account in terms of future direction of Japan's foreign

policy. However, we have not yet exhausted discussions and of course this afternoon we will have further opportunity for discussions among panelists, also with the participation from the floor. But what kind of response should Japan be taking not only on the part of the government of Japan but also on the part of the private sector. So, this is another perspective I hope that you will be able to hold discussion at the panel which is later scheduled. Thank you very much for your kind attention.

Ambassador Akimoto Well, thank you very much. We would like to invite Professor Nakamitsu once again. So, based on what we have just heard from Mr. Kimura, on the direction of Japan's foreign policy to promote human rights and democracy as far as the Ministry of Foreign Affairs is concerned, We would like to ask for your opinion about, what role Japan can play in this—or what challenges that Japan has to overcome, Professor Nakamitsu?

Professor Nakamitsu Thank you very much. In order to avoid misunderstanding, I would like to say this at the outset. So far Japan has been promoting and supporting democratization through ODA and other measures, although, those activities are not necessarily labeled as democracy assistance.

However, Japanese government to embark upon more clearly and a formal path for democracy assistance is very welcoming for us.

I am not going to say this once again but after the start of the war in Iraq, there was “unfortunate misperception” and against this backdrop, Japan entering in democracy assistance more formally, what are there in terms of implication for Japan?

Firstly, support for democratization is not the effort of western countries to impose their system to other countries. That will be clarified by Japanese entry into this assistance area because Japan is one of the non-western democracies

and the significant ODA donor. Therefore, Japan supporting democratization at this point in time is very significant in a strategic sense. In engaging democracy assistance onward, it would be better to clarify Japanese government philosophy and ideals in the outset.

On terminology issue, I don't want to delve on this, but when we talk about democracy assistance even within international community, we have different terminologies, for example "democracy promotion" with a connotation of spreading democracy, but rather than that, there is a phrase, which care more about long-term commitment and local ownership and build democracy by the word of "democracy building." And between the two there is a more neutral terminology, "democracy assistance." All of these phrases are being used with a different nuance and therefore, selecting appropriate word based on its own philosophy and ideals is very important. So, in that sense last year, it was said that Japan would not be a coach for emerging democracies but rather Japan will be an "escort runner" for emerging democracies running the path for democracy. This clarification was very welcoming. As "the Arc of Freedom and Prosperity" was a very lofty slogan that would associate with geographical link but rather than such a lofty slogan, I think Japan has to clarify at the outset it will steadily address democracy assistance.

Now, what roles can Japan play? Mainly there are three roles that can be played by Japan. The international community has been providing various democracy assistance, however that it often imposed institutional design of its own. There are criticisms towards such approach and it is well recognized that often times it didn't function very well. Perhaps, most well known example is in Cambodia, without any coordination among donors for legal assistance to be given to Cambodia, the laws such as civil law, commercial law, and land law were established with contradiction. Therefore, we can learn lessons from the past experience. We should emphasize local ownership and also rather we should try to nurture and inspire local ownership. That is the

kind of approach that I want Japanese government to take.

Particularly, important in my view is the development of human resources that will be leading the process of democratization in the local community. Capacity building in this regard is important. For example, election monitoring missions is often dispatched, and Japanese parliamentarians visit the countries to observe elections for two to three days. That is meaningful, but rather in the long run, local people have to be nurtured and build capability on their own, through various NGO activities, in order to monitor elections in the years to come. Therefore, I think this would be long-lived persistent kind of assistance that Japan can give. Japan has a very good track record in the area of the human resource development through ODA. Therefore, this is a kind of area where Japanese government can embark upon immediately.

Also, as I've said briefly earlier, South-South cooperation can be utilized. For example, as for an independent election management committee, the best one can be found in India. As Mr. Jensen mentioned earlier, in Indonesia, recently we see democratization process. Therefore, there are know-how and knowledge and expertise regarding democratization process in countries which are not necessarily donors. This is the expectation I have for Japan to take initiatives to provide to other emerging democracies.

As I've mentioned briefly earlier, the capacity building of regional organization is one area which is now about to embark upon and that area has to be strengthened by Japan as well. Furthermore, contribution at multilateral level is important because democracy assistance expertise has to be accumulated in Japan and also sharing experience is important. As I've said in the Panel 1, policy consultation is still insufficient and so this is another area where Japan can make contribution. For example, of course we can pursue Japanese uniqueness, but rather, in order to help develop internationally recognized common strategy; I think Japan can make intellectual contribution in this area by taking

long-term visions into consideration. That is my personal view.

Japan is acting proactively at the United Nations as well as at UNDEF. I hope that Japanese government will be more active in international fora including the International IDEA. I hope Japan will accede to this international organization specializing in democracy as quickly as possible and by doing so we will be able to build expertise and knowledge regarding democracy assistance in Japan. This is the challenge for Japan.

Perhaps, for Japan, the biggest challenge is as follows. As we received the question in the first session, Japan thinks it has only limited actors and tools available for democracy assistance compared to other countries. Therefore, diversification of actors and tools is urgently needed. Tomorrow we have a seminar titled “Seminar on Democracy Support by NGOs” focusing on NGOs. Japanese NGOs are quite active and well experienced in the humanitarian support area, but Japanese NGOs are not very well experienced yet in the area of democracy promotion and democracy building. Democracy assistance should be the field of the NGOs’ assistance is the first point I would like to point out. And also, various actors such as trade unions and economic organizations, all these groups can provide dialogue and support to their own counterparts in developing countries. These organizations should be more interested in assistance.

And another point I would like to point out is that the party assistance by political party foundations or funds for the purpose of providing democracy assistance to political parties must be established as quickly as possible. I don’t have time today to go into details, but if you look at other countries, we see different patterns of forming a political party affiliate to the foundations. In almost all advanced countries, they have foundations affiliated to political parties with significant budgets. Germany has the longest history, and such party foundations are providing

various democracy assistances in various countries. In our neighboring countries, Taiwan and South Korea have established foundations for promotion of democracy and Japan is lagging significantly behind in this area. Diversification of actors is urgently required by setting up such foundations.

I say this because democracy assistance cannot be done sufficiently only through government-to-government channel. We have to combine different tools including financial assistance, technical assistance, and also dialogue among NGOs and civil society organizations. We need to understand that there are supposed to be various actors. I hope this seminar will be a good trigger in that direction.

Third point, as this is democracy assistance, politically-oriented support has to be enabled. Basically, the ODA of Japanese government so far had a basic principle that government does not make interference into domestic affairs of other countries. However, in the area of democracy assistance, I think we should be more politically-oriented. The dialogue among different political forces in the recipient countries must be promoted and we can be mediator and go between for that purpose. We have to have that kind of ability.

The reason why I say that the political party affiliated foundation is necessary is that under the dictatorship, in one way or another, Japan has to support the forces toward the democratization in those countries. I think one typical example, easy to understand, can be found in the United States as Mr. Rich said in the Keynote Speech, National Endowment for Democracy (NED). NED is independent from the US government, but uses the parliament’s public funds. In other words, the United States has an endowment which funds various democracy-related organizations apart from the government. And this is not only the case in the United States but in many other countries we see such examples, but we don’t have it in Japan.

Why I say this is very important is that the government

providing consideration to government in Burma (Myanmar) (sic) for example, but because of the consideration to incumbent government in Burma (Myanmar) (sic), Japanese government cannot provide support to opposition forces. But when there is a need, we can use funds coming from such independent endowment. We should not focus only on Burma (Myanmar) (sic) in this session. So, I don't want to be too much in detail, but if the situation continues as is, when there is a change of government in the future, the people in the new democratic government would say that Japan was the only country which did not help us. Therefore, we have to have a tool available to us, which paves the way for Japan to help Burma (Myanmar) (sic).

In conclusion, as I've said in the beginning, I don't think we need such a label as "Democracy Assistance" with the big "D." We are better off without such official label in many cases, but without a level it is sometimes difficult to provide such support. For example, to improve women's right, mainstreaming of women's right has to be done, but without such official label, we often forget or it will be difficult to think what would be conducive to democratization. By the same token, we tend to forget what is necessary for democratization.

Secondly, in this area, policy proposals, and communication has to be done from the perspective of Japan without any taboo. Perhaps, true partnership can be promoted with open-minded, candid policy dialogue. Therefore, domestic human rights and democracy issues have to be discussed with a true partner. Therefore, Japan has to be prepared to do a candid and frank open-minded policy dialogue.

I forgot to mention in relation to labeling, for example, although China is very important neighbor for Japan, and when you consider support for democratization here, we have very sensitive issues. However, in China as well, at regional election level, a quality of election needs to be improved and actually there is interesting efforts in that direction. And through environmental-related lawsuits,

how best they can nurture judges and legal experts in this area and the Chinese government itself is quite active in nurturing human resources I think Japan should be proactive in assistance so that Japan will be known as a true partner. So in that case the capital letter "D" for "Democracy Assistance," that is not necessarily.

Diversification of NGO activities of Japan is urgently needed. Perhaps, the dialogue among civil society organizations is perhaps one with the most effective democracy assistance. As I've already said, when we consider this challenge, we also have to consider the maturity of our own civil society and democracy.

Ambassador Akimoto Thank you very much, Professor Nakamitsu, for the very insightful and very specific concrete suggestions. I would to invite Professor Masanori Aikyo, Director of the Center for Asian Legal Exchange (CALE) and Professor of Graduate School of Law of Nagoya University. He is an expert of Asian laws, constitution, and comparative legal cultures. In particular, he is an expert of laws in Vietnam. We would like to ask Professor Aikyo to discuss about how we are providing legal assistance as well as the future direction of legal assistance. Nagoya University is very active in providing legal assistance to Asian economies which are trying to reform their economy and society as they shift to market economies. So we would like to ask Professor Aikyo to talk about the Center for Asian Legal Exchange (CALE) as well which is promoting these activities.

Professor Masanori Aikyo, Director of the Center for Asian Legal Exchange (CALE) and Professor of Graduate School of Law, Nagoya University

Thank you for the introduction. It is only 10 minutes. So at the entrance I wonder if you have seen brochures on Nagoya University's Center for Asian Legal Exchange (CALE). I hope you will take some time and look at these brochures later. What is this Center for Asian Legal Exchange (CALE) about? In 2002, the Ministry of Education established

this organization. There are two mandates. Firstly, legal information exchanges should be promoted between Japan and Asian economies. Secondly, mandate is what I'm going to talk about, which is the research project regarding technical assistance in legal fields or legal assistance. At Nagoya University's Law School, I am in charge of a course on legal assistance.

The fundamental question is what legal assistance is. I suppose that many of you are aware, but most of the general public is not aware what this is all about. But first of all, it is to provide developmental assistance in the area of law or legal institutions. Specifically, in the 1990s and onwards, Japan started to emphasize intellectual assistance. Projects for Vietnam in the economic policy planning was chosen as the first area of intellectual assistance. Following such precedent, the legal assistance was the second area in the field of intellectual assistance.

Specifically, what has Japan done in legal assistance? Unfortunately, there is no time for me to go into details, but as Professor Nakamitsu mentioned, the major projects include the assistance for Cambodia to draft their civil law as well as civil procedures law. More recently, in Uzbekistan in Central Asia, we have provided assistance to draft their administrative procedures law.

I would like to offer what I consider the basic issues of legal assistance. First of all, in which legal field do we want to provide assistance? Regarding this issue, so far when Japan provided legal assistance to the Asian countries and economies, basically it was restricted in the area of civil law and commercial law. There are more than one reasons, but basically countries where Japan provided the assistance were mostly Vietnam, Laos, and Cambodia and later Uzbekistan, Mongolia, and from November last year China as well as Indonesia. Most of recipients of legal assistance by Japan were countries in transition from socialist economy to market economy. The primary responsibility was to assist them to shift to market economy.

In order to shift to market economy, civil law and commercial law were considered as the top priority. That was the reason why so far Japan's focus was on those legal areas. To be more precise, not only emphasizing on the civil law or the commercial law, but also traditionally there was an idea that we should rather avoid providing support to in fields of human right and democracy. But SIDA of Sweden or GTZ of Germany and also in France there are different approaches of assistance. So, there was a distinction from such western approaches.

Secondly, to what region does Japan want to provide legal assistance? As I've mentioned Japan has provided support to Indochinese countries or Central Asian economies or Mongolia. But if we do receive a lot of requests from multiple countries in the world, how is the Japanese government going to deal with them? For example, what if Caucasus including Georgia, makes a request for legal assistance, would Japan accept the request or not? That would be another question about prioritization in terms of geographical locations. These questions lead to the philosophy of our legal assistance. Plus it all depends on our strategy of providing legal assistance. It is linked with these major questions of philosophy and our strategy of legal assistance.

What about the global trend of legal assistance? In the first session, Mr. Rich and the other experts already introduced discussions. At the World Summit in 2005 or at to the General Assembly of the United Nations in 2006, rule of law, human rights, and democracy were emphasized as the important themes. There is one point I want to talk about the rule of law. What exactly is the content of the rule of law? What is the definition? What is the scope? Is it broad or limited? That is the question that we have to think about.

How can we link the traditional legal assistance that we have provided with human rights and democracy? What exactly would be important if we want to incorporate the emphasis on human rights and democracy in legal

assistance? After 2000 onwards, I have looked the changes occurring in recipient countries. As I am an expert on Vietnam, I will briefly talk about the case in Vietnam. In Vietnam, at the beginning of the 1990s, they started to talk about becoming a country ruled by law and at the same time they started to talk about the slogan of shifting to market economy. In that sense, the legal reform in Vietnam in the 1990s—Of course, they emphasized on civil law and commercial law like any other countries, but from 2000 onwards judicial reform and administration reform have become very important issues.

Secondly, I don't know how significant this is, but in 1992 the current constitution was established in Vietnam and for the first time, the term "human rights" was defined. By the way, in the Chinese constitution in 2004, the word "human rights" appeared for the first time. Under these situations, based on the terminology used in the constitution probably we can engage in discourse and dialogue with Vietnam.

We need a careful consideration, however what discourse should we engage between Vietnam. Earlier as Mr. Kimura mentioned, we can think of human rights in Vietnam through legal assistance in the area of criminal law. That is one approach. And another case is related to what we are doing in Uzbekistan in Central Asia. In Central Asia, corruption is a serious issue. In some of the cases, it has been discussed that there is the issue of corruption among the judges. If that is the case, then how do we make administrative procedures more transparent; could that be another direction of providing legal assistance? Earlier as Mr. Rich mentioned, it might be an ambiguous expression but it could be assistance for good governance. The assistance for good governance might encompass making administrative systems more transparent.

I have gone into specifics of other countries but going on to the third point, when we think about legal assistance, there is assistance for codification. But on top of that, we also need to cultivate human resources including judges,

prosecutors, or lawyers. We also need to cultivate legal practitioners. Not only would there be professionals in the legal areas, but also I want to emphasize that they have legal mind, that they have knowledge and respect for the legal systems. We need a large bunch of legally-minded professionals and assistance to cultivate these human resources is extremely important. Therefore, when we talk about the strategy of legal assistance, and of course it should naturally reflect promotion of human rights and democracy, but we have to provide assistance to human resources and legal education as one of the foundation.

This table shows the number of international students who are studying at the Graduate School of Law at Nagoya University. We have 129 international students altogether from 19 countries. But in this table it only shows 6 countries, but these are the countries where we are providing our legal assistance, we are accepting 72 international students from the specific 6 countries. In the last decade, we have tried to provide education to these international students.

Now as we provide education to our international students, we have gone through difficulties and based on our experiences, we have initiated a new project. We used to educate international students at the Japanese campuses through English language, through English courses. However, if the instruction is in English, it is still difficult for them to understand the Japanese law not because of technical reasons such as limitation of the English capability of the faculty. Do you know how many of the Japanese laws are translated into English? The Ministry of Justice has been working hard and 200 Japanese laws have translated into English, but in comparison, in Korea more than 800 Korean laws are translated into English. Furthermore, Japanese court decisions are, of course, written in Japanese and many of the thesis and papers are only written in Japanese. Therefore, if we want to teach Japanese law to the other international students, we do need to teach in the Japanese language.

Therefore, in Tashkent State Institute of Law in Uzbekistan and in Department of Law of National University of Mongolia in Mongolia and in last year at Hanoi Law University in Vietnam, we have established Japanese Law Centers. We are already teaching Japanese law in the Japanese language in the local universities. Graduates of these Centers can come to our graduate school of law and they can learn further. That is what we are doing now.

Another project is called the Peer Support Initiative. What is this Peer Support Initiative? Our law students are sent overseas for 10 days or 2 weeks to the countries from where we are accepting international students. They will learn and experience the legal framework in that country. We raise such tasks as promoting human rights and democracy together with legal assistance, however, as was mentioned by someone today, Japan should not only simply try to teach unilaterally, there is something that we can learn. For example, regarding Vietnam law, Laos law, Cambodian law, we should know further. We should learn the local language. We should digest and seriously know and learn more about the local laws. We are introducing such new legal education methods to cultivate young human resources in Japan who knows even better about those overseas legal frameworks. Thank you for your attention.

Ambassador Akimoto Professor Aikyo, thank you very much for a very valuable proposition and perspective based on your experience on legal assistance.

Our next panelist is Professor Yasunobu Sato, Professor of Graduate Program on Human Security at the Graduate School of Arts and Sciences of the University of Tokyo. Professor Sato is a lawyer licensed in Japan and the State of New York in the United States. He has been practicing in Japan, the United States, and in Europe. He has also experiences as a legal expert in the UN High Commissioner for Refugees and at UNTAC (United Nations Transitional Authority in Cambodia) in Cambodia as well as in EBRD (European Bank for Reconstruction and Development). He has been involved in the protection of refugees, maintenance

and building of peace, legal assistance and judicial reforms. He was Professor of the Graduate School of International Development at Nagoya University and now, as was mentioned earlier, he is teaching at the Graduate Program on Human Security at the University of Tokyo. On top of that, he is an organizer of Peace-building Study Groups and he is a Member of the International Legal Cooperation Centre of Japan Federation of Bar Associations.

We would like to ask him how to emphasize the perspective of human rights and democracy in nation building including peace building. We also would like to learn how to ensure the protection of other socially vulnerable.

Professor Yasunobu Sato, Professor, Graduate Program on Human Security, Graduate School of Arts and Sciences, The University of Tokyo

Thank you very much for your kind introduction. As we heard presentations from two panelists and they covered most of the ground I wanted to cover. So there's little left for me. But I would like to make a comment and also I would like to talk about human rights and democracy assistance from the viewpoint of business and peace building. This is a new point I would like to raise. In front of you, I think you have a page of outline and also I have a PowerPoint presentation material. So please refer to the screen as I go along with my presentation.

As was introduced earlier, I myself, was involved with UNTAC in 1992-1993 as Human Rights Officer. Today there are people who I worked with during my Cambodian years as well as government officials and Cambodian Ambassador to Japan are present in this hall. And what I am going to say has origin in my experience in Cambodia. I would like to talk from the perspective of Japanese peace building, which is also the origin of Japanese legal assistance.

Needless to say, UNTAC was there to support election, to elect a legitimate political party through elections. As was

mentioned by Professor Nakamitsu, election itself was the exit strategy for UNTAC in order to put end to conflict. “Bullet to ballot” was a slogan we had at that time. That is to say we had to move from bullet conflict to ballot, namely election. In that sense, election, democracy, and rule of law, the judiciary system would be alternative, non-violent dispute settlement means and also that can set out direction for governance.

Democracy is governance for dispute and conflict resolution, as well as institutional framework to guarantee human rights. Democracy must be backed by institutional framework including laws and therefore for the purpose, we need judiciary system which resolves disputes and conflicts by applying laws as well and these points have been discussed on individual basis.

Also as was mentioned today, laws can be established by those who are in power. Therefore legal assistance in a part is a support to those in power. However, those who will be ruled by the law, their perspectives are also important. Therefore, bottom-up approach based on citizens is very important in order to make democratic laws and rules. Therefore, access to justice is another dimension of discussion we have to cover. To be more specific, laws must be implemented and those who will be asserting their rights by lawyers and attorneys have to be nurtured. Legal aid has to be provided to guarantee access to justice. The trials must be independent and impartial. Therefore for that purpose, institutions and human resources have to be developed.

From this perspective, as Professor Aikyo mentioned earlier, simply setting modern laws or the transplanting Japanese laws into other countries, that is not good. Rather we have to have a consistency with local indigenous laws. Therefore we have to combine local laws and modern laws because in these countries there is a little tradition of modern laws that will create confusion and that will lead to a corruption and other problems. Therefore, the modern laws have to be well

integrated into local laws. Therefore, not only modern laws based approach of court or justice, there is an importance in referring to other traditional alternative dispute resolution mechanism.

From this perspective, in the case of Cambodia, it is true that the coordination was necessary at the time of developing laws. Compared with other western countries, in the case of Japan, the local committee and Japanese committee were established and there was a dialogue between the two committees when civil and civil procedures laws were established. Therefore, we also provided human resource development assistance in the development of laws in Cambodia.

Regarding nurturing lawyers, after the days of UNTAC, I came back to Japan and worked through a small NGO on an individual basis set up by like-minded lawyers in Japan. From 1999, our efforts were officially adopted as JICA project and the International Legal Cooperation Centre of Japan Federation of Bar Associations, introduced earlier, continues to send lawyers to assist nurturing lawyers. When I left UNTAC, only a few lawyers were there in Cambodia. But I assume that there are about 400 or 500 lawyers in Cambodia now. Also my friend, Mr. Yoichi Yamada, who is a lawyer, went to Cambodia on an individual basis after I came back to Japan. He was active as a UN officer but at the same time he was working as a volunteer to develop laws to protect human rights such as laws to prohibit human trafficking. However, at that time, there was no budget earmarked for that, therefore he worked on a voluntary basis.

Next, I would like to talk about peace building for “human security,” which we learn from refugees. This is rather a lofty title but I would like to touch upon theoretical issues. Now regarding “human security,” Japanese government considers this as one of the pillars for diplomacy and this is a concept basically that can bridge peace and development. This is an encompassing concept. In other

words, development was originally thought in terms of economic development and aimed to help countries grow economically. But that is not enough, therefore we have to take into consideration a social development with fair distribution of wealth and also we have to try to raise potentials of individuals. Therefore, development has a broader concept now including human resource development.

Regarding peace, before we had a power-of-balance-based society and peace was meant to avoid conflicts of war. However, even in the peace time, even without a war, there must be a guarantee of freedom of speech. The society shall not be repressive or oppressive and therefore regarding peace as well, we have a rather broader definition of positive peace. Positive peace aims to respect human rights and human development is a concept bringing human rights to the field of development.

I would like to show to you a diagram to show you that our concept. In the beginning we thought there was no connection between positive peace and human development but between the two areas there is a bridging concept of “human security” as you can see.

Now, particularly, when we talk about government and human rights, I often think that theoretically speaking there is a universal idea of human rights and human rights inherently go beyond the national borders. But in reality, there is a barrier presented by state sovereignty in a sense apartheid type discrimination is sometimes granted. For example, even in Japan if foreigners are killed, they cannot receive the same amount of compensations for damages as in the case of Japanese victims. It may depend on one's economic power at one's home country. Also when we talk about freedom of speech, basically visas are cancelled to deport someone that is also the matter of state sovereignty as well. So there is always a countervailing relationship between human rights and state sovereignty.

Therefore today, the human rights are guaranteed by the sovereign state, that is a concept prevailing. However, we have to consider and discuss the “responsibility to protect.” In other words, when human rights which cannot be protected by a state, they have to be protected by the international community. However, when we say the international community, specific discussions such as who are we talking about, who are to be protected are still inefficient. When we say “human security,” we need to consider a function to remove restrictions created by the sovereign states. In such sense, those who are not protected by sovereign states are mostly refugees and providing international protection beyond sovereign states to these people can be primarily considered.

We have Mr. Takizawa who is the Japanese head of UNHCR Tokyo Office in this hall today and human resources assistance and financial assistance are provided to organizations such as UNHCR by Japan. The question is, the number of refugees in Japan is very limited. As we often said, Japan provides money abroad to protect refugees abroad but Japan is reluctant to receive refugees in Japan. According to UNHCR data, Japan ranks only 130th among 190 countries in terms of the number of refugees we have accepted. This is so embarrassing. Japan is providing financial assistance to UNHCR and PKO and we ranked number 2. So I think there is a sort of distortion in terms of what we do. We don't have many refugees around us. That is one of the reasons why Japanese people are not very interested in refugee issue.

In that sense, before we talk about peace building or “human security” abroad, accepting more refugees could become one of the challenges Japan is faced with. For example, we can accept refugees as international students. Under a government-sponsored scholarship scheme, perhaps we can only accept elite students from those countries. But through UNHCR, an international organization or private sector funds, we are able to receive more refugees to study here.

In terms of peace building effort, we have a pilot project inviting students from abroad to train them for the purpose of peace building. But one year program is not long enough. Therefore I think we have to extend the duration of this program in the future. We can invite refugees as participants of this project and we can find out what are the problems refugees are facing. Without such a preparation, just because we are told to contribute to the international community, sending self-defense forces, is a very problematic approach of contribution to the international community. That is just setting up an alibi. If we want to be serious, we have to make preparation by accepting more refugees and learning from them.

The scope of “convention refugees” is currently very limited. But apart from these people, there are people who are subject to forced migration because of political reasons, environmental reasons, conflicts and economic problems. These people’s human rights are infringed in their own countries and therefore must be protected by the international community including wealthy Japan better positioned to do so. We should address the issues more actively from a critical viewpoint, including pushing limits of protection by the Convention(related to the Status of Refugees).

Also “Made in Japan” should be a Japanese peace brand. This is something I would like to say in finishing my presentation. Needless to say, the Japanese Constitution—the Constitution of Japan is set to limit the contribution of the Japanese to peace building according to some. But in my view, the Constitution of Japan is very good and conducive to promotion of peace building. If you look at the second paragraph of the preamble, it says, “We recognize that all the peoples of the world have the right to live in peace, free from fear, and want.” Here, “free from fear and want,” this is what we enshrined in “human security.” By this, we can guarantee the right to live. Although this is rather controversial in the legal terms but I think the right to development can be included in this, the right to

solidarity following rights to freedom and social rights in other words. Civil and political rights are rights to be free from state and social rights are rights to the state. For example, if such rights cannot be guaranteed by a sovereign state, then recourse should be sought in the international community. The international community must provide and guarantee the right to solidarity. This can be proposed by the Japanese government because this is already enshrined in the Constitution of Japan rather than simply renouncing war and we can say that Japan can be advocate of proactive peace builder.

Non-military approach can be taken to achieve many different things by Japan. For example, Japan joined the International Criminal Court (ICC) last October and we can make human resource and financial contributions through that and also Japan is serving as a chair of the Peace Building Commission (PBC) since last year. So, we can use such international organizations to make non-military contributions.

Lastly, for Japan the biggest power we have is a business, private sector companies, in my view. Business and companies are asset of Japan. They are actors too. Therefore, in the Constitution of Japan “we” is defined and “we” includes the private sector as well. Therefore, business people should be more conscious and more interested in making international contribution. We often talk about CSR, Corporate Social Responsibility, and in international community we have the Global Compact proposed by the United Nations. We can make a proposal related to peace to the Global Compact.

There are 10 principles in the Global Compact; human rights, labor standards, environment, and anticorruption, but there is no principle related to conflict or peace. Therefore, we can propose 11th principles to be included in the Global Compact. Corporate Peace Responsibility can be promoted referring to Corporate Social Responsibility (CSR) and the Global Compact. Corporations can make

contribution not only to peace but also making sure that the corporate activities do not foster conflicts. For example, civilian technology should not be used for military purposes and also companies manufacturing activities can be used for peaceful purposes such as machines necessary for elimination of landmines or tents. There are many ways to do so.

I think that it is necessary to launch new moments from Japan by checking the so-called military industry or military-industrial complex and based on such viewpoint to design responsibilities to promote peace and not to foster conflicts. Not only companies but also the government, including MOFA and other ministries and agencies, the private sector, universities and citizens, these four parties has to work together at respective level. These parties and actors can contribute to international peace.

As Professor Nakamitsu mentioned earlier, we can promote multifaceted diplomacy rather than limiting ourselves to government to government cooperation or foreign ministry to foreign ministry cooperation, rather we can promote the dialogue amongst bar associations, civil society organizations, corporations, universities and so forth. So, in this way democracy and peace can be a common cause for different actors. Companies of course have to make profits and they can use the power of capital to make decisions. But when we talk about capital and costs that does not only include money when we think about environment issues, it is easy to understand this. We need to design so-called social corporations that make values such as peace, human rights and democracy into business. I would like to conclude my remarks. Thank you for listening.

Ambassador Akimoto Thank you very much Professor Sato for incorporating different perspectives in your presentation. So, we have completed the presentations from all four panelists and we would like to receive questions and comments from the floor. So, as far as our time allows us to do so, we would like to receive questions from the floor.

Since we would like to have as many questions as possible, please be succinct and brief in addressing your questions. Questions and comments please, from the floor.

Q.1 Thank you very much indeed for very interesting presentations. I've very much enjoyed this panel. I have a general comment or question. Seeing from the outside having worked for 27 years in the United Nation system, I wish to share with you the views and impression of Japan seen from such an outsider's perspective, especially from victims of human rights infringements. With regard to issues pertaining to human rights, Japan remains silent and Japan has an image of avoiding such problems. For instance, there was Yangon incident in Myanmar and CNN reporters will go to other countries to hear comments but they will not come to Japan as they expect that they will not be able to get any comments. I feel that this is quite sad.

Last year, I went to Myanmar refugee camp in Thailand and I asked the refugees in whether they will go to Japan if they are allowed to go to Japan. They said, no. Why is that? They want to go to Australia or the United States or Canada. This is one reality of image of Japan in the international community. The victims of the infringement of human rights, the refugees themselves refuse to come to Japan.

Another example is in 2006, there were only 13 Chinese applicants were admitted as refugees to Japan, but 10,000 applicants in 5,000 admitted in the United States. Although Japan is located next to China, but the Chinese refugees are going to United States, Canada or France bypassing Japan. I think Japan should be clearer in our stands vis-à-vis such as human rights and I think the panelists have been very clear.

Mr. Kimura explained Japan's policy of attaching importance to dialogue, I do understand that and encouragement-based approach, I understand that too, but that is difficult for outsiders to understand. This affects the effectiveness of Japan's foreign policy to promote human rights and of course this endangers the credibility of Japan.

I would like to invite the panelists to share with us your views on this.

Ambassador Akimoto Any further questions? Please.

Q.2 Thank you for the valuable presentation. Two questions. First to Professor Aikyo, you spoke about educating international students who wish to study legal systems in Japan. What may be the advantages for those who study in Japan and what are challenges being faced? And Professor Sato, in order to accept the refugees, there should be more understanding about international situations in our society. We need more understanding of the international situations at the community level in our country in order to go through that indispensable process. What is still absent in our community and country? Thank you.

Ambassador Akimoto Thank you, any other questions? The person at the back.

Q.3 Mine is more of a comment. I think the colleagues from Japan need to be clear in terms of what is the exact role in human rights and democracy promotion. Is it a role of a donor providing financial support or is it a partner and an intellectual contributor together with financial support to help promote democracy? I think that basic question has to be clear.

If it is the second option, the things that you are considering, do they provide you the proper mechanisms with the right intensity to make those multiple contributions of being a partner intellectual and financial contributor. I think that needs to be evaluated. The other phenomenon to take note of in the democracy promotion is there is a difference between national endowments and linkages with multilateral organizations. On the whole you will notice if you look at the hard numbers, the national efforts are better funded than the multilateral ones because governments still find multilateral ones perhaps not suiting your purposes in providing support because there is a tension when

you participate in a multilateral approach. Further many governments who participate in the multilateral approach do carry with them some experience coming from national experiences of national endowments. So, there is sort another level to think about.

And the third point is if you are providing funding through a third party, NGO, civil societies and so forth, you add on to the already existing layer of bureaucracy and administration and delay the democracy promotion is faced with. Colleagues working in this industry always lament how much time and how much energy is wasted through that administrative process. So, a direct provision instead of a third party provision is something also that needs to be sort of you know clarify.

If Asia is a focus for Japan, perhaps one of the things to think through is what are the priorities in Asia in terms of democracy promotion? That's something to consider.

Also, the number of Asian professionals working in this sector is very small. What can we do to increase the number of Asian professionals? Because with them they bring networks and experiences to enrich multilateral and international approaches through democracy propulsion and I think we had the little hint of some kind of South-South experience. I'll just leave that. Thank you.

Ambassador Akimoto Thank you very much. So, we have received three questions from different perspectives and now I would like to call upon the panelists to respond to the questions which have been raised so far and maybe could Professor Nakamitsu start off.

Professor Nakamitsu Thank you very much for the first questioner's comment. I agree entirely with the point that you have raised. So, I would like to introduce another perspective with regard to protection of the refugees. Of course, this is something Japan must do for protection of human rights and for humanitarian objectives, but there

is an additional perspective I wish to raise. The refugees who had gone from their home country, for instance at the age of apartheid of South Africa many refugees had gone overseas and under communist regimes in Eastern European countries or under military regimes in South American countries, many refugees had fled and gone overseas. And after transition of the regime in their home countries, they have returned to their home country as new leaders. Sweden might be a typical example of those countries having protected such refugees for many years and the former refugees who became the center of new administration are important asset for such countries.

In that sense, protection of the refugees has a meaning as political investment. As Japanese, we should try to have a deeper understanding of this aspect. So in terms of statistics, I think this is quite evident, and I think this is very easy to understand but we should look at the humanitarian as well as economic and political perspectives and from an international aspect. We should try to engage in international or cosmopolitan thinking. And it is not that we are the ones protecting the refugees but after regime changes, this could lead to national interests for Japan in the long run. And I think the Japanese people, both at the levels of the Japanese citizens as well as the Japanese politicians, should try to deepen that understanding.

There was an opinion that the specific role of Japan should be clarified. From my point of view, I think Japan needs to experience all of what you have described. We are a very large donor, I mean it's going down but we are still quite a large donor. We need to continue to be a large donor. We need to be a good partner in terms of dialogues with various governments and we also need to be intellectual contributor. I don't think we should be just one. Japan is big enough country, strong enough country to be able to play all of those roles.

Multilateral versus bilateral, yes in terms of—there are various issues involved in these. For one, at the United

Nations level, as I mentioned earlier, democracy was a little bit sensitive issue until about, let's say 5 to 6 years ago. Now, it is much more accepted. So at the multilateral level it was much more difficult actually to engage in democracy promotion in a very direct way. But I don't think we should forget that more than 50% of UNDP's budget is in fact used on the democratic governance field. I think there are still very important role that multilateral agencies are playing in terms of democracy assistance.

The thing about the national, the bilateral democracy assistance is—it is prone to more risk in terms of imposing, it is now getting better, but they are national perspectives, national models that can be easily imposed on the recipient countries. I am actually a big fan of multilateral approach not just in democracy building actually, in peace building as well. I think multilateral approach have very distinct importance that we need to remember.

Ambassador Akimoto Professor Aikyo, please.

Professor Aikyo About what the first questioner mentioned, regarding legal assistance by Japan, we provided assistance to Vietnam from 1996 and that was the start of a legal assistance at the government level. Regarding my personal stands, maybe I was not clear but from the very start, I was already suggesting that human rights and democracy should be incorporated but as you have pointed out. In general, I agree that we should be more clear and unambiguous about the human right.

However, last autumn in Uzbekistan as I referred to briefly, we supported the drafting of the administrative procedure law together with JICA of Japan. At the same time, GTZ of Germany was providing similar legal assistance.

Ministry of Justice of Uzbekistan was in charge of drafting the administrative procedures law. The more we discuss the contents became diluted so to say. On the other hand, experts from Germany's GTZ, said that when the

contents are so diluted, you should do away with this kind of meaningless law. That was the stance of the German experts. Now, ourselves, the team from Nagoya University did not take such a stance; even if it is diluted, still if there is a legal foundation in some way or another, it would be better for making the administrative procedures law in Uzbekistan more transparent. We believe it will be a least to step forward or be a foundation for the future. While listening to your opinion, I felt that to make positions more clear on human rights can affect an issue in the real field. So, that's why it is rather contentious and difficult to be determined.

As for the second questioner, I would like to confirm your question in order not to misunderstand. Can you clarify your question please?

Q.2 Legal reform has started and we have started to increase the law schools here in Japan. We don't have a long history in that regard. But going forward if we have more legal professionals, more in number and our students at this moment will graduate and become professionals. You said that you are already dispatching your undergraduate law students to local countries. I believe, the international students studying in Japan are great stimulus and, at the same time, if the Japanese students can go to other countries that will be another valuable experience. So, as you look at the Japanese students, what do you observe in promoting democracy and human rights? And—although we had emphasized on the civil law and commercial law, going forward, do you think our legal professionals would be stronger? There might be an impact of the legal precedents that have been decided in Japanese courts here. There could be linguistic barriers here. But do you think the Japanese students who are learning now would be more advantageous going forward?

Professor Aikyo Thank you. What he has mentioned is related to how our human resources being cultivated at the law schools can be global going forward? There are many

things I would like to discuss on this very important subject, but since time is limited I should try to be very succinct.

Now, the law schools are cropping up in Japan and personally I have no grudge against the legal professionals but at first I thought those who are studying at the newly made law schools probably are not at all interested or not really interested in overseas development assistance or international cooperation. As we started this new law school and when I became in charge of the course on legal assistance to other countries, there are many students who come to my course. What I strongly observe is the younger generation of today and particular the younger generation who want to study in today's law schools, although I do not know the real background or the motivation, but they do really have an open mind towards the international affairs, that is my impression. Then if the younger generations who study law today are interested in the international community, I strongly wish that these people will participate in legal assistance including assistance to in Asian countries in the future.

In my classroom I remind my students that the course on legal assistance is not going to help them in getting through the bar examination but once they do pass with the bar examination what I am going to teach might be very useful in the future. I do give this caveat at the beginning of my courses. Now, specifically what we are thinking at Nagoya University is, after the bar examination and before they know in September whether they have passed, in Vietnam or in Uzbekistan, they could go to universities or the Ministry of Justices or they could go to the Japanese Legal Centers that we have established. They could spend some time as interns and learn a little bit of the legal framework or they could associate with the legal professionals in those respective countries. That is what I am thinking about. Thank you very much.

Ambassador Akimoto Thank you, Professor Sato, please.

Professor Sato Thank you for the first question. I forgot to mention earlier that UNHCR Tokyo Office and University of Tokyo's program on human security—we have experienced of refugee acceptance from Indonesia and we are jointly studying this issue. I assume UNHCR is now lobbying the Japanese government to receive more refugees and we are going to make up report and reference materials for the further acceptance of refugees.

In Japan we have accepted 11,000 Indochinese refugees because of our relationship with United States and in terms of the Vietnam War. This was more passive effort. However, as we have been discussing assistance to Cambodia and Vietnam, in addition to Japanese people who are active on the ground, there are Cambodian and Vietnamese people. They are the children of refugees who are accepted by Japan and also refugees themselves who have fled. Actually, there is a Cambodian who has become Associate Professor of Nagoya University and he is core of legal assistance operations in Cambodia. So, in that way, refugees themselves became real assets, human resources, for Japan's international cooperation. They, including translators and interpreters, are working jointly with Japan in Vietnam as well as in Cambodia. There are refugees who have become lawyers in their countries. They offer a good example that refugees are important human resources conducive to the nation-building in the long run.

We have accepted intellectual elites in the pre-war period and these efforts were occasionally in line with various Japanese national interests. But we should not consider only from the national interests but rather we should have them in our policy-making and consider what specifically can be done and what is realistic, what is practical. And I think former refugees can make contribution when we try to develop our policies and that would lead to better assistance. So, in that sense we are having a joint study session.

Regarding question from the second questioner, how are we going to nurture international understanding in Japan?

This is like a question which is first, egg or chicken. Because today we have some reporters from the media in the audience and I have a friend who is working for a newspaper company and he covers the conflicts and the human rights issues in the world. But even if he sends such reports to Tokyo, his articles are not accepted by the newspaper editor because the newspaper would not sell. This is a business matter. Therefore in that way even if we have a very good articles and reports on human rights issues, they would not see the light of the day as Japanese people's awareness is not very high and mass media is a business. So, it's like a question of which is first chicken or egg.

But we are living age of the internet and we have mailing addresses and people are posting a lot of information on the internet. Therefore, I think using secondary tools we can get information and raise understanding. But in addition to using such secondary tools, Nagoya University's initiative to send university students abroad is very good idea and we would like to see more of this. I hope that there will be more budget in this area and invite the Ministry of Education to be more active.

Also, in order for the Japanese society to accept refugees, —but not only for the sake of refugees because Japan is an aging society and birth rate is declining. So sooner or later I think we have no choice but to depend on immigrant labor force. I sometimes feel anxious when I think of the days I am refined and when I live on my pension and ill in bed. Who is going to take care of me? We have to consider a post-retirement days and without accepting foreigners, we have to build robots to take care of us when we become older. Japan is often said to be a homogenous people but that is one of the reasons why we have been rejecting acceptance of refugees. But I think it is urgent issue but we also have to consider what happens when we accept more foreigners and we have to prepare for those days already from now. We are now starting a joint research project with the IOM. We want to develop a curriculum so that we can

develop a system of caseworkers, and social workers of foreign origin as professionals and this is one of the ways we can cope with aging society as well as problems such as human trafficking. Otherwise, people think they will deport foreign victims of human trafficking as they are not Japanese. However, that doesn't lead to anywhere. Even if Japan promotes "human security" and supports democratization and human rights, we may sound a bit self-righteous without acting on these fronts.

Lastly, the last question, I actually didn't understand the question very well but there are various frameworks where we can provide support both multilaterally and bilaterally. I provided the legal assistance at EBRD in the past. EBRD, unlike the World Bank, has democratization as one of its missions. Therefore countries which do not want to democratize, EBRD does not lend money; that is a rule. And in the process to promote market economy, I was working to promote democratization and protection of human rights at EBRD.

There are other international organizations apart from the United Nations or the World Bank, and also ICC, the International Criminal Court, that I mentioned earlier. I don't have much time to delve on this but in the future developing countries and countries where you find the conflict, rule of law must be built. For that purpose, ICC can be used as one leverage or as one tool. So, we can support ICC activities in that sense.

April last year, Singapore National University organized an inaugural meeting of the Asia International Law Society. It is an academic association which includes academics, professionals and diplomats encompassing the East Asia to India. And through such academic activities we will be able to promote dialogue in the area of human rights and democracy among different parties. This is one of approaches we can take.

And on a bilateral basis, we have FTA/EPA, Free Trade

Agreement and Economic Partnership Agreement, with various countries. Through such frameworks, we are having a dialogue. In such forum we can also focus on human rights and other issues, in addition to economy. We can also establish a monitoring system of human rights. In the Ministry of Foreign Affairs' website, I saw some initiatives in this regard. Therefore, I think it is necessary to make efforts to create a human rights commission in Asia which can monitor human rights and promote human rights.

Ambassador Akimoto Lastly, Mr. Kimura could you try to be brief.

Mr. Kimura As for the first question, for those of us involved in human rights, we must always adopt perspectives of victims and I do understand that he feels that we should always speak from the standpoint of refugees, the victims. As an official in charge of policy, I think we need to think from a perspective how to resolve questions as well as what kind of approach will be most conducive in resolving questions.

The Japanese approach I talked about today is an accumulation of the past track records and of course that in itself might be insufficient. With the "mainstreaming of human rights," we need to disuse how we can expand the perspective of human rights. I made several points on this additional portion in my presentation. And we received new suggestions today and we need to expand such perspectives in our policy. For instance, at the Human Rights Council, of course during the days of the Commission on Human Rights in the past, there was a very sharp conflict between developing countries and developed countries and we could not see progress in debate but "dialogue and cooperation" are the buzz word in the current discussion.

For instance with regard to Myanmar, mentioned earlier, there was a Special Session on Myanmar in the Human Rights Council. Up until to that point, we could not adopt resolutions based on consensus, but all 47 member countries

of the Human Rights Council, were able to reach consensus in adopting a resolution concerning Myanmar. So, we were urging Myanmar to improve human rights situation. When unilateral accusation will not lead any solutions to problems, there were such actions. Myanmar accepted the Special Rapporteur from the United Nations to visit their country, which had not been realized for years. We need to come up with a clear-cut message in the international front. Japan has participated as the co-sponsor from the drafting stage of this resolution.

With regard to the refugees, there are of course various debates whether the number of refugees being accepted by Japan is many or few and I think there are various factors involved. For instance, we look at 2005, 384 applied and 46 were accepted as refugees and from humanitarian consideration, we have also accepted 97. We are accepting a certain number of refugees in the situation when the number of applicants is not too many. But in terms of absolute number, this might be rather small and I think we need to improve this little by little. The Ministry of Justice is in charge of the acceptance of refugees. I think, although it is maybe gradual, there is accumulation of efforts and we also need to have further understanding from the Japanese citizens for us to be able to further expand the number of refugees that are being accepted in Japan.

Lastly, as for the last question, Mr. Rich has spoken about the International IDEA in his presentation today and Japan takes part in the International IDEA as an observer. We are engaged in various dialogues with them. For instance, Professor Sato has also spoken about this today in terms of peace building and human resources development, one participant is being trained by International IDEA. This is one example of our cooperation. And in terms of support for democratization, I think important buzzwords are multifaceted and partnership. So, we need to use bilateral tools as well as multilateral tools and intellectual contribution is one way or partnership with NGOs as well as partnership with private companies and we should discuss

such elements in coming up with results in terms of support for democratization.

Now, looking at the Asian region, within this region, there are various forms of partnerships amongst the NGOs according to my recognition. For instance, with regard to NGOs regarding persons with disabilities as far as I have heard, so they are trying to promote the Convention on Rights of the Persons with Disabilities. And in Korea, a conference has been held and representatives or NGOs from different countries came to attend. The Asia-Pacific Human Rights Workshop has been convened under the cooperation of the United Nations Office of the High Commissioner for Human Rights (OHCHR). And various countries, international organizations, NGOs and national human rights institutions have participated in the discussion. It is not that we are able to come up with results overnight with holding such conferences, but accumulation of such dialogues will lead to results bit by bit. Thank you very much.

Ambassador Akimoto Thank you very much. I believe that you would like to ask more questions but as was mentioned, we have already gone beyond the allocated time. With your permission, we should have to conclude Panel 2. May I thank all the panelists once again for the great contribution.

(The End of Panel 2)

Closing Remarks

Closing Remarks
Ambassador Yoshitaka Akimoto
Ambassador in charge of United Nations Affairs
Ministry of Foreign Affairs (MOFA)

I am very happy that we were able to have an active discussion with the participation of panelists who are knowledgeable in such fields as support for democratization, legal assistance and peace building. Also with active participation from the floor, we were able to have very intensive discussions. On behalf of the organizer of the symposium, the Ministry of Foreign Affairs, I would like to extend my heartfelt gratitude.

Mr. Rich, the Executive Head of United Nations Democracy Fund (UNDEF), delivered the Keynote Speech and first of all he was hoping that Japan would take advantage of its own experience of building a democratic system and continue to support the activities of UNDEF as the leading member of its Advisory Board. Secondly, he also expressed his expectation that the Japanese NGOs should actively involve themselves in activities of UNDEF. Japan would like to actively engage in the decision-making process of the operations of UNDEF as a member of the Advisory Board. We also would like to work on publicizing UNDEF so that the Japanese NGOs will be able to utilize UNDEF.

In the first panel, “The Current Situation and Challenges of Support for Democratization in the World,” the common points which came up amongst the panelists in terms of support for democratization include such issues as a comprehensive approach which encompasses both democracy and economic development aspects, the importance of local knowledge and the empowerment of the civil society. The challenges and difficulties that are being faced in complete terms in support for democratization were also pointed out. These were very important points for Japan to consider what approach should be adopted in terms of Japan’s foreign policy to promote human rights and democracy.

Moving on to the second panel, “Japan’s Foreign Policy for the Promotion of Human Rights and Democracy: Challenges and Prospects,” first, the Ministry of Foreign Affairs official explained the current thinking in terms of how Japan should be acting in terms of foreign policy to promote human rights and democracy. Other panelists firstly have pointed out that for Japan, the players and the tools and the channels for supporting democratization are quite limited and diverse players and tools should be involved in the assistance. They also pointed out secondly that support for democratization should combine technical assistance, financial assistance, and promotion of dialogue amongst the different political forces involved and also mediation. They also pointed out thirdly that we need to actively engage assistance for democratization at the multilateral level such as UNDEF. And fourthly for

cooperation amongst the different civil societies, we need to diversify the activities of Japanese NGOs.

Programs for legal assistance at Nagoya University was introduced in detail. Furthermore, various examples including that of Cambodia was described in terms of nation building including peace building and how we should strengthen human rights, democracy and their consolidation. We have also had questions and comments from the floor that human rights and democracy themselves were quite extensive in scope in terms of concept. Engaging in activities promoting human rights and democracy entails wide coverage both in terms of geography and activities and it is difficult to narrow down the focus of such assistance.

In the beginning of the symposium, I stated that I hoped that today's symposium would provide beneficial intellectual input. I'm sure that today's symposium can be of some assistance to your activities and to your thinking exercise and I hope that this will help you to embrace new perspectives and new approaches. The Ministry of Foreign Affairs alone cannot realize some of the propositions raised by the panelists as well as the members of the audience have come up with excellent propositions. However, we will try our best to reflect these points raised today in the formulation of Japan's foreign policy in the future. We hope to think not only within the Ministry of Foreign Affairs but with the overall government of Japan and going beyond the government with NGOs and civil societies. Thank you very much for bearing with us for many hours this afternoon. I would like to extend my gratitude to the panelists as well as members of the audience.

発表用資料

Presentation Materials
