JAPAN'S OFFICIAL DEVELOPMENT ASSISTANCE AND ITS IMPACT ON PROMOTION AND PROTECTION OF HUMAN RIGHTS IN BURMA

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A THESIS SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR
THE DEGREE OF MASTER OF ARTS
(HUMAN RIGHTS)
FACULTY OF GRADUATE STUDIES
MAHIDOL UNIVERSITY
2003

ISBN 974-04-4157-2
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Thesis
entitled

JAPAN'S OFFICIAL DEVELOPMENT ASSISTANCE AND ITS IMPACT ON PROMOTION AND PROTECTION OF HUMAN RIGHTS IN BURMA

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was submitted to the Faculty of Graduate Studies, Mahidol University
for the degree of Master of Arts (Human Rights)

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ACKNOWLEDGEMENTS

I would like to express my greatest appreciation to Dr. Sriprapha, who is my major advisor. She provides me with a lot of useful and precious advices and suggestions all throughout all the process of this research. It is not easy to describe how much I appreciate her in words. She is always encourages me to continue to work this thesis and believes in my potentiality to overcome any troubles. I would like to thank her who gives wonderful opportunity for me to learn many things by opening this human rights program.

I am also grateful to Dr. Mike Hayes who accepted being my co-advisor. He generously has kept giving me suggestive and precious advices. I greatly appreciate his kindness and warm encouragement for me. Dr. Sriporn kindly agreed to be my external examiner. I appreciate her of useful suggestions and introducing useful sources.

I cannot forget generosity and kind support of all people who assisted me on the process of the research. They include all the interviewees and those who support by giving useful documentary sources and information.

I would like to appreciate assistance and cooperation of staff members of the human rights program. I am grateful to moral support by all colleagues, who always have always cheered me up and give much energy to go on writing the thesis.

I am in debt to my family. They are special people to me in the sense that they completely understand me, encourage me and believe in me to achieve the goal all the time during my study. Without them I would have not been what I am today. I would like to express one of the most appreciations to them.

I am grateful to every friends and Soka Gakkai International (SGI) members both in Thailand and Japan who give me tremendous energy and encouragement pushing me to final stage of the research.

Finally I would like to express my most sincere appreciation to Dr. Daisaku Ikeda, who is the great teacher of my life. Encouragement from him has been one of the real sources to overcome all problems and troubles throughout my thesis and study in Thailand. His sincere encouragement and teachings inspire the correct direction my study and entire life. He provides me real energy to change myself into person with stronger mind. I would like to deserve this thesis to him.

Assistance and support of all the people listed indeed push me write every single piece of word in my thesis. Any errors and irreverence are my own.

Kaori Kamigori

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ABSTRACT

Official development assistance (ODA) is an official financial flow from developed countries to developing ones through providing goods and services. Its major aims are to contribute by bringing social development and a market economy as well as to provide emergency assistance. In the 1990s the international community gradually tended to pay attention to human rights and democracy in the process of ODA. Japan announced its ODA Charter as the first official policy statement on foreign aid in replying to such an international tendency. The ODA Charter statement calls for protection and promotion of basic human rights and democratization in recipient countries. The purpose of this research was to examine whether Japan's ODA Charter notion on human rights and democratization is effectively implemented. Analysis was made by focusing on a case study of Burma. In Burma, the authoritarian military regime has been powerful and known as one of the most crucial human rights violators, while Japan recognizes Burma as a pro-Japanese country. Japan has been the most generous and important donor to the country from a quantitative and qualitative perspective.

The research revealed the ineffective results and negative impact of the Japanese ODA in helping the Burmese government to survive for a long time. Japan consistently provides ODA to Burma after the Charter in the name of 'humanitarian' aid but without contributing to improve the human rights situation and democratization. The study clarifies Japan's ODA to Burma does not implement human rights protection and democratization promotion due to both internal and external causes. It includes Japan's lack of seriousness in considering human rights politically, economically, socially and culturally. International and regional pressure also influence Japan's aid policy.

These findings suggest that the Japanese government needs to recognize the importance of the human rights idea for all ODA processes and the enormous negative effect caused by assistance without human rights consideration.

KEY WORDS : JAPAN'S OFFICIAL DEVELOPMENT ASSISTANCE / IMPACT/ PTOTECTION AND PROMOTION OF HUMAN RIGHTS/ / DEMOCRATIZATION/BURMA

193p. ISBN 974-04-4157-2

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LIST OF ABBREVIATION

AFPFL	Anti-Fascist and People's Freedom League
ASEAN	Association of South East Asian Nations
BDA	Burma Defence Army
BIA	Burma Independence Army
BHN	Basic Human Needs
BSPP	Burma Socialist Programmed Party
DAC	Development Assistance Committee
EPA	Economic Planning Agency
IFI	International Financial Institutions
ILO	International Labor Organization
JBIC	Japan Bank for International Cooperation
JETRO	Japan External Trade Organization
JICA	Japan International Cooperation Agency
KNPP	Karenni National Progressive Party
LDP	Liberal Democratic Party
LLDC	Least Less Development Country
METI	Ministry of Economy, Trade and Industry
MITI	Ministry of International Trade and Industry
MOF	Ministry of Finance
NLD	National League for Democracy
ODA	Official Development Assistance

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LIST OF ABBREVIATION (Cont.)

OECD	Organization Economic Co-Operation Development
OECF	Overseas Economic Cooperation Fund
RC	Revolutionary Council
SAL	Structural Adjustment Loans
SAP	Structural Adjustment Programme
SLORC	State Law and Order Legislation Council
SPDC	State Peace and Development Council
UNDP	The United Nations Development Program
UNHCR	The United Nations High Commissioner for Refugees
UNIDO	The United Nations Industrial Development Organization
WHO	World Health Organization

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CHAPTER I
INTRODUCTION

1.1. Research introduction

1.1.1 Rationale of the study

Foreign aid developed quickly after World War II. Official Development Assistance (ODA) from developed and industrialized countries to developing countries plays major role in international relations. In accordance with international political and economic transition, aid policies held by donor countries have continuously altered. Until late 1980s, donors enhanced macro economic growth and stability in recipient countries. Economic factors are likely to take priority over other considerations. Since 1990s economic centered conditionality has shifted to newly appearance of conditionalities emphasizing more political element. This reflected international political movement towards democratization after the end of the Cold War. Another influence can be the accumulation of debt caused by mismanagement of foreign aid in many developing countries. The failure of development led to situation where many donors start to pay attention to concepts such as democracy, human rights and good governance.

After the World War II, Japan as a defeated nation started to construct the country and received financial support from international organizations. While Japan was provided loans from the World Bank between 1953and 66, it became one of the donor members in 1954. Japan's giving ODA started as the reparation program of the War. It resulted in aid destined for Asia exclusively. In Japan, ODA has been called 'economic cooperation' for many cases rather than development cooperation and economic growth and inducing market economy is most strongly promoted throughout Japan's aid orientation. While Japan belongs to donor community called Development Assistance Committee, which mainly consists of Western countries, it locates in Asia geographically. It contains historical and cultural background that has strong relationship with Asian countries.

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Moreover, mainly from security and economic reasons, assistance to Asia annually reaches about half of whole Japanese ODA. Thus Japan's position can be delicate being between West and East pressure in making decisions and policies.

Moreover through 1990s, Japan has been top donor quantitatively. And not only its large scale of ODA is crucial but the most critical problem is in the quality of it. Being in such complicated situation, Japanese cabinet adopted its ODA Charter in 1992. In the Charter, beside prohibiting aid for military purpose and making environmental consideration, it also states the efforts for promoting democratization and securing of basic human rights and freedoms in recipient countries. Japan's ODA Charter stipulates that "full attention to efforts for promoting democratization and introduction of a market-oriented economy, and the situation regarding securing basic human rights and freedoms in the recipient country". For the first time Japanese government publicly announced the support for human rights. The Charter formally introduces support for them. The implementation of human rights notion stated in the Charter is worth exploring through in-depth study. In order to do so, Japanese aid in Burma is selected. The selection is based on the fact that Burma has internationally received strong criticism on its human rights violations and reluctant democratization process as well as is the first country to receive Japan's aid as reparation of the War in 1954. Japan has continuously been the biggest donor country to Burma same as some other Asian countries such as Indonesia and the Philippines. The significant difference of Burma with other recipient countries is that its military regime has controlled the country for more than four decades. The authority has devastated every industry to some extent and exhausted originally wealthy resources. Demand for democratization is completely suppressed.

When the military regime set up State Law and Order Restoration Council (SLORC) in 1988, Japan terminated aid to the government following other donors. However Japan recognized the government and restarted resumed aid to more oppressive regime not later than five months after freezing of aid. In Burma, democratic movement is completely

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denied and there are a number of reports about human rights violations of people's lives. It is important to examine whether Japanese ODA to the military government contribute to improve human rights situation. The in-depth study of Burma is significant in the sense of suggesting that Japan should recognize the reality of implementation of its own Charter. It is valuable to inspect how Japan who formally announced promoting democratization in recipients can at best support human rights of people in Burma. Along with Japanese ODA provision for more than four decades may have certain positive impacts on the development of Burma. On the other hand, there is an assumption that implementation of human rights protection and promotion in ODA is not satisfactory. In this research, focus falls on human rights point of view. The study explores rather negative impacts caused by Japanese ODA.

1.1.2 Hypothesis

The inclusion of human rights component in ODA provisions does not necessarily guarantee its implementation or positive impacts. While Japanese ODA Charter prescribes human rights element, other interests still strongly prevail, not human rights. Human rights criteria in recipient country are not considered as prime concern in Japanese ODA orientation.

1.1.3 Objectives of the study

1.1.3.1 Main objectives

The general objective of the study is to examine the causal link between Japanese ODA and the promotion and protection of human rights as well as democratization in Burma.

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1.1.3.2 Specific objectives

1) To explore if Japanese ODA supports the promotion and protection of human rights as stated in its ODA Charter in the case of Burma in particular.

2) To study how Japanese ODA actually works in Burma.

3) To examine the impacts of Japan's ODA on human rights and democracy in Burma.

4) To look at the possibilities how development assistance can be supportive to human rights in Burma.

1.1.4 Research questions

The study will address questions as follows in order to achieve the above-stated objectives.

1) Why does one country provide ODA to another country?

2) What contribution can ODA make in a recipient country?

3) How Japanese ODA Charter is implemented in Burma?

4) Whether Japanese ODA contributes to human rights in Burma?

1.1.5 Methodology

1.1.5.1 Overall research design

The research was carried out by mainly documentary research. This study focuses on ODA transaction from Japanese government to counterpart in Burma from human rights policy perspective. Since the focus goes to examination of Japan's behavior as donor country in implementing human rights notion, it is inevitable to look into the official document in detail: policy statement and relevant documents concerning Japan's ODA general as well as specifically Burma. Apart from official document, there are diverse secondary literature discussing Japan's ODA and assistance to Burma made by broad range of people. Besides information from written papers and internet, interviews

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were conducted in order to deepen the theme. Therefore the study consists of policy research, documentary research and interviews with various people who directly and indirectly relate to Japan's ODA to Burma.

1.1.5.2 Policy research

Since the study aims to examine Japan's ODA policy implementation on human rights and democratization, it is significantly important to refer to official documents published by ministries and public institutions. This research includes annual ODA report, economic white paper, diplomatic blue book and so on published by various organizations dealing with ODA. The research in this category shows demands for policy establishment. It also provides outcomes of implementation after policy announcement. The information can make the study solid and firm.

1.1.5.3 Documentary research

The documentary research continued throughout writing up thesis. It should be necessary to collect broad range of information from Japan's ODA and her foreign policy to Japan-Burma relations and Burma's political environments. Secondary material is necessary in order to develop argument and analyze Japan's ODA implementation in terms of human rights contribution. The secondary research contains both positive and negative argument and has effect for balancing with policy research.

1.1.5.4 Interviews

Throughout the research main focus goes to Japan's policy implementation concerning human rights and democratization. This led to interviews more with decision makers and aid organizers than actual receivers in recipient country. In order to understand different opinions toward Japan's ODA to Burma, discussion with people whose background and working field are different. It was held with Japanese administrators

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dealing with ODA, Japanese NGOs which are critical about Japan's ODA and Burmese activists in opposition movement. When having interview with any target person, there made previous study on the organization and detailed questions and issues to raise on the scene.

In the Ministry of Foreign Affairs there is one section named economic cooperation bureau which plays central role in deciding and managing ODA operation. Interview with the Foreign Ministry personnel who is familiar with ODA to Burma clarified what was the motives to keep continuous support to Burmese government whose human rights record was internationally criticized from official diplomatic perspective. Another point to be raised was the current system that cooperates with four ministries/agency. In terms of efficiency of aid operation and effective implementation of the Charter especially human rights support, it was asked how the Foreign Ministry consider and what kind of action it was willing to take against other actors.

There is a Japanese NGO named Mekong Watch who has been active in protesting current Japanese aid such as environmental ones. These NGO workers tend to have their own strong view against Japan's aid to Burma. Mekong Watch is based in Tokyo but person in managerial level often travels around Asia for research. The interview with person who is specialized in Burma was made. The possible negative impact or influence containing Japan's ODA to Burma was explored. It also was asked the relationship between NGOs and aid in the future regarding human rights promotion.

1.1.6 Definition of terms

ODA Charter: In 1992 Kaifu cabinet submitted Japan's ODA guideline to the parliament as ODA Charter. It publicly clarifies Japanese ODA policy for the first time. Japan had been criticized both inside and outside the country due to lack of clear policy in aid provision. This announcement is response to this criticism. It is considered that ODA conducted by Japan should follow the Charter.

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In the basic philosophy part, it clarifies humanitarian approach and interdependence, environmental conservation, maintaining world peace and support for self-help efforts. There are consideration of four principles described: (i) pursuit in tandem of environmental conservation and development, (ii) avoidance of any use of any use of ODA for military purposes or for aggravation of international conflicts, (iii) full attention to trends in recipient countries' military expenditures, their development and production of weapons of mass destruction and missiles and their export and import of arms, etc. and (iv) full attention to efforts for promoting democratization and introduction of a market-oriented economy, and the situation regarding securing basic human rights and freedoms in the recipient country.

Japan International Cooperation Agency (JICA): JICA was established in 1974 as practicing agency for realizing policies made by Ministry of Foreign Affairs concerning ODA. It deals with projects of technical cooperation and grant aid. Both of them are included in bilateral grant category of ODA. JICA's programs are: (1)technical cooperation (include training in Japan, dispatch of experts, provision of equipment, comprehensive project-type technical cooperation and development study) (2)dispatch of Overseas Cooperation Volunteers (3)training and recruitment of qualified personnel for technical cooperation (4)survey and administration of grant aid programs (5)development investment and financing (6)support for Japanese emigrants and (7)disaster relief. More than 90 percent of JICA's budget comes from Foreign Ministry annually. Other sources are from Ministry of Economic, Trade and Industry and investment.

Ministry of Economic, Trade and Industry (METI): In 1951 Ministry of International Trade and Industry (MITI) was established after revival of Ministry of Commerce and Industry in 1946. MITI was reorganized to METI in 2001. METI has focused economic aspects of Japanese society, especially industrial and commercial development. METI plays central role to promote enterprises' development existing both in Japan and abroad. Development of METI providing business information and

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opportunity reflects importance of economic growth as well as Japanese history of economic expansion after the War.

METI initially formulated non-concessional economic policy until Economic Cooperation Breau in Foreign Ministry was established in order that economic cooperation can be utilized more in foreign policy. It is said that "MITI tends to consider Japanese commercial interests a priority in policy-making" (Orr & Koppel, 6). Currently METI conducts ODA through several types of cooperation. Aid from METI covers categories such as bilateral, multilateral and private sector initiative. The purposes of assistance are: promotion of technical cooperation, implementing measures for promoting of investment and trade and response to debt reduction of LLDCs. Projects are conducted by various Japanese and international organizations depending type of cooperation, for instance JICA and Japan External Trade Organization (JETRO).

Sogo Shosya: Sogo Shosya is a Japanese word which means 'general trading company'. Sogo Shosya cover large scale network that facilitate not only in Japan but also all over the world. There are trading companies with long business history as Zaibatsu, which have controlled financial and political circles such as Mitsui. They are not just trading company promoting import/export beyond Japan. While they play key role in Japan's extraordinary economic growth, they have strong connection with ODA. When potential recipient country asks aid to Japan, Sogo Shosya is powerful enough to influence the country in finding specific project and being approved. At the same time they have firm relationship with decision makers in Japanese bureaucracy. Thus they can receive favorable decisions for increasing their commercial interests.

Sunshine policy: This is a word to describe Japanese foreign policy toward Burma especially from late 1990s. It comes from a fairy tale of 'The North Wind and Sun'. By naming sunshine policy, Japanese government implies that warm sun light is better strategy to have a traveler (that is Burma) taken off his coat rather than cold strong wind by which the traveler needs the coat. The policy shows a position of Japan that soft and friendly

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dialogue towards oppressive regime can lead to the realization of democratization smoothly. Japan appeals that she takes positive sanctions rather than negative sanctions done by such as the U.S.

1.1.7 Structure of the thesis

In order to answer stated research questions and examine above hypothesis, the thesis is divided into five chapters. The chapter one introduces the research project, the concept of ODA. Providing assistance to developing countries is regarded as duty of international community from legal, moral, economic and political reasons. Next it examines the relationship between ODA and human rights, democracy and good governance idea. Global tendency has indicated that more and more human rights element appears in ODA operation. Human rights idea can be found in development debate, democratic principles and good governance implementation. It demonstrates conceptual framework stressing the interrelationship of those thoughts.

Chapter two narrows the focus on Japan's ODA policy and its characteristics as well as historical development. The chapter provides basic background. It explains ODA has developed in accordance with Japan's own economic development path and worked as significant diplomatic tool. The ODA Charter from 1992 is the most crucial policy guideline, which stipulates human rights element.

Chapter three selects particular case of Burma and elaborates how Japan's ODA is utilized for the recipient. Japan's ODA to the country started as War reparation. Japanese aid policy changed reflecting Burmese political change. In 1988 most of Japanese aid was cancelled but next year Japan resumed its aid after recognition of SLORC regime. Despite international criticism against Burma's human rights record and reluctant democratization, Japan has continued its ODA. General approach of Japan's ODA to Burma is examined. Chapter three also analyzes specific projects taken after 1989 resumption.

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The analysis of Japanese ODA toward Burma will be discussed in chapter four. The chapter looks into various factors to examine whether Japanese ODA contributes to human rights protection and promotion in Burma. They are divided into three different categories, which are elements caused by Japanese, international and Burmese contexts respectively. It argues ODA to Burma does not implement it and even results in supporting military government. Conclusion part restates the nature of Japan's ODA to Burma and aid operation particularly of 1990s. Recommendation is included in the chapter.

1.2 Concept of ODA

1.2.1 The Definition of Official Development Assistance (ODA)

ODA is covered by development aid, which is broader category of aid including other official flows such as joint financing in collaboration with private sector. And foreign aid consists of development aid and non-development aid, which is not intended for developmental purposes such as military aid and loans only at commercial rates. The DAC of the OECD defines ODA as resources transfer fulfilling following three criteria: 1) ODA must be provided by official agency of the donor. 2) the objectives of the assistance must be mainly to promote the economic development and welfare of the recipient country. 3) the aid must be sufficiently concessional to avoid becoming heavy burden on the developing country and must convey a grant element of at least 25%.

ODA can be distinguished by project or program type aid. While project type indicates the direct financing for single specific development plan, program aid composes of several projects and is comprehensively facilitate broad-based economic structuring programs. Besides, ODA can be divided into tied or untied. Tied aid is that recipients can purchase goods and services from specific donor countries while untied aid does not specify countries selling necessary goods and services for recipients. It can be said that ODA is one type of foreign aid framework. Aid transfer satisfying several conditions can be categorized as ODA. The term ODA comes from definition by 1969 OECD. It

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recognized that the term exclude money collected from NGOs, should exclude not for development purposes and should exclude loans only at commercial rates that conferred no concessions on the recipients. Calvert also points that state action is vital although government aid is "often very little for development purposes" (Calbert and Calbert, 2001:223). Foreign aid as a whole can be defined as "transfer of goods, services or investment capital from one state to another wither without charge or at a rate somewhat below the market price" (Berridge, 1997: 119).

1.2.2 Reasons for foreign aid

There are several rationales for giving foreign assistance from some different perspectives. Here it develops four reasons why foreign aid including ODA should be provided from developed countries to developing ones. Firstly international legal norms and documents that mention on foreign assistance are taken. Next focus goes to a reason from morality thinking. Final reason for aid derives from economic one. Economic consideration is one of the major objectives of aid, that is, achievement of economic development in developing countries. At the same time it explains the necessity to interrelate economic and political factors.

1.2.2.1 International moral norms as a reason for aid

There are some theoreticians who have doubt whether there is a common international standard of morality. They consider ideal notion expressed in UDHR cannot have constant important connotation to all countries due to diversity and various difference of culture.

There can find notions on international cooperation in following international instruments. Some considers that international cooperation is a vague expression and can take many forms other than foreign assistance. The examination depends on interpretation of people and state. Rest of discussion is one way of interpretations. The ground for

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foreign aid is found in the notion of the Charter of the United Nations. The principle of international cooperation is in Article 55 and Article 56. Article 56 states that "all members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purpose set forth in Article 55." It is notable that the Article 56 should apply to member states rather than the UN. On the other hand Article 55 specifies the obligation on the UN not the UN member states. The stated purposes to be promoted by both the UN and member states deal with problems such as international economic, social issues and human rights. The UN Charter has promotional characteristic rather than contains clear language of duty or obligation explicitly. However the importance or significance of international cooperation is surely true of aid.

Establishment for the UDHR made a break with the limited notion of standard setting. It is recognized that UDHR as representative of the international human rights as a whole. And at the bottom of the UDHR, there can find "the phase a 'common standard of achievement' that brands the Declaration as an attempt to translate rights into ideals" (Winston, 1989: 127). The UDHR is not enforceable but merely a moral value. But Vasak agrees with Cassin in emphasizing that legal value of the Declaration exceeds that of a simple recommendation in view of Article 56 of the Charter (Vasak, 1982: 24). In looking at the Articles contained the Declaration, there are indeed some statement in relation to international cooperation.

First relevant notion is in Article 22, which states "everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation… of the economic, social and cultural rights indispensable for his dignity and the free development of his personality". Morsink emphasizes all of economic, social and cultural rights and all of these other more specific rights are international in the sense that their realization after calls for the kind of 'international cooperation' not only limited in the duty of each country separately (1999: 84). He calls these specified rights as special international rights. Originally the economic and social

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rights were purely national problem and with emergence of Article 22 the international cooperation came to satisfy its necessity. At the drafting stage of Article 22, it recognized engagement of discussing the rights of the individual as a member of society and resulted in calling attention to the need for establishing the kind of economic and social conditions that would guarantee those rights (ibid: 225). Article 22 and Article 28 are twins. They contain same international cooperation notion but have difference about rights concerned. While Article 22 focuses on realization of new rights, that are economic, social and cultural rights in particular, Article 28 includes other rights.

International Covenant on Economic, Social and Cultural Rights (ISESCR) explores statement of economic, social and cultural rights referred in UDHR. The Covenant is said to be "the most prominent instruments from which transnational human rights obligation may be established" (Skongly, 2002: 790). The striking features given by the provision of ICESCR are stated particularly in Article 23 and Article 2(1). Article 23 implies transnational dimensions is put importance for fulfillment of concerned rights. Article 23 states that "the States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance…".

As to Article 2(1) it stipulates that "each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant…". It recognizes significance of international assistance. This Article also clarifies rights oriented approach. The statement leads to make states acknowledge human rights obligation, which should not be able to be neglected (Spilopoulou, 2001: 526). Similar with Article 2(1), Article 22 is worth taking here because of notion of technical assistance. This Article refers technical assistance as the international development

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cooperation, which should promote economic social and cultural rights. Alfredsson points out continuous study of the integration of these rights into technical cooperation activities has been made by various actors, that are, international actors, national agencies and NGOs (2001: 474). There can be found some statement of international cooperation for realization of economic, social and cultural rights.[1] Thus, in conclusion importance of international cooperation and role of states beyond borders are recognized in customary law, treaty law and soft law.

1.2.2.2 Moral obligation

Apart from the legal notion of moral international cooperation as necessary, further discussion about the idea of morality is given in this section. In considering the reasons why a country gives aid to another country, an idea based on morality plays a certain role. As shown in the above legal documents, morally motivated international cooperation is promoted and assumed necessary. Particularly in European countries, foreign aid is historically rooted by altruism in some sense. This emphasizes the spirit that those who 'have' must have a certain moral duty for those who 'have not'. Actions are subsequently required to help people and countries who face troubles and problems. Moral responsibility derives from a motivation to benefit another's interests, not from self-interest. Moral arguments also discuss the problem of inequality in the world. Decreasing and alleviating inequality consists of a rationale for aid from a moral perspective. Some thinkers affirm that particular countries have a moral obligation to international cooperation.[2]

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[1] The United Nations Committee on Economic, Social and Cultural Rights, General Comment 12 (UNDOC. E/C. 12/1999/5).

[2] This claim can be found in the following authors writings: Annan, Vincent, Tomasevski, Burnell and Rawls.

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While those who support the idea of morality as in international obligation, there is some difference among these thinkers. Tomasevski claims it from a human rights approach. International cooperation is a method for the implementation of human rights obligations which entails public investment for the purpose of social service and social protection (1989: 171). One of sources, namely Burnell holds that "humanity is to relieve suffering and distress" (1997: 48). This reflects an attitude that a happening in another country is also matter of concern to us or our country. This can be described as an "obligation to pay equal consideration to each others' interests" (ibid). Even without the obligation of distributive justice, a certain minimum duty to simple humanity should be thought to exist (ibid.: 62). The other idea comes from Rawls' principle of moral obligatory. This stands for the idea that all primary social goods such as rights, liberties, opportunities and income should be distributed equally unless an unequal distribution would be to the advantage of everyone including the least well-off (ibid.: 49).

1.2.2.3 Economic and political considerations

Foreign aid is concerned with economic dimensions. Since the end of World War II, world economic principles and institutions have been very important for the economics of member states of the international system. And world economic regimes are of enormous political significance. Economic consideration has always been the major motivation to give aid in that economic growth is considered as the basis for developing a country's stability and prosperity. That poverty problems have increased in scale and has been established as ODA's major concern. Foreign aid in most cases takes into account its economic effect on development of the recipient countries. While ODA has a clear objective to achieve economic development in recipient countries, overall the international economic regime "was naturally shaped by the most powerful states of the nineteenth and early twentieth centuries, that is to say, the advanced capitalist states of Western Europe (especially Britain) and the United States. They had the power and they constructed the

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system to suit their interests" (Berridge, 1997: 24). The Bretton Woods system clearly shows who are the powers in international monetary management, the same ones who existed in keeping with the original plan.

In 1960s and 70s, there was widespread belief in the trickle-down theory. This theory believes that transferring and distributing aid from developed countries to developing ones is sufficient to bring the recipients development. This mechanism argues absolute priority for resource generation and refrains from looking into factors which determine income distribution. In this mechanism, it is considered that the more a country's income distribution is skewed in favor of the upper-income strata, the greater will be the savings and hence growth rates increase (Emmerij, 2002: 249). It derives from the notion of the "Kuznets" hypothesis, which claimed that as per capita national income rises from low initial levels, inequality first rises and then falls, giving rise to inverted U-shaped relationship between income and inequality (Osmani, 2000: 87). However, this model originated from the experience of developed countries and did not apply to the circumstances in 1960s and 70s when there was skepticism on poverty decrease. On the relation between equality and growth Kuznets U- shape is criticized a lot due to growing inequality during dramatic economic growth as in Brazil. Pronk's analysis is that benefits of growth may occur to the poor through trickle-down effects, but often only if additional parallel or subsequent action is taken. Such action will be dependent both on the resources available and on whether the policy environment is conducive to growth only, or also to poverty reduction. Aid can thus affect poverty through channels other than investment and growth (Pronk, 2002: 624). It is claimed that the well-balanced development model, not only concerns economic growth but that attention to social aspects is also desirable.

The reality of trickle-down theory tells us that donors like the U.S. and Japan believe that transferring resources to impoverished developing countries directly contributes to economic development. Such an idea was conveniently made use of to increase the donor's benefits. The failure of trickle-down theory is clear. It did not bring

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any solution for poverty alleviation among developed and developing countries and rather accelerated inequality among the poor in the Third World. Such deterioration must come from the donor's irresponsibility. Fundamentally, they gave aid based on their own interests to expand economic benefits. In looking at Japan's ODA, it is shown that Japan was the very member of donor group who pushed economic interest through ODA provision. Japan consistently promoted large scale-infrastructure and induced huge amounts of resources by developing countries under the name of recipient's development. Concentration on economic interests was the real reason of donor's giving ODA.

Apart from the economic reason, the political factor has been another real reason why donors give ODA. ODA developed dramatically after the end of the World War II. For the modern history after the war, one of the crucial concerns was the Cold War. The conflict among West and East largely influenced the ways of providing ODA and its destination. During the Cold War era, Western donors restricted the giving of ODA to socialist countries. Donors on each side of the Cold War put their efforts in order to expand their power and strengthen their allies. ODA was used as a political instrument for securing a donor's political interests. After the end of the Cold War, the victory of democracy appeared. After corruption of socialism of the Eastern states, ODA is now likely to be used for supporting democracy and human rights openly. The form of ODA which focused on improving the economic area was seriously set back as shown by the failure of the macro-economic arrangement. ODA needed another direction to pursue instead of concentrating on economic performance. Around the beginning of the 1990s the political element emerged as an alternative consideration and received more attention gradually. The political factor plays a more and more important role in terms of the promotion of democracy, good governance, and human rights in ODA operations. This change of focus on foreign aid can be seen from 'first generation conditionalities' to 'second ones'. The former reflects assistance to SAP/debt relief and aims at macro-economic liberalization. The latter emerged during the 1990s and consists of

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components such as democratization, human rights, and good governance. Donors such as the U.S. sometimes utilize these criteria as a conditionality tool in providing their ODA. The political factor can be a powerful tool for donors to make recipient countries reconsider or change their own policy and behavior for the purpose of enjoying ODA from abroad. It would be accurate to say that the political reason also belongs to one of the reasons of ODA provision.

1.3. Relationship between ODA and human rights

Aid is said to have a positive impact on development only in the presence of good policy, but aid itself does not necessarily affect policies for the good. Aid may cause a harmful impact on policy. Good policy, in itself, is seen as relative to various factors in transition such as a country's resource whether absolute or static.[3] However to make good policies should be the objective of development. The role of foreign aid is not to create development but to help promoted good policy to accelerate the emergence of good results. There is an assumption that aid can work as a catalystic function for development. Pronk states concisely that aid does not create development, but it does help in seeking, finding, choosing and following the right development path (ibid.: 627). In an aid policy special focus on social harmony, political stability and peace is required as the precondition for pursuing economic growth. The same argument that aid can be an asset or a debt is made by Nasution. Only if aid is utilized effectively can it be an asset. Good policy or good aid can be applied by giving human rights consideration.

It should also be kept in mind throughout the issue to promote national ownership and responsibility of recipients without compromising the poverty alleviation objectives especially in weak states (Martinussen, 2002: 275). The catalyst discussion theoretically gives a positive message and emphasizes the neutral role of ODA. The aid actor's good

[3] There are four considerations in the policy of the recipient country. They are definition, flexibility, specificity, and better policies (Pronk, 2001: 626).

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intention and policy are necessary in order to bring a good consequence. Consequence depends on the use of ODA, not ODA itself. Some consider that this theory is understandable and reasonable, but the reality has not followed the theory. It is shown that most cases do not reflect this theory due to the lack of the desirable policy in reality. The argument shows to some extent that donor's attitude and actual operation of development aid are likely to be imperfect and never reach the best form. Lack of understanding the recipient country fully and respecting their ownership seem to exist as major obstacles to promote better form of aid transaction. The aid catalyst debate indicates that the way aid is used is the key for bringing the right path of development. The connection of human rights and ODA has received more attention for a decade. The recognition of the importance of human rights concepts in aid is found as a tendency of 1990s as mentioned in the following sections.

1.3.1 Human rights in democratic principles

Promotion of democracy has received more and more attention and has played a considerable role in international assistance as one of ODA's objectives. Democracy can be defined by judging when every citizen is committed to expressing his or her interests and opinions in public discussion (Laakso, 1995: 217-8). The essence of democracy is public discussion and a questioning attitude which provides the foundation of emancipation as well as a just society. Democracy can be regarded as a set of processes for choosing rulers and exercising participation for public discourse. Democracy works justly through examining the interplay of actors and institutions (Held, 1996: 335). When we look into the interrelationship between institutions and actors, this raises two indispensable

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conditions. These are the people's participation or consent and equality among them[4] These two principles describe the 'deliberative' model of democracy as the best way. This model consists of inclusion and political equality. In deliberative democracy, it is to "think about democracy from the point of view of an interest in a politics of inclusion and promoting greater justice" (Young, 2000: 26). The feature of inclusion highlights a diverse model of communication. The deliberative model promotes diverse communication from the point of view of respecting each person's dignity.

Democracy with these principles would be one of the most important objectives n ODA provision. At least in theory the position of ODA increases more and more when it promotes democracy in recipient states. It is broadly acknowledged that ODA should be utilized in the way of contributing to bring and promote democracy. Such assistance can include support for elections, establishment of public institutions, and preparation for their management as well as cooperation for democratic legal settings. Democracy is considered as the right path for recipient states to pursue.

To talk of establishing and maintaining democratic systems has very much to do with economic development. Economic growth has a large influence on the process of democracy. The economic element was the most important objective in giving ODA. In he case of Japan, better economic performance and growth of recipients has been the top priority throughout the ODA process since its beginning. Large parts of Japanese ODA programs include the economic infrastructure. The Japanese government has believed that the development of the economic infrastructure is very effective for the comprehensive development of concerned recipient countries. Other states such as South Korea and Taiwan show a similar path. In these countries, the progress of democracy was successful

[4] These two principles derive from the core idea of democracy: 'rule by the people'. Concerning participants, as the numbers of them increases, some factors would contribute to undermine democratic mechanism. For instance, universal suffrage has reduced the incentives for privileged elites to participate in democratic politics (Inoguchi at el, 1998: 4).

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following economic growth and development. It is said to be true that economic growth is one of necessary conditions for achieving sustainable democracy. Economic growth of a state plays an important role and improvements in economic development would increase the pace of democracy. This also increases the consciousness of broad range of people. Assistance focusing on economic development is one means for bring the democracy.

However, it should be noted that the model that economic growth naturally brings democracy is not absolute. Singapore is an example. This state has recorded and achieved high economic development but is far from a democratic country due to its authoritarian national policy. The implementation of democracy through ODA depends much on the circumstances of the recipient countries rather than donors. Regarding Japanese ODA, especially before 1990, the major focus went to economic growth typically in large economic infrastructure. From that time on, democracy as a purpose of aid received more attention. More donors recognize that ODA can and should be utilized as a way of promoting democracy. Economic growth remains an objective of ODA but recently some writers claim that both donors and recipients aim for economic growth for promoting democracy, not economic development for pursuing only economic growth. The economic factor is the important point in considering the situation for democratization. But when ODA is provided, stakeholders of aid should hold a position that economic growth is only a condition for the ultimate goal of promoting and maintaining democracy. This means that in pursuing economic growth, democratic consideration will be intentional such as avoiding inequality of distribution and including broad participation.

In a democratic country containing the above principles, the human rights element is found. Beetham holds that democracy requires certain conditions to function: principles, institutions and human rights including civil, political, economic, social and cultural rights. These connect one with another intrinsically (1999: 92). Looking into the relationship between democracy and human rights, it is not difficult to see civil and political rights directly affect a sustainable or desirable form of democracy. Yet the connection between

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economic, social and cultural rights and democracy seems to be more complex than in the case of civil and political rights. It is argued that failure to protect economic, social and cultural rights damages democracy in a number of ways. For instance, crucially enough, unsatisfaction of rights undermines the citizenship status of those deprived. Another result is that it deteriorates the quality of public life for all through a lessening of security (ibid.: 102). The discussion so far explored multi-dimension of democracy.

1.3.2 Good governance concept and human rights

Another contribution that ODA can promote goes to the promotion of good governance. Donors consider that along with pursuing democracy through ODA the good governance element plays a necessary role to emphasize the transparency of a democratic system. The background for good governance appearing is the impact of structural adjustment programme (SAP) and the corruption of communist regimes.

As to the principles of good governance, the following standards as operational guidelines are often raised: public sector management, legal framework for development, accountability, and transparency. Public sector management deals with civil service reform such as removing functions and retrenchments of civil servants. Concerning this principle, the good governance approach of the World Bank is criticized as being occupied with this kind of reform and reduction of transaction costs and contract enforcement (Weiss, 2000: 804 Kjœr and Kinnerup, 2002: 3-4). A legal framework for development entails a structure of rules and laws governing civil and private behavior and limiting state power. Accountability does not only mean supporting financial accountability but also entails decentralization and participation. Through citizen participation, “people want to require the power to do things for themselves and to be able to engage both state and market in a constructive way” (Morales & Serrano, 99). As long as people lack involvement in the political process, the orientation goes along with a false consensus. Hope exists in demystified approaches with political actors, who insist on accountability of all regimes

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(Schmits, 1995: 78). Finally, transparency and information, which relate to accountability, are essentially about what is necessary to build a competitive market economy. Information about budgets, markets and government intention is reliable and accessible to all (Leftwich, 1994: 372). Transparency plays a role in calling for open government to limit corruption as well as to stimulate the consultative process in government and private interests over policy development.

The significance of the human rights element in a good governance concept has been actively discussed. Some see the positive linkage of relations between human rights and good governance. Alfredsson emphasizes that democracy and good governance will contribute to respect for human rights and the connections between these three will engender mutual importance for the maintenance of internal stability and international peace and security (2002: 26). Despite the ongoing understanding of what good governance means, one can say that human rights are or should be an integral part of good governance and at the same time good governance is essential to the realization of all human rights (Koch, 2002: 90-1).

1.3.3 Human rights importance in development debate

Donor countries believe that their ODA functions positively to improve the human rights situation in recipients.In theory, the significance and importance of human rights value has been claimed in the sense that human rights as the center of human well-being should be an intrinsically desirable objective (Serageldin, 1995: 93). It would be notable if more attention is paid to rights based approach in development aid, that gives a particular scope for the relationship between developed and developing countries. Sengupta introduces the minimum requirements of the rights based approach to development: “the developing countries may concentrate on poverty reduction and food security, primary health care and basic education in a manner that is transparent, participatory and equitable. The human rights conditionality will be that no other rights

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should be violated" (2002a: 1435). To the advantage of the human rights approach, the recognition of rights and its responsibility as a universal conception could push methods of assessing more with respect to human dignity, not just the provision of goods. With the human rights approach, it would be ensured that ODA works in the way of contributing to human rights in recipient states. The human rights approach is motivated in order to protect the poorest and the worse off. What is important in this approach is toward understand it is not only the objective of development but also an instrument to move to the realization of the right to development. It should be a place "where the beneficiaries are empowered to participate in the decision-making and in executing the different schemes, transparently and accountably, and sharing the benefits equitable, is not just an end in itself, realizing the human right to development" (Sengupta, 2002b: 885-6).

The relationship between human rights and development can be found. The desirable form of development is participatory development which is a human-centered one. People are free to express their opinions. There should not be any desirable direction of development without taking into account the human being and humanism. Participatory development aims to bring sustainable output. Respect and protection of human rights are included in this human-centered development. Development is for betterment of human lives and welfare. The following notion implies that human rights that contain strong claim for the freedom and self-realization of people consists in development orientation as an important condition: "development is, after all, the process of improving the choice available to people and societies – a process which extends from economic options through social and political ones" (UNDP, 2001: 5)

The approach in a concrete way is described as ethics which is committed to direct responsiveness to others through a real understanding of their needs (Robinson, 1998: 60). The concept presupposes the mutual commitment of both donors and recipient countries concerning human rights protection. Without the consent of the developing countries or the responsibility of outside actors of the recipients, the development compact lacks the

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necessary elements to operate.[5] The development compact being in accordance with the rights approach requires that developing countries take conditionality or obligation as being in their own interest. In order to ensure equality of treatment it is necessary for donors to provide enough room for recipients to work for fulfilling human rights from their own side.

This chapter provided the concept of foreign aid, and its relationship with human rights. It explained that foreign assistance has developed based on various reasons. In theory, a contribution to human rights is one of the important objectives of ODA as well as a condition of it. Many donors believe that foreign aid can theoretically contribute to economic development and good governance as well as democracy. However, the strengthening of human rights in democracy and good governance relates to whether the 'international community' can be held accountable to human rights and feel obliged to respect and fulfill human rights (Sano, 2002: 124). The notion is challenging in looking at reality such as the ineffectiveness of the governance agenda with respect to human rights enforcement as found in donors policy. Moving from theoretical description, the chapters that follow attempt to demonstrate whether the reality of Japanese ODA follows the above theory of democracy and good governance which include human rights factors at the base.

[5] Sengupta clarifies three essential elements in a development compact. Firstly, there has to be a programme formulated by a developing country. People in these countries are entitled to both the availability and access to the related goods and service through consultation and outside the country. They are entitled to transparency and fair participation. The second element is responsibility of donors and multinational agencies. Finally, there has to be a mechanism for implementation of programmes.

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CHAPTER II
JAPANESE ODA AND ITS POLICY

The previous chapter explained the meaning of official development assistance (ODA) and the relationship between ODA and human rights, democracy and good governance theoretically. This chapter narrows focus into Japanese ODA, describing the overall picture of it. Chapter II will show how Japanese ODA developed by examining historical background up to the current situation. Next, it deals with Japan's ODA policy. ODA has developed one of the most important tools in Japan's foreign policy. As ODA has been receiving more and more attention, Japan announced its aid policy as the ODA Charter for the first time in 1992. It examines the Charter's background and contents. Finally the chapter demonstrates ODA classification as well as administrative ministries/ agencies and its major characteristics of Japan's ODA.

2.1 Japan's ODA environment from its initiation

The concept of foreign aid came into Japan after the World War II. Since 1945, the devastated Japan received assistance from the US to rebuild the country. On the one hand, with Japan being a defeated country, U.S. took leadership in restructuring the country through various range of assistance including political, economic and social reforms. On the other hand, Japan was an aid receiver from international monetary institutions such as the World Bank in order to enhance infrastructure building. The decade after the end of the War in 1945 urged the change of Japan's position as merely a receiver of foreign aid. In post war era, the world trend was likely to consider the result of economic growth primarily the responsibility of newly independent nations themselves. It led to the establishment of several programs for assisting developing nations. The

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British Colombo Plan was one of them. The Plan was set up in 1950 for the purpose of modest assistance from wealthier Commonwealth countries to the new nations in Asia. In 1954, Japan joined the Plan and started economic cooperation in Asia to promote economic and social development.

The main purpose of giving ODA is to repatriate damages and psychological pains caused during wartime in Asia countries. Japan started her own foreign aid in the form of grants, not loans at the beginning. The first reparation payment was initiated in 1955 to four countries, namely Burma, the Philippines, Indonesia and India. The period of Prime Minister Kishi is said to be notable in terms of carrying active reparation out (Rix, 1982: 175). As a negative consequence caused, ODA grant acted as a means to create Asian economic dependence on post-war Japan (Kaneko, 1990, 49). From 1965, loans consisted a major part of Japan's ODA. It relates to the motivation to promote Japanese exports. What is notable during 1960s is that Japan was both a donor and a recipient. While assistance in various types such as grants, technical cooperation and loans were made, Japan was still in the process of building infrastructure development. Rix describes that "Japanese aid initiatives emerged in the 1950s and 1960s as part of a conscious aid and economic cooperation strategy for Asia" (Rix, 1989: 466). From 1954 through 1970s ODA had gradually played a significant role and had been considered to result from the desire to expand economic interests. In 1977, Bonn Summit, Prime Minister Fukuda announced the first aid-doubling plan within five years, emphasizing the importance of having strong relationship with Asia. In 1970s Japan entered the second stage of aid process. The newly appearing purpose of aid is to recognize its usefulness as both a diplomatic and political tool.

Throughout the 1970s the amount of aid continuously increased. In 1985 the second aid-doubling plan started. While many acknowledged that the 1970s was the

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expansion era [1], the different rationales suggested for the increase in 1980s. One reason for the expansion in 1980s is to relieve huge Japan's trade surplus, which the international societies, especially the US, had strongly criticized against Japan (Fukushima, 2000: 162). She also emphasizes the growing portion of large-scale infrastructure projects in accordance with aid-doubling plans (ibid.). Another trend in 1980s was observed by Yasutomo, who believed that from 1980s and 1990s, the politicization of aid was particularly significant. The priority of political consideration influenced the allocation and types of aids. It claimed that in the first half of 1980s, ODA emerged in foreign policy and Japan endeavored to weaken the aid policy's commercial image (Rix, 1989: 493). Around 1980s, ODA came to receive gradual attention as the amount of it expanded. More active discussions were made such as comprehensive security and strategic use of aids. In 1989, Japan became the top donor in terms of actual amount for the first time among DAC countries, which are the club of donor countries in international communities. And from 1991 throughout the decade, Japan maintained the position as quantitative top donor. In spite of the quantitative ranking contribution, there seemed to be many debatable features in the sense of qualitative measurements. Because of long recession for the decade in Japan, the budget for ODA allocation decreased every year. It reached around a 10 percent cut annually. The more the quantity of ODA is limited, the larger the voice to improve the quality.

2.2 Japan's ODA policy

2.2.1 ODA's important position in foreign policy

Throughout the three decades from 1970s, Japan dramatically increased its fiscal amount of ODA. It led to the result of Japan being kept as the top donor among DAC donor countries. Development Assistance Committee (DAC) was established in 1961 as a subordinating branch of OECD. In the Committee, member countries

[1] The tendency is referred by Yasutomo, Rix, and McCormack.

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exchanged foreign aid information, adjusted aid policies and examined aid policy and record of aid among them. If necessary, it will announce statements or recommendations. As of 2001, it consisted of 22 developed countries and the Europe Union.

Reflecting on increasing quantitative Japan's aid, its ODA had established one of the most influential positions over the foreign policies. Not only from ODA's quantitative view, Japanese government also considered that ODA is an influential diplomatic instrument significant enough to play the role to realizing Japan's foreign policy goals. According to the diplomatic bluebook issued by MOFA, Japan's ODA has reconfirmed and increased the prominent value as a means of Japan's diplomacy. Due to the characteristic of ODA that it is transferred between Japan and outside countries, it functioned crucially in deciding or keeping bilateral and regional relationships. Apart from how good foreign policies are made and how efficiently ODA has worked to implement the decided policy, it would be difficult to ignore the influence of ODA in the sense that it was able to play significant key instrument to give pressure on international communities. While more and more attention is paid to improve the quality of ODA, it has to confront various global issues. Among global problems, there included poverty reduction, environmental degradation and infectious diseases, which threaten the lives of people and economic and social foundations of developing countries. Japan as a member of international communities has to look at the reality and participate in challenging it. For dealing with these international issues, ODA played a major role in improving the situations. At the same time, ODA operations directly reflected Japan's position that her actions are able to influence many developing countries to change in both good and deteriorating ways. The utilization of ODA would naturally increase its importance in foreign policy as a tool to express Japan's position and opinions.

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2.2.2 Japan's ODA Charter as significant policy establishment

Since Japan began providing assistance in 1955, there was not any publicly announced guidelines regarding its ODA. In 1991, Prime Minister Kaifu stated four principles of ODA for the first time in the history of Japanese ODA. The ODA Charter came into existence after being adopted as a cabinet decision of Kaifu regime. The cabinet consists of all ministers and was headed by the Prime Minister. His basic stance was that international order that we seek must be one that strives to ensure perseverance of an environment that rewards people's lives. The ODA Charter was adopted as Kaifu cabinet decision and plays a role as the crucially significant formal guideline for all the process of Japan's ODA. Conversely, it is possible to know that until the cabinet decision, Japan had not clarified her own aid guideline. According to Hamada, it is most needed to establish accurate philosophy and carry out aid policy based on the philosophy due to increasing political implications and the need to show ODA in detail to the Japanese citizens more clearly (1990: 159).

The Charter stipulates under some headings. They are (1) basic philosophy, (2) principles, (3) priority, (4) measures for the effective implementation of ODA, (5) measures to promote understanding and support at home and abroad, and (6) ODA implementation system. In the (3) priority section, it describes the important region and issues. While Japan extended cooperation with other regions as well as the less developed countries, Asia region was also considered as the major crucial area. Among issues, there included approach to global problems, infrastructure improvements, structural adjustments, and Basic Human Needs which aims to "help people suffering from famine and poverty, refuges, and others, Japan will provide assistance to the BHN sector and emergency humanitarian aid". Section (4) to (6) clarified that Japan realizes effective ODA, which resolved problems surrounding developing countries. The examination of (1) basic philosophy and (2) principles particularly is suggestive in terms of expressing Japan's attitude toward human rights and democracy in her ODA. The philosophy part

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emphasized humanitarian perspective and necessity of working for world peace and prosperity referring to interdependence of countries. It touched environmental concerns as well as human rights and democracy. Good governance concept was also promoted as the basis to realize healthy economic development. Concerning good governance issues, it was noted that there can be two different approaches for the implementation of it; negative and positive approach. For the negative approach, Japan would cancel her aid or demand a recipient of policy change. But in doing this, Japan will exclude to apply to emergency and humanitarian assistance. Humanitarian aid assistance stands exceptional position. It noted self-help efforts of recipients. Regarding humanitarian considerations, the reasons of causing poverty often come from systematic structure, more accurately; the causing factor would largely depend on current economic system, which centers developed countries' interests (Otani, 1994: 253). On the side of interdependence philosophy, it is fairly doubtful whether Japanese behavior that gains enormous resources with less-expensive prices from developing countries can continue. Such exploitation must be criticized as opposing the form of fair interdependence. The four principles are elaborated in principles section. The first principle is on environmental conservation. Environmental consideration is necessary in pursuing the right development path. The second and third are similar. Japan prohibited any use of ODA for military purposes and avoided supporting countries producing, importing and exporting of arms. Japan, who has the Constitution of renouncing war, strongly opposed supporting or participating in conflicts and war. The fourth principle mentions promotion of democracy and human rights situation in recipient countries. It says, "Full attention should be paid to efforts for promoting democratization and introduction of a market-economy, and the situation regarding the securing of basic human rights and freedoms in the recipient country."

The ODA Charter became the most important policy statement and the central framework that all ODA programs at any stage should follow. But since the Charter itself is rather vague and may not send the same message to all participants to implement, the

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foreign ministry further produced more concrete plans followed by the Charter. Such medium term policy is announced every five years and shows objectives to pursue during the years. Reflecting the medium term plan, policy and actual projects of each country are decided.

The Charter emphasizes Japan's role to play commensurate with its position to maintain world peace and ensure global prosperity. Concerning Japan's role, Hamada with diplomatic experience believed that to support realizing the value of 'peace', stability should be promoted for enhancing political position of Japan beyond the low level of fighting between ideologies and religious justice (1990: 158). There is no wrong to claim peace and stability of the world and the people. But it is difficult to find logic that judge religious argument as a low level activity. Conflicts often happen among those having different ways of thoughts but they occur not because of lack of peace loving spirit but different perspective towards peace realization. The well being of ordinary people must be the most important objective of politics and economics. Ordinary people contain their own ideologies and religious belief as well as economic status and other circumstances around them. Without seeing all components consisting of the 'ordinary people' and different degree of fulfilling them, there never can find any value such as peace and stability. In a talk of 'peace' as well as human rights, those who are in decision-making or authoritative positions in particular need to keep this in their mind.

The similar tendency that the Charter lacked sufficient deep philosophical consideration can be found. The ODA Charter was described as "blending a variety of objectives, ranging from integrating ODA with private investment and trade to supporting efforts by developing countries to advance democracy and peace" (Hook & Zhang, 1998: 157). It was because drafting the Charter was staffed by bureaucrats assigned by the aid-related ministries within the government. The principles in ODA Charter have been interpreted as mere suggestions by bureaucratic ministries (Leitch et al., 1993: 83). Arase judged the Charter writing as follows; Japan portrayed these new

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principles as a breakthrough in its foreign policy but the change has proven to be more declaratory than substantive (1993: 948).

The background reasons to draft the Charter is noteworthy. The Charter is the step forward in the sense that publicly announced as formal ODA guideline. While internal criticism claiming lack of accurate policy announcement played certain role, it seemed more realistic that the factors to push drafting it were rather external than voluntary internal motivation. Outside pressure was the most powerful force to make the change (Asia Pacific Resource Center, 1994: 44). The typical one was from the US and incidents in Tiananmen which was caused by discussions of Japan's aid to China. Throughout the development of Japanese ODA, the U.S. influence cannot be ignored. Even Japan's ODA provision was the product of the relationship with the U.S. especially during the Cold War era. Japan is often considered as U.S. follower. Therefore when the U.S. asks Japan how to deal with each coming issue such as China's democratization movement, Japan exposed no existence of aid policy to claim. Secondly the Tiananmen incident became a turning point for Japan to reexamine its attitude to ODA and really demanded policy necessity. The event symbolized the coming era calling for democracy on a worldwide scale. While China is the one of the most important recipient country and Japan want to keep good ties with her, promoting democracy is the position for Japan as U. S. follower. The Gulf War seemed to have the same effect to pressure on Japan to clarify its policy on aid. International communities required Japan's basic ideas on democracy and her ODA. The international tide to democracy was also obviously affected. Thirdly democratization in East Europe and the end of the Cold War, Japan needed to show a clearer direction to take in the international communities. The end of the Cold War demanded new standards to provide aid, not West-East interest. There was also a concern to support new democratic states in East Europe. Last motivation is the fact that "major donors adopted similar guidelines in the late 1980s or in the 1990s" following the US. (Nakagawa, 1993: 78). Reflecting change of international political map, some of donor

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countries express their own aid guideline. Japan could not have any place to escape the tendency anymore. The ODA Charter's coming of existence due to outside pressure may show a characteristic of Japan's passiveness and relatively low consciousness of her own inadequacy, which were held by bureaucracy.

While human rights and democracy appeared as political concern, politicization of Japan's ODA has been argued for some time. The major attitude held was aid policy and human rights as the purpose of assistance never connected together. The proposition that aid did not have any political intention had never been changed (Komori, 2002: 117; Inada, 1995: 41). On the contrary, Yasutomo considers the move toward aid politicization already started to be active during 1980s and apparently in 1990s, organized the mainstream in ODA in accordance with the rise of strategic aid. However, it seemed the political element has not deep-rooted in Japan's aid. Human rights and democratic idea were included in ODA from external pressures and circumstances than not pursed internally and voluntarily by bureaucrats. It was because that separation of political and economic discussion was more advantageous and easier to promote Japan's commercial interests. Not applying ODA to political matter in recipient country means that Japan can avoid various troubles in pursuing her own economic interests.

2.2.3 Legislation of ODA policy

Since Japan became an aid donor country, she has not established any guiding legislation regulating the transaction of international aid. While ODA Charter was organized to clarify fundamental principles for the first time, there was still neither a law concerning ODA nor sufficient moves to expect the enactment of law such as 'basic assistance act' or 'international cooperation act'. This indicated how much Japan avoided transparent and accurate judgements in the process of aid projects. Major decision makers of foreign assistance policy have been the Liberal Democratic Party (LDP) members and bureaucracy. LDP members have their own concession awareness and try

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to force what they want. Similarly among bureaucrats, they had their own interests, which led to being advantageous to ministries and agencies, to which each of them belonged. Both of groups did not accept legalization of aid as necessary action, rather obstruction of their daily practice.

However, the reality needed a formal comprehensive law. As long as there was no legal statement, which clarified the accurate philosophy of ODA, ODA publicly will continue to be impossible amidst the vagueness and closed unclear nature of Japan's foreign aid. In looking at the fiscal amount of ODA, Japan was the top donor almost for a decade in 1990s after she increased it sharply in 1970s and 1980s. Even currently every year Japan allocates more then 1,000 billion yen from its annual budget for ODA disbursement without legal regulation. As for the first step to change the structure and systems of ODA, making a formal law is the effective and necessary action despite many objections and hindrance.

2.2.4 No philosophy

A criticism that was often taken was that Japan lacked her own aid philosophy. This related to the non-existence of any formal aid related law. Huge amount of foreign aid annually were distributed all over the developing countries but the absence of accurate philosophy, indicated no appeal of a vision of Japan's ODA to those countries.[2] The lack of philosophy was critically referred that with the lack of philosophy, it was assumed where basic idea towards aid came from. Some considered that it resulted from bureaucratic concerns and international pressures while some others thought aid policy was determined by Japan's industrial policy (Ensign, 1992: 11). The second idea symbolized the interrelation of ODA, trade and investment. Since without clear standards of Japan's ODA, it consequently leads to insufficient consideration for recipient

[2] The following authors express the concern of lacking philosophy on which policy can be based; Ensign (1992:11), Komori (2002:116), Nakanishi (2001: 127), MOFA (2002:40) and Washimi (1989: 215).

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countries' interest and need. Murai's claim was suggestive in the sense that each individual needed to develop more humanistic philosophy to foreign aid and takes action for appealing to the government (1988: 237).

2.2.4.1 Self-help effort

Apart from the assertion of lacking philosophy, some claimed that Japan already has the original one and maintained continuously. Backing into the 1950s, two notions for the philosophy was announced by Prime Minister Kishi; the first is to reinforce recipient's welfare and secondly to gain new export market (Fukushima, 2000: 156). It was understandable at the bottom of active role by private sector there exists this way of thinking. Some still believed that aid philosophy was clear by taking self-help effort and request-based approach. Self-help principle showed Japan's basic stance to its aid that a recipient country is the main actor to make progress and achieve economic and social development. The recipient should have ownership as well as responsibility for development through receiving Japan's ODA. As Japan was experiencing its own development, any developing countries pursuing development should not hesitate to work hard, be diligent and put their best efforts for set purposes. In the principle, what is the most important condition is recipient's willingness to progress and ownership in dealing with projects, while Japan offered her partnership role for recipient's effort. Self-help effort does not accept any passiveness of recipients such that Japan just gibed her ODA without their willingness nor effort to bring desired objectives realized. The principle believed that without recipients' self-reliance any attempt by Japan is meaningless. These were notable since ODA Charter refered to them as the characteristics of Japan's aid. Kusano and Watanabe who supported Japanese basic attitude to aid even justifies that protecting and promoting the principle such as self-help was no easy task at all because aid was the transaction between countries which are different in cultures (1991: 66). The failure of ODA attributed to cultural difference, not

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examining aid philosophy was eminent as well as such a philosophy itself was not worth calling 'philosophy'.

Those who claim that Japan had accurate philosophy often stated self-help effort of recipients and request-based approach are major ones. The second one in fact seemed to derive from the former. Firstly concerning the adherence of self-help effort or self-reliance, people from ministries and public agencies, totally agreed to support the idea as the key to economic development. The core of ODA was regarded as "the ceaseless efforts of developing countries government and its people to improve current condition and lead to economic development" (Nishigaki & Shimomura, 1996: 5). Self-help concepts' "persuasiveness stood on the premise of Asian countries' strong desired to become self-reliant" and also "it is a fact that without respect for the will of the recipient country the sprit of 'self-help' cannot be born" (Iimura, 2001: 54). The essence of ODA philosophy was hard work and frugality with making the required effort and sacrifice is absolute, otherwise neither development nor assistance will be effective.[3] While public officials believed that the idea of self-help contains Japanese originality reflecting experiences and is the suitable principle for the development of recipients, there can raise several negative aspects. Firstly, although self-help is the form brought by Japan's own historical experience, the 'philosophy' will not function to improve anything in the cases where a recipient's regime itself is problematic. Since ODA was a transaction between governments of a donor and a recipient, the intention to effective use of assistance contributing truly to people on the right track largely depends on a regime of recipients at the time. Self-help emphasizes recipient's effort but does not touch legitimacy of the regime. Pharr describes this character as "a strong belief in stability and a reluctance to use aid money in any way that could be seen as challenging existing

[3]Ishikawa from MOFA states the need for human rights development by recipient countries, not from foreign states. This can be one-way enforcement without considering circumstance of the situation of each receipient.

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authority relations in a country" (1994: 168). Secondly, claim of self-help was merely the imposition of Japan's experience with ignorance of each recipient's circumstances. "Strong belief that less-developed countries can advance only through hard work, efficiency, frugality, self-reliance, and private initiative" (Bloch, 1991: 76) was the hallmark of Japan's development experience. But it is dubious being true of all the other cases in all recipients. In self-help effort foreign aid can make no long-term progress if the recipient is not seriously committed to impose discipline in its own economy. But what takes place is that discipline is lacking and corruption is prevalent (Hanabusa, 1991: 91). Final criticism is that even if a recipient decided to follow self-help efforts philosophy, the degree of positive attitude does not always reflect its actual result. In many cases, the will to improve the country or mere zeal for development and following donor's behavior do not always collaborate. Development consequence is often caused by the global structural elements, not relevant from strength of will. It should be asked the necessity to look at only the criteria whether country has positive will or not and divide recipients only from this criteria. Self-help philosophy ignores the problem of controlling structural power.

2.2.4.2 Request-based assistance

Request-based aid is typical in Japan's aid and a form resulting from self-help effort. When developing countries wish to receive ODA from Japan, they need to prepare the plan proposal, submit the project to Japan's embassy and ask aid for carrying out the project. Developing countries themselves are project finder, not Japan. After receiving the request and project proposal, Japan starts to prepare the project. Providing aid on request-basis with lack of clear central directives are regarded as desirable and opens the space for extensive "involvement of the Japanese private sector in lobbying recipient governments to request aid projects it favors" (Pharr, 1994: 174). Japanese private sector expanding over the world has accumulated information of the

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developing countries while often they tend to lack the concrete capability to plan aid projects (Otani, 1994: 269). Therefore behind the scene of developing country's writing request, Japanese companies instruct how to write plan and what the content should be. After Japan received written request from the government of the requesting state, in some cases Japan sends study team to examine the necessity of the projects. Even through the mission of inspection, public agencies such as JICA "rely on private corporation for much of the information necessary for assessment of the project" (Asia Pacific Resource Center, 1991: 16) due to limited time and information. Request-based aid often increases Japan's passive management. The Japan's guidance to carry out project is done by private corporations and consultant firms under the motivation of commercial interest. The request-based aid is not for leading certain direction of contents and method of ODA, which are based on Japan's original value and national interest. Additionally passivity of request-based aid can influence negatively in the sense that "authoritarian governments are not likely to request aid to promote antimilitarist or democratic processes. The heavy emphasis on large-scale economic infrastructure projects is also in itself in opposition to promoting environmentally sound development" (Söderberg, 1996: 124-5). For the future model beyond this process, cooperative project development would be alternative (Ono and Ono, 2002: 40). Japan and developing counties should collaborate to build up project from the initial level of finding it.

2.3 Japan's ODA overview picture

2.3.1 Its classification and supervising bodies

ODA is the official assistance flows between countries for development purposes. Japan's ODA can be divided into different categories. Firstly, all ODA can be categorized into bilateral or multilateral aid. The latter means cooperation for development of developing countries providing financial support through international organizations and the World Bank. Multilateral assistance makes use of high level of

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professional knowledge, experience, global assistance networks that each international institutions have and enables aid to maintain political neutrality. In multilateral assistance, countries are able to cooperate together to deal with refugee issue, global environmental problem, which are difficult to fulfill aims by bilateral aid. It is also effective to use multilateral aid in donor's lacking of information on aid method. The international organizations to which Japanese ODA goes covers many bodies. Major ones are the United Nation Development Program (UNDP), the United Nations High Commissioner for Regugees (UNHCR), the World Bank and development banks. Generally with respect to ODA to the United Nations, MOFA is the contact window, while Ministry of Finance will deal with implementing multilateral ODA to international financial institutions such as the World Bank. Other than MOFA and MOF, some other ministries and agencies concern with the multilateral aid such as the Ministry of Health who contacts International Labor Organization (ILO) and the World Health Organization (WHO) and the METI for assistance toward the United Nations Industrial Development Organization (UNIDO). It is notable to the amount destined for multilateral aid within whole Japanese ODA. The ratio showed how much Japanese ODA tends to focus on bilateral relations rather than multilateral assistance. The multilateral aid has been put on low priority in Japanese ODA and received little attention to. For instance, as the average of 1998 and 1999, 26.7 percent of whole ODA went to multilateral assistance while DAC average of proportion was 32.7 percent during the same period (Table 1). The proportion was under 8 percent of the DAC average. At least between 1994 and 1999, multilateral proportion within whole Japanese ODA presented under the DAC average more than 6 percent. The ODA went to multilateral sector can divided into two different categories grant and loan. Most of multilateral aid concentrates on grant assistance.

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Table 1 Ratio of multilateral aid in total ODA amount (two year average, %)

	94/95	95/96	96/97	97/98	98/99
Japan	28.0	22.2	21.5	24.5	26.7
DAC average	30.6	30.4	31.3	32.8	32.7

(Source: ODA White Paper 2002)

When Japan's ODA as a whole was discussed, the focus generally goes to bilateral aid. It would relate to the background of Japan's ODA development as war reparation to Asian respective countries. The tendency to emphasize the bilateral assistance has never changed. The center of Japan's ODA debate tends to concentrate on bilateral aid.

In focusing on bilateral aid, it is the transactions between Japan and one recipient country. Bilateral assistance includes all categories of ODA transaction between one specific recipient and Japan. In examining bilateral aid relationship, there can find several features to make. Firstly Japan has a bilateral aid policy towards each recipient country following the ODA Charter and medium term plan. The aid policy is formed to suit the situation of respective recipient country and to provide the most adequate assistance in order to deal with problems that each recipient has. Therefore bilateral aid reflects individual country's situation very much. Bilateral aid can perform flexible and suitable plan and implementation to fit the recipient environment. The other point to make is significance of ODA. Throughout bilateral relationship with Japan, many developing counties always take into account the effect on ODA provision. As Japan's ODA increases its significant status as a foreign policy tool, it has played more and more significant role and influence in deciding the bilateral relation. It indicates that ODA contains political and diplomatic factors. The ODA can contribute to construct friendly relationship. The difference with multilateral aid is accurate. The heavy emphasis on bilateral aid which reaches from 70 to almost 90 percent of whole Japan's ODA every year reflects the reality that Japan's ODA is strategically important in building up bilateral relations.

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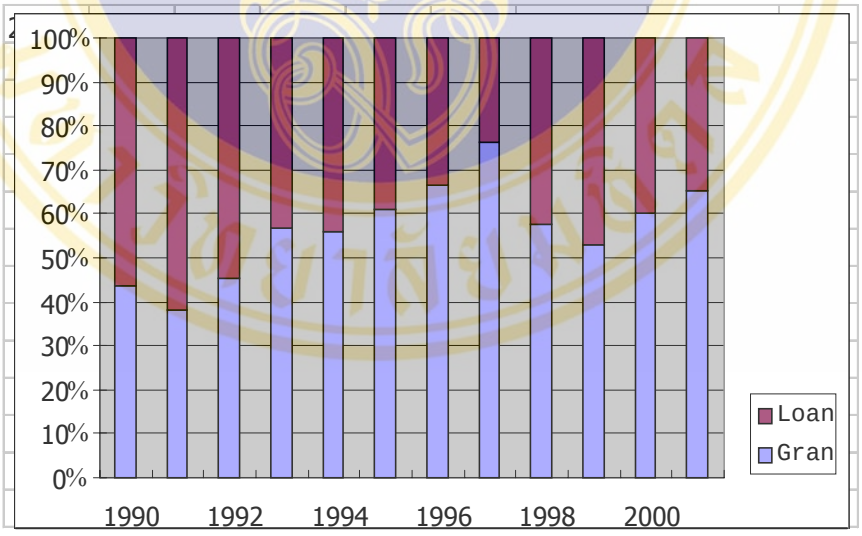
Bilateral assistance is divided into two types: grant and loan (see Table 2). Grant aid means that Japan provides goods and services without requesting any charge or return to support economic and social development of developing countries. As shown in Chart 1, in 2001 bilateral grant consists of 65 percent of all grant aid while loan is about 35 percent. Throughout 1990s, loan constantly takes certain part ranging from 24 to 62 percent.

Table 2 Japan's ODA classification

bilateral	grant	general grant	(MOFA, MOF JICA)
		technical	(MOFA, JICA)
	loan	yen loan	(MOFA, MOF, METI, JBIC)
		other loans	(JICA, JBIC)

Chart 1 Ratio of grants and loans for bilateral Japan's ODA



(Source: ODA White Paper)

Looking into bilateral grant aid, it can divide into different two types of assistance, namely general grant and technical assistance (see Table 3). The former is further classified into two different categories of aid. One is assistance for economic

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development and the other is food production aid. Assistance for economic development includes various types of aid such as aid for debt relief, emergency grant, cultural grant, grant aid for fisheries, grant for grassroots project and grant aid for general project. Regarding grant aid for general project, financial assistance is required for the procurement of facilities, equipment and services in following fields; (1) medical care and public health, (2) education training and research, (3) agriculture, (4) public welfare and the improvement of environment, and (5) communication and transportation. Technical assistance includes technical transfer, receiving training in Japan, dispatching experts and doing development research. The food production category includes food aid and grant aid for increase food production. The latter grant aid provides agricultural input such as fertilizer, agricultural chemicals and farm machinery for self-help efforts to increase food production. In 2001 general grant consists of 25.6 percent of Japan's bilateral ODA.

Table 3 Japan's ODA classification: bilateral grant assistance

general grant	assistance for ecnomic development etc.	grant aid for general project grant aid for fisheries grant aid for debt relief emergency grant cultural grant grant for grassroots project
	food production etc	food aid grant for increased food project
technical	accepting traning dispatch of experts technical transfer development research etc	

Technical assistance is the other type of grant assistance, which 39.5 percent of 2001 bilateral aid. Normally the proportion of technical assistance is the larger than that of general grant. It generally focuses on transferring technology and knowledge to recipients as well as providing goods. In international cooperation debate, technical

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transfer means that developed counties and firms transfer production technology and management skills that are necessary for developing countries' development. Technical grant has broad range of fields to support; accepting training in Japan, dispatch experts, technical transfer, development research and dispatch of volunteer.

Next focus moves to loan program. Loan assistance is a form of aid that demands recipients paying back what they were provided through ODA with set interests. The feature of ODA loan is lower interest rate than general outside market standard and allows relatively long period of time for repayment avoiding much burden to recipients. Japan considers that economic and social infrastructure is necessary as a basis of economic development. And for constructing economic and social infrastructure, development finance is inevitable but in many cases developing countries have difficulty to keep sufficient financial sources. By providing loan that requires repayment, Japan stresses ownership of developing countries toward development and supports self-help effort establishing autonomous consciousness in recipients.

There can mainly be divided into Yen loans and other types of loan (see Table 4). Japanese ODA loans almost means Yen loans which requires a recipient to repay in Yen rate. Characteristic of loan aid is as follows; (1) high proportion in Japan's ODA. It is due to her ODA policy to emphasize self-help effort of recipients. (2) resolving poverty and environmental issues focusing on infrastructure improvement. By organizing infrastructure settlement, Japan considers radical problems as poverty can be eradicated. (3) large project is carried out with little burden. Because of repayment from developing countries, Japan can utilize it effectively to use large infrastructure projects. Concerning Yen loan, there includes project type and non-project loan. Project type further loan consists of three different types of loans. They are project loan, engineering service loan and development financial loan. Project loan plays major role and functions for preparing necessary equipments and machines, resources and services for a specified project such as construction of road, electric plant, irrigation system, and drainage settlement.

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Engineering service loan is used for feasibility study. It is provided before starting the concerned project. Development financial loan is also called “two step loans” because the loan is implemented through the financial institutions of the recipient country based on the policy-oriented financial system of that country. The loan provides funds necessary for the implementation of designated policies, such as the promotion of small- and medium-scale enterprises in manufacturing, agriculture, and other specified industries and the construction of facilities to improve the living standards of the poor.

Table 4 Japan’s ODA classification: loan assistance

Yen loan	project type loan	project loan engineering service loan development financial loan
	non-project type loan	structural adjustment loan sector loan project commodity loan

Structural adjustment loan (SAL), sector loan and commodity loan belong to non-project type of loan. SAL assists recipient countries to improve economic policies and to implement structural adjustment for overall economies. The funds are usually used for the settlement of payments for imported equipment and materials and associated services. While SAL are used for economic policy improvement, sector adjustment loans focus on improving the policies and institutional reforms of specific sectors in recipients. Commodity loan is used to import commodities such as industrial machinery and raw materials, fertilizer and pesticide, agricultural and other kinds of machinery, which are agreed upon beforehand between recipient and Japan. It aims to support for balance of payments and economic stability of recipient countries.

Apart from classification of Japan’s ODA, what is characteristic is the complexity of administration of it. Almost all the ministries and agencies of the government are linked to ODA operation in some way. But among them, there are several

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active organizations. They are the Ministry of Foreign Affairs (MOFA), the Ministry of Finance (MOF), the Ministry of Economic, Trade and Industry (METI), Japan International Cooperation Agency (JICA) and Japan Bank for International Cooperation (JBIC). The grant aid is mainly decided by MOFA and MOF and supervised by JICA, which is under the umbrella of MOFA. Its major financial resource for grant aid is tax revenue from general account of national budget. It means that the allocation for grant aid can increase only through national administrative or financial reforms. MOFA is the central ministry in ODA operation. Many decisions are brought by the Ministry and MOFA deals with the largest number of projects. It functions as one of the most influential ministry. Economic cooperation bureau especially deals with Japan's ODA to developing countries over the world. The Ministry's aid policy is parallel with Japan's foreign policy development. ODA is more likely to take as an important diplomatic instrument and be required to utilize strategically to tackle with global issues. MOFA considers ODA can be the source to cause or keep international and bilateral relations in good mood.

Regarding MOF, the Ministry aims to stabilize international monetary system and development, and reasonable order in international trade through active international cooperation. Ideally, MOF pursues administration that is effective and transparent from the perspective of taxpayers of Japanese citizens. Allocation of annual budget is the work of MOF. Therefore MOF is sensitive to ODA proportion within whole budget. It is the Ministry to focus on quantity discussion on ODA. Recently the amount of it is reviewed and has decreased every year especially since late 1990s. JICA was established in 1974 as practicing agency for realizing policies made by Ministry of Foreign Affairs concerning ODA. It explicitly deals with projects of technical cooperation and grant aid. More than 90 percent of JICA's budget comes from Foreign Ministry annually. Other sources are from Ministry of Economic, Trade and Industry and investment.

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For loans, three ministries of MOFA, MoF and METI are mainly responsible for decision-making and JBIC deals with major part of actual operation. In 1951 Ministry of International Trade and Industry (MITI) was established after revival of Ministry of Commerce and Industry in 1946. MITI was reorganized to METI in 2001. METI has focused economic aspects of Japanese society, especially industrial and commercial development. METI plays central role to promote enterprises' development existing both in Japan and abroad. Development of METI providing business information and opportunity reflects importance of economic growth as well as Japanese history of economic expansion after the War. METI initially formulated non-concession economic policy until Economic Cooperation Bureau in Foreign Ministry was established in order that economic cooperation can be utilized more in foreign policy. It is said that "MITI tends to consider Japanese commercial interests a priority in policy-making" (Orr & Koppel, 6). Currently METI conducts ODA through several types of cooperation. Aid from METI covers categories such as bilateral, multilateral and private sector initiative. The purposes of assistance are: promotion of technical cooperation, implementing measures for promoting of investment and trade and response to debt reduction of LLDCs. Projects are conducted by various Japanese and international organizations, depending on the type of cooperation, for instance JICA and Japan External Trade Organization (JETRO). Major finance comes from not only general account of national budget but also postal saving and pension fund.

JBIC is a special agency established by merging the Export-Import Bank of Japan and the Overseas Economic Cooperation Fund OECF) in October 1999. JBIC works in the international financial field such as import finance and investment finance for private enterprises on one hand, and on the other it deals with economic cooperation field as Yen loan to developing countries. Originally OECF, established in 1961, worked for supporting nation building in the developing countries primarily through implementation of ODA loans.

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Both each bilateral grant and loan project can be categorized through sectored classification (Table 5). Major sectors are social infrastructure and services, economic infrastructure and services, production sector and multi sector. Social sector contains programs concerning education, health, population and reproductive health, water and so on. Economic sector includes transportation, communications, energy and banking services. Throughout 1990s, social sector holds around 20 percent of all ODA while economic sector reaches about 40 percent of it. Concerning aid for Basic Human Needs (BHN) fulfillment, there recognizes all social sector programs, agriculture, forestry and fisheries in production sector, food aid for development in commodity aid and emergency assistance. Assistance for BHN has increased attention since around late-1970s. It derives from an aid concept that attempts to contribute to poor people who stay in low-income class. The BHN based aid is different from previous form of aid, which focused merely economic development. The relatively new form of aid stresses the satisfaction of minimum living standards such as in fields of clothing, food and housing. The aid purposes protection of basic needs of the poor as a human being. Its portion maintains 30 percent level every year in all bilateral Japan's ODA. In 2001 BHN reaches 30 percent of bilateral ODA, which is the lowest level among major donor countries (see Table 6). Assistance of BHN category is important when Japan provides negative sanction to recipients and considers humanitarian consideration should be acceptable in such countries.

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Table 5 Sectored classification and BHN

1. Social infrastructure and services	Education
	Health
	Population and reproductive health
	Water supply and sanitation
	Public administration and civil society
2 Economic infrastructure and services	Transport and storage
	Communications
	Energy
	Banking and financial services
	Business and other services
3 Production sectors	Agriculture, forestry and fisheries
	Industry, mining and construction
	Trade and tourism
4 Multisector assistance	General environmental protection
	Women in development
5 Commodity aid, general program assistance	Structural adjustments aid with WB/IMF
	Food aid designed to promote development
6 Debt relief	
7 Emergency assistance	
8 Administrative and similar consts	Administrative costs of donors
	Unspecified

(Source: MOFA, 1998a: 133) Colored areas are BHN.

Table 6 Ratio of Basic Human Needs in bilateral assistance among donor countries in 2000 (%)

Australia	Norway	Germany	U.S.	Sweden	Canada
71.1	69.7	55.1	54.1	52.9	50.5
France	Denmark	U.K.	Neth.	Italy	Japan
48.9	47.8	45.6	37.7	35.4	30.0

(Source: ODA White paper 2002)

2.3.2 ODA high proportion on loans

One of major features of Japan's ODA is, as touched above section, large proportion of loans which require physical discipline instead of grants. The percentage of grant element was 78 percent in 1998 that was the lowest among twenty-one DAC countries. Ten of DAC states have 100 percent grants. The performance of Japan's loan

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is outstandingly low. The reason for high ratio of loan derives from historical background by sharp increase of total amount of ODA (Komori, 2002: 120). Mere tax income could not deal with the repeating doubling increases for two decades. Despite largely held criticism against loan ratio, these on government side defense Japan's position. 'Self-help' effort principle seems to relate deeply to maintain emphasis on loans. They believe that judging the quality of assistance by numerical data of grant element is not correct. Yen loan is considered as useful means that plays significantly positive role to autonomy and development of recipient countries through repayment of Japan's aid (Economic Planning Agency, 1996: 17). However it is unnatural to call huge amount of loan, which pushes recipients to harsh repayment as 'assistance'. Negative burden imposed on recipient countries is ignored. And above all, the impact of Japanese private sector, which prevents recipient's own industries from developing. Loan used for economic infrastructure contains problematic motives such as economic interests as discussed earlier while some support it. Such economic interests associated with economic infrastructure would hardly associate with interdependence and humanitarianism. It is hard to wipe commercialistic feature of Japan's ODA.

2.3.3 Economic infrastructure concentration

One of the major characteristics of Japanese ODA is the heavy proportion of economic infrastructure. Related to the active influence of private sector, Japan maintains to induce a lot of money and energy into economic infrastructure building. Economic infrastructure occupies 32 percent share among other sectors such as social, production and multi sector while DAC average is 16.5 percent for the sector. The sector shares the largest proportion. On the contrary, Japan's social infrastructure share is 23.6 percent, which is lower than that of DAC average of 31.7 percent. It is indicative throughout history of ODA, Japan continuously has called ODA activities as 'economic cooperation'. Other donors criticize Japan's aid's concentration on economic

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infrastructure, which does not cover political and civil infrastructure (Hook, 1998: 1055). However what has taken place in Japan is the defense of her own approach termed 'economic cooperation' because a booming industry in 1990s by actors including ministerial former and current officials. Such economic cooperation where certain limited officials attempted to pursue their own ideals cause results "far from promoting independent productive power and control over each of the moments in the circuit of capital" (Steven, 1996: 243). Under the name of 'economic cooperation' between Japan and recipients, economic centralism lacking social and civil consideration brings growing dependence on donors by imposing recipients on redirecting the local activity. It deepened the complexity of the right path of development for them.

2.3.4 Asian concentration and the importance of the region

Traditionally, Asia occupies priorities over the distribution of Japan's aid. Different from other donor countries, almost half of Japan's ODA goes to Asia while during 1960s about 90 percent of total ODA exclusively was destined to this region. Such a proportion shows an unbalance that LLDC enjoy projects by Japan less than middle-income developing countries do (Pharr, 1994: 172). Table 7 illustrates that major destination of Japan's bilateral aid is Asia. The portion has decreased compared with 1970s but in 2001 more than half of all bilateral ODA still reaches Asia region. Asia has been the central area for economic cooperation and the special importance, which derives from historical factor of war reparation.[4] However it is pointed out that despite Japan's position as a leading Asian donor in terms of being the dominant donor, "Japan's intentions are not well understood and are sometimes mistrusted" (Rix, 1989: 469). In attempting to analyze the intentions, there can be found the security and economic reasons. As to targeting of aid to Asian countries, to Japanese policy makers, these

[4] Miyashita (2001: 198), Rix (1982: 492; 1989: 465) and Arase (1993: 935) refer to aid concentration in Asia.

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appropriations are a way of maintaining the security of an area in which its strategic interests are apparent (Leitch et al., 1993: 82-3). For Japan, aid and trade have very much to do with economic integration in the region. Asian region plays a crucial role for Japan in the sense of not only resource supplier but also precious export market.[5] It leads to the reality that for Asia, Japan is the largest trading partner and at the same time economic development of Asia is important to Japan. Consequently it is natural to connect economic cooperation and foreign policy. The reasons of Asian concentration of Japan's ODA can be multiple. Other than economic and security reasons for stability of the country, there will be historical, political and cultural backgrounds. Firstly the start of Japan's providing foreign assistance was as war compensation to Asian countries for damages caused during the War. Japan invaded in the field of Asia and devastated the region as a whole. Secondly throughout the period of Japan's aid development, the Cold War always followed and the pressure from the U.S. in particular was the one factor to input considerable amount of ODA into Asia. Japan played a role as a substitute of the U.S. as Asia's watchdog. And finally from historical point of view, Japan finds very strong cultural and social connection with Asian neighbors. Backing into the ancient time, the construction of the country depended much on the culture of other Asian nations. The country contains similar cultural base as a result of strong relationship. Psychologically this element makes Japan closer to Asia than other parts of the world.

Table 7 Japan's bilateral assistance to Asia (US$ million, %)

	1980	1985	1990	1991	1992	1993	1994
Aid to Asia	1383	1732	4117	4521	5524	4861	5544
Bilateral total	1961	2557	6941	8870	8484	81664	9680
Asia's share	705	67.8	593	51.0	651	595	57.3
	1995	1996	1997	1998	1999	2000	2001
Aid to Asia	5,748	4,145	3,076	5,372	6,631	5,284	4,220
Bilateral total	10,557	8,356	6,613	8,606	10,498	9,640	7,452
Asia's share	544	496	465	624	632	548	566

[5] This rationale for importance of Asia in ODA is given by following authors; Franz (Trnas., 1992: 67), Sudo (1992: 227), Kaneko (1990: 52) and ODA Research and Study Group (1993: 32).

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In the historical relationship between ASEAN and Japan, Fukuda Doctrine in 1978 established the systematic basic framework for Japan's political conduct. Prime Minister Fukuda announced main three pillars; a) Japan rejects the role of a military power, b) Japan wants a 'relationship of mutual confidence and trust based on "heart-to-heart" understanding and c) Japan is an equal partner of the ASEAN countries and will co-operate positively in their own efforts (Rix, 1982: 189-90; Yasutomo, 1990: 88-9). This guidance gives positive impression. Rix analyzes the doctrine derives from Kishi model that sees South East Asia as an "important market and source of supply and a platform for Japanese regional leadership" (Rix, 1989: 468). This opinion can be supported by several outcomes followed by the Doctrine. The plan is a major step forward in Japan recognizing the benefits of closer industrial cooperation and exploiting the horizontal division of labor between Asia and Japan (ibid.). Secondly, despite the notion of heart-to-heart relationship, there can still find dictatorial or authoritative regimes in Asia after inducing huge amount of ODA. In Asia where Japan most enthusiastically puts effort in ODA, inequality and corruption still prevail. Another problem is aid dependence in Asia. Aid dependency would delay the sustainable development, which should be dealt with by their own countries. The reality is opposite and Japan regarded Asia's dependence on her economy as resources for power and influence. Finally and most significantly, at the core of the Doctrine and following ODA provision, Japan has "been indifferent to the resentments of Koreans and other Asians over such a vertical integration that reminds them of the Greater East Asia Co-Prosperity Sphere" (Kim, 1995: 82). What were necessary for Japan were not the nice words on documents opposite of behavior but the trust and support of Asian countries. Japan has reached the stage where without them her own proper role cannot be played any longer.

This chapter illustrates an overview of Japan's ODA including historical development, the significance in foreign policy as well as ODA Charter as the central of Japan's aid policy statement. It leaves certain questionable aspects to be examined later

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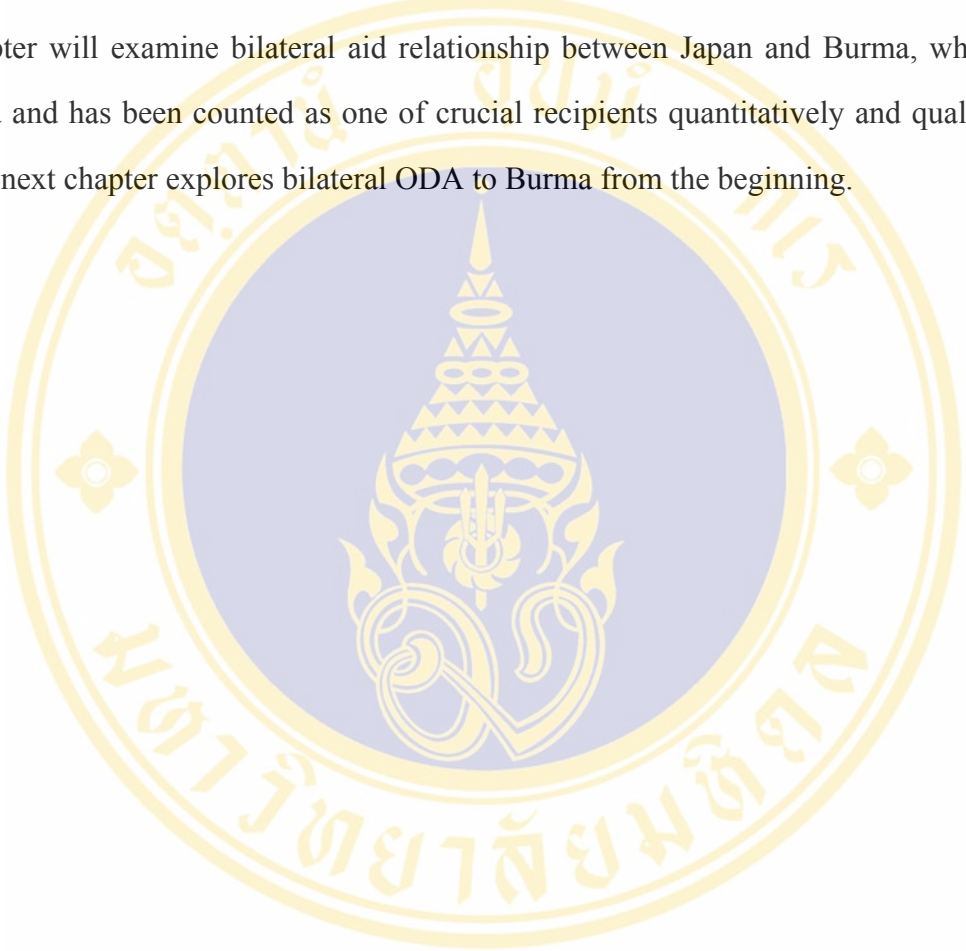
such as support for self-help effort. It has shown the classification of Japan's ODA and concerned bodies to cover implementation of it in less comprehensive way. Besides such a characteristics, the debate of fair distribution to all the regions consists in whole Japan's aid. The chapter argued heavy emphasis on Asian region historically. The following chapter will examine bilateral aid relationship between Japan and Burma, which is in Asia and has been counted as one of crucial recipients quantitatively and qualitatively. The next chapter explores bilateral ODA to Burma from the beginning.



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CHAPTER III
THE JAPANESE ODA TO BURMA

The Chapter II clarified Japan's tendency to heavy emphasis to Asia region. The regional contains crucial importance to Japan's ODA development quantitatively and qualitatively. The current chapter narrows down to specific bilateral case of Burma and examines how Japan's ODA has been induced and implemented under what kind of aid policy. The first half describes transaction of ODA to Burma from the beginning in 1955 as war reparation. It clarifies Japan's strong support for Burma's economic and social development through her ODA while a change of aid policy occurred in 1989, which Japan limited her aid only on humanitarian basis. The second half will take concrete aid projects in Burma. They include three cases, which covers different types of Japan's ODA respectively. The detailed study on each actual case elaborates the difficulty and ineffectiveness of Japan's ODA in the sense that it contributed little to protect and promote human rights as well as democratization in Burma.

3.1 Japan's aid: from war reparation to development assistance until 1988

3.1.1 Japan's invasion and war reparation

Before looking into Japan's ODA to Burma, this chapter describes Japan's invasion and sufferings caused toward Burmese people. Initially assistance to Burma was established to compensate for harsh invasion the nation. Japan's war conduct described as follows will clarify rationale to provide reparation. The occupation of Japanese army during the World War II had enormous significance in terms of seriousness of harshness and widespread devastation all over Asia and Pacific. It is noted for the first time in history, South-East Asia had come under the authority of one single power. The actions

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and attitude of Japanese invasion left huge damage, which destroyed every aspects of society in Asia. During war period Japanese were based on the idea of constructing the Greater East Asia Co-Prosperity Sphere. In the central thinking, "nations which in varying digress of subordination were to be either direct dependencies of Japan or client-states under Japanese hegemony" (Pluvier, 1974: 191). Japan believed that the country was the holy superior nation that should lead the rest of Asian nations for prosperity and interests of Japan. Japan's harshness enforced Asian countries to e obedient denying any autonomy and freedom. The relationship between Burma and Japan started during its invasion over Asia. Burma was one of the important countries to occupy, which contains vast resources as well as locates close to India of a key country in Japan's expanding her power. Burma had to confront broad range of damages by the War politically, economically and socially.

Firstly politically, Japan took advantage of moderate nationalists. Japan did not respect Burma's intention to improve the country but imposed control and orders. Japanese army came to occupy the territory from Thailand borders in January 1942, one month after War declaration. In March, Japan invaded into Rangoon and soon controlled all over the country by June. At the time Burma had been the colony of Britain. During 1930s the position of Britain was declining and had to confront challenge with nationalist movement, which was became mature to cause political change. Thakin received popular support, which advocated revolutionary program of economic, political, social change and nationalism radically. He was influential and started to collaborate with Ba Maw who was experienced politician and shared radical idea against English colonialism. As Japan began expanding its control over Burma, she found that Ba Maw was acceptable to perform some role in Burma's administration with fulfilling Japan's interests to control it. From Japanese point of view Ba Maw was the most desirable politician to lead the interim administration. For reasons, firstly his experience with British rule made him anti-Western to accept Japan as an ally in his struggle against colonialism. Secondly, he

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had great prestige as a nationalist leader even among radical Thakins. Thirdly, the interim administration would follow a moderate course, nationalist oriented to be sure, but pressing the issue of genuine independence too hard (ibid: 223). Ba Maw accepted following Japan's administrative structure for national independence as the ultimate goal at bottom. Ba Maw became the chief administrator in indigenous authority desiring that Japanese army could assist to the creation of Burma for the Burmese and cooperate for the purpose of national independence. However the interim government was responsible only to the commander in chief of the Japanese army, who had full control over administrative affairs as well as legislative authority. Japan used rhetoric that it could help Burma's gaining independence from British colony to maintain its control over Burma. Many who struggled for independence little expected Japan's promise to cooperate for it.

In 1942 Burma Independence Army (BIA) was newly established under the head of Aung San. BIA received military training for selected 30 Burmese who were active in registering British rule including Aung San and Ne Win. They were called '30 Comrades' and had their own Japanese names. While Japan taught its army style or discipline for them, some of them were unable to endure the unfairness of Japan's control of Burma, which never handed over the authority to Burma. The cooperation with Japanese authorities was based on the consideration that it provided Thakins with the only opportunity to work for Burma's future. They were not willing to wait until it suited the Japanese to grant independence. Aung San, head of Burma Defence Army (BDA) renamed BIA "wanted to transform it into an instrument of radical Burmese nationalism but it was under strict control of the Japanese military authorities" (ibid 228).

From economic perspective, Japan conducted unjust exploitation of Burma's natural and human resources. The 'Co-Prosperity Sphere' was definitely an economic project "aiming at the creation of an autarchic regional bloc based on the technical and manufacturing power of Japan" (ibid 269). Japanese army had to give priority to the

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interests of their country. Japan needed resources as well as the fullest possible population. The interim administration was utilized to assist military authorities in mobilizing Burma's economic resources and her manpower for Japan's war efforts. Exploitation of resource led to inflation in Burma. Japan attempted to construct railway to carry necessary food and various materials for soldiers. However the failure of Imphal attack in India was infamous lacking enough preparation on these goods. So many people and soldiers lost their lives with suffering including political prisoners from rival countries as well as Burmese. In looking at education operated during wartime, teachers were re-educated in the way of admiring Japan's superiority. They were always watched by Japanese army. School education became a place to spread propaganda promoting Japan's power.

Because of Japanese devastation of Burma's politics and economy, general people came to oppose to its control. The movement of resisting Japanese occupation by nationalists was increasing. In 1994 increased voices calling for liberation of Burma resulted in continuous actions. One is a formal beginning of the Burmese anti-Japanese resistance movement and the other is organization of Anti-Fascist Organization, shortly after renamed Anti-Fascist People's Freedom League (AFPFL) as a broad nationalist front. In September 1945 AFPFL won the conflict with Japan. Tin Maung Maung Than refers that informed by the bitter experience of Japanese occupation, democracy emerged as the 'implied alternative' (1997: 170).

In 1954 Japan established a formal diplomatic relationship with Burma through Japan-Burma peace treaty. At the same time there was agreement of war reparation effective from April 1955. Together with other Asian nations, Burma was considered to be entitled to enjoy war reparation from Japan. It is said that the purpose of the supply of goods and services under reparation were economic rehabilitation and development and advancement of social welfare (Steinberg, 1993: 138). The purpose in principle was to contribute to economic development. Major programs are constructing hydroelectric

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power plant, railway, automobile industry and port as in Table 8. The primary feature of reparation program is the scale of each project. Two major projects are building of Baluchuang hydroelectric power plant which spent 10.4 billion yen and four comprehensive industrial projects which cost 10.5 billion yen in total. Targeted products were machines for agriculture and both small and truck vehicles and electric goods. The 'four industrial projects' consisted of the central pillar of Japan's reparation and quasi-reparation. Huge budget had installed into them throughout Ne Win era. Large-scale reparation projects like these indicate some crucial problems. One of them is the notorious failure of four industrial projects aimed at producing industrial products internally inside Burma. The system is that firstly Burma not only imported necessary parts from specific 4 Japanese companies but also produced final products by composing these parts with technical instruction taught by dispatched engineers from these companies. Nemoto criticized that technical transfer did not result in successful and the projects only contributed to those Japanese companies who can sell large amount of parts at original price (2001b: 4). Although the projects continue for 32 years after reparation changing forms of loans from 1968 and further grant from 1977. Particularly regarding loans to Burma from 1968 concentrated on infrastructure related projects including the four industrial projects typically. The total amount for this project is said to reach 150 billion yen by 1988. Japan continued to induce huge amount of money to unsuccessful project. It should be noted that during this period especially 1960s and 1970s, Japan experienced own rapid economic growth. At the time almost all of Japanese firms were putting most effort for expanding their business and increasing their benefit as much as possible. This implies that the four industrial projects contributed to Japanese economic development by enriching specific Japanese companies under the name of reparation. Further more, reparation programs have more problems. Steinberg points out that price of material parts from Japan are 5-15 percent higher than Japanese competitive price (1993: 139). If Japan considered making use of reparation to Burma for the purpose of

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enriching their own firms, these programs were not only fault but also exposed Japan's economic centralism. Reparation of the damage done in Burma does not compensate for sufferings in Burma. Rather it is more appropriate after the engagement of reparation Japan did not change its orientation at all establishing Japan's power and enjoying its own prosperity on the sacrifice of Burma's development.

Table 8 Japanese Reparation Projects in Burma (US$ millions)

1	Baluchanyg Hydroelectric		28.8
2	Four industrial projects		29.2
	Agriculatrual machinery plant	[4.4]	
	Samll vehicle plant	[9.2]	
	Electric goods plant	[8.6]	
	Bus/truck plant	[7.0]	
3	Railway rehabilitation		20.2
4	Automobiles		17.2
5	Rangoon port rehabilitation		17.2
6	Technical cooperation		7.5
7	Other		76.0
		Total	200.0

(Source: Steinberg (1993: 141).)

Due to significant large amount of Japan's reparation projects until 1988, Burma had unusual relationship with Japan. All forms of Japanese assistance were huge and capitalist Japan was allowed to play an important economic role through ODA in Ne Win's Burma (Seekins, 1992: 249). Since mid 1960s Japan has become major donor to Burma.

3.1.2 Quasi reparations and assistance until 1988

In 1963 Japan made a contract with Burma who claimed that the scale of reparation was mush smaller than Indonesia and the Philippines. In January 1963 General Aung Gyi visited Tokyo for the negotiation and said that 'today I as little brother am here to ask the bigger brother how to deal with my family problem'. Japanese at first had considered Burma's war damage as half of Indonesia, or one-fourth of the Philippines.

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However Japan finally agreed to extend the reparation because it was upset by Aung Gyi's notion and even inside MOFA there was an opinion recognizing huge damage in Burma. The amount reached $140 million consisting technical cooperation and grant for twelve years. But the additional reparation was named as 'economic technical cooperation agreement'. Same as the reparation period, the provision lacked sustainability in the sense that Burma had to rely on imported parts. Steinberg gives several reasons for unsustainability of reparation. They include non-existence of policy guideline to lead to better focus and not reaching to those who did not concern with projects (1993: 157).

Along with orientation of quasi reparation, loans and general grants programs were induced in 1968 and 1977 respectively. (Table 9) Grants were used for to increase agricultural production. The crucial tendency throughout all Japan's ODA is its commercialistic feature. Seekins also refers that it needs to change that economic consideration comes first priority, particularly involving business circles (n.d). There can be raised four major reasons for aid to Burma: restoring natural resource such as natural gas, possibility of investment, benefits for Japanese firms and tied aid. Burma was regarded as having manifest economic potential as well as natural endowments even as the last exotic major country in Asia (Steinberg, 1993: 145; Lintner, 1991: 39). The reason why Burma is so important country to Japan can be explained from Japanese foreign policy context as well. It should be stressed that constant theme of Japanese economic and political policies are energy and food security. Japan has to depend on energy source and much of the goods on other countries. Securing them is the crucial concern in Japan's diplomacy. Japan prioritizes stable access to these resources. Burma is an attractive country for Japan in terms of having them. Not only the strength of Japan's business interests but also policy inconsistency with China or Indonesia accounts for the ambiguous Burma policy (Seekins, n.d.). The process of Japan's reparation and ODA to Burma contain crucial failure and it comes from Japan's sticking to economic

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strategic domination over aid process. This leads to exploitation of Burma. It is notable that aid agents such as consultant firms play an active role in Burma's aid. They are the ones who carry out feasibility studies on behalf of government and organize large-scale projects (Saito, 1989: 63). They are the major player in the process of projects. Many agree that without Japan's huge ODA from 1955 to 1988 Burmese government, in 1960s particular must have corrupted down and never survived so long. After Ne Win took power, both political and economic mismanagement was eminent. Without Japan's help, the military regime could not have endured the control. [1] Even at present the country will corrupt down if Japan stops the connection with Burma (Ye Htut, interview).

Table 9 Japanese economic assistance to Burma: Loans and grants from 1968-90.

(One hundred million yen)

Year	Loans	Grants	Total	Year	Loans	Grants	Total
1968	108.00	---	108.00	1981	345.20	70.48	415.68
1971	82.20	---	82.20	1982	402.54	90.80	493.34
1972	66.45	---	66.45	1983	430.20	100.99	531.19
1973	46.20	---	46.20	1984	461.43	108.20	569.63
1975	65.00	7.09	72.09	1985	361.50	103.93	465.43
1976	299.50	6.29	305.79	1986	329.00	97.25	426.25
1977	285.40	21.25	306.65	1987	---	95.82	95.82
1978	162.50	59.70	222.20	1988	---	37.16	37.16
1979	269.60	66.91	336.51	1989	---	---	0.00
1980	315.00	75.07	390.07	1990	---	35.00	35.00
				Total	4029.72	975.94	5005.66

(Source: Japan's ODA White Paper)

It will be examined how Japan's aid were spent. Until Japan stopped almost all aid projects except some categories in 1988, she was keen on pouring all types of aid at most despite Burma's human rights violation and authoritative control. Japan's ODA induced into Burma indicates how Japan concentrated on achieving economic development. Japan did not integrate economic growth concern with political situation in the recipient. ODA and political transition were considered as different issues while

[1] This idea is held by Steinberg (1993: 143), Steinberg (1999a: 40) and People's Forum on Burma (1998: 4).

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ODA is often recognized as means for economic development. Japan did not link authoritative nature of Burmese regime and its assistance focusing on merely economic improvement. In 1970, Burma was the seventh largest recipient of Japan's aid but it ranked up fourth country in 1980. The tendency occurs despite Ne Win's mismanagement and inefficiency of economic policy. For Burma, around60-80 percent of received assistance came from Japan. In parallel with Japan's huge volume of aid, Burma has been eager to receive Japan's aid as seen in quasi reparation negotiation. Ne Win welcomed her aid in order to promote national development.

In case of economic transition during reparation period, in opposition to the steady development of Asian neighbors, down-warded economy led Burma to be one of the Least Less-Developed Country (LLDC) in 1987. The economic failure started the installation of the Burmese Way to Socialism. At least until 1988 the state did not make decisions economically and politically based on growth-oriented thinking. The worsening economy led to LLDC application in 1987. The status was the final catalyst for the loss of Ne Win's cultural and political grip in the Burmese masses. (Mya Maung, 1990: 615) It indicates the gross mismanagement of the economy by unskilled military managers. In 1988 there was a large change in Burmese economy. At the end of November 1988, foreign direct investment law was passed. Adopting the law means promotion and expansion of export, natural resource development and inducing high technology however the reality did not follow as expected. However military elite monopolizes exports of all the major agricultural and forest products. (Matthew, 2001: 238; Aung Htoo, 1997: 208) They clearly have intention not to free Burmese economy. This fact raises a question of effectiveness of Japan's ODA. But Japan never changed its own position. The relationship with corrupted bureaucrats and military government seems to be more important than compliance with guidelines. ODA would be an important means for maintaining military regime. It even can say that assistance is vital to Burmese stability.

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It is crucial that on one hand, Burmese government was keen to gain more and more assistance and on the other, Japanese was one much likely to respond to it generously. There is real fear that Japan's ODA is utilized for the purpose of oppression to Burmese people through the regime on the other hand. For example exported trucks were used for strengthening the army (Mya Mya Win, 1994: 168). Assistance to the military regime resulted in being abusive to the vulnerable and increased human rights violations. Japan needed collaboration with the military that violated people's rights on the project spots (Ohashi, interview). Together with heavy business interests, it is hard to deny that large volume of aid influence in maintaining or strengthening junta's regime.

3.2 Human rights situation in Burma

This section explains that there has never found any improvement of people's lives in Burma from human rights perspective. Since human rights deterioration has very much to do with political form, the first part of the section refers political transformation suppressive totalitarianism of the authority. Next, Burma's human rights situation is explicitly taken.

3.2.1 Political transition after independence

After 1948 country independence from Britain, it tried to govern democratically but it failed. By 1962 coup, Ne Win immediately started to impose order by setting his Revolutionary Council (RC), which assumed executive, judicial and legislative powers of the state and ruled by decree. Military regime is authoritative and their order keeps people deprived of autonomy and rights by threatening or actual use of force. The military believed that it is the most competent group in the country and its leaders considered themselves as the legitimate government of Burma as well as had desire to gain power. (International Crisis Group, 2002: 20; Steinberg, 1999a: 41)

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In 1962 the RC published the Burmese way to Socialism as the basic philosophy for the country's economic and political development. This principle is the mixture of heterogeneous elements of Buddhism and Marxism. Under the name of the Burmese Way to Socialism, Ne Win made an experimentation of monolithic socialism. The philosophy connects socialism, economic development and national integration. In July 1962, Ne Win organized Burma Socialist Programmed Party (BSPP). Two years later BSPP was declared the only legal political party while any other parties were not to be accepted and recognized as illegitimate. BSPP announced the party's basic thought titled the System of Correlation of Man and his Environment. For years these documents were taught in indoctrination courses required for both military and civil servants. The announcement emphasizes socialist systems establishment that urges to corporate men's material and psychological activity. [2]

In 1974, Burma named that Socialist Republic of the Union of Burma and BSPP was declared the only legal political party. At the same time the military government transferred its authority to civilian rule. But the members of the government were the same as before, consisting of military juntas changing title and uniform led by Ne Win. The Burmese Way to Socialism was continuously promoted. [3]

Following the rising tide for democratization, Ne Win announced his resignation in July 1988. But although Ne Win lacks political sensibility, he had kept influential power behind the political scene even after his resignation. Due to massive popular resentment demanding resignation of Sein Lwin, the authorities imposed martial law on Rangoon on 3 August. By that time, demonstrations expanded over the nation not only in the capital. The entire country called for the one party rule. On 8 the government made a decision at the highest level to use force against the marchers. During seventeen days of

[2] Many discuss contents of those philosophical settings: Mya Maung (1990), Takahashi (2002), Steinberg (1992a) and Tin Maung Maung Than (1997).

[3] Oppression by the regime is referred by Mya Maung (1990), Yitri (1989) and Steinberg (1992).

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presidency Sein Lwin slaughtered thousands demonstrators under martial law. Nemoto considered some change of people's demands against the military rule: from its aim to destroy the ongoing military authority people were likely to call for three major points. They were to realize plural political party system, to establish human rights protection and to liberalize its economy (2001a: 1). On 18 September, the military staged a coup and the opportunity to proceed for democracy was eliminated. Troops were operated everywhere and killed hundreds of students. The military re-established control and set up the State Law and Order Restoration Council (SLORC) chaired by Saw Maung who is loyal to Ne Win.

Armed forces took over the government on 18 September 1988 saw the immediate effect of Saw Maung's seizure of political leadership which was a renewed period of brutal military repression (Burma Watcher, 1989: 179). Fundamental problem facing Burma's political system is to require "good loyal people before smart people" syndrome (Seekins, 2002: 204). SLORC was the oppressive dictatorship but it justified running government under several obligations or responsibilities. Their priority was; law and order, secure transportation and smooth communication, economic stability and multiparty democratic general election (Guyot, 1991: 205). Politically, the regime was on the line of oppressive and those who were against national army are suppressed under the name of national unity. Socialism was gone but dictatorship by juntas' control firmly continued (Morrison, et al., 1997: 93; Takahashi, 2002: 225-7). Preparation for democratic general election had started by setting up election commission and receiving registration of political parties. However, on the other hand, military authority is likely to "view policy suggestions as interference in the states internal affairs" and SLORC indicated that it was not interested in negotiation with any rebel or opposition groups (Steinberg, 1992: 428). Aung Htoo consistently showed how SLORC has manipulated the political process and pursued political legitimacy. He emphasized that SLORC holding power without political legitimacy but the junta can only consolidate through

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legal device (Aung Htoo, 1997: 184). SLORC was keen on gaining political legitimacy in order that their power of controlling political process could be long lived.

It is clear that the existence of military regime itself was the largest obstacle to precede the objectives (Mya Mya Win, 1994: 150). The 1990 election results showed people's will and hope for a democratic form of government. In practice the military's party could receive only several percentages of all votes. However, what happened was that SLORC ignored the results of election and changed its logics. SLORC had never handed over its political authority towards the elected civilian government. While the international community was watching the fairness of election, SLORC never changed its power structure without respecting the election results. Japan resumed its ODA in Feb 1989, after Burma's announcement of holding an election. It would be a kind of reward. But against the regime's ignorance of election result, Japan never gave any sanction. In response to victorious parties' push for transferring power, SLORC answered by announcing Declaration No 1/90 stating that "the elected representatives would only be responsible for drafting a new constitutions" (Tin Maung Maung Than, 1997: 191). The manipulation of election result is clearly a violation of democratic rule. SLORC has controlled and monopolized constitution-making process of the people. In 1992, the military regime organized National Convention with handpicked members under tight control and wrote a basic law for a new constitution. [4]

The SLORC who never transferred its power to the elected opposition parties changed its name of the government in 1997 to SPDC. The renewed words such as peace and development sent a message of regular regime rather than tentative one found in SLORC. In practice, it can be recognizable that what military regime has done including SLORC period was to appeal itself as ultimate governing body both inside and outside Burma (Nemoto, 2001a: 2-3). The military believed that it is the only competent

[4] Silverstein examines characteristics of National Convention.

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institution capable of keeping Burma united as a single country. In its thought minorities are inherently inferior to the Burmese majority and therefore maintenance of political control is the first priority (Steinberg, 1999b: 292-4). SLORC/SPDC has developed the tools of coercion and repression to maintain its hold over the government. People are tired of government's propaganda that appeals the opposite of harsh stagnant reality.

3.2.2 Burma's human rights situation

Along with political and economic transition, human rights in Burma have never been treated as the first priority. There were always both threat and actual suppression in all aspects of people's lives. The control by the authority was not changing. It is examined how and how much rights and freedom of people in Burma were abused. Since the initiating the Burmese Way to Socialism, the country's human rights situation had been ranked as the lowest achievement level. The violation of rights rages from political one including torture and unfair trial to economic ones where people were deprived of their profession forcefully by the regime. It was believed that there was a strong correlation between militarization and human rights abuses in Burma. The connection of human rights violation and suffering has been long lived (Altsean, 2002: 25). The notion would contain some truth from tendency that the military has no hesitation to oppress citizens with force ignoring concept of human rights. International community largely kept eyes on any positive change occurring in human rights improvement. While international organization dispatches mission to examine the situation but they often resulted in deploring the human rights situation. Organizations such as UNGA and UNCHR expressed concerns at the extremely serious situation (Amnesty International, 1996: 21). Similarly, international NGOs called for policy reassessment not to cause continuing human rights abuses in Burma. However, in response to the report by human rights organizations, SLORC/SPDC repeated that the government is not wrong expressing hypocritical resentment. Military regime has defended using human rights as

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a means for foreign countries to interfere internal affairs of Burma. Consequently it was significant that the SLORC has argued for a redefinition of human rights in a specially 'Myanmar' or Asian context based on economic and cultural standing. The repression of the democratic oppression and the broader denial of human rights stem from the breakdown of the rule of law (Gelband, 1998: 185).

There looked through what kind of concrete rights are to be violated. One of the most reported instances is authority's use of forced labor (Altsean, 2002: 26). The military forcibly took ordinary citizens as porter to the conflict areas or infrastructure development project spots. The military also used them as land mine searching machines, enforcing porters to walk ahead of army. Landmines sometimes kill these porters. Some of them who cannot carry baggage are left at the point and there are hardly or never care for porter's sickness. SPDC order 1/99 prohibits forced labor and denied it, justifying that it was concocted and unfound information despite full good will of local residents in their contribution of voluntary labor. In 2000 ILO made a resolution deciding sanction against Burma based on the judgment that the country did not follow ILO Convention 29. While ILO sent a mission in October and carried out sanction in November, Burmese government criticized the action was unfair and unjust. The practice of forced labor directly relates to development and infrastructure projects funded by foreign assistance.

Secondly, in associated with forced labor, forced migration took place commonly. The Burmese army relocated forcefully four million people since 1960 for the purpose of various infrastructure development programs and other projects related national resource exploitation (Mya Maung, 1999: 275). Minority ethnic groups such as Karen, Shan, Mon, Kareni tend to be targeted for forced relocation by military. It was reported that houses have been burnt down in mysterious fires to make way for hotels and factories even Rangoon (BurmaNet, n.d.).

Looking at other kinds of rights being violated daily exposed almost all rights can be abused by military regime. The government controlled media in the country and

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strictly restricted the freedom for it. At the same time of oppressing freedom to expression, through Order 2/88 the regime prohibits any gathering consisting of more than four people in order to limit freedom of assembly. Civilian servants including schoolteachers were also prohibited from participating political activity. The control and the research of political servant's ideology were common. Suppression against ethnic groups has long been acknowledged abroad. Under the name of nationalism, ethnic groups faced mass killings by Burmese military. Legal institutions had serious problems. Under the National Protection Act 10(6), it can keep citizens in custody for five years without any trial. Those who take political action not purposing supporting the military rule can be arrested without arrest warrant. Despite talks between SPDC and NLD and release of 300 political prisoners in 2002, there were still about 1,300 more in prison (Amnesty International, 2003: 1). Inside prisons as well, tortures took place. Prisoners lack sufficient food and medical services under humiliated environment (Amnesty International, 1996: 22-3). Human rights abuses reached cultural destruction or environmental damages as well as civil and political rights. The military continued to destroy originally rich forest for gaining current benefit. The culture of people living around border areas face serious crisis losing their own culture by having their lives threatened. Concerning education, the regime has put less priority. Education was one of the most important areas for the future of the young and the country as a whole as well. However the budget for education was the minimum level in the world (Wingfield, 2000: 206). Participation of primary education was said to be only 30 percent (ICG, 2002: 9). SPDC thought that education is no meaning. Seriousness also consists in the fact that teachers and parents cannot comment on school policy.

3.3. Japan's ODA from 1988 to 2002

The regime's no respect for human rights concerns has been actively criticized by international community due to continuous human rights violations as shown above.

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However Japan has taken a different approach from the rest of the donor countries. The section examines details of Japan's dealings toward Burma's political change as well as following ODA policy review.

3.3.1 Japan's policy change in 1988

In 1988 there occurred substantial events that led to a change Japan's policy on Burma. It was noted that in March 1988 major ministries involving MOF, METI, MOFA and LDP agreed that Burma was reaching the position unable to repay huge amounts of loans. Japan requested Burma to reconsider its economic policy. By 1988, Japan provided total US$278 million for both grants and loans. In accordance with national confusion and declaration of SLORC establishment on 27 September, Japan announced that Burmese government needed political settlement reflecting the will of Burmese citizens. And accordingly Japan suspended aid flow together with other donors. The action was the result of Japan's intention that it did not want to split from international donor community. Although Japan followed them, the action did not seem to be critical against behavior of Burmese military. Although Japan took same action, it stepped into different direction with others regarding aid cancellation. But as contrasting factors there were Japanese firms groups deeply operating their business as well as desperate aid need of Japanese friendly country of Burma. These contesting conflicts made Japan take original direction.

On 17 February 1989, Japan recognized the Burmese Saw Maung regime. The recognition officially announced based on two conditions to be fulfilled; "the new government has effective control of the country" and "it is observing international laws" (Holloway, 1989: 20). Regarding the notion of 'effective control' of Burma if looking from human rights protection or democratic promotion thinking, there were no effective implementation. It has to be said that the 'effective control' is a vague expression. At least it is clear that meaning by Japanese government was completely different from

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pursuing human rights and democratic principles. Continuous deterioration of human rights situation proved it. The premise of Burma's having fair and free election was the prime factor that Japan recognized the regime (Hook &Zhang: 1998: 1062; Seekins, 1992: 260). If this is true, Japan's decision to recognize that re-emergence of military rule must said to be an easy one and can be irresponsible for the future of Burmese. At the same time Japan admitted resuming already committed projects and certain categories of ODA. Regarding relationship between country recognition and ODA resumption, the decision was difficult to make because there were divided opinions among main ministries. Three different patterns were possible to occur on aid resumption after the country recognition. They are 1) no ODA irrelevant from country recognition, 2) partial resumption depending on category and 3) total re-starting operating exactly same as before 1988.

Claims on restarting aid were different by ministries while MOFA was the friendliest toward it. The length of time between the coup and Japan's recognition of SLORC suggests that the consensus building process that led to the final decision must have been a difficult one (Seekins, 1992: 259). The final decision was the compromise of three major ministries regarding aid policy: "1) the Foreign Ministry, which wanted to preserve a historical relationship with "the friendliest nation toward Japan in Asia" and at the same time had to respond to the criticism of Western states that had cut off, and not resumed aid …; 2) the Ministry of Finance, which was reluctant to allow the flow of even committed aid because of Burma's non-payment of debts; and 3) MITI backed by elements of the "Burma lobby" .. represented commercial interests and may have wanted new as well as committed aid projects" (Seekins, 1992: 259-30). The difference of each ministry's claim is significant deriving from sectionalism, which concentrated on maximizing its own ministry's interests. MoF focused on concerns Burma's debt record which hopelessly unable to repay ODA loan repayment. MITI symbolized Japan's commercial aggressiveness considerably cling to promote profits of Japanese business.

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From MOFA view, the problem was very complicated. MOFA bureaucracy had not only to face internally different claims but also to clarify the positions to Burma in international community externally.

In the important decision making on resuming ODA, the push from Japanese business groups cannot be ignored. Pressure from Japanese industrial circles are said to allow aid flow to Burma again. The group of ODA-related firms in fact sent a petition to the Japanese government requiring as ODA resumption as well as recognition of Burmese government on 4 January 1989. The organizer was Japan-Burma Association, which consisted of 11 Japanese trading firms operating offices in Rangoon and historically concerned with industrial projects (Lintner, 1991: 40). The petition emphasized that ODA cancellation brings about huge losses on procurement of goods and services. Japanese business group was called for the relationship with Burmese junta who similarly wanted foreign aid (Fink, 2001: 241). At the bottom of Japanese business people, they recognize themselves as the major player for the development of Burma. Such a self-confidence or self-conceit can explain their continuous promotion in investment and support for Burma (Seekins, n.d.). In an instance of concrete project, Burmese government is likely to be considered as unable to organize it in depending on Japanese companies. It would be beneficial for Japanese firms in conducting projects for themselves.

3.3.2 The outlook of projects after 1989 aid resumption

In response to the aid resumption, many criticized that Japan was irresponsible, fearing that the ODA would undermine the commitment for dialogue and change, and enrich the army at the expense of local resources (Altean, 2002a: 10). For the accepted areas of ODA, it applied to assistance for emergency and humanitarian nature benefiting of Burmese people as well as already committed projects on case-by-case basis. According to MOFA, criteria of ‘case-by-case’ basis is made by examining either

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whether committed project has proceeded substantial process already or emergency and humanitarian aid directly connect to the lives of Burmese people. Such judging standard was less static. From 1989 there was no loan assistance except one project of Yangon airport repair in 1997 and 2000, which was contracted before 1988. Between 1989 and 1996 Japan provided only grant assistance. While ODA resumed on humanitarian grounds as well as programs contracted before 1988, substantially Japan's ODA to Burma has decreased in terms of quantity and variety of projects. The grant assistance consisted of technical cooperation and general grants. While Japan primarily has limited substantial ODA to Burma since 1988 large aid cancellation, the release of Aung San Suu Kyi from her house arrest in 1995 made a step forward. Japan considered her release as positive progress in the improvement of human rights situation.

The policy move symbolized Japan's attitude to reward positive change rather impose negative sanctions. It led to Japan's decision to examine and implement BHN projects, which contributed to Burmese citizens directly as well as already committed projects. As a result grant assistance increased BHN related aid such as food, health, education and human resources as shown in Table 11. Grassroots project was to support NGOs and civil groups in developing countries majoring in construction of hospitals and schools, water supply and health promotion. Technical cooperation gradually increased. Since the decision of resumption, ODA policy to Burma has not radically changed. Basically humanitarian assistance has continued to provide as well as debt relief. Since 1988, Japanese government has reviewed ODA flow reduced generous aid to Burma quantitatively but ODA to contribute to protect minimum life standard of the poor was acceptable. Aid based on BHN idea was given being indifferent of democratization process and good governance fulfillment. Japan stood at a position where helping to alleviate suffering to realize minimum survival lives should be the first priority.

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Table 11 Japan's ODA to Burma and debt relief (billion yen.)

Year	Loan	Grant + Tech. Coop.	Debt relief	Debt relief/Grant + Tech Coop.
-1990	402.972	112.691	10.107	9.00%
1991		5.387	5.000	92.80%
1992		4.408	4.000	90.70%
1993		6.542	6.200	94.80%
1994		13.440	12.000	89.30%
1995		16.498	14.000	84.90%
1996		8.590	8.000	93.10%
1997	2.5	4.755	4.000	84.10%
1998		6.060	4.000	66.00%
1999		3.557	1.586	44.60%
2000	1.45	5.287	1.777	33.60%
Total	406.922	187.215	70.670	37.70%

There can be several features for ODA after 1988. Firstly, heavy proportion to debt relief is significant. As explored in case study, debt relief reaches more than 80 percent of all ODA to Burma from 1991-1997. Burma's LLDC status would be the reason for provision of debt relief scheme. But such a high proportion and amount indicated the failure of operated loan programs especially in 1970s and 1980s. It should be pointed out too much inducement of loans during previous decades irrelevant of Burma's economic progress. The other point on debt relief results in continuation of grant aid for more than 70 billion yen between 1990 and 2000. What was noted was that every year Japan provided extremely high proportion of ODA to debt relief program. Such relief can also be manipulated in its use by Burmese regime due to MOFA's lack of accountability. It explored more detail in coming case study. Secondly, Japanese government has repeated the selection of humanitarian project on case-by-case basis. But such a notion is very sensitive and vague expression not contributing to definitive standards. Other than food increased production projects, health and education programs, there are grass roots grant which are provided for NGOs. The number of projects in this category has increased but the total amount to this grant is rather low. For example, from Table 10, in 1997 total amount of grass-roots grant is 177 million yen for 20 projects (8.85 million yen per case) while Yangon airport expansion loan project reached 2.5 billion yen

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in the same year. Thirdly technical cooperation has continuously spent and increased in the amount throughout last decade.

Table 10 Japan's ODA to Burma: Loans, grants and technical cooperation from 19908-2002 (one hundred million yen)

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Year	Loan	Grant	Tech Coop.
1990	0	35 Debt relief (35)	3.74
1991	0	50 Debt relief (50)	3.87
1992	0	40 Debt relief (40)	4.08
1993	0	62.18 Debt relief (62) Small scale (3projects) (0.18)	3.24
1994	0	130.42 Debt relief (120) Aid for increased food production (10) Grassroots projects (6projects) (0.42)	3.98
1995	0	158.99 Debt relief (140) Project for expansion of the institute of nursing (16.25) Grassroots projects (15 projects) (0.74) Food aid (2)	5.99
1996	0	80.97 Debt relief (80) Grassroots projects (18 projects) (0.97)	4.93
1997	25 Yangon airport expansion project (E/N in 1986) '(25)	41.22 Debt relief (40) Grassroots projects (20 projects) (1.17) Desaster relief (0.05)	6.33
1998	0	52.92 Debt relief (40) Grassroots projects (27 projects) (1.62) Aid for increased food production (8) Project for improvement of maternal and child health care services (3.3)	7.68
1999	0	24.71 Debt relief (15.86) Grassroots projects (47 projects) (2.88) Project for improvement of maternal and child health care services (5.97)	10.86
2000	14.5 Yangon airport expansion project (E/N in 1986) (14.5)	37.1 Debt relief (17.77) Grassroots projects (4.11) Project for improvement of maternal and child health care services (6.73) Shan Stateborder drink water supply project (6.24) Provision of medical equipment to Yandon gnenral hospital (2.25)	15.77
2001	0	59.57 Debt relief (38.34) Grassroots projects (3.28) Kokan in Shan State electrify project (2.16) Kokan in Shan State install equipment for road repair project (5.84) Provision of medical equipment to hospitals in Yangon (7.92) Human resource development project (2.03)	calculating
2002	0	21.38 Debt relief (0.76) Grassroots projects (0.79) Rehabilitation project of Baluchan No.2 hydroelectric power plant (1/3) (6.28) Project for improvement of maternal and child health care services (6.09)	

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3.4 The examination of specific cases

For this section, several individual projects in Burma are examined. The following taken cases belong to different categories of Japan's ODA. For the first case, Baluchang hydroelectric power plant repair project contracted in 2002 was taken. It was the general grant project. The repair of plant was regarded as the humanitarian concern contributing as a major electric supplier in Burma. The next case focused a technical assistance grant in late 1990s. The project aimed at substituting opium production. Technical transfer through dispatching experts to recipients or receiving training in Japan was the feature of one form of assistance. Lastly debt relief grant will be analyzed. The program was crucial in both quantity and quality of Japan's ODA to Burma. Any different types of assistance will show that they hardly contribute to human rights respect for Burmese people. None of them proved to promote improvement of human rights situation in Burma. It indicated the incompetence of human rights and democracy notion stated in ODA Charter. These case studies clarified the very cause of preventing human rights fulfillment or respect derives from continuance of control of military regime. The following analysis is the result of accumulated information and data by author. It should be stressed that this is the original research.

3.4.1 Case 1: Baluchang hydropower plant

3.4.1.1 Background and position of MOFA

Japan constructed Baluchang hydroelectric power plant in 1960 as a part of war reparation. The power plant was in Karenni State and made use of Baluchang River. It was spent 10.4 billion yen for all cost, which was one of the major projects among war reparation programs. In 1986 in order to repair Baluchang second plant, a rehabilitation loan was provided amounting to 3.53 billion yen. While Baluchang first plant was repaired in 1982 too, certain specific parts of the plant become out of date to function properly. Japanese government decided to extend assistance up to 628 million

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yen for rehabilitation of Baluchang second hydroelectric power plant exchanging note on 17 May 2002. It can be categorized a grant assistance. MOFA is said to be going to provide grant assistance 3-3.5 billion yen in total for three years. MOFA affirms that Burma "has been suffering from a chronic power supply shortfall caused mainly by the shortage of fuel for thermal power plants and problems of existing power generation equipment" (MOFA, 2002b). The Baluchang second hydroelectric power plant is power plant of a largest scale in Burma reaching 24 percent of total annual electricity production (ibid). An official from MOFA stresses that the problem of energy should be included as humanitarian assistance. Regarding categorizing repairing project into BHN, some set a conflicting debate. It was accused that it is the policy and activity of military government that lead to need for humanitarian aid (Hakoda, n.d.). The opinion showed that giving such unemergency assistance does not bring to solve any fundamental resolution of humanitarian crisis. Another argues that Baluchang reparation results in conflict in the sense that how the assistance has the potential to increase conflict and repression of local people by the military (Altsean, 2002: 67). In the process of repair, there was a fear that it caused damages of environment and human rights in the area. However fearing accidents occurred by shortage of electricity MOFA emphasizes the necessity of implementation of the project as BHN. MOFA conducted social impact studies for the project and found no negative consideration-preventing repair. Moreover we assume a case where there is a conflict of interests such that the whole benefit of project will be large for a recipient on the one hand and local people will be affected damages by the project on the other. In such an instance MOFA at first recognizes that such a conflict is a matter of internal affairs of the recipient who is responsible for adjusting different groups. Being based on this presupposition, Japan paid careful attention to balance development needs and consideration of the local people, environment through the decision-making and process of aid (MOFA, 1990: 34). Japan's thinking was that it was primarily the recipient who dealt with compromising other interests groups while Japan merely paid attention to it. In

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the Baluchang case, Japanese government conducted study on social impact under military government's guidance. It was difficult to know whether other groups' claim on the possibility of damage was reached to researchers.

3.4.1.2 Analysis of the project

Japan at surface took secondary position following recipient country concerning conflicting argument between the authority and local people. However it seemed more accurate that Japan always contacts only military regime and did research on the spot with guard of army. Japan even has little room to pay attention to social environmental impacts. In addition to this, Hirsch ensures that large-scale dam construction is preceded under the name of national development rather protecting and promoting local interests (1998: 55). The politics of dam involves more than resource trade-off between local people and national authority. Akimoto reported that there is no possibility of local people to participate in the decision making process of the project (2001: 14). Such exclusion of ethnic group obviously does not reflect the ODA Charter of democracy promotion. Consequently the produced electricity is delivered to Rangoon and Mandaley areas, not benefiting local community (Mekong Watch, 2001: 16).

It is important fact that the Baluchang plant located in Kareni State, where one of the states inhabited by an ethnic group. In Kareni State a ceasefire agreement has not settled between Karen National Progressive Party (KNPP) and the military regime. Baluchang is the place of continuous conflict. Regarding the Baluchang project Burmese military has devastated the society and culture of Karenni people. The ethnic military group KNPP accused of the reality that people were forcefully exploited through labor and environmental destruction as well as all their electricity goes into and used in city areas where mainly Burmans live. On the other hand, Burmese army claimed their role to protect the area around the plant from attacks by KNPP. If the project is implemented and Japanese engineers are dispatched, the military would increase its armed forces for

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maintaining the place safe from ethnic groups' attacks. Strengthening army's allocation automatically indicates the increase of control and oppression against the local areas and people (Ohashi, 2001: 19). Japanese government stated that it paid attention at best to security situation by requesting Burmese government to ensure local security (Mekong Watch, 2002: 2). Such a statement raises possibility of deterioration of current situation of more use of forced labor and harassments toward local residents by national army. For the future of Burma, it would be necessary to solve ethnic issues especially between Burman and other ethnic groups. The Baluchang repairing project worked as an opportunity to urge the conflict not promoting to the resolution of it.

One of the most crucial problems of the project was the consideration of forced labor. Irrelevant with actual armed actions, forced labor was the serious problem involving ordinary citizens both men and women. Although formally it was prohibited in law, it did not accord with the reality. MOFA judges no occurrence of forced labor because the scale of the project was small and did not require preparing new roads. Mekong Watch made its original research in refugee camps by interviewing refugees from Baluchang. They found that forced labor was used at least until March 2001. Forced labor around the plant included carrying water to national army's camp bases. In the past security work of the plant and carrying cement were imposed (ibid). Wherever army stays, they would use ordinary citizens as portering materials and food for its sake. Forced labor deprives village farmer families of major working members. It impacted on some change of agricultural environment, which further imposes hardness.

Another problem supposedly to occur was the damage on the control of water resources and on agricultural orientation. The military government worried about sufficient rain. The amount of rain directly affects the quantity of electricity produced. Therefore military is likely to restrict the quota for the agriculture and rather use for the plant. People engaging with rice production were confronted by troubles of the lack of enough water. Besides, even grown rice also had to be sold to the government at lower

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price than market. Despite necessity of electricity for city area, damaging the cycle of agricultural system should not be the right resolution. Other than these problems, there can be some more problems of the military: torture, murder and deprivation of various goods from villages, forced relocation without any guarantee in the new place. Those human rights violations that are possibly occurred are crucial. Human rights should be the idea to be respected and promoted at any stages of ODA implementation. Human rights fulfillment must be the purposes as well as means in completing aid project. However expectation clarifies such principle's implementation cannot be found and rather the project may cause human rights violation to local community. It should not be acceptable there produces those whose rights are sacrificed. Even though a lot of people can enjoy benefit by a project, it has to be done without damage and sacrifice against anyone's rights. The benefit and effectiveness should be discussed being based on the presupposition that there is no one sacrificing his/her life. Aid project would desirably take bottom-up approach as in human rights principle of respecting individual's humanity.

Along with the process of decision making of the assistance, information should be accessible to public. But it is far from reality. For instance, Japan conducted study on social impact of Baluchang project but the result was not openly published (Ohashi, interview). It raised a question of accountability of the research. Further more, regarding the bid, it was carried out based on the 'detailed design' of the plant. The project planned to take three years and bids will take place year by year. Even though the public requested the information of the detailed design, it will be open after all the bids are finished. This showed the closed nature of Japan's ODA process. From the construction of the plant in 1960, there was active influence of private aid agency. The project was famous because Kubota who established the first consultant aid agency named Nippon Koei required Prime Minister Yoshida to carry it out. He persuaded the Prime Minister who refused it at first place. He claimed that the power plant could contain enormous economic effect that

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Japan would be able to promote more export to Burma in the future. Kubota visited Baluchang with guard of Burmese military played crucial role to build the plant. Such a commercialistic feature does not seem to change. Implementing the project tends to rely on Japanese firms, not Burmese. In considering these problems and damages especially toward local people, the rationale for the project has to be reexamined.

3.4.2 Case 2: Opium poppy eradication program

From 1997 there was 800 million yen general grant project including technical transfer to substitute opium production. The project was part of food increased production assistance which covers several States facing borders such as Chin, Shan and Kachin. Opium is said to be the primary cash crop for the northern hill tribes of Burma (Steinberg, 1999a: 52). Despite the illegalization of growing opium, it was still the major source of income to many people due to bad food supply efficiency in mountainous area. Takeda stresses that "something must be done to give minority people's in Myanmar's rough, mountainous regions a way to subsist other than cultivating poppies and producing amphetamines for sale abroad" (2001: 56). He also assured that "the projects such as the introduction of buckwheat as a cash crop to replace poppy farming are the only way to assure a real solution through agricultural development" (ibid). Burma is the largest opium producer in the world. The country has produced 90 percent of Asian opium (the Bureau for International Narcotics and Law Enforcement Affairs, 1998). Burmese government has been said to start opium eradication effort especially 1998. In accordance with Burmese regime's will, Japan began ODA provision through aiming to improve minority tribes' living standards by rural development (JICA, 2000). In the case of Kokan area in Shan State, population of the area is 190 thousand and it is located in northeast part of the State that faces border with China. After ceasefire agreement with the regime, local leaders adopted 'Opium Eradication declaration' in 2000. According to JICA, the Japan Buckwheat Association originally proposed Buckwheat cultivation and it

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gained support from JICA, MOFA, Ministry of Agriculture, Forestry and Fisheries (ibid). As part of ODA to poppy eradication, technical cooperation to teach substitution of buckwheat would play some role. Among general programs of technical cooperation, for buckwheat substitution project, JICA dispatches technical experts for both long and short period of time. In the technical cooperation, Japanese government concentrates on cooperation, which contributed to BHN, democratization and economic liberalization (MOFA, 1999: 128; 2001: 98). JICA dispatched experts to Burma to implement the project for the purpose of improving lives of ethnic minorities who have engaged in opium production.

This project seems far from successful from the beginning. It would be politically characterized in the sense that MP from LDP Koichi Kato visited the notorious opium cultivation areas with Burmese military accompany. The crop substitution project was said to be substantially related to his interest (Nemoto, Interview). The buckwheat produced in Burma is imported to Japan. Importing the final product to Japan implies critical consequence. Even though the buckwheat is produced and exported to Japan, purchase demand and price have to depend on the internal market. It meant that the project reached to villagers was decided by Japan's economic transition. The result cannot be denied that farmer's income is not stable and people's life is damaged by such unsustainability. Another criticism was that buckwheat needs much more care and labor in the process of production while poppy cultivation was easier using hardly much labor and time. Comparing with production of between buckwheat and opium, the former is always affected by changes of market prices, while farmers have to sell by themselves. The income will be reflected by market as a whole. But in the opium case, brokers will come to them to buy the product and people can gain a relatively stable income (Nemoto, Interview). Ultimately Burmese military government is behind the scene of opium market. The military government has been keen on supporting poppy production. Villagers are promoted to grow poppies forcefully and controlled by the regimes

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(Casanier, 1996). Brookes examines the United Nations' assistance to Burma for opium eradication. On the one hand, SPDC raises opium production as a reason for receiving assistance for instance road construction to use it for selling outside the region. However, on the other hand, the regime stated that villagers live their own lives as an opium grower to protect human rights violation. The military government who desires for more financial assistance is unlikely to see connection between drug fighting and human rights improvement (Brookes, 1999). The regime's promotion of opium increase led to increase its production twice from 1988 (ibid). Such increase directly relates to increase income for military. The aggressive desire to gain income for strengthening military government from opium production has pushed forceful pressure on hill villagers. US strongly accused that SPDC was the very part of the problem, not that of solution of opium eradication. Burmese government has not put serious effort for improving the situation rather urged for more production by oppressing farmers.

The opium transactions often occurs national border areas such as with Thailand (Casanier, 1996). Due to opium production, it brings certain change in the area. For instance the areas are so important as a money source, there are always corrupt military personnel there (the Bureau for International Narcotics and Law Enforcement Affairs, 1998). Because the regime has fallen in the circle of lack of national budget and sufficient trade benefits, income from opium transition is the crucial source of fund. The accumulated benefits often resulted in their purchase of armed forces. The other influence caused in border areas is the fact that local army groups who traffic opium for trade actually benefit through keeping good relationship with central military government in Rangoon. Since trade is not institutional, opium becomes the survival crop for Burmese people.

Particularly in mountainous areas as in Shan State where is able to grow few crops, at least there are several factors to promote opium cultivation. One derives from the pushing power by the military government. For junta, profit from opium is critically

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important source for maintaining and strengthening their power. Attempt for eradicate poppy production is only used as a means of receiving more foreign assistance which falls in hands of military juntas. Another element consists in farmer's difficulty to oppose opium production. In some villages the cultivation was introduced by the military forcefully. Some cases indicated the lack of international organized or fair structured economic institution makes no room for them to avoid opium cultivation for their survival. The other difficulty can be sensitive relationship between central regime and ethnic groups. Opium plays an important role as a catalyst that weak ethnic people deal with threat of SPDC power. All of these factors would originate from military regime's irresponsibility and ineffectiveness toward not only opium eradication but also internal economic and ethnic policies. It is clear that the project is rather difficult to well implement enough to counter these opposing factors.

The project's rationale and decision have to be questioned. MOFA should recognize that without tackling this systematic structure of oppression caused by the military government, one mere substitution project would not produce any desirable result. Looking at one dimension would not capture the answer for the deep-rooted opium production problem. At the same time it will not contribute to sustainability that farmers agree to the project as alternative to solve chronic suppressive environment. The project that is built on the systematic military exploitation indicated Japan's ignorance or irresponsibility for the crucial cause of problems, that is Burmese regime's lack of human rights idea.

Shan State leaders considered that the more poppy eradication effort is made the more ordinary people suffer from the promotion. In Shan State, which the buckwheat project was implemented, 1,400 villages were forced relocated and 300,000 people have been abused through at least relocation (Brookes, 1999). Ethnic people would consider that taking only poppy eradication issue is strange because it ignored other oppressive circumstances.

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One of the points exposing failure of the project is insufficient evaluation system (Ministry of National Panning and Economic Development, 1997). The project faced the difficulty to examine how much effectively implemented. While people tend to prefer returning back to poppy production, monitoring over the project has hardly made. Nemoto suggested that Japanese officers from ambassador in Rangoon visit the area two or three times per year. Moreover if the military follows such a monitoring trip together, farmers are unable to comment anything even if they have something to report. Such incompetent evaluation raises a question of effectiveness of the project. Ineffective evaluation leads to consequence and impact, which is not productive or sustainable. Principally, people's will and participation to a project are important. ODA program, which is not truly based on local people's intension, cannot be sustainable. It may not be the right way to support them. The major principle of democracy is participation and political equality. From this point of view, actual implementation of substitution project lacks them. This is clearly against the notion in the ODA Charter that takes democracy as important concept to pursue. The neglect of local villager's lives both politically and economically implies the relevance with good governance concept. Even though one project is planned carefully and Japan is keen on transferring technology, any positive result must be brought through internal policy framework aiming to fulfill good governance conditions. If domestic government lacks the will to attempt to pursue good policy in good governance context, assistance would never function to contribute to human rights protection of people affected by the project. This project showed how negatively Burmese military regime influences on implementation of even idealistic project in planning. Japanese ODA should learn that broader scope that examines political factors composing recipient's policy is necessary beyond the detailed focus of individual project. Performing a project is complicated in nature and needs to be careful. It has also discussed human rights protection exists in the context of such political sphere as democracy and good governance. The opium eradication project implied that Japan

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has reached crucial time to integrate each project into political consideration in order to cause expected results.

3.4.3 Case 3: Debt relief problem

Due to the condition of ODA in the form of loan, the recipient has to repay the amount of fund and set interests. During 1970s and 1980s Japan provided loan programs ranging from 20-40 billion yen annually. For countries that face difficulty to repay loans, Japan applies debt relief grant through which Japan provides general grant equivalent to part or the exact amount that the recipient repaid. The debt relief grant was set up in 1978. For example, in 1992 Burma repaid 4 billion to Japan and the repayment led to Japan's giving the same amount to Burma as debt relief of grant four month later. MOFA considers the resources provided by debt-relief grant is used to purchase necessary goods for the purpose of economic development and improvement of citizen's welfare. Since 1989 Burma has tended to delay the repayment for already received loans. Debt is a serious problem in Burma. After 1991 Burma gradually repays its debt but it has been too far from clearing all the debts. What Japan provided as ODA generously until 1988 is the ground for causing huge debt relief through 1990s and even at present. Despite Burma's human rights violation record, which is globally known, Japan did not stop its ODA to Burma. Providing financial assistance means supporting SPDC and leads to survive the regime. It indicated that indirectly Japan's ODA results in assisting maintaining or promoting human rights abuses in Burma. This is totally opposite of ODA Charter notion concerning human rights. The debt relief grant can be another important source of free fund to Burma. The UN accepted Burma as LLDC status in 1987. Because LLDC status can enhance the necessity of debt relief, the figure showed that during 1990s the portion of debt relief reaches more than 80 percent of all grants and technical cooperation in almost every year (Table 11). Debt relief grant is in fact the most important center of grant program in Asia region in the sense that its program consists of around 30 percent of

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all grants to Asia reaching 30-40 billion annually in the region. In Asian regional context, around 70-90 percent of all debt relief goes to Asia (see Table 12). In 2001, 77.7 percent of all debt relief grants went to Asia. Emphasis on Asia is significant. Furthermore, what is ongoing in Burma's case is that despite stop of all new assistance except humanitarian aid, debt relief is considered not a new commitment but engagement between two governments before 1988 (MOFA, 1995: 152-3). In 2001 Burma was the second largest recipient of debt relief.

Table 12 Debt relief grant by region (one hundred million yen)

	1997		1998		1999		2000		2001	
	Amount	Share	Amount	Share	Amount	Share	Amount	Share	Amount	Share
Asia	246.20	88%	236.59	70%	285.21	85.6%	249.87	80.2%	245.45	77.7%
Africa	33.31	12%	60.71	18%	37.45	11.2%	46.29	14.8%	58.28	18.5%
Oceania										
Middle East			39.22	12%	10.47	3.2%	10.28	3.3%	10.07	3.2%
Latin America							5.31	1.7%	1.76	0.6%
Europe										
Total	279.51	100%	336.52	100%	333.13	100.0%	311.75	100.0%	315.56	100.0%

Matsumoto exposes slipshod works of MOFA in terms that it does not accurately grasp contents of every list of purchasing product in which Burmese government hands to Japan (2001: 21). Some purchasing lists are not filled in necessary description, for example an explanation of bought products. MOFA has also been surprised at empty spaces not fulfilling the documents. Although it tries to inquire for the detail of Burma's purchases through the debt relief, Burmese government has not replied them and MOFA were unable to clarify how the relief is spent. Such unclear uses of relief grant is said to reach 5 billion yen for recent 4 years only (Table 13). Different from other types of ODA debt relief lacks monitoring system. Despite the large amount of aid flow of debt relief, which is the most and largest grant aid to Burma from 1988, the way of using relief has not been clear.

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For example, among top recipients of accumulated debt relief, which are state-owned, Myanmar Timber Public Corporation is the second largest one. The purchased goods by the institution were primarily heavy machines and material such as bulldozers and trucks for deforestation. It is crucial that debt relief spent by such government-organized institution comes to cause deforestation through the military regime. Dramatic rapid pace of deforestation by SLORC/SPDC is reported. The regimes concentrating only on forefront profit through exporting timbers have considerably devastating effect for environment in the region. In practice deforestation is said to continue for more than 50 years by many groups, including the government, Karen insurgents and favored individuals and companies (Nyunt Shwe, 2003, Feb.). Moreover it is not difficult to imagine that exported timbers contribute to increase the government's budget for armed forces because since 1988 the speed of the loss of forest in Burma has become more than twice aiming at selling timbers. Therefore Japan's relief is utilized to support the company and indirectly contribute to Burma's purchasing weapons and reinforcement of the military.

Table 13 List of debt relief that is not known in use

Year	Yen rate	US Dollor*	Britain Pound*	Germany Marc*
1995	3,458,351,903	1,959,168	8,430	
1996	240,525,581	13,677		
1997	52,332,558	3,640,106	45,471	
1998	440,033,146	2,294,763		195,031
Total	4,191,243,188	7,907,714	53,901	195,031

*Amount is applied only to the ones not stated in yen rate.

(Source: Matsumoto, 2001: 21)

While it is crucial that certain portion of Japan's debt relief grant may cause deforestation by Burmese military, there is an ironic fact that Japan gives a technical assistance for the purpose of forestation. By only looking at the forestation cooperation Japan would consider that the technical assistance is genuine good assistance and contribute to restore originally forest environment. However what has to be recognized is

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that large amount of debt relief is utilized in the state-operated timber company and actual destruction of forest in Burma. Such technical assistance may be consequence by deforestation followed by Japan's support through debt relief. It clarified the incompetence of MOFA's sufficient implementing system in the process of debt relief provision.

The other instance is relief to government-instituted Myanmar Periodical Publication Public Corporation, which is the third largest recipient of debt relief. It can easily lead to assumption that the relief is spent for spread of governmental propaganda. Burma strictly controls the freedom of expression and the regime continuously makes use of media for justification of its rule. Japan's relief results in strengthening Burmese regime's media.

It needs a strict standard for the use of debt relief and monitoring its effectiveness in the sense that the way of use truly contributes to BHN and reaches to Burmese people. The manipulation of the military government should not be acceptable. In April 2003 it was decided that all debt which is over the repayment due date will be cancelled. The decision was reflected by the fact that Japan received international criticism and pressure to cancel debt after deadline of repayment. Outside pressure made Japan to give up promoting 'self-help' effort of recipient who once had to prepare foreign exchange in order to gain relief. The change of policy on debt relief and clearing loan repayment without imposing any discipline to heavy debt recipients is criticized because of being far from strategic (Araki, 2003: 6). In the settlement, when the deadline of a loan project is over, both two governments exchange a document canceling the debt. It reached about 230-270 billion yen (Anonymous, Interview). Different from current debt relief grant system which at least Burmese government has to pay certain amount of money to Japan, Burmese military regime from this year does not have to prepare any fund for repayment. What it has to do is merely to wait for the set last day for repayment of each loan project. MOFA regarded this dealing as appropriate due to Burma's LLDC

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status. It seemed to be a result of failed loans to Burma induced too much during 1970s and 1980s. Throughout provision of debt relief the examination of the military government's orientation raises the question whether cancellation of all debts leads to closer stage toward democracy and better living of Burmese people.

The chapter explored Japanese ODA development toward Burma. In its history Japan have stopped ODA flow once in 1988 but it did not last longer than a year. After resumption, despite restriction on humanitarian aid, it is dubious whether all projects fulfill the objective of it. Case studies indicate consequence of a failure of Japan's ODA to the country not contributing to human rights protection and promotion.

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CHAPTER IV
THE ANALYSIS OF EFFECTIVENESS OF JAPANESE ODA IN BURMA

Previous chapters described and explained how Japan has provided its ODA to Burma as well as its concepts and records. This chapter moves its focus to analyze effectiveness of Japan's ODA to Burma particularly from human rights implementation in assistance projects. The chapter is divided into three parts. First part will raise and discuss negative impacts to cause undesirable implementation of Japan's ODA. It will clarify that actual aid induced has not necessarily contributed to improve human rights situation and democratization process. It is even possibly found that ODA was utilized by military authority to firm its control and power suppressing people. The second part focuses on impacts made by regional and international factors. It also referred Japan's position in complex international power structure. Thirdly, it examines Burmese internal rationales to bring ineffective consequences with respect to human rights improvement in ODA.

4.1 Factors to cause negative impact of Japan's ODA

4.1.1 Human rights low priority socially and culturally in Japan

Traditionally, Japan is said not to be based on human rights culture (Yokota & Aoi, 1999: 116). There also finds influence of Japan's colonial history which still prevented Japan from a moral authority (Morrison et al, 1997: 93). This low priority was still dominant and it was one of the important background reasons for less activeness of human rights in ODA. It was derived from various social and cultural reasons.

Firstly, regarding institutional settings, there had been merely a few NGOs until quite

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recent years in 1990s. The number of NGOs or NPOs was increasing and more and more people were getting involved. But their activities were neither active nor mainstream to raise human rights consciousness in Japanese society. Next, in pubic administration, only weak domestic human rights mechanism exists. Human rights protection bureau in Ministry of Justice was supposed to deal with comprehensive human rights problem in Japan. However its scale was too small to tackle with various complex problems with weak connection with human rights active organizations. The bureau concerned the human rights problems which in fact consisted of part of whole these issues. Japan's largest human rights issue was Buraku problem. Generally the government tends not to have strong interest in the issue as various cases have shown as in Buraku problem, minority groups of Ainu, Okinawa, and resident Koreans and so on. The authority left the problem of human rights violation until the last step where it had no place to escape anymore. It was because bureaucrats and politicians hardly recognize the importance of rights and apply to policy.

Secondly, human rights thoughts were shallowly rooted in Japanese society as a whole. Japan had been based more on the culture of distinction. People tend to create minority that are different from majority. It led to creating a discriminative society that was indifferent to human rights idea. Moreover, human rights insensitivity was due to Japan's prioritizing pursuing economic gain especially after the War. It seemed that society as a whole misunderstood that sufficient wealth and economic achievement was prioritized than anything, including human rights protection.

4.1.2 Human rights in Japanese foreign policy

Human rights consideration did not appear in Japanese foreign policy before mid-1980s. Generally human rights concept has enjoyed low priority in Japan's foreign policy. It does not mean that Japan does not have legal setting on human rights. She has the Constitution established in 1947. In the Constitution, it clearly stated a number of

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basic human rights which was characterized as economic, social and cultural rights as well as civil and political rights comprehensively. However "legal provisions of human rights are one thing but the actual protection of human rights is another" (Yokota and Aoi, 2000: 118). They examined that the attitude of Japanese government was more passive rather than active towards human rights in foreign policy. Neary also sees how reluctantly and defensively Japan participated in the bodies dealing with human rights issues by raising three reasons, such as following US lead in human rights policy, reluctance to expose itself to criticism and pursuing economic growth (2002: 35). This indicated that human rights were put in lowest priority in deciding foreign policy. Passiveness is understandable if we assumed motivations of Japanese decision makers to accept international human rights standard. In reality, Japan preferred focusing on pursuing her economic expansion without being interfered. Human rights factor in foreign policy would be one of factors to disturb the purpose. Moreover, Japan is a state with little resource and has to depend on other countries to secure energy. Stable security maintenance often prevents human rights issue from receive high priority. While there was the period when domestic human rights issues were indeed debated, it led to ironic consequences that the domestic debate served to reinforce passivity on human rights abroad (ibid. 120). Japan focused on human rights problem as purely domestic issue, not deal with them international perspective.

The Constitution does not give much impact on foreign policy arrangement. It may stem from strong bureaucracy tradition which exists in powerful ministries such as MOFA and MoF. Japan considered that economic and security concerns were more crucial in foreign policy. Economic gains and political stability of the country have been the main focus for bureaucracy. The other point to note is related to the status as historical military invader in Asia. The memory of harsh actions by Japanese domination has prevented her from being active human rights promoter. Due to various conditions as these, Japan had not taken a leadership role in human rights foreign policy.

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Concerning the ODA Charter it stipulated accurate support for human rights. Because ODA was one of the key instruments for Japanese diplomacy, inclusion of human rights thought was in theory important. It may mean that through the adoption of it, Japan "tried to use its ODA as a means to universalize such values as peace, democracy and human rights" (Nakagawa, 1993: 77; Garby & Bullock, 1994: 11). These concepts such as human rights and democracy were highly political content and some pointed out that after the Charter adoption "aid at least on paper, became more politicized" (Söderberg, 1996: 136). Democracy was considered as the most political issue in accordance with end of the Cold War (Arase, 1994: 81). Including human rights and democratic idea into ODA must be the progress in Japan's aid history. However, there can find several negative points showing that human rights notion in the Charter were by far from ideal. Firstly, human rights element was located as the last fourth principle instead of one or two.[1] This low priority put to human rights may indicate directly the low consciousness towards the concept and how drafters reluctantly added it. Secondly, as long as the expression that 'full attention' is paid to 'the situation regarding the securing of basic human rights and freedoms in the recipient county' is examined, the assistance may continue despite human rights records. The vague description of 'paying attention' was not strong to make use of the principle in application. Thirdly, Nakagawa pointed out from analyzing cases applied this principle. Democracy means a political institution in which the government is constitutionally elected. This kind of recognition of democracy is the most limited one and fails to grasp diverse aspects of it. One sided definition of democracy was applied and implied crucial problem in Japan's dealing with democratic concept. Human rights are also referred in concrete cases as civil and political rights. Such a concentration did not cover a whole range of human rights including economic, social and cultural dimensions. The insufficient understanding would

[1] It is commented by Yokota & Aoi (1999: 135) and interview by Nemoto.

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negatively influence application for coming cases. Some claimed that philosophy as democratization and human rights is made use of for the introduction of market oriented economy. There are some government officials believing that the more economy is liberated, the more reform towards democracy increases. They were strongly accused of "soft-headed and reality-disregarding philosophy which states that the realization of a market-oriented, free and liberalized economy will guarantee democratization and respect for human rights" (The ODA Research and Study Group, 1993: 37). The low accumulation of knowledge and philosophy regarding democracy and human rights even implied the possibility of Japanese government believing such a too simple and immature ideal.

It can be said that human rights had hardly been in the scene in Japan's ODA. It causes unbalance of aid allocation and human rights records. Arase warns such Japanese stance on human rights and democracy promotion has profound impact on those countries which are heavily dependent on Japanese aid, technology and investment. It is significant "Japanese ODA directly or indirectly helps several 'development-oriented dictatorships' abuse human rights" (Arase, 1994a: 88). Human rights violation can be occurred because of the presence of foreign countries (Asia Pacific Resource Center, 1994: 45). Forced settlement, environmental destruction and changes of basic life structure are examples of human rights violations (Ueda, 1994: 10). In case where sufferings occur to ordinary people, considerable attention to them is natural. However, the reality is far from this. Not only it is difficult for donors to collect information of human rights practice and preconditions in recipients but also donor themselves "cannot finally differentiate levels of human rights abuse, and therefore cannot respond to each human rights violation in an appropriate manner" (Hoshino, 1999: 209).

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4.1.3 Lack of transparency and openness

The attitude of Japanese general public seems to play certain role to maintain the ongoing form of its ODA. The section examines contrast between main recognition from Japanese government and real situation of low consciousness of the public. It exposed that public did not know about much detail about ODA policy and practical projects. The government picked up public opinion which supported ongoing ODA and tried to show that such opinion is the majority. From the Japanese government side, ODA "has increased steadily in large part because of a national consensus at home" (Yasutomo, 1989: 502). The government was confident with the results of public polls which around 70 percent of Japanese felt that ODA should be maintained or strengthened (Iimura, 2001: 49). The government and bureaucrats were likely to be sensitive to people's evaluation toward ODA orientation. The government's extreme sensitivity stems from its fear of eroding the broad domestic consensus supporting aid (Bloth, 1991: 75). The sensitive fear of turn down of public support pushed government's action that asked journalists to participate in evaluation missions for selected ones (Orr & Koppel, 1993: 7).

MOFA emphasized that strengthening domestic support was the most important in order to develop Japan's aid policy. Iimura raised four points regarding gaining a broad range of public support and participation. One of them was increase of aid to NGOs, which is "popular participation-type aid" (2001: 51). However, in spite of increasing attention for support and link with NGOs and ODA, the actual allocation to the 'grass roots grant' in which NGOs are often categorized was still very small. Second problem was that the subjects of NGOs who were potentially receiving aid from the government were limited to the ones who follow the government's intentions and expectations. The collaboration between government and NGOs was dubious. Japanese government's basic attitude was to increase understanding and participation for current ODA. Ohashi pointed out that not all NGOs can be accepted as partner of MOFA. If a NGO is unable to agree with governmental dealings or has opposing opinion against the government, the NGO

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will be rejected and not have any chance to proceed with any plan or action (Interview). NGOs are automatically excluded at the selection of projects if the government does not see common objectives or has unwelcome feeling toward the NGO's activities and policy.

Another point that the government eagerly raised as well as Iimura took is to increase accountability in ODA projects. This included broadly expanded evaluation system at both policy and program levels. Further it covered the release of evaluation (Iimura, 2001: 52). From 1999, public monitoring system was induced. In this monitoring system, applicants from ordinary citizens are chosen basically one person from one prefecture. They are divided into several groups and assigned recipient countries to evaluate specific projects selected by Japanese government. The government was satisfied with this public monitoring system along with the aim of citizen participatory model of international cooperation (MOFA, 1998b: 17; MOFA, 2000b: 65). In addition to this, the government considered the level of information openness as high (MOFA, 2000b: 65). MOFA claimed that information was never closed and open on requests from the public. The background of establishing the Information Open Act was for this purpose. Are these standings true of the reality? The operation of the law does not fully contribute to fair and just opening of information as explained. There were many steps to take before receiving requested data. Sometimes a request can be rejected depending on the judgments of the concerned ministries. Is current ODA truly the consequence of agreement and acceptance of Japanese citizens? There lacked of accountability in public's support of ODA when only limited information was accessible to people. The examination was made to analyze what was behind the government recognition.

Regarding information openness, it was difficult to rely on only government's claims. Some strongly criticized the insufficiency of government's actions. ODA dis not show its face to Japanese citizens (MOFA, 2002a: 35). Citizens do not sufficiently know Japan's ODA provision and real conditions were not clear (Fukushima, 2000: 169;

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Washimi, 1989: 53). What was demanded for this moment was to open the information of ODA as much as possible ranging from basic policy to the reality of actual project to the public (Sato H, 1997: 222-3). Similarly, Komori stressed the need to clarify the process of policy decisions as well as results of them. By doing this, it was important to decrease too much autonomy and unfairness brought by bureaucrats and politicians (2002: 228). Such a thought aimed to refuse secretism usually caused by bureaucracy and require transparency. It should be kept in mind that the reality of projects is not easy to see such as objectives and reason for aid together with structure and philosophy of aid. This related to an opinion that policy formation of Japan's ODA should associate with many domestic stakeholders (Fujisaki, 1996: 531). The necessity for Japanese government to have open dialogue within and outside of it is worth noting. One of the most significant factors to make change is to have continuous dialogue. Within the efforts to keep contact and exchange opinions among stakeholders whose initial positions were different, there would clarify the basis of problems and over come the difference in the end. As a means to carry out this procedure, what is required to Japanese government is to promote more information openness and public relation activity. They may be considered as not sufficient. On the other hand, Japanese citizens are also far from perfect participator of ODA in terms of their low consciousness and lack of aggressiveness.

Some pointed out that failure of people's lack of interests (Murai, 1988: 62; Franz, Trans., 1992: 141). Not only insufficient government efforts, but also the general public side contained a problem of lowness to pursue what had happened in Japan's ODA. Despite the increase of quantitative feature, Japanese paid relatively low attention to this. In parallel with less-aggressive attitude, the passivity of general citizens is worth noting. As reflected in the results of public opinion poll, more than half of them result in satisfying with current situation. Once after the mass media began taking ODA issues, the necessity of ODA evaluation appeared. Moreover, once the government makes any decision, public will not comment against it and there is no criticism to decisions as to

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ODA (Yokota & Aoi, 1999: 120; Franz, Trans., 1992: 49). Without serious thought, Japanese in general believed simply that assistance automatically save the poor in poverty and considered aid as good. Such a far from deep thought prevented ordinary Japanese people from making change to prevailing passivity. State is oriented from top-down structure. It naturally leads to society tied to bureaucratic center. Citizens resulted in depending on bureaucracy with lack of well-developed public domain distinct from the government (McVeigh, 1998: 84). The passivity of Japanese citizens seemed to form layer of people characteristic in political field: Japanese citizens never expect anything from what bureaucrats supported. At the same time it should be significant to know that Japan's bureaucracy often act as if they are responsible for the ethical fiber of average Japanese (McVeigh, 1998: 49). Bureaucracy needed to look straight at such illusion as the wrong one for both domestic and international citizens. And Japanese ordinary people who have obeyed bureaucracy should change from public's irresponsibility even if it came from resignation of fair ODA management caused by bureaucrats.

4.1.4 Less-deep rooted democracy concept

Further in the relationship with democracy, Japan hardly discussed own attitude towards democracy. It was even more accurate that Japan did not have strong idea on it. The shallow concept of democracy has reflected the formation of Japan's ODA dealings. Japan's position to Burma was to aim at realization of democratization and protection human rights pressure and humanitarian aid provision were believed to cause moves to these objectives even slow pace (anonymous, Interview). However on the contrary, there was an idea that ODA Charter from the beginning presupposes impracticability and was not considered as important criteria. This derived from the negative optimism that activated economy stabilized politics automatically and it led to democratization (Nemoto, 2001b: 6). Such a relatively old and easy thought also exposed the limitation of Japan's claim on commitment to democracy. Consistent little change of quality of

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Japan's would come from her low consciousness of ideas on democracy. Burma has continued to be very unstable politically and maintained oppressive control over citizens. Wada emphasized that it is time for international community to proceed for true democracy (2002). Japan who is insufficiently engaged in supporting democracy never leads to provide assistance in the way that Burmese can be autonomous.

Japan's lacking considerable awareness and understanding of democracy occurs regularly; it is difficult collect true opinions of local people and there is no system to discuss problems between donor countries and those who are affected by actual projects. It is often said that Japan's aid has failed to contribute to Burmese stable growth. What Japan needs seemed not to be committed to sentimental emotional sympathy but to recognize its responsibility for ODA implementation while pursuing well-being of Burmese people. Along with reconsidering Japan's responsibility for democratic concepts and taking comprehensive features more than merely economy, she could play some international role.

Democracy is currently the best political form as long as we interpreted that it manifests philosophy or value such as human rights into political form. While there is no guarantee that democracy can continue to be the best political system, it seemed difficult to assume appearance of alternative system more than it at this stage (Sato H, 1997: 331). There are a lot of studies regarding Japan's democracy. Arase explains how much Japan played a significant role in Asia in shaping leadership choices towards democratization in reinforcing the trend towards democracy (1994a: 82). Such a belief in Japan's important role derived from an assumption that "because authoritarian developmentally oriented states may resist domestic demands for democratization, the role of an external actor such as Japan could be great" (ibid). Japan's leadership to promote democracy is emphasized.

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There are also reasons to promote democracy in Asia. [2] Japan is a democratic country at least in classification of political form and may have certain role to play in Asia to promote democracy. The notion in the ODA Charter was also an outcome of consideration that Japan was expected to play leading role. However, a question was raised over the nature of Japanese democracy and whether Japan can be a leader of democratization.

From the beginning of Japan's democracy, it was given system from the U.S. after 1945 and Japan did not experience political struggle for acquiring democracy through people's movement. Such a historical transition has something to do with an opinion that Japan's democracy was far from perfect and there were many areas where Japanese practices fall short of democratic ideals (Pempel, 1994: 33). [3] Another background of Japan's democracy is that Japan associates with the idea of economic gains prior to democratic matureness. After the War, many Japanese including politicians believed that economic growth would contribute to the improvement of people's lives, leading democratic promotion and rights fulfillment in automatic way. This kind of thought prioritizing economic stability has been criticized. It was apparent by looking at the current situation where democracy depended on partial and superficial ideological concept (Kersten, 1996: 164). Further from cultural perspective, Sato pointed out that Japan still has a weak sense of individualism and rather tend to appreciate harmony and consensus within a group while avoiding confrontation (1994: 106). Bureaucracy dominated the routine policy making process and the existence of autonomous bureaucracy can be a barrier to Japan's search for an appropriate set of values. It was

[2] There are major several reasons for Japan's support democracy in Asia. Firstly Japan experienced her own democratization transition and has some lessons to offer other Asian nations wishing to balance economic growth with justice and human dignity. Secondly the promotion of democratization defuses dangerous political strains and smoothes the path of political development for Asian societies. Japan would facilitate a peaceful and evolutionary process of democratic accommodation by other Asian governments. Thirdly genuine pro-human rights dimensions in Japanese foreign policy could help strengthen Japan's own long-term interests (Arase, 1993: 951-2; 1994a: 97-8).

[3] Kersten provides a mainly security reason why Japan is far from democracy (1996: 168-9).

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obviously problematic that those bureaucrats who are opposite of promoting democratic value can make decisions affecting national system reinforcement in recipients through ODA. More crucially these decisions and consequences were not inspected strictly due to lack of such monitoring system (Komori, 2002: 219).

4.1.5 Governmental approach on the Charter's implementation

MOFA introduced the ODA Charter as the basis for Japan's ODA and claimed that it continued to apply the Charter strictly for each country (MOFA, 1998b: 21-2). However, there was the unclear practice, especially policy with negative linkage, of compatibility with the principle of non-intervention. Maintaining Japan's bilateral relationship with recipient countries based on ODA the guideline and principle of non-intervention in domestic matters was problematic. Japan paid full attention to how basic human rights and freedoms are secured in the recipient state. But since the defense of sovereignty was the most common jurisdiction for rejecting humanitarian intervention, the Charter resulted in facing sovereignty related difficulty (Hoshino, 1999: 201). Another crucial point making the argument more difficult was policy implementation was not always consistent and transparent (Nakagawa, 1993: 87).

Along with implementation of the ODA Charter, Japan sometimes confronted countries which were not complied with the Charter severely. This case led to Japan's negative linkage or actions by decrease or stop the ODA flow to the recipient. On the other hand, Japan responded to positive progress of the recipient through increased ODA to the country when Japan finds move toward democratization and open market economy. The application towards recipient's negative performance exposed crucial dimension. In dealing with negative sanction, Japan tends to avoid resorting to negative linkage and if it uses it as a last resort, she avoids using it openly (Nakagawa, 1993: 86). Normally three steps are taken: "first, an attempt to exert influence through diplomatic channels…; second, stopping the next year's delivery of ODA if the recipient did not respect the

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principles; and third, reducing the amount of aid commitment from the next year if the principles are not respected" (Hoshino, 1999: 215). In the case where severe violation of principle, assistance may be cut but such a direct reflection of the principles has hardly taken place. Despite a large number of cases under the positive application in which aid is used as a 'carrot' to reward emerging democracy and market oriented economy, there are relatively few aid sanctions as outcome of negative applications in which ODA was used as a 'stick' to punish recipients for neglecting Japan's principle (Hook & Zhang, 1998: 1062).

Further on examining the recipient who received aid cutback from Japan in 1994, all of eight countries were common in being serious poverty and mostly located in sub-Saharan Africa and Latin America, where a cutoff of aid did not bear a great economic burden upon Japan. [4] When Japan saw sanction had caused her own interests at stake through loosing relationship with recipient country known for serious human rights violator such as Burma, Tokyo is likely to use ODA as a 'carrot' rather than a 'stick'. Some supporting using 'carrot' to military regime in Burma would derive from Japan's attempt to protect own interests. The government and commercialism of ODA emphasized that it is not desirable to use ODA principle as negative sanctions. They argued for the need to comprehensively take into account of the various factors including security, environment, and socio-economic conditions of the recipient. This approach stressed the flexibility of the Charter. However, it was not only dispensable but caused further negative consequence. The application of negative sanction was not constant. More importantly, the rewards provided instead of 'stick' will contribute to flourish dictatorial military government. Japanese government cannot escape from criticism that "these principles are in reality simply guidelines, not conditions, and they are only applied when it's convenient" (Asia Pacific Resource Center, 1994: 44).

[4] In 1993 and 1994 the eight countries cut aid from Japan were Sierra Leone, Zaire, Kenya, Malawi, Nigeria, Haiti, Guatemala and Burma.

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The typical attitude taken by Japan related to the usage of the Charter. That is called “indirect approach” (Inada, 1995: 6, 12). As seen in negative sanction procedure, “paying attention considerably” was stressed. Japanese government often explained the cancellation not as being taken against a violation of the Charter guidelines but “in consideration of situations…which have made it difficult for Japan to continue its aid” (Nakagawa, 1993: 97; Sato H, 1997: 196). Komori similarly accused the expression of the Charter which is too vague to clarify the contents of individual principles. The Charter was not bounded by the law, philosophy described was not clear to even be called gentle guideline. At the bottom of vague statement and inconsistent dealings in both positive and negative sanction, it can find Japan’s original approach as touched a little in Kusano’s opinion. The “indirect approach”, which Japan often follows, is that through requesting recipient’s effort to democratization and open market economy as well as considering surrounding environment of her considerably. Japan continued to provide ODA while she recognizes the value of democracy and human rights. Japan prioritized taking consideration into various other factors and supports democratization in the recipient for the long time with giving aid instead of stopping aid by short-term temporary problem (Inada, 1995: 13). The way to democratization was regarded as different from each country. It is not adequate to hostilely force them to democratization in the same manner. The ideal process assumed firstly to stabilize the public general and realize sustainable growth, and through producing healthy middle class who result in promoting human rights and democratization progress in the long run. If the logic applied to projects which are beyond the notion of the ODA Charter, the conduct of these projects can be justified by excuse that the decision is the outcome taken account of bilateral relationship with the recipient and international circumstances between them. Nakagawa indicated time elements as follows; the only way to judge the adequacy of the military activities of a country is, therefore, to monitor them continuously and to notice any change which might indicate the country’s intention to endanger international peace and security (1993,

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81). In the indirect approach, what is the very crucial action is steady persuasion. The sincere persuasion "can help to get the developing country to understand what problems are sources of concern and where improvement is necessary" (Nishigaki & Shimomura, 1996: 28). Friendly persuasion is said to be effective in some way but sharply accused of the lack of explanation why this approach is appropriate in each case to Japanese public (Sato H, 1997: 179). The time taken for the persuasion approach which indirectly pushes to comply with Japanese aid principle is certainly indicative in the history of ODA to Burma. Japan seemed to stress her originality by taking this position but rewarding 'carrot' first strategy must be a big gamble with risks in the sense that recipient country will not change in the end on the one hand and huge amount of aid produce harm to people not benefit them.

Inada criticized the indirect approach which considered human rights and democracy too lightly (1995: 6). The Charter's implementation which is associated with indirect management was largely subjected to criticism. Komori referred that ongoing request-based aid would not make sure the principle of the Charter into practice (2002: 118). It is difficult to know that candidate projects from request country are truly useful for the improvement of economic and society to her. The request-based aid may prevent the better development path. More crucially bureaucrats played major role in the implementation of the Charter. Under almost no legal regulation bureaucrats can take actions at their will. The ODA Charter is described as "a brief laundry list of idealistic policy goals that leaves the closed, bureaucratically dominated policy-making system intact" (Arase, 1994b: 194). Lack of transparency can be found and it leads that the document, especially universal value of human rights and democracy ends in illusion. The basis of the illusion comes from hypocrisy.

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4.1.6 Firm bureaucracy tradition

4.1.6.1 Powerful bureaucracy

A feature of Japan's aid goes to its bureaucratic nature. In Japan the importance of bureaucracy cannot be separated from ODA development. The characteristic of low human rights priority in foreign policy largely attributed to powerfulness of bureaucratic tradition. Bureaucracy may be the biggest obstacle for human rights implementation and democratic ODA in Japan. Bureaucrats played important role of decision making (Söderberg, 1996: 138; Kitazawa, 1995: 16). On one hand, some considered a model that bureaucracy can regulate market activity effectively and praised the role by 'effective bureaucracies'. On the other hand, there is criticism against bureaucracy with fear that they eventually lead to loose flexibility and bring political corruption and economic protectionism (Oshiba, 1999: 73). Bureaucracy in specific ministries is so powerful that other potential actors such as NGOs hardly play their role. It should be emphasized the dependence on bureaucracy in ODA decision making. Arase pointed out existence of bureaucracy referring that "the private sector participated under bureaucratic sponsorship when the rules for economic cooperation were written" (1994b: 173). The problematic feature found typical in bureaucratic system is its secretive nature and lack of transparency. Discussions were often conducted in a closed room (Franz, Trans.,1992: 108; Asia Pacific Resource Center, 1991: 19). The issue of making bureaucracy accountable was found in not only Japan but also other states. But problem consisted in "weakness of judicial remedies, lack of information disclosure statutes, and wide powers to license and regulate societal actors with very few objective procedural standards" (Arase, 1994b: 196). The discussion held by LDP members and bureaucracy was not disclosed and there was almost no opportunity for the Parliament to inspect and examine individual project. Bureaucracy seemed to accelerate the closed system of ODA and contribute to build secret empire which cannot be found in other donors.

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Bureaucrats tend to pursue their interests in conflicting with other others from other ministries through aid policy decisions. Most legislation were said to be drawn up by the government or bureaucrats, instead of diet members (Sato Y, 1994: 107). Relating to this, foreign aid was seriously under represented in the Japanese political system due to historical factors and entrenched bureaucratic interests (Rix, 1989: 464). Because of the low role of parliament, aid allocation was mainly determined by governmental decisions. This meant that Japanese government was able to decide aid policy through comprehensively total consideration of whole political and economic relationship with recipients, not explicitly political factor such as human rights and democratization. Regarding aid decision making, the perspective on bureaucratic politics can not be simple. It seemed decisions are the outcome of competition of several major ministries and agencies as mentioned later. Lack of unity of them was regarded as the reason for stronger international pressure. Contrary to Orr, Yasutomo claimed that decision making system was more centralized. Japan was said to have her own vision of national interest with autonomy and proactivity (Miyashita, 2001: 38). Change of bureaucratic power would certainly reflect the quality of ODA as Rix stressed that "if the hopes of many for a substantial Japanese contribution to the world economic system are to be realized, intractable problems of bureaucratic reform that, in the aid field, have been identified for" nearly fifty years (Rix, 1989: 474). The characteristics of the domestic politics can be found in bureaucratic power and putting less priority of political elements of democratization.

In Burma's case, bureaucrat's low consciousness of human rights is problematic feature. Japan's direct expression demanding human rights protection to SPDC did not result in any success. Once Japan touched on the topic of human rights and democratization, Burma condemned Japanese government of interfering with Burma's domestic issue. According to an official, many of Burmese officials are not willing to listen to Japan's opinion to urge democratization process. Strong stance against SPDC

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will not produce any desirable result on both human rights improvement in Burma and Japan's relationship with the regime (anonymous, Interview).

4.1.6.2 Ministerial sectionalism and shortage of staff

The 'four ministerial/agency cooperative structure' was the characteristic of Japan's ODA. Four ministries used to include MOFA, METI, MOF and EPA. The way of use and decisions of ODA flow were carried out through discussions among these four institutions. Currently, due to the restructure of ministries, EPA is integrated into Prime Minister's Office. Main actors of ODA have become three ministries. The crucial problem found is there are different interests and philosophy among these ministries. [5] The conflict among ministries and agency never positively influences on the process. It leads to "intense rivalry and jealousy among the ruling agencies and then personnel" (McVeigh, 1998: 77). Looking into an instance of MOFA and METI, MOFA is the major actor containing economic cooperation bureau which deals with ODA exclusively as important diplomatic tool. The characteristic of MOFA is its sensitivity towards foreign pressure compared with other ministries [6]. In spite of its sensitivity against outside reputation, MOFA is in a rather weaker position inside domestic bureaucracy. Calder agrees with this opinion stressing that "MOFA today simply lacks the domestic influence to expand its institutional size and scope of responsibilities" (1993: 128). Furthermore, Japan's reactiveness of macro economic diplomacy is assumed to derive from internal policy immobilization of MOFA in part (Miyashita, 2001: 175). On the other hand, the most characteristic of METI is the aggressiveness toward economic diplomacy. Franz sharply accused METI of its orientation which prioritizes economic stability of Japan. Especially from 1970s economic expanding intension was able to be hidden behind

[5] This point is referred by Miyashita (2001: 180), Pharr (1994: 173), Franz (Trans., 1992: 128-9) and Söderberg (1996: 139).
[6] There is, for example, a notion as follows; Japan is obligated to meet the expectations placed on it by international society and is working to increase the quantity and quality of its aid (Hook & Zhang, 1998: 1056).

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slogan of humanitarianism such as emphasis on BHN in assistance (Franz, Trans., 1992: 47). METI was said to dominate the process of foreign economic policy. The powerfulness of METI influences in formulating single most significant factor in explicating Japan's Southeast Asian policy toward maximizing economic profit (Sudo, 1992: 228). It is METI that suggested international division of labor in manufacturing aid plan. Such an idea must be the outcome of consideration aiming to Japan's own economic smooth management. Although Japan takes cooperation system among ministries through ODA decision making and other process, it was apparent to see the differences of basic objectives for the use of ODA.

In Japan's ODA, all ministries concerned certain programs in some way. Depending on the area to support or specialized field, related ministries of Japan would have some role to play. Moreover, not only by the ministries, ODA related to several organizations, for instance JICA for grant aid and technical cooperation, and OECF for loans. For multilateral part of aid, MOFA contacted the U.N. related organizations such as UNDP and UNHCR, while MOF dealt with aid for international economic institutions as World Bank and regional development banks. It was not difficult to imagine that decision making process concerned by all the ministries was much too complicated. The reality that all ministries proposed ODA budget for their own use is never efficient and such diversity increases ineffectiveness being far from transparent (Komori, 2002: 122). Such a less-efficient and complicated system has long been criticized and there is continuous call for establishing one 'ODA agency' which integrates all works regarding foreign aid. For several decades many have claimed that setting up one central independent authority is necessary and it can improve the quality of ODA (Pharr, 1994: 174; Kitazawa, 1997: 52; Komori, 2002: 122). However, on the other hand, there are still those who opposed reform of current style. One reason given was difficulties to transform authorized power in which each ministry persisted. The attempt to solve the problem of interest conflict among ministries is considered as unrealistic facing strong

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opposition (Watanabe & Kusano, 1991: 210). The active discussion has continued.

Together with the discussions of integrating ODA process into a single ministry, extremely small number of staff for ODA dealings has called to be reconsidered. The numbers of people who are allocated to ODA operation was often pointed out too small, which unparallel the physical amount of ODA (Ensign, 1992: 15; Asia Pacific Resource Center, 1991: 19). The comparison of staff between the U.S. and Japan, the number of Japanese reached a mere one third of that of U.S. even though Japan already became the number one donor in quantity (Komori, 2001: 122-3; Fujisaki, 1996: 532-3). The lack of human resource which was necessary to cover ODA process includes physical number of personnel but the low proportion of those who are called specialist and those classified as manager class. Pharr analyzes that as a result of the Japanese government's policies since the 1980s aimed at reducing the country's budget deficit, aid personnel staffing level increased only marginally. The shortage of aid personnel means that much of the work is done by bureaucrats or former ones seconded from relevant ministries, most of whom have little development expertise (1994: 174). The dissatisfactory of aid personnel leads to the consequence that puts priority on the projects which can absorb large amounts of aid money instead of projects that consume a lot of manpower but little money. This indicated how the shortage of staff negatively affected actual ODA projects as well as chronic dissatisfaction of human resources. Concerning the criticism of insufficient number of aid staff, Japanese government side admitted the difficulty to comply with the appropriate increases of concerned people. [7] Japanese government's stand was as follows: various measures have been tried to accommodate both the expansion of aid budgets and administrative reform but balancing the two pressures remains a difficult problem (Nishigaki & Shimomura, 1996: 21). It must contain some truth that "frustrations and resentment accumulates as too few people push too much money with

[7] Komori (2002: 123) introduces a report from the U.S. parliament studies referring Japanese government's acknowledgement on this point.

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too little sense of why" (Islam, 1991: 3).

4.1.7 Significance of business power

Self-interest cannot be ignored in the analysis of their ODA. At the beginning of aid provision to developing countries, Asian region, in particular Japan, referred ODA as 'economic cooperation' rather than development cooperation because of her own development history. Japan believed that economic development is the very crucial central criteria for successful development of recipient countries. The meaning of economic cooperation also included strong relationship with expansion of Japan's trade and investment as history showed. Economic development of Japan, which was most dramatic in 1960s and first half of 1970s, coincide expansion of its ODA because aid can provide export market for Japan and secure access to resources of developing countries (Beaudry-Soncynsky). It is accurate that Japanese ODA has developed with combination of bureaucratic decision makers on one hand and well-networked business circles which implement projects on the other. These two players share common interests by the operation of ODA under the name of war reparation or development of recipients. Since Japan did not have publicized aid policy until the ODA Charter in 1992, it leaves room for enormous powerful influence of business sector which has been necessary actor for Japan's successful economic development. Because of scarce resource within the country, it would not be unrealistic that foreign aid under changed new name of development cooperation to be associated with or at least reflected by commercially motivated self-interests.

Some do not deny the benefits caused by economic centralism. Ariff pointed out the tendency that Japanese ODA considers hard infrastructure as more urgent than soft ones which included health, population planning and technical training. It suggested the experience of economic growth success in Asia justified emphasis on the hard infrastructure such as construction of harbor, airport, road and development of

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telecommunication (1998: 171). Some other, especially in Japan, argued "that Japan should concentrate on economic efforts because Japan is a peace-oriented economic power" (Okawara, 1993: 58). It is called unilateral pacifist argument that "a priori excludes any security role outside Japanese territory" (ibid.). Due to unfortunate war history, Japan needed to impose certain restrictions in the form of constitution or politics of her own. It has led to unbalanced power structure of Japan. It resulted in having a large economic power with limited self-defense capacity.

Japan's huge economic power influenced certain perspective made by some studies and attitude in MOFA and METI. Writers such as Kusano and Watanabe consistently believe that Japan's ODA promotes investment and should be related to commercial and export promotion.[8] At the bottom of their thinking, the idea that economic development is the vital for a state as a main actor for development seemed to be persistent. While many in the South raised questions about merely economic development as the right answer for the well being of people, Japan believed that economic development could solve all problems in developing countries. It is true of the mainstream of Japanese ministries. Iimura clearly showed the position of MOFA stressing the priority on economic growth. He stated that dynamic economic growth is the key to eradicate poverty and to help lesson" the harsh lives of many people (2001, 53). And particularly for countries emerging market economy, economic growth is the shortcut to poverty reduction (ibid.). It should be correct in one scholar saying as follows; current global social problems are poverty and educational or health issues as social development. But the tendency of Japan's aid is to solve these problems in the sphere or as the outcomes of economic development. This seemed the way of thinking of economic centralism. The idea itself would not always false but it is questionable in applying to the

[8] They consider that it is natural for Japanese corporations to play an important role in Japanese ODA operation. Watanabe & Kusano (1991) support the connection between the government and business sector.

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countries where perception of development has not been clarified yet (Economic Planning Agency, 1996: 8). Reflecting its own experience, Japan tends to consider that economic achievement will lead to political change or democracy. While such an optimistic view may partly derive from shallow understanding and experience of democracy domestically, it is crucial that such kind of idea is made use of stressing economic development in ODA recipients. At least attaching only economic results will not be desirable to all developing countries such as Burma who needs political dialogue. Major factors maintaining economy-first model are examined.

4.1.7.1 National interest thinking

National interest can be explained as the reason for giving aid. Orthodoxy is Japan makes use of ODA for her own self-interest to promote economic gains. On the other hand some agreed that ODA should be effectively allocated from the perspective of national interest (Watanabe & Kusano, 1991: 195). To those who are for promoting national interest, ODA is the cost to build international order for the sake of Japan's overall national security including food and resources. Even in introducing 'basic philosophy' of Japan's aid, MOFA clearly stated that "development assistance is an important instrument for pursuing national interests" (Hoshino, 1999: 211). Targeting national interests itself will not be harmful and rather may be natural. But what the problem is that Japan pursues growth and economic interests that is an integral feature of her ODA merely for its own sake (Arase, 1993: 952; Kaneko, 1990: 46). Securing economic interests may not be acceptable as the message of a mature political society. The focus should go to the movement of a more enlightened interest. More and more countries can share common interests and stand for enjoying mutual international interests from the view of globalization (Inada, 1995: 952; Hamada, 1990: 161). It is interesting that MOFA follows this same line that ODA reflected by national interest should pay attention to global issues and interdependency. However, in applying this into

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individual case, especially problematic regime like Burma, each donor acts differently and shows the uniqueness of Japan's logic.

4.1.7.2 Private corporations

It is commented that Japanese program is no longer commercially oriented. Pang considered Japan's aid program as giving more emphasis on international strategic and political issues of regional and global concern (1995: 187). Some others also acknowledge that Japan's ODA is changing in the way that it is not merely the instrument for commercial interest (Rix, 1989: 85; Asanuma, 1991: 105). However, despite the existence of those denying the influence of commercial aspect of Japan's ODA, a lot more people criticize notorious characteristics of Japan's aid; powerfulness of private corporations in aid processing. Being typical as seen in METI discourse, establishing regional economic ties, traditional 'geo-economic' characterization of Japanese ODA is said to be obtained to a considerable degree (Hook & Zhang, 1998: 1052). The relationship between corporations and the government has been historically strong. During the US occupation period after 1945, the old Zaibatsu firms were allowed to regroup as Keiretsu. This raised a chance that "conservatives and big business … gained the upper hand over labor and its allies" (Arase, 1994a: 84).

In 1960s and 1970s, promoting commercial and industrial interest was significant for the purpose of achieving market expansion as well as gaining the less-expensive materials in Asia. Ensign explores that Japanese business interest considerably influences and aid is based on the needs of Japanese industry (1992: 39). The strengthening commercial interests are the different point from other donor countries. The increase of Japanese companies in Asia region should be notable (Matsuba, 2001: 66). ODA played a crucial role in developing Japanese economy and commercial benefits as found in the unbalanced concentration in Asia. Concerning the tie between Japanese government and private corporations, some other authors analyzed that the link

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is considerably strong and symbolizes the most significant characteristics of her ODA. At the bottom of Japanese way of development, the power of corporations persists. Due to the powerful influence of Japanese companies, Murai calls Japan a 'corporate society and believes that aid is not dividable from the interest of private sector (1988: 233). ODA is often found in the money flow from the government to Japanese corporations. The strong connection between government and companies has established the style of ODA process. In economic infrastructure projects particularly, equipment and materials are procured from Japan. (Kaneko, 1990: 53-4).

Moreover in many cases the collaboration with private sector, especially Shosya can be considered to be based on gaining long term benefit rather than merely short term interest acquired through single time budget allocation. On one hand, the government claimed to improve overall level of economic social infrastructure in developing countries through public fund as ODA, not supporting specific industry or companies. However, on the other hand, corporation are promoting private economic cooperation with expecting profits gained by infrastructure development and careful attention to differences of economic development level between each recipient country and Japan in the context of international division of labor (Kato, 1998: 203; Orr & Koppel, 1993: 4). In looking at the consequence of this basic pattern of the two actors in aid, they must work as partners in development and indeed "the countries that have succeeded in Asia have all embraced a policy of partnership between government and the private sector" (Hanabusa, 1991: 90). Even at the stage of policy making, it is notable that private sector participates in it. The significance of private corporation can be more exposed. In 1950s, when the system which developed strong consensus within government supporting high economic growth, it allowed the rules and mechanism to pursue this purpose. The system seems to be no longer suited to Japan's more diverse policy agenda. However, there has not been clear alternative reformed structure with consensus. And routinely, private sector plays a role in ODA policy and its implementation (Arase, 1994b: 197).

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The crucial position of private sector in Japanese ODA consists in their accumulated knowledge and information about recipients as well as physical strong network through local branches. Japanese government has come to depend on the information and human resource of corporations. It is often reported that private corporations conduct project finding and feasibility study of aid in a recipient country (Arase, 1994a: 108; Kato, 1998: 202; Sato H, 1997: 116-7). Franz strongly criticized that ODA is used for promoting the interests of Syosha who has explicitly commercial purpose only (Trans., 1992: 105). As the orientation can be seen in the notion of 'Japan. Inc', corporatism feature is found in connection among various fields as politics, finance, industrial community and METI. Steven similarly explains the beneficiaries from the end use of the projects are particular private companies in Japan by pointing out that "productive sector aid also comprises what was called private investment aid …, that is, aid for projects which also contribute to the productivity of capital, but no in the LDC itself" (1996: 241). Unequal distribution of aid benefit is another problem caused by private sector participation in aid process. Washimi refers that Japan's ODA only benefits some affluent groups in recipient countries and Japanese corporations and does not utilize for promoting the standard living of people at bottom line in the South (1989: 214). It would lead to environmental destruction as well. It was said there existed the four international exploitative confederations; local government, corporations, donor government and international institutions (Asia Pacific Resource Center, 1995b: 29). By looking into the activities carried out and the role played by private corporation, Japanese ODA contains crucial flow in the very basic structure of both policy making and implementation. It is inevitable that a lot of more people including not only those who dealt directly with aid operation but also general public should learn together how strong the private sector controls in aid in the ways of accumulating their own profit and interest and try to seek more just and fair ways of use through which benefit can penetrate a broader range of people as recipients. Japanese now have to acknowledge that Japanese

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capital expansion through ODA means is nothing but equivalent to accumulate the power. Instead of appealing positive figure of Japan's ODA, such as an expression often heard that Japan contributes to accelerate economic development for the people's in recipient countries in the right path with considerable amount of aid, it needs to start monitor whether truly desirable results have been brought and inspect stake holders who had prevented the right outcomes, including power of private sector incorporated deeply in the government.

4.1.7.3 Trade

In examining Japan's ODA, it is necessary to discuss its relationship with transition of trade. Since around 1955 when the share of heavy industrial goods in world exports increased steadily, Japan recognized that without heavy and chemical industrialization, it was unable to expand her exports (Fujiwara, 1989, 67; Sato K, 1999: 344-55). Trade policies were gradually liberated, which included import restrictions and export promotion measures, Japan enjoyed golden decade in 1960s despite relatively great dependence on developing nations as markets. It was because Japanese heavy industrial products were not yet competitive enough to obtain a strong foothold in developed countries dominated markets (Fujiwara, 1989: 176-7). However, during 1970s, trade had an enormous impact because processing trade system has an important feature. Export trade increasingly concentrated on industrial products such as machinery and transportation equipment. The steadily expanding Japanese export and development of heavy industry must have connection with the increase of Japan's ODA sevenfold during this decade. Trade policy can be regarded as the interactive process of economic growth and foreign trade. Trade surplus that export was huge and import to Japan is stagnated has been the serious problem. The issue has been discussed for more than a decade. On the other hand, as to import, Japan was world's number one food importing country and "its pattern of a deliberately chosen high level of food dependence is highly distinctive"

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(McCormack, 1996: 122). Fujiwara similarly highlighted the "extraordinarily high degree of vertical division of labor with its trading partners" (1989: 187). While Japan has to rely on raw materials, fuel or resources and good on imports, it has imported few manufactured goods. [9] Focusing on Asia regarding the trade with Japan, the reputation of Japan was hardly positive. It was referred that Japan considered only integration of Asian market and this reflected the pattern of aid provision (Yokota & Aoi, 2000: 129).

4.1.7.4 Commercialism

It was argued so far how much deeply economic interest rooted throughout Japan's ODA. Present section explores Japan's economic centralism. Criticism often argued that ODA is merely effective multipurpose means for pursuing economic interest both traditionally and currently. Japan's aid was connected to economic interest objectives (Franz, Trans., 1992: 62; Pang, 1995: 191). Commercialistic character was so strong that Japan has been able to avoid clear distinction between her ODA and private sector (Yasutomo, 1990: 102). While recipients were provided with Japan's aid, they need to import more things from Japan than what was received as aid. Although many discussed the inappropriate emphasis on Japan's commercial interest promotion, the government has accepted that one of objectives of its ODA is to promote economic development of its country (Franz, Trans., 1992: 48). It was assumed that various means were tried in order to realize this purpose but as the Japanese economy becomes strong, influence of ODA and export promotion will be weaker than now. (Nishigaki & Shimomura, 1996: 19). But this has to be asked as crucial misconception. Firstly, even it can be acceptable to pursue goal of economic nature, commercialism was conducted based on Japan's economic needs. Only in the case where donors can gain benefit from aid, actions for assistance would be made. Japanese

[9] Fujiwara (1989: 187) has a data.

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standard was built on national economic development. It was apparent from the discussion regarding powerful role of private sector and investment in Japan's ODA. The improvement of aid quality is necessary. In the case of looking at the intention to contribute to autonomous development in developing countries, despite economic development achievement, the disparity of the 'have' and 'have not' are enlarging. Otani claimed that the reason why aid did not reach the very people in need derived from Japan's commercialism (Otani, 1994: 287). Murai shared the same basic thought. He realized that foreign aid was the result of Japan's consumption culture. Japan attempted to prevail a kind of philosophy that it is so happy to be material wealth. There is an idea of aid as condition to expand the society where plenty of goods are overflowing and people felt rich in Japan. ODA certainly played some part to promote and realize the idea. However, what is significant is that this sort of thinking fundamentally symbolized Japan's haughtiness and conceit with false pride that the country is superior and other developing countries have to follow Japan if they want to be fulfilled with her (1988: 234-5). Japan regarded herself as the state to be the right model of Asia. However on the contrary, in fact, many developing countries are likely to refuse to be like Japan. The attitude of providing Japan's aid for producing 'second' idealistic Japan must be crucially accused. Such assistance merely ended up giving the recipient humiliation and harmful consequence. Wealth based on sacrifice of what each recipient country has maintained should be considered as strange.

Secondly, what is brought by economic development achievement stimulated by foreign aid is not always good consequence, rather, producing serious problem for the future of Japan. Economic modernization is the only indispensable element. However, as a result growth oriented strategy pushes to close or blind for the political issues and democracy (Arase, 1993: 938). Kitazawa stresses that "being spoiled by the material wealth, Japanese people have lost spiritual wealth, compassion for the weak, as well as the conviction for mutual respect" (1994: 15). Along the times for pursuing material

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wealth and economic power, Japan has resulted in forgetting something important that had maintained long time ago. The crucial weakness appeared as the phenomena of environmental destruction and damage of human life (Ishida, 1983: 19).

4.2 Japan and Asian perspective on democracy or good governance

4.2.1 Asian perspective on human rights and democracy

In looking at human rights situation in Asia, firstly, tragic situation of economic social and cultural rights was pointed out. While the level of achievement regarding civil and political rights did not seem to have much difference with other developing countries, economic, social and cultural rights situation was said to be most tragic. Poverty was pervasively consistent and affects conditions of malnutrition, illiteracy and deteriorate standard of decency. The point that should be noted is that even the rise of standard of living does not necessarily lead to the empowerment of human rights. There is an accusation that many ASEAN governments restricted civil and political rights to perpetuate the longevity of the regime in power (Christine, 1995: 217). In this claim, the socio-economic rights are made use of as an excuse to repress political opposition. It, to some extent, would have something to do with people's distrust against one party dominant regime even though they achieved rapid economic growth. It was noted that "developmentalist claim the economic development trumps Western liberal notion of civil political rights" (Hurrell, 1999: 297). And this idea regards Western emphasis on civil and political rights as primitive and instead attempted to promote economic and social rights. In human rights debate in Asia, the relationship between consequence of economic development and human rights improvement indicated crucial argument. The contents of the Bangkok Declaration were significant in the sense that it accurately noted claim of difference and the position against human rights universality. There can be the concept of minimum set of general principles serving cross-cultural dialogue appeared in a number of different contexts. Its "key task is to establish which kinds of 'difference' are

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deserving of respect and which are not" (Brown, 2002: 204). However the claim made in the Declaration may be out of question of whether respect is deserving. Asian defensive states bringing its own norms of difference make use of the concept as maintaining of authoritarian of their governments. It is often described as 'Asian value' which is a convenient word for certain Asian leaders to pick up specific rights for defense of their policy.

Interrelating to this, next characteristic of Asian human rights goes to the powerfulness of state. State interest is often the main actor to restrict on rights rather rights being a limit on state. In many instances what is found is that rights are considered to be created by the state not inherent within human being (Davis, 1995: 11). It is true of politics and states have too many restrictions. It resulted in stressing duty more than rights. Emphasis on duty is discussed often as major feature of Asian human rights condition. Stressing less importance of individual rights raised another characteristic, which is priority tends to go to the scope of community life. Principle is one which is possessed by the community or association. The community required social responsibility that can restrict freedom of its members (Milne, 1986: 131-2). These are the negative elements of human rights from Asian perspective. Because of these, the difficulty is mentioned regarding the possibility that Asian region becomes departure of constructing cosmopolitan society.

Asia is a diverse region and each country has different perception toward human rights and democracy. Nations in Asia are in the different level of the process of human rights respectively. But they have tended to follow different path of Western thinking on it. They often stand a position that economic development will bring better human rights environment and at the same time economic achievement parallels with economic rights implementation. The fact is that Japan and Burma are located in such a diverse Asian region where human rights are interpreted in different ways.

Focused particularly on Japan's position, her human rights perception tends

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rather to support Asia. Japan is often categorized belonging to Western democracy but in actual consideration on human rights, is likely to support Asia's particularity. For instance, in discussing human rights of Asian nations, Japan raises 'culture' consideration which Japan respects and justifies as the source of difference. Japan avoids tackling Asian human rights incompetence by using 'case-by-case' basis. It means that Japan resulted in ignoring inevitable human rights element such as universality that mainly derives from the West. Under the name of respecting different culture, Japan supports particularity of Asian human rights thought.

4.2.1.2 Japan between West and Asia

West can imply more than territorial indication. Western powerful states have very much to do with representation of geopolitics "establishing the priorities for global, especially on matters of peace and security" (Falk, 2000: 89-90). Japan became a democratic country after 1945 and has developed as a democratic nation in Asia which contained crucial discussion on democracy. Japan was given human rights idea in the Constitution and followed Western thinking on rights in theory. For the past decade Japan became more conscious of human rights and claimed a position to protect idea from Western majority such as universality of them. Surely there are some problems in Western promotion of human rights. For an instance, Nuscheler stressed what it needed was some binding norms, values, ideals and goals rather than universal validity of particular economic or political development models (1995: 230). What is 'competitive democracy' is suggestive since it "is not a Eurocentric imposition but the rational requirement of an order that is appropriate for the enlightened, mature citizen" (ibid.). [10] The importance of focusing on citizen to which everything constructing society and

[10] Nuscheler introduces Stockholm Initiative that touches difficulty of exporting the Western model of democracy in a following way: it is neither legitimate nor sensible, beyond a certain indispensable minimum standard of human rights, to use the threat of the withdrawal of aid to force on another country the introduction of particular principles of political organisation… (1995: 229).

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ideology attribute clearly indicated immatureness of Western centric use of democracy promotion in other world. West would be ashamed to believe that the democracy they provided was the absolute only truth. West's idea that developing countries needed West's help to be democratic was certainly inappropriate (Schmitz, 1995: 58-63 Arblaster, 1994: 100 Stokke, 1995: 396). It was supported that West must recognize democracy is not the set formulated in absolute static models. But rather indicating to developing countries means providing people with opportunities and fundamental principles aiming to result in utilizing and exhibiting their potential characteristic as well as protection of rights.

There is another problem as well as emphasizing Western superiority in development of democracy, aid to unaccountable regimes, more specifically governments occurring human rights violations. While donors popularly claim the necessity of democracy to recipients, it was found that aid and human rights violations form a vicious circle and aid is not neutral. Foreign aid strengthened a repressive regime by making it economically viable and thus contributed to the perpetuation of violation (Tomasevski, 1989: 66). Boyce also criticized those less-wealthy people, for example farmers who were affected negatively by restricted their industry due to imported food aid. People were surely deprived opportunities of enjoyment of their freedom and rights by aid which "help to maintain in power a predatory and repressive regime" (Boyce, 202: 243). Much aid induced for the purpose that those who possess power in recipients retained power due to increase in available resources. Griffin agrees to this symptom and exposes the real practice which is opposite of situation where foreign aid encourages democratic government (1991: 608 and 668). Those criticisms of aid's support rather dictatorship or authoritarian regime seemed to be argued often and be possible to judge as one dimension of foreign aid. If Japan, as a member of West, followed the same way of allocation which resulted from self-interest of acquirement resources in recipients, it leads to help to maintain authoritative governments and has to be too shameful to be claimed as being the

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democratic state as well as supporting democracy in aid. It should be questioned on the credibility that these kinds of donors promote 'democracy'. Tomasevski strongly criticized democracy tends not to be reduced to multi-party election by referring that "democracy has been confined to electoralism" (1993: 13). Transition from a dictatorship to a democracy indeed cannot happen instantly and it is necessarily slow and difficult (ibid.: 14). This can be another instance of donors' application concerning democracy promotion. As long as there is room to believe that what donors do is not always along desirable democratic principle or even they do not hold idea of democracy, it continues to undermine the value of democracy in recipients and leads negative influence such as to deter implementation of democratic basis in the right way.

Moreover geographically, Japan is in Asia. In the region, she maintains strong interests and has to hold strong relationship with Asian countries. From political, security and economical reasons Japan cannot survive even one day without strong connection with them. In looking at the strong interest in Asia, Japan finds herself in a very difficult position to emphasize Western human rights necessity. The difficulty of Japan's position between West and Asia must work ODA policy toward Burma. While international donor community largely criticized Burma's political transaction as well as human rights violation and take sanctioning actions, Japan could not follow such a hard line. While Japan calls for dialogue for political reconciliation to SPDC, she maintains friendly relationship by providing 'carrot' rather than 'stick'. A kind of constructive engagement policy which stresses dialogue deeply relates to Asian neighbors policy especially ASEAN. ASEAN is such an influential organization that Japan cannot make any change in Burma without the understanding and support of it. Japan's choice of the constructive policy is the product of compromising effort between Western criticism and ASEAN's cooperative approach to Burma. Such a policy should be questioned in the sense that Japan's accumulated large amount of ODA resulted in not contributing to Burmese whose rights are at stake but consequently supporting the military regime whose needs are to be

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changed.

4.2.2 Western accusation and support from ASEAN and China

The difficulty of the Charter implementation comes not only from SPDC's authoritarianism but also some other factors as pressure from Western allies as well as ASEAN respectively. Since 1988 aid suspension, Western countries have taken rather strong position against Burmese regime. Particularly the U.S. and European nations have been in the front of criticizing Burma on reluctance of democratization and her human rights violations. They are active in sanctioning the country. For the last decade, fiscally, except Japan, most of donors dramatically reduced or stopped their assistance to Burma. In this sense Japanese behavior is special and out of the mainstream.

Despite human rights situation in Burma, it is important that Burma has been able to receive support from neighboring countries. Regarding ASEAN, Burma was accepted as a member in 1997. ASEAN countries have taken 'constructive engagement policy' toward Burma and promote transactions and network establishment in certain activities rather than keenly urge Burma's political change. Neighbor's acceptance of the regime would work in the way of Burma's losing motivation toward change. It must affect the use of Japan's ODA as well. The regime's enjoyment of ASEAN's support implies that it is difficult for Japan to ignore positive engagement with Burma in the regional framework and to enforce her ODA Charter strongly by herself. Japan has to take into consideration what the regional arrangement is and how ASEAN's acceptance of Burma influenced her ODA implementation.

The other strong support on Burma comes from China. China, who is one of the most influential Asian countries, has been a consistent supporter to Burma. Since both countries have notorious reputation in human rights debate, Japan has to be said that her position is quite sensitive in promoting human rights and democracy through ODA. Particularly China has been the main supplier of weapons and arms to Burma, both hard

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equipment and technical support on armed forces was significant after 1988 uprising. The relationship between China and Japan has historically been controversial and sensitive due to Japan's various interests. Even if Japan believed that protection and promotion of human rights in Burma is necessary, the issue has to relate to Burma's surrounding nations' concern.

4.3 The relationship between Japan and Burma and Burma's problems

It will be examined the possibility of more political factors concerning the transition of diplomatic Japan-Burma relationship and its influence in its ODA. MOFA openly addresses the close friendship with Burma who has maintained pro-Japanese attitude. It also reflected the urgent development needs of Burma in aid allocation until 1988. Japan's perception toward Burma after 1989 presupposes continuous engagement of committed projects and humanitarian aid. MOFA believes the decision followed major principle of Japan's ODA Charter. In the case of Burma, it indicated that Japan, with historically strong connection tenaciously works for the move towards democracy through keeping the tight relationship (MOFA, 1992: 133). Such a position leads to promote and engage in "various forms of dialogue with both SLORC and pro-democracy forces led by Aung San Suu Kyi" (MOFA, 1997). Japanese government adheres to maintain the relationship with Burmese counterpart as the best decision to Japan, which is believed to implement announced policy on promotion of democracy in the ODA Charter. Japan tries to show its unique position toward foreign policy on Burma different from other donors. MOFA is likely to appeal originality through engagement policy and emphasis on dialogue with both the military regime and its major opposition party. The engagement approach seems to be the ultimate method to bring any effective result for democratization. Repeating only the importance of human rights and urgent need for implementing them never expect any positive change in the case of SPDC (anonymous, Interview). Takeda raised four points for Japan's policy along with this line: emphasis on

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dialogue, active engagement, collaboration with the US and gradualism (2001: 56). They are considered to be the best approaches and resulted in progress for the ultimate goal of democratic process and economic development (ibid). MOFA generally acknowledges that release of Suu Kyi from house arrest in 1995 was the product of Japan's promoting dialogue with the regime. Another claim can be continuous engagement with humanitarian assistance provided under the compliance with the principle of democracy and human rights. Japanese less-strict thinking on Burmese foreign policy should be another influential element in continuation of ODA in terms that SPDC can undermine human rights and democracy concept and gain more opportunity for aid to strengthen the authority.

In looking at the consequence of the policy, it is dubious whether Burmese government has effectively responded to this. The officials claimed Japan's originality that only she can have dialogue connection with both the regime and NLD. However, there are objections to the position by clarifying two arguments. One is the difference of closeness with each of them. Military government as the ruling party has much more frequent exchanges with Japan rather than NLD, which was treated as an opposition group (Nemoto, Interview; Sugawara, 2002: 3). Japan's policy should not be understood as one-way track signal to support the military government. An example showed that MOFA asked the military government to arrange MOFA's meeting with NLD (Sugawara, 2002: 3). Secondly, the regime makes use of state-controlled newspaper and strategically raised publicity of support from Japan in public.

Once after assistance is carried out, there is a problem of monitoring. Regarding the Suu Kyi's advocating three conditions, Japan seemed to face difficulty in the third principle of independent monitoring. An official from foreign ministry expressed that while in principle he agreed to her claims, it was rather unrealistic to comply (anonymous, Interview). The reason for it derived from the lack of availability in both sufficient number of personnel and budget for covering project monitoring. The fundamental

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problem in common with compliance with ODA Charter would consist in the Japanese government's attitude that ideal is something different from the real operation of assistance.

Above argument stressed Japanese soft approach to Burma being typical of emphasis on dialogue. The approach is often called as 'Sunshine diplomacy'. The name derives from a fairy tale "North Wind and Sun". The approach puts more priority to positive sanction and supports for democratization process in the long run through aid provision rather accusation and giving negative sanctions against military governments as the US did. The policy stresses the importance of Japan's convincing Burma of taking democratic idea voluntarily. Imposition of hard line such as criticizing and sanctioning Burma was considered not suitable. The best way to bring democratization to keep friendly relationship and wait for Burma's realizing the necessity to accept human rights respect and democratization. Since 1988, Japan takes this sun diplomacy basis in dealing with Burma. It is crucial even though the volume became smaller, ODA has continued stressing friendly relationship. For 'Sun diplomacy', an event such as release of Suu Kyi was a result of their effort of dialogue with military government. It led to rewarding it by providing other aid projects (Seekins, n.d.). However some criticized effectiveness of the sunshine diplomacy, which gives military regime rewards (Seekins, 1999: 59, n.d.). Applying the logics of 'stick and carrot', Japan was keen on giving carrot to Burmese juntas, not sticks. But the result totally depended on the will of Burmese government and hardly turned out to be successful. Rather, the regime is strengthening its control. The approach clearly has taken about fifteen years since nationwide democracy campaign arose or at least eight years since Japan's sunshine diplomacy was stated first time in 1995. The length of period proves Japan's approach to be inclined to be failed. Japanese diplomacy is also called 'quiet diplomacy' which quietly calls for substantial reform. There are some people who believe only this approach is the best method to smooth the diplomatic relations.

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The statement made by Japanese government is consequently soft and indirect way of saying. MOFA normally praise Burmese government by taking positive change such as release of political prisoners. Japan's attitude to such aa expression by MOFA indicated clearly that the government does not have any serious recognition of Burmese counterpart as human rights violator. For instance, foreign minister Kawaguchi told Aung San Suu Kyi that she could ask her military government to apply ODA for desired project in order that Japan can implement it. No one believed it will happen. Her statement came from self-help 'principle'. MOFA has maintained Japan's position as a Burma's friend who quietly talks about democratization.

Apart from purely economic and political motivation of Burma's ODA, strong emotional or personal tie can be one of the important elements in Japan's aid engagement. The emotional adherence to Burma exists in ex-Japanese soldiers on the one hand. On the other hand several key figures in Burma as Aung San and Ne Win had strong connection with Japan. The special relationship between two countries firmly continued during Ne Win socialist era such that Japanese ambassador to Burma can regularly contact with Ne Win. Both Japanese government and business groups have emphasized the special relationship and historically friendly relations. Burmese government even rewarded some Japanese ex-officials in South Institution. Nemoto warned that the conception of 'special' relation has often played rather negative role to undermine the fair and just process of aid project findings and implementations. Repeated emotional and personal connection tends to prevent objective decision-makings in ODA (2001b: 6). Developing only emotional feeling caused failure of projects such as four industrial projects.

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4.3.1 How Japan's ODA is used for human rights protection and promotion in Burma

4.3.1.1 The argument of humanitarian aid to Burma

There is an argument whether Burmese military government is entitled to receive humanitarian assistance from abroad. The definition of humanitarian assistance is different from country to country. There is no static category of supporting field. ICG suggests that priority needs includes aid indispensable for human survival such as food security and malnutrition. From Japan's context, when MOFA stated humanitarian assistance in Burma, it was considered as assistance which benefited Burmese directly, mainly in BHN as well as emergency aid. In analyzing different opinions for or against humanitarian aid to Burma, it reflected political position.

There is a group who supported urgent necessity of more aid to Burma. The stress is made that "international aid is needed to alleviate the day-to-day suffering of the Myanmar people" (ICG, 2002: 1). Humanitarian aid can help the country by supporting the educational sector and slowly build civil society and pluralism (op cit: 17). The report urged NLD and democracy supporting oppositions to support steps that may be taken prior to the political transition. There were some groups supporting for humanitarian assistance. Major ones were business groups and SPDC. Some urged the need for aid to education sector which directly becomes basis for producing future politician (Nyunt Shwe, 2003 Feb.). For those business-oriented people, their major concern was how to expand their business operation and maximize profit. Under the name of humanitarian assistance, they can keep connections with Burmese government and have opportunities for business development. At surface, they expressed necessity of humanitarian aid to improve human rights or lead to democracy smoothly.

In this thinking, Burma at first can entitled to enjoy humanitarian assistance in order to develop necessary sector to some extent. Giving nourishment to all the 'saplings' is needed to see a healthy democracy growth in the future. Humanitarian aid is regarded

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as a moral and ethical necessity. This idea accepted Burmese government's claim that it has been on the brink of humanitarian crisis and calls for much more overhaul of budget for it. From this thinking, the military government is believed to have already acknowledges the necessity for socio-economic development and be able to take actions for the improvement. It is undermined that aid legitimizes the military regime. It leads to retard attempts on any political change or organizing rights satisfied society. Giving legitimacy makes the military regime decrease or loses the intention for the necessity to improve its governance. If aid is provided to such a regime that is in desperate aid need, Burma must feel that the government is accepted as a justified actor to implement ODA by international community. The military government regarded itself as legitimate to implement humanitarian aid programs as well as require more aid. However, it does seem to retard solving radical problem, that is, national reconciliation in process. Without confronting the most crucial origin of problem in political context which derived from the control of SPDC, humanitarian problem will last despite international aid. Sharing advantages by both military government and international liberal business groups coincide with benefits through promoting 'humanitarian aid'. They claimed that few people opposed such aid provision. But it is more realistic to consider that most people are indifferent from foreign assistance. Otherwise due to lack of prevailing open information and freedom of expression, people result in agreeing to humanitarian aid. It is crucial that some of aid flow including humanitarian aid would stop at SPDC, which is not the final receiver, and not reach referred sector and local people. It would be more accurate that true stability and social welfare would come after government becomes more democratic, accountable and transparent.

Moreover, corruption is considered as less problematic at present because assistance channels directly to the beneficiaries. Even they think normalization of economic relation, involving trade and investments, can lead Burma to help itself. At bottom of this opinion, aid needs has priority over political consideration and

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humanitarian assistance provision definitely contributes to improve the internal situation toward democracy slowly and participation in international economy actively as well as benefit people's lives. Historically, Japanese government has taken this position in contacting with Burmese counterpart. Has the idea supporting increased aid produced any positive result toward true democracy realization in the end? The answer should be 'No'. The reasons are given by the other group's claims.

The other groups are opposing to continue or increase assistance. The latter opinion seemed more suitable for aid discussion on contemporary Burma. This group included NLD and various organizations requiring political change to democracy. They acknowledged the current devastating political and economic situation. There are several points to claim why provision of aid to current military regime should not be accepted. Firstly, while some donors such as Japan insisted that humanitarian aid must be differentiated from other forms of aid, the recipient country, which is Burma, has spent substantial resource to armed forces. Since ODA is primarily transferred between governments, the behavior of recipient must reflect its use. It is difficult for international society to change the scope of restrictions imposing on the recipient government. It is commented that humanitarian aid should not function as a ransom payment for the positive actions of human rights violations as release of political prisoners (Altsean, 2002: 3). While SPDC longed for acquiring more aid, it made argument and gave reasons for it as follows: firstly, adequate political reform is ongoing, secondly, both external and internal elements are responsible for humanitarian crisis in Burma and thirdly, the country is too impoverished to resolve all the problems by itself. However, these three claims can be denied by clarifying the reality. For the first claim, 'current progress' is only the token (ibid 19). Although they insisted that it takes a long time, in reality it does not put any effort for national ceasefire and widespread human rights abuses. The second one, the regime should recognize that its own government is directly responsible for suffering of the country and the origin of all problems. The cause for the need for humanitarian aid is

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the result of long military rule. Humanitarian crisis does not occur in one day but dealings of politics and economics and the interrelation continue to produce harsh humanitarian situation. In the third claim, in practice it noted that regime is not committed to alleviate human suffering. It is eminent on the heavy emphasis on purchase of armed equipments and weapons. At least fifteen years of military rule have shown that the regime lacked the ability to properly rule the country. The country needed change (Nyunt Shwe, 2003 Jun.). Some emphasized that we should not recognize SLORC/SPDC as a legitimate government (1997: 213).

Next, for Burma who seriously faced financial shortages, foreign aid is an attractive source. Once the regime gains humanitarian assistance before political change, the military government not only can gain precious foreign exchange but also is legitimized as sufficient government. Accepting regime's calls for humanitarian aid and putting less pressure on the government meant that it received added legitimacy even the aid has no short-term economic effect (Steinberg, 1992: 430; 1999: 286).

Thirdly, assistance in any form is intrinsically political. Even though SPDC is the root-cause of humanitarian situation in Burma, the government's behavior was likely to be ignored. It must mean that the cause of crisis or political context is not taken into serious consideration (Altsean, 2002: 6-7). Foreign aid needs to be addressed within political context at all times otherwise Burmese people are oppressed and abused without political change (Tin Maung Maung Than, 1997: 202; Ye Htut, Interview). Alternatively, some required realization of democracy in aid. If the process of aid is democratic, humanitarian aid is said to be more effective. It included the involvement of diverse people and wide range of groups. Donors should take a step to advocate for pluralism through contacting opposition factors. It should be noted that it is difficult for people to participate in aid process without intervention by the regime. Under the situation where various human rights are violated, it is crucial that people in local community cannot participate and express their own opinions (Altsean, 2002: 31-3). Steinberg analyzed the

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lack of dialogue which finds out internal basis of common interests among people and leads to end of many problems (1999: 304).

Finally, according to Aung San Suu Kyi, there should be three conditions for acceptable aid implementation. She advocates conditions of aid as the right way; accountability, transparency and independent monitoring in carrying out any aid project. She does not completely deny any forms of assistance. As long as these conditions are maintained in all the process, she welcomes such a project. She strongly states that without accountability and transparency we cannot see what happens to all the assistance. Assistance must be transparent to all people. She also appeals that donors should ensure transparency and their aid's reaching to the needy. Extending aid to the efforts of the oppressed Burmese is a favorable objective and we should pursue but in the real situation lacking installation of democracy, it is still not easy to implement it. In applying to these important conditions, many cases are not considered as competent. It is said to derive from non-existence of democratic government (Altsean, 2002: 23). Aung San Suu Kyi and NLD tend to oppose the resumption of ODA because these three elements are not always complied with actual assistance. It should not that the primary interference to prevent the compliance consists in the ongoing military regime.

Concerning aid necessity, as shown above reasons, there is more likely to be possible for the military junta to utilize it for the maintenance the power rather than for the concept that humanitarian aid is intrinsically good and directly contributed to the needy. The answer for the humanitarian crisis should not be to increase aid but to consider carefully in the political context otherwise aid's effectiveness is limited or even worsen the situation by intervention of authority. Under current situation, any positive effect can occur after resolving the problem that where it is most needed it is likely to be least (Steinberg, 1990: 742). Giving or increasing humanitarian aid also has potential danger that some projects can be carried out easily under the name of basic human needs (BHN). Following necessary conditions for legitimate aid process by Suu Kyi has many

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difficulties under the military regime. Aid under supervision of the military junta would be the potential to cause suffering. Despite intentions of donors, "granting aid that enables the generals to prolong their rule would be the ultimate betrayal of those suffering because of the regime" (Altsean, 2002: 7). While there are many advocates for terminating humanitarian aid to Burma, Japan has taken a slightly different position. The discussion has shown that the difference of approach from other donors has produced crucial impact on the fates of Burmese people.

4.3.1.2 Less priority on human rights

The whole tendency and actual cases in Burma examined before showed that it is difficult to carry out projects in the way of promoting human rights even with Japan's limiting humanitarian purposes after 1989. Under the name of humanitarian aid, repair of the airport and dam were made in the last decade. It is characteristic of Japan's aid for such an infrastructure-related project as some large amount of money will be spent. It has to be compared with the amounts for each health sectored and grassroots project. Besides unbalanced financial allocation, it is not accurate that any social sector projects aiming to fulfill BHNs have fully achieved their purpose by the military regime that pays little attention to human rights protection and democracy. Without organized monitoring system in Japan, it is difficult whether 'humanitarian' aid contributes to Burmese people at bottom and urges their participation in aid. The specific cases taken indicated that Japan is not only less active on human rights protection and promotion but also has continued her ODA with lack of transparency, accountability and regular monitoring. Labeling 'humanitarian aid' is an easy task. The crucial issue is its operation and consequence where Japan has lent her hands in human rights violations through supporting Burmese regime.

In Japan's ODA to Burma, the case is the typical in terms of strong business corporations throughout war and quasi reparation period. Their powerful appearances did

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not stop or even their lobby played a key role in aid resumption in 1989. Through the last decade when Japan emphasized on carrying our humanitarian only, business circles maintained continuous connection with ODA operation. It has to be eminent that Japan prioritizes economic interest than tackles with human rights protection and promotion in Burma. Since 1989's aid resumption with policy changed, Japan in public has mentioned democratization in Burma. However, democracy promotion based on the soft foreign policy did not seem to produce significant contribution on this regard. At least after adoption of the Charter, ten years has passed but there isn't any significant improvement that Japan urged to Burma through ODA. The time period sufficiently proved the same interests except human rights promotion that constructed from the way of Japanese ODA.

4.3.2 Wartime domination unfinished

Through the discussion of relationship between Asia and Japan, war memories, more limitedly, Japan's invasion over the region cannot be ignored. Most people in general still have strong awareness of Japan's domination, considering how harshly Japan acted. Lee assumed that "more politically aware and stronger than before the war, such nations would surely resist such domination" (Lee, 1994: 121). In the historical fact, the war and Asian domination stopped more than five decades ago but there was opinion that Japan's colonialism has not changed at all. Firstly, Oshiba observes that there finds "the failure of Japan to confront the problems of war guilt and colonial guilt has prevented Japan from taking a leading role in Asia" ethically in particular (1999: 66). Against physical and psychological damages that Asian people had undergone sufferings, Japan has not yet taken full responsibility for a colonial rule. Since Japan has not truly extended a sincere apology for Asian nations, they have not forgiven Japan at all. Resentment of Asian nations seems to be natural because they know Japan's irresponsibility and can find consistent egoism. But contrarily, Japan just kept repeating similar statements, sympathizing sufferings of people in Asia superficially. Since Japan has never

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apologized for the crimes during the war from the heart, it resulted in repeating similar description. Japan did not seem to change her attitude toward Asian countries. It is never the desirable consequence. Even recently new colonialism has started to be active. The wave of nationalism and those who are called revisionists are becoming larger and larger. The imperial characteristic has not died at all.

Even at this moment colonialism continues in political and economic terms. Rix shows an instance that "while Japan has penetrated their economies, it does not provide a reasonable access to their products in its own domestic markets" (1993: 34). Even though Japan expresses support toward ASEAN, its labeling is made without assuming any risk. Hook and Guang agree to this by stressing that "Japan exercised more freedom to pursue its own course" (1998: 1064) in Asia where the US maintained a relatively weaker influence and lesser national self-interest were at stake. Economic interaction often overcomes antagonism and Japan expands economic relations and ODA throughout Asia. Japan's heavy concentration on economic sphere is apparent. According to Oshiba, through post war period many Japanese do not play a political and military role but prefer economic oriented approach (1999: 66-7). The tendency does affect low consciousness of support for democratization and protection of human rights.

Japan's invasion in Asia still sends a message that it is "difficult for Japanese to act assertively in Asia when they have not quite faced the past" (Wan, 1998: 166). The notion that few Asians see Japan as morally qualified enough to criticize other Asian nations contained meaningful indication to show how Japan has slighted her own behavior and reached to neighbors through sincere reparation. As the background issue of ODA, pains and harshness that Japan's imperialism caused should be acknowledged as the proposition and at the same time history has not finished yet. Leitch refers that "the history which most Asians never experienced that they will not allow Japan to forget" (1993: 66-7).

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4.3.3 Resistance from Burmese government not to implement human rights

This section examines how difficult it was for Japan to apply and actually implement its ODA Charter, human rights protection and democracy promotion in particular. Even if Japan attempts to implement the Charter's notion in Burma, there are several factors preventing this from being successful. Firstly and most crucially, there is a problem of Burmese regime's resistance. The military regime is notorious for human rights abuses and there are many reports concerning widespread rights violation cases by the government. As described in the previous chapter, human rights of people have been denied by the military regime. When Japan provides ODA to Burma, what is the most crucial is that the human rights violator is the governing state authority.

In such an authoritarian government, it has shown little interest and responsibility towards human rights in ODA throughout the past decade. SPDC is likely to reject any opinions on human rights issues of the country from abroad and not going to democratize the nation actively. Project cases taken before clearly indicate that Burmese government who lacks of accountability and transparency is the crucial obstacle to promote human rights.

4.3.4 Burma's reliance on Japan's ODA

Focusing on the quantity of Japan's aid, she has been the most important donor. It directly indicates that for Burma, one of the LLDC at present Japan's behavior is so important. By 1990, the total amount of ODA reached 5,005 million yen. Quantitatively Japan has been the most influential donor's giving 60-80 percent of all aid to Burma. Significantly, even though Japan has stopped a substantial part of its aid, the volume of ODA is the largest among DAC countries. Only Japan has provided continuous humanitarian aid. There is an opinion that Japanese related projects have amounted to 80 percent of all assistance of Burma. ODA white paper shows that the largest donor is Japan in recent years (Table 14). The difference with the second largest donor is crucial.

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For instance in 1994, Japan occupies $133.8 million while total ODA to Burma from all DAC members was $142.8 million. Canada follows Japan but reaches only $2.6 million. Historically Japan has been the most generous top donor to Burma. Reaching high proportion of total ODA of Burma, Japan could have played crucial role to promote human rights protection or democratization inside Burma after its ODA Charter. Japan would have been able to improve Burma's democratization or human rights protection through its huge ODA. In looking into Japan's aid in 1990s, large projects tend to go to infrastructure ones, which is difficult to affirm that the assistance reaches the poor. Japanese government should have realized that the receiver of Japan's ODA is the military regime who is out of sight of human rights protection and promotion.

Table 14 Amount of DAC countries' ODA disbursements to Burma ($million)

Year	1	2	3	4	5	Japan	Total
1990	Japan 61.32	France 9.74	others 12.01			61.32	83.07
1993	Japan 68.6	France 3.4	Germany 1.6	U. S. 1.0	Switzerland 0.9	68.6	77.3
1994	Japan 133.8	Canada 2.6	France 2.0	Germany 1.4	Neth. 0.8	133.8	142.8
1995	Japan 114.2	France 4.3	Neth. 2.0	Australia 1.9	Germany 1.3	114.2	126.2
1996	Japan 35.2	France 2.1	Neth. 1.8	Germany 1.5	Australia 1.5	35.2	45.3
1997	Japan 14.8	France 1.9	Australia 1.7	Norway 1.6	Germany 1.4	14.8	23.6
1998	Japan 16.1	Norway 2.4	Neth. 1.9	France 1.8		16.1	27.4
1999	Japan 34.2	Norway 1.9	Australia 1.9	France 1.6	Germany 1.6	34.2	44.7

(Source: Japan's ODA White Paper)

It is worth paying careful attention to the relationship between quantity and quality of Japan's aid to Burma. Since the policy changed in 1988 after stopping many aid flows to the regime, amount of ODA has dramatically been restricted. In comparing with other Southeast Asian nations such as Thailand and Indonesia who often ranked top ten recipients, the dramatic decline of aid allocation to Burma is crucially becoming out of that list for more than a decade. From objective quantitative perspective, Burma should no longer enjoy high priority in Japan. However, what makes a contrary fact is that despite the lack of new aid, Japan plays the most influential role in Burma. Japan as the top donor for Burma stands out as compared with second or the third donor country.

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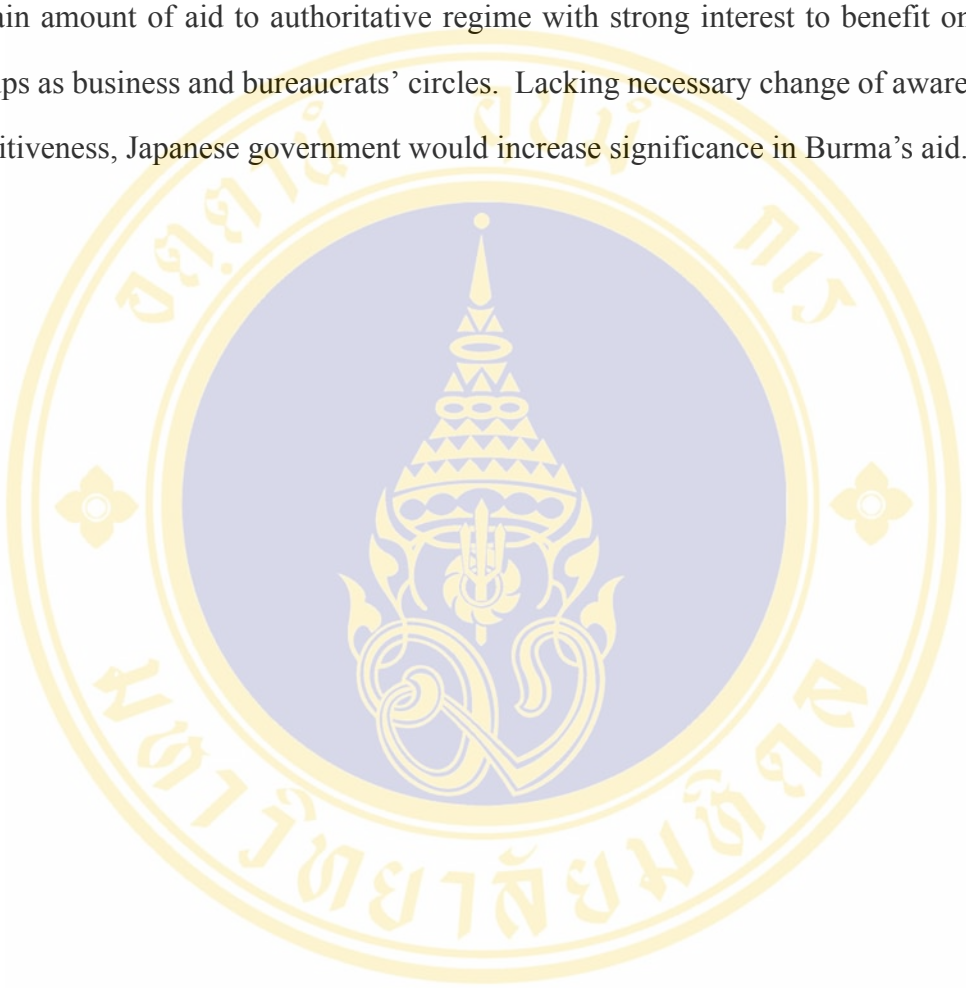
While Japan claimed that its ODA considers the Burmese internal situation for democracy in accordance with stream of international society, structure of Japan's strong position has not been reflected by the policy change in 1988. Annually, Japan provides certain amount of aid to authoritative regime with strong interest to benefit only small groups as business and bureaucrats' circles. Lacking necessary change of awareness and sensitiveness, Japanese government would increase significance in Burma's aid.



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CHAPTER V
CONCLUSION

5.1 Conclusion

ODA has become more and more important in Japanese foreign policy as the expansion of its quantity. While Japan increases it significant influence as important diplomatic instrument, Japan had been largely criticized due to lack of clear philosophy and guideline in ODA. In 1990s, international community started to take into account democracy and good governance. There are several reasons why a country provides its assistance toward another one based on such as legal norms, moralistic obligation and political circumstance. Among them saw that economic development in recipient countries has been one of major purposes. But since 1980s, international community has been likely to find importance of political consideration for successful aid implementation, not only economic dimension. Foreign aid would satisfyingly achieve its set purposes after integrating both economic and political consideration.

In these concepts, human rights thought is a necessary factor which constructs a crucial part, while generally the reality turns to be the opposite of theory. The adoption of Japan's ODA Charter in 1992 is significant in the sense that it established the formal aid policy of Japan's ODA for the first time, which claimed human rights and democratization notion as one of main principles. However, despite the importance of these concepts, it was more likely to be difficult for Japanese government to implement them. It was eminent that the motivation to adopt the Charter is brought by foreign pressure and not domestic voluntary demand for it. Besides, ineffective implementation largely derived from the complicated implementation process where bureaucratic interests clashed among ministries as well as traditional strong relationship with

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economic interests.

The relationship between Burma and Japan has consistently been considered as highly friendly even since during the War. The friendly relations partly reflected large amount of aid flow to Burma during reparation and quasi-reparation until 1988. Japan has been the largest donor to Burma and Japan maintained big influence on Burma's development. Large scale infrastructure was the main area where Japanese ODA was induced. Typically the tendency finds in production of vehicles and constructions of dams and roads. The failure was clear in terms of not transferring technology to Burma. The policy change had occurred in 1988 due to dramatic democratization movement in Burma. ODA freeze and resumption in 1989 was considered to be along the same line with the Charter which in fact came to existence three years later.

Since 1989, Japan has provided its ODA on limited basis focusing on humanitarian needs for 12 years. The consequence of more than the decade has shown that the ODA induced into Burma little contributes to democratization and human rights protection or promotion. In spite of 'humanitarian' assistance, the ODA flow does not improve the situation in Burma because its ODA is the precious financial resource for Burmese military regime to keep the authority. The humanitarian aid was questionable whether it functioned as desired when the recipient authority needed to change politically. Although the quantity delivered to Burma after 1989 decreased significantly, qualitatively importance of Japan's ODA as the top donor has increased. Japanese ODA to Burma after 1989 has made along with Japan's diplomacy with 'sunshine policy'. The policy stressed soft approach and always rewards Burma by raising positive change rather than strongly demands necessity of democratization and protection of human rights. Japanese government considered indirect approach as more suitable in order for Burma to reach democratization. Such decision must result from low consciousness of importance of human rights protection. Continuously, Japan's giving 'carrots' not 'sticks' has to be criticized in looking at her crucial influence in Burmese regime's

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survival.

Japan's ODA has to be seen as a failure in terms of human rights protection and democratization promotion. The failure included non consideration of human rights and oppressive nature of the regime, wrong foreign policy which spent too much fund with little expectation to improve human rights situation, lack of accountability and transparency. In spite of the notion of democratization promotion which is the important political system benefiting citizens most, attitude and behavior of Japanese government have not reflected this in Burma's case. Therefore, it was irresponsible of Japanese government in the sense that her ODA has been assisting continuity of Burmese counterpart.

Case studies showed that ODA flow provided Burmese government the power to deteriorate rights of the people and continue to oppress them even if Japan may have good intentions to satisfy humanitarian needs. Not only did Japan not operate its ODA in the way to promote human rights in Burma but also she helped rights violation in projects such as the use of forced labor by the regime and forced relocation. The projects were decided and carried out without general public's participation and intention. Therefore it can be concluded that Japan has not applied human rights and democracy principle to its ODA in Burma. Its impact was seen as negative. As long as military junta or certain specific groups holds the authority, it will be difficult for foreign aid to maintain its accountability and transparency.

The reasons for failure to protect and promote human rights as well as democratization in ODA derived from both external and internal circumstances. Internally, Japan is originally a country who historically lacks human rights respective tendency in social and cultural contexts. And through political development, bureaucracy who prioritizes self-interest realization has actively played the major role in ODA decision making. It was reflected in a weaker appeal in foreign policy.

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While institutional reform is necessary to improve current ODA, power and control by bureaucracy is significant. It is emphasized that Japanese bureaucracy possesses considerable power and "all members of the Japanese governmental elite operate within a highly bureaucratized political climate" (McVeigh, 1998: 81). At the same time, general Japanese have considered bureaucrats as dedicated civil servants. Above mentioned ministerial and administrative problems can be inferred that these issues have much to do with bureaucratic ethos, driven by an economic nationalism. ODA process with these accusations can be said that Japan's ODA so far has symbolized paternalistic feature of her bureaucracy and characteristics of Japanese who have left the problematic ODA management unchecked. The negative influence most quickly and severely affected local people in recipient countries, not donors and their citizens. The voices of NGOs and the public reflected little of ODA implementation. Only groups who agreed with or accepted approach of Japanese government can access to its ODA. More open information, more broadly and change of conservative system is needed in order to increase accountability of ODA.

Moreover, powerful business influence undoubtedly involved ODA operation as the main player of the flow. Burma has been an attractive country for the business circles due to wealthy resources and in fact has been made use of. Japan's experience tells that economic developments prioritize over the promotion of human rights and democracy. Economic achievements have been the most important and the only purpose for Japan's ODA. It avoided political consideration such as democratization for a long time because such political factor interfered with gaining economic goals. Influence of ODA in Burma, as a result of attaching economic interest, must be crucial. It is true for foreign assistance. It can be said that human rights low consciousness spread over Japanese society as a whole. Human rights consideration is always put in second importance following some other interests.

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The external factor will go to the sensitive position of Japan between Asia and West. Japan often results in a vague position concerning human rights perception because of its geographical location in Asia and strong interests toward and relationship with countries in the region. Japan cannot ignore the approach of Asian countries, especially ASEAN in the case of Burma issue and have to corporate with them in order to make political changes inside the country. It is difficult for Japan to act similarly as other Western donor members who have long established human rights principles such as universality of them due to security, economic and cultural reasons. Additionally, the reason of Japan's sensitive position in Asia relates to history of harsh domination. There is a lack of sufficient regret for its own behavior and sincere reparation while so far compensation by ODA is used for satisfying Japanese business needs. Consequently, Japan is unable to convince any Asian nations of respecting human rights. It leads Japan to keep less strong claims on human rights in Burma despite huge quantitative ODA as well as the Charter's notion.

When a donor promotes democracy and protects human rights in the process of its ODA in recipient countries, its implementation is never perfect as shown above. In the case of Japan, support for human rights and democratization is at least included in ODA policy and foreign policy. At the same time, as a DAC member Japan belongs to Western group and is supposed to be responsible for promoting human rights through its own ODA. However, as indicated in ODA to Burma, the principle of human rights appeal does not reflect real implementation being in low priority. Japan has consistently awarded Burmese regime except aid stop once in 1988. Therefore, it is apparent that Japan's belonging to DAC or political classification as 'democratic country' has nothing to do with actual fulfillment of human rights and democratization promotion in ODA.

The ODA flow after 1989 showed how much Japanese government put less emphasis on human rights protection and promotion as well as political change towards democracy. Especially those who make decisions in foreign policy in MOFA have

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believed economic improvement will lead to democratization finally. Such a convenient imagination strongly prevails and consists of basis of Japan's ODA to Burma. Japan's action and attitude explored the lack of human rights respect in the society as a whole. Little priority on human rights can symbolize the sunshine policy and following enormous aid to Burma. Japanese government and the public should be largely responsible for how much it works negatively on the path toward democratization in Burma.

What is required to fulfill by Japan is to be much more sensitive to human rights. As Hoshino suggested in the 'human rights in development model', they should not be separated from whole development process. Promoting human rights and democracy apparently are the foundation for peace in Asia where Japan should play initiative role (Sato Y, 1994: 117). Human rights must not be a foreign value while Asia lacks its own human rights regime. In order for Japan to look into exploiting universal values in Asia, restructuring its domestic system in line with human rights is demanded for promoting solid and participatory human rights regime. Only one country can start for change from where they are. The change toward respecting human rights will spread over the region as a wave motion.

In the discussion of protection of human rights in a country, the most important facilitator would be the domestic government. It contained important implication to Burmese government. Through ODA transaction, the recipient government has to play the key role even though ODA itself comes from Japan. In this sense Burmese regime's non-acceptance or little attention to human rights impacts negatively for the consequence of Japan's ODA. In the case of Japan's implementation in Burma, it is impossible to expect that Japan can refer to human rights issues of Burma and influence any change of them. Falk raises several evolutionary steps of human rights development. One of them is the influential role of human rights in major transformations of domestic political situation (2000: 190). The crucial point can be made in terms of human rights

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that have to be protected by each government. While human rights are held equally by all human being, the basic relationship focuses on the state and its citizen. It is introduced that state-citizen conception of human rights has deep historical roots (Donnelly, 1999: 86). Each government plays a role to protect the rights of its citizen. In another word, human rights require that particular societies recognize and protect certain moral claims under civil laws. Governmental recognition and maintenance are emphasized as intrinsic. And this practice should be included within the notion of human rights. Although many people are not prepared to accept it, he argues that the rights of all men are stronger than the notion of the rights of all individuals against all individuals. It means that the former rights involved the responsibilities of states while the latter do not touch on the relationship with state. This affirmed the necessity to have central place occupied by government in our concept of human rights (Martin, 1989: 79-82).

While human rights are protected and treated in secure way by governmental institutions, it is also true that the force from the citizens restricts the way of government. On one hand, government plays an active role to accept the rights of its citizens; general citizens appear as an active participant in imposing certain claims and limitations against government's operation. Citizens are said to have some rights against their government (Dworkin, 1989: 96-101). He discusses the reality of the rights that citizens have by raising instance where even perfect constitution does not mean rights guarantee because not the legislature but a department has the final say. Regarding disobedience of law, after recognizing that each has general duty to obey all the laws, he emphasizes that a person is entitled to do what he/she judges to be right, in case of conflict with duty to state (ibid.: 98). The basis of this opinion is that "men have a duty to obey the law but have the right to follow their conscience when it conflicts with that duty" (ibid.:99). Rights against the government are said to be the point of boast that our legal system respects the fundamental right of the citizen. The word "competing rights" describes the

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relationship of state with citizens well: “citizens have personal rights to the State’s protection as well as personal rights to be free from the State’s interference, and it may be necessary for the Government to choose between these two sorts of rights” (ibid.: 104). Another point to note is that a right against government is a right to take actions regardless of the small number of actors who belong to minority group. What is needed to pay attention is the individual right to act. Then this leads to crucial consequence to balance between rights of individual members of society and demand of society as a whole. The idea of human dignity and political equality consist in respecting the dignity of dissidents. Throughout Dworkin’s discussion, it requires institution for act of faith on the part of the minorities, rather than conqueror’s law that the dominant class imposes on the weaker.

As for current situation, in June 2003 MOFA decided to terminate Japan’s ODA to Burma after armed clash between the regime and NLD and Suu Kyi’s detention. Political tension is continuously high. It is the opportunity to show how strongly Japan can act in the way to contribute to positive political changes in Burma. Japan should refrain from aid provision until substantial progress to political reconciliation among various domestic groups is achieved. The role that Japan can play will continue to be important.

On the other hand, the Charter itself is in the process of revision and the new ODA Charter is going to be announced. In the new Charter, human rights is touched but only ranked fourth priority in principle as in the previous one while national interest is emphasized to pursue. In addition to this, crucially the new Charter emphasizes national interests of Japan more clearly than the other one. Japan’s own economic low performance calls for more effective use of ODA in the way of protecting her own interests. Such a change indicates that the time has reached to reconsider Japan’s ODA substantially and take human rights concept much more seriously into foreign policy operation. The use of ODA should be aimed at not only fulfilling national interest but

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also according with regional/international one especially in terms of respecting human rights in other countries.

Japan has to recognize her huge influence to cause impact in either good or bad way. ODA itself is transferred and implemented through various forms of assistance abroad. But problems along with ODA process do expose the ones that Japan has. The talk of ODA directly indicates Japan's own shortcomings and incompetence. Japan has been able to avoid human rights concern through achieving successful economic development for decades. Many Japanese have misunderstood that economic concern can solve the all problem. Political and philosophical considerations such as human rights concepts and democracy have been left over. However, it has reached the time that the era of such one-sided development can not persist. If Japan hopes to bring result as set in policy, she needs to make aid policy in the context of realizing democratic idea and good governance. These ideas are the ones on which ODA should be based on as the central in the coming years for true well-being and peaceful lives of people in both donors and recipient countries.

5.2 Recommendation

From the conclusion stated above, there can make some recommendations in order for Japanese government to raise its consciousness of human rights in ODA.

• try to induce efforts to avoid assistance to a recipient government who authoritatively controls people's lives.

• use Japanese ODA only in the way of respecting local people's lives and livelihood.

• avoid helping or causing any human rights violation in a recipient country.

• promote a system to maintain transparency among ODA actors and effectiveness of assistance.

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• reflect opinions and intentions of local people in a recipient country in decision making, implementation and monitoring.

• establish human rights satisfaction standard into evaluation of an ODA project.

• urge comprehensive, fair and systematic monitoring system.

• increase opportunity for Japanese and international NGOs to participate in ODA process through exchanging opinions with public institutions and working together.

• open information concerning ODA projects to general public more freely and broadly.

• integrate political consideration such as human rights and democratization promotion with economic concern, not concentrating on large economic infrastructure.

• provide regular training to ministerial staff on necessity of human rights factor in ODA.

• set up an independent ministry or agency to deal with ODA substantially in order to simplify its process and increase effectiveness.

• prepare official law regarding ODA.

• explore concrete policy on human rights protection/ promotion and democracy explicitly deriving from the ODA Charter notion.

• raise more opportunities to discuss ODA decisions and budget in National Diet.

• pursue ODA decision making and implementation of which attachment to humanity respect persists at the bottom.

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Particularly for the case of ODA to Burma, following recommendations can be made to Japanese government.

• refrain from providing any assistance until political dialogue is made and a change to democratic rule is found through national reconciliation process in Burma.

• reconsider Japan's foreign policy to Burma and demonstrate strong support of democracy and human rights universality.

• respect the will of internal political players or various groups, whose rights are at risk as well as governing authority only.

• avoid prioritizing business interests and economic gains.

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APPENDIX

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JAPAN'S OFFICIAL DEVELOPMENT ASSISTANCE CHARTER

Cabinet Decisions June 30, 1992

In order to garner broader support for Japan's Official Development Assistance (ODA) through better understanding both at home and abroad and to implement it more effectively and efficiently, the Government of Japan has established the following Charter for its ODA.

1 Basic Philosophy

Many people are still suffering from famine and poverty in the developing countries, which constitute a great majority among countries in the world. From a humanitarian viewpoint, the international community can ill afford to ignore this fact. The world is now striving to build a society where freedom, human rights, democracy and other values and ensured in peace and prosperity. We must recognize the fact of interdependence among nations of the international community and that stability and the further development of the developing world is indispensable to the peace and prosperity of the entire world.

Environmental conservation is also a task for all humankind, which all countries, developed and developing alike, must work together to tackle.

It is an important mission for Japan, as a peace-loving nation, to play a role commensurate with its position in the world to maintain world peace and ensure global prosperity.

Bearing these points in mind, Japan attaches central importance to the support for the self-help efforts of developing countries towards economic take-off. It will therefore implement its ODA to help ensure the efficient and fair distribution of resources and "good governance" in developing countries through developing a wide range of human

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resources and socioeconomic infrastructure, including domestic systems, and through meeting the basic human needs (BHN), thereby promoting the sound economic development of the recipient countries. In so doing, Japan will work for globally sustainable development while meeting the requirements of environment conservation. Such assistance is expected to further promote the existing friendly relations between Japan and all other countries, especially those in the developing world.

2 Principles

Taking into account comprehensively each recipient country's request, its socioeconomic conditions, and Japan's bilateral relations with the recipient country, Japan's ODA will be provided in accordance with the principles of the United Nations Charter (especially those of sovereign equality and non-intervention in domestic matters), as well as the following four principles.

(1) Environmental conservation and development should be pursued in tandem.

(2) Any use of ODA for military purposes or for aggravation of international conflicts should be avoided.

(3) Full attention should be paid to trends in recipient countries' military expenditures, their development and production of mass destruction weapons and missiles, their export and import of arms, etc., so as to maintain and strengthen viewpoint that developing countries should place appropriate priorities in the allocation of their resources in their own economic and social development.

(4) Full attention should be paid to efforts for promotion democratization and introduction of a market-oriented economy, and the situation regarding the securing of basic human rights and freedoms in the recipient country.

1. Priority

(1) Regions

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Historically, geographically, politically and economically, Asia is a region close to Japan. East Asian countries, especially member countries of the Association of South East Asian Nations (ASEAN), constitute one of the most economically dynamic regions in the world, and it is important for the world economy as a whole to sustain and promote the economic development of these countries. There are, however, some Asian countries where large segments of the population still suffer from poverty. Asia, therefore, will continue to be a priority region for Japan's ODA.

It is also necessary to be mindful to the poverty and the economic difficulties in the world as a whole. Japan will therefore extend cooperation, befitting its position in the world, to Africa, the Middle East, Latin America, Eastern Europe, and Oceania. Due consideration will be paid in particular to Least among Less Developed Countries (LLDCs).

(2) Issues

(a) Approach to Global Problems

Recognizing that it is important for developed and developing countries to cooperate in tackling global problems such as the environment and population, Japan will support efforts being made by developing countries to overcome these problems.

(b) Basic Human Needs

To help people suffering from famine and poverty, refugees, and others, Japan will provide assistance to the BHN sector and emergency humanitarian aid.

(c) Human Resources Development, Research and Other Cooperation for Improvement and Dissemination of Technologies

A priority of Japan's ODA will be placed on assistance to human resources development which, in the long term, is the most significant element of self help

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efforts toward socioeconomic development and is a basic factor for the nation-building of developing countries. Japan will also promote cooperation for the improvement and dissemination of technologies, such as research cooperation that will add to research and development as well as adaptive capabilities of developing countries.

(d) Infrastructure Improvement

Priority will be placed on assisting infrastructure improvement, which is a prerequisite to socioeconomic development.

(e) Structural Adjustment

Japan will provide support to structural adjustment, so that the entrepreneurship and the vitality of the private sector in recipient countries can be fully exerted in the market mechanisms, and to their efforts for a solution to the accumulated debt problem.

2. Measures for the Effective Implementation of Official Development Assistance

(1) Japan will promote intensive policy dialogues with recipient countries, with a view to collecting and analyzing relevant information on these countries, and sharing with them basic perceptions on their development policies, taking into account their requests and ideas.

(2) To respond to the various needs of developing countries in different stages of development, Japan's ODA will take advantage, to the maximum extent possible, of the merits of loans, grants, technical cooperation and other forms of assistance. All of these forms of assistance will be organically linked together and coordinated.

(3) When called for, there will be appropriate communication and cooperation with aid agencies of other donor countries, United Nations agencies and international financial institutions, as well as Japanese local governments and private

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organizations such as labor and business organizations. In particular, efforts will be made to ensure that Japan's perspective on ODA is adequately reflected in the cooperation through international organizations, while taking full advantage of the expertise and political neutrality of these organizations. There will also be cooperation with and appropriate support to non-governmental organizations (NGOs), while respecting their independence.

(4) Japan's own development policies and experiences, as well as those of countries in East and Southeast Asia which have succeeded in economic take-off, will be put to practical use.

(5) In implementing environmental ODA, Japan will make the best use of its technology and know-how, which it has acquired in the process of successfully making environmental conservation and economic development compatible.

(6) In order to contribute to the transfer of technology suitable to the level of development of the recipient counties, Japan will promote the development of relevant technologies and will provide such assistance as will enable the adequate utilization of the knowledge and technologies possessed by other developing countries.

(7) In transferring technology and know-how, Japan will make use of those possessed by the Japanese private sector as well as by the government, and provide support for technical cooperation by the private sector.

(8) In order to cope with transnational regional problems, Japan will cooperate more closely with international organizations and other frameworks for regional cooperation such as the Asia-Pacific Economic Cooperation (APEC).

(9) A close relationship will be maintained between ODA, direct investment and trade, so that those three can promote the development of developing countries organically. For this purpose, ODA will be more closely linked to and be supportive of economic cooperation in the private sector through trade insurance

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and such organizations as the Export-Import Bank of Japan.

(10) Cooperation and research to find and formulate adequate development projects will be enhanced. For the future improvement of its ODA, project evaluations, including third party evaluations and joint evaluations with recipients and other donor and organizations, will also be strengthened.

(11) Regional studies of developing countries, studies of development policy, and comprehensive evaluation of ODA will be further promoted.

(12) Full consideration will be given to the active participation of women in development, and to their obtaining benefits from development.

(13) Full consideration will be given to the socially weak, such as the disadvantaged, children and the elderly.

(14) Consideration will be given to redressing the gap between the rich and the poor and the gap among various regions in developing countries.

(15) Japan's ODA activities will be conducted with full care to see that they do not lead to injustice or corruption in the recipient countries.

5 Measures to Promote Understanding and support at Home and Abroad

The following measures will be adopted to ensure that ODA is implemented with public understanding both at home and abroad and to secure the participation of the Japanese people.

(1) Making ODA Information Public

While taking into account such matters as diplomatic relations with recipient countries, more information regarding the ODA activities will be made available to the Diet and to the public.

(2) Enhancement of Public Relations and Development Education

Organized public relations activities and educational programs on development assistance will be promoted.

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6 ODA implementation System

(1) Recruitment, Training and Utilization of Competent Aid Personnel

In order to recruit, train and utilize fully the talents of competent ODA personnel, training institutes of aid experts will be enhanced to foster more development specialists, private enterprise consultants and others.

(2) Ensuring Effective and Efficient Mechanisms to Implement ODA

Communication and consultation between relevant ministries and agencies will be promoted for the effective and efficient implementation of ODA. In addition, cooperation between the two aid-implementing organizations, the Japan International Cooperation Agency (JICA) and the Overseas Economic Cooperation Fund (OECF) will be intensified. At the same time, the ODA implementation functions of these two organizations will be improved. In order to obtain further cooperation from the private sector, efforts will be made to extend such support to this sector as will appropriately cover the related operating expenses.

(3) Ensuring the Safety of ODA Personnel Dispatched Overseas

Continued efforts will be made to safeguard the lives and personal safety of ODA personnel dispatched to developing areas, and to provide necessary assistance in the event of unexpected incidents.

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