

# Asian Network for Human Security in Myanmar based on the *UN Global Compact on Refugees* *Business and Human Rights for Responsible Business*

Yasunobu Sato, Professor

Graduate Program on Human Security

2<sup>nd</sup> Lawasia Human Rights Conference 2021

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THE UNIVERSITY OF TOKYO



The University of Tokyo Human Security Program Spring Symposium

# “Human Security in Myanmar: The Impact of COVID-19 and the Role of Japan”

July 10, 2021 11:00-13:00 JST

PART 1 :Keynote Speech

PART 2 :Panel Discussion



**Foreign Minister  
Zin Mar Aung**  
Foreign Minister,  
National Unity Government  
of Myanmar



**Prof. Kei Nemoto**  
Professor, Faculty of Global  
Studies, Sophia University



**Dr. Maiko Ichihara**  
Associate Professor,  
Hitotsubashi University;  
Visiting Scholar, Carnegie  
Endowment for International  
Peace



**Dr. Evan A. Laksmana**  
Senior Researcher,  
Centre for Strategic and  
International Studies,  
Indonesia



**Mr. Romain Caillaud**  
Principal, SIPA Partners;  
Associate Fellow,  
Myanmar Studies,  
ISEAS-Yusof Ishak Institute

**Organizer:** The Graduate Program on Human Security (HSP), Research Center for Sustainable Peace (RCSP) and Research Center for Sustainable Development (RCSD), Institute of Advanced Global Studies (IAGS), Graduate School of Arts and Sciences, The University of Tokyo

**Organizing Partner:** IAGS and Global Studies Initiative(GSI), The UTokyo

**Auspices:** The Japan Association for Human Security Studies, The Japan Society for International Development, The Japan Chapter of Asian Society of International Law, The Society of Researchers for International Development, The Asian Society of International Law

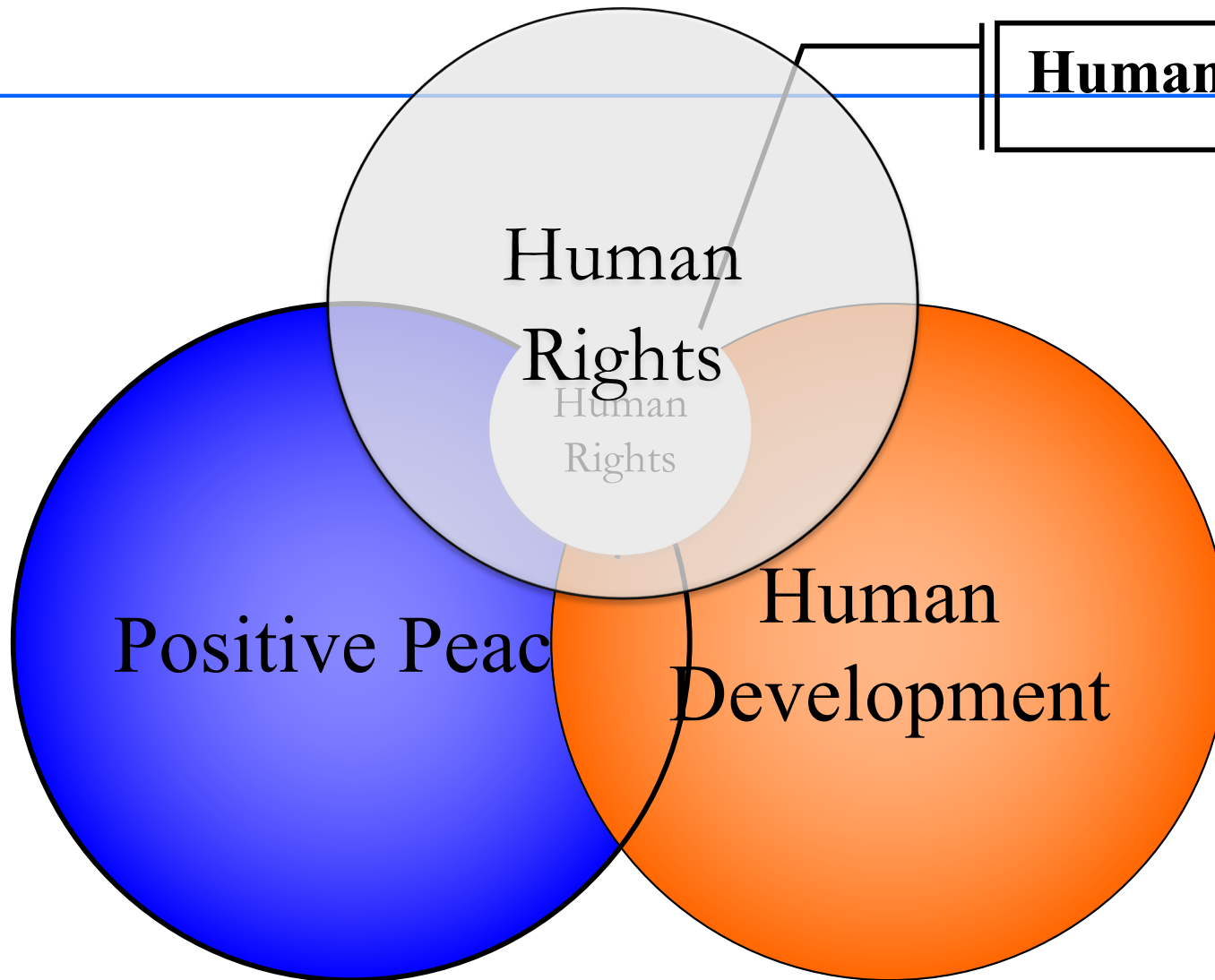
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(Due Date: July, 7)



<https://forms.gle/m5BFmyjzJoXsiyYaA>

The Video is available at the UTokyo TV: <https://todai.tv/contents-list/2021FY/hsp/project>

## Human Security



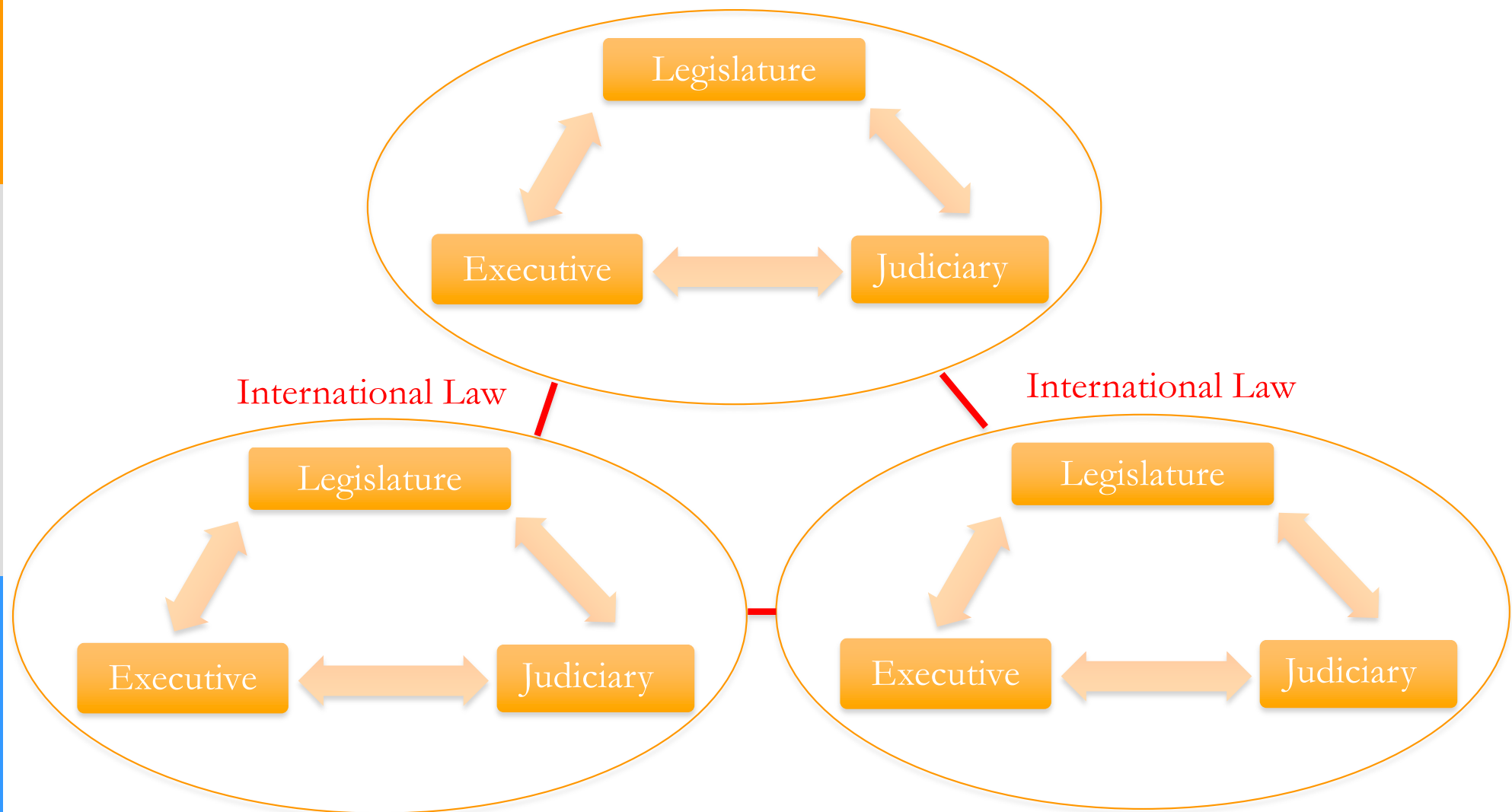


# Network Governance for Human Security

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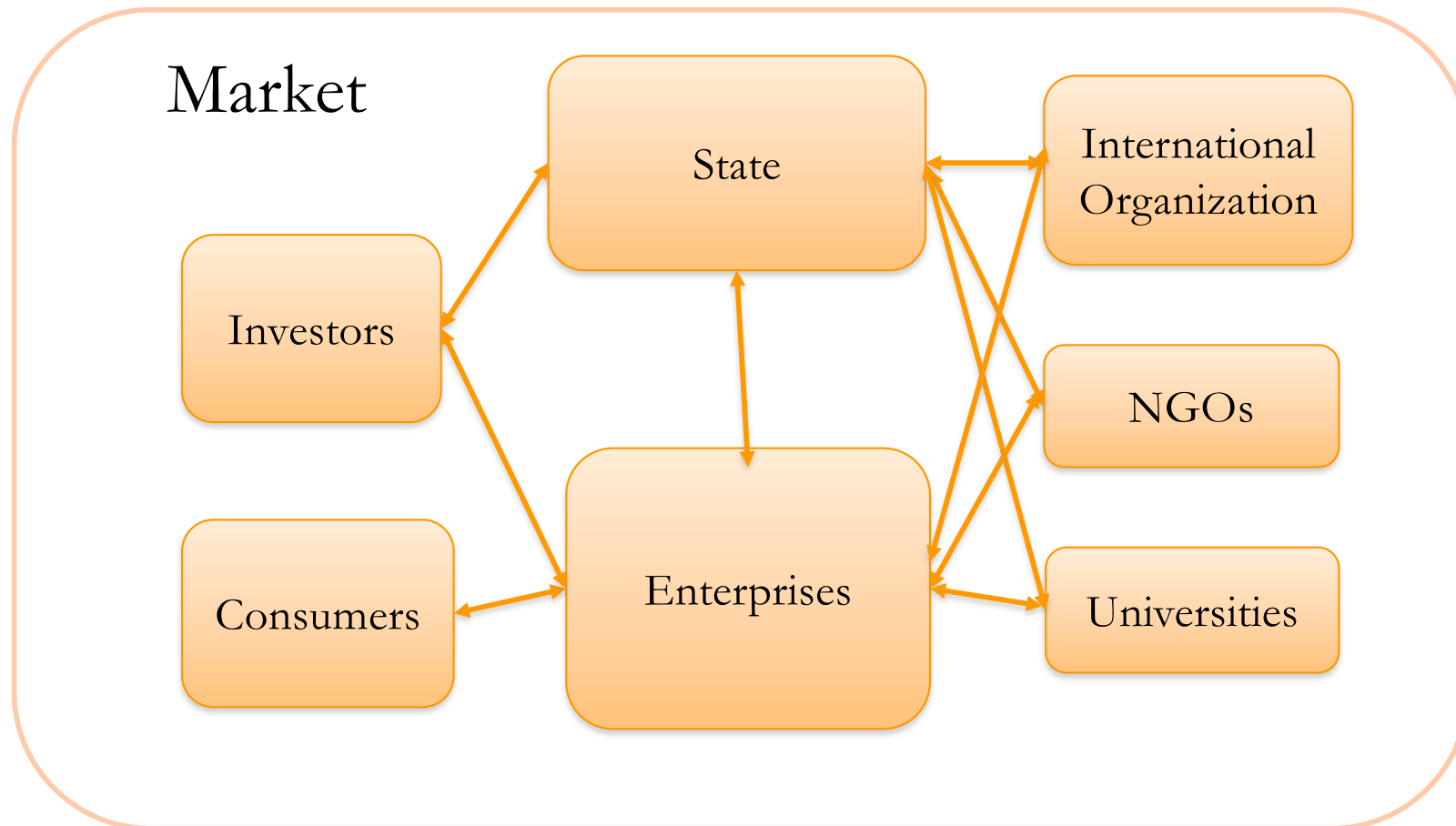
- People/Community-centred Comprehensive and Context-oriented Approach - Care for local vulnerable people
- Inclusive Development/Investment (beyond compensation)
  - Participatory Development (micro-governance cooperation)
  - Ad-hoc Dispute Processing by Stake-holders: local people assisted by local/international lawyers and Civil Society/NGOs with (Mass and Social) Media, Governments/international organizations and Foreign investors, for Accountability
- Preventive Measure by Network of these actors to complement each other for check & balance through traceability: excluding from market by consumers/investors
  - Cf. *The UK Modern Slavery Act 2015*

# Nation-State System to Borderless Market System





# New Paradigm of Network Governance for Sustainability for **Glocal** World



# SDGs, Human Security and Inclusive Business





## SDGs: Goal 16 & 17 = SDG16+

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# Responsible Business by UN Guiding Principles

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## □ UN Guiding Principles on Business & HR

### ■ Background

- **UN Global Compact's** Ten Principles (2000)
- UN Human Rights Council endorsed the Ruggie Report (A/HRC/17/31) in its Resolution 17/4 (2011) for HR Norms 2003

### ■ Impact on Global/Transnational Soft Law

- **ISO26000** on Social Responsibility (2010) : 6.3 HR DD
- **OECD Guidelines** for Multinational Enterprises (2011 Rev.)

# UN Guiding Principles' Human Rights Due Diligence

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- Human Rights Due Diligence (**HR DD**)
  - Protection, Respect and Remedy
    - State Duty to Protect Human Rights
    - **Corporate Responsibility to Respect** Human Rights –  
**Human Rights Due Diligence**
    - Access to Remedy
  - Reputation Risk in Supply Chain
    - **Soft Law** for Monitoring and Partnership among  
Stakeholders (Civil Society: NGOs/consumers, Private  
Sector/investors, States/international organ.)
    - **Network Governance** by Stakeholders

## Case Study in Myanmar (Thilawa Special Economic Zone of Japan)



Source: Nikkei Asian Review, Myanmar to loosen import rules. 28 February 2015

## Causes of the Military Coup

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- The Military's vested interests by foreign investment, including Japanese and Koreans
- Hectic Transition to Democracy has been the threat of the Military to lose this privilege, which was justified for national security
- The Structural Violence turned into the direct physical violence to react the rapid democratization

# How to Protect, Prevent and Solve Myanmar Refugees and IDPs

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- Protect Myanmar Refugees from the Military atrocity by accepting them in the Asian countries
- Effective Sanction against the responsible people along the line of the UN Guiding Principle on Business and Human Rights
- Effective Incentives for soft-landing to be back to the democratic process with international pressure by ASEAN + the Free and Open Indo-Pacific (FOIP) and other regional organisations, such as RCEP consisting of China, Korea and Japan and non-state actors, such as Lawasia



- Effective by market exclusion by consumers and investors for inclusive responsible and sustainable business for vulnerable, including refugees and IDPs
- trans-boundary effect to deal with supply/value chains
- Creation of hard law – national law for extraordinary application and customary law by practice

# Paradigm Shift of Refugee Protection Regime

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## From: International Protection by the Refugee Convention

- Exception to impose restriction of sovereignty not to deport a person without the state permission to stay – *non refoulment* under the Nation State System – national treatment
- No provision for RSD procedure, subject to the sovereignty
- Fixed Negative list

To: Global Inclusion to address multi-stakeholders for sustainability responsibility and burden sharing for human security consultation and review for promotion proactive positive comprehensive for prevention to address root causes

## Global Compact on Refugees- What shall we do?

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- 43. A global academic network on refugee, other forced displacement, and statelessness issues will be established, involving universities, academic alliances, and research institutions, together with UNHCR and other relevant stakeholders, to facilitate research, training and scholarship opportunities which result in specific deliverables in support of the objectives of the global compact. Efforts will be made to ensure regional diversity and expertise from a broad range of relevant subject areas.

## Asian Network on Refugees and International Protection

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- Based on IARLJ: International Association of Refugee Law Judges - IARMJ – Migration Law
- Initiated by Academic cooperation network for refugee protection study and practice in The UTokyo in 2014
- The informal personal independent open-end network started by participants from The Philippines, Korea, Hong Kong and Japan for exchanging information and opinions extending to Malaysia, Nepal, Thailand and Myanmar