

Proposal regarding Japan's Official Development Assistance (ODA) and Democracy

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Attn:

Foreign Affairs Minister Taro Kono

Justice Minister Yoko Kamikawa

Education, Culture, Sports, Science and Technology Minister Yoshimasa Hayashi

Throughout the post-war period, Japan has consistently contributed to the economic and democratic development of developing countries and to world peace. Recently, however, the development of liberal democracy has been threatened in the name of economic development. In post-conflict countries where peace-building processes are underway, there seems to be a general preference for heavy-handed dictatorship over either liberty or democracy; this preference is said to be for the sake of economic development. For example, signs of democratic regression have increasingly been observed in recent policies in Cambodia. Prime Minister Hun Sen, who assumed the Co-Prime Ministership of the Kingdom of Cambodia in 1993 as a result of the UN-backed general election, in which Japan played a significant role, expelled his Co-Prime Minister by military coup d'état in 1997, and ever since 1998, he has been serving as the sole Prime Minister. After the Cambodia National Rescue Party (CNRP), led by Sam Rainsy and Kem Sokha, increased its presence in the 2013 general election, both Sam Rainsy and Kem Sokha were accused of criminal activities, and Sam Rainsy has been in exile since 2015 to avoid arrest. Kem Sokha, subsequent leader of CNRP, was suddenly arrested in September 2017 for allegedly plotting treason, and he has been detained since then. In November, the Supreme Court of Cambodia ordered CNRP's dissolution based on the revised election law, leading the Cambodian People's Party to be the de facto sole party to run for the general election this year. Furthermore, regulations on independent media have been strengthened, leading to the closure of some media for such reasons as suspicion of tax evasion. Behind the scenes, Cambodia enacted NGO laws and new labor union laws in 2015 and 2016, respectively, to strengthen control over civil society organizations and labor unions. Since the start of the Japan International Cooperation Agency (JICA)'s legal assistance in 1999, Japan has contributed to the expansion of freedom of association and access to justice by assisting with the drafting of civil and civil procedure laws. However, the significance and efficiency of Japan's assistance – intended to promote democratization and the rule of law – are being negated, weakening Japan's overall influence in a relative sense.

In its National Security Strategy, which was approved by the cabinet in 2013, the Japanese government stated that “As an advanced, liberal and democratic nation, based on the principle of human security, Japan will actively utilize its ODA in supporting democratization, the development of legal systems, and human rights, and contribute to the enhancement of the growing international trend towards the protection of human rights, including through dialogues in the area of human rights.” Based on this Strategy, the Development Cooperation Charter, which was decided on by the cabinet in 2015, stated as follows:

“development cooperation”..... also encompasses such activities as peacebuilding and governance, promotion of basic human rights and humanitarian assistance” and states that “countries are being left behind in terms of growth due to various vulnerabilities resulting from internal conflicts and political instability as well as their geological and climate conditions. To overcome such vulnerabilities, these countries are urgently in need not only of humanitarian assistance but also securing the stable foundations of development such as peace, stability, rule of law, governance and democratization, as well as setting in motion the process of development.

As priority issues, it further stated as follows:

The establishment of the rule of law, the realization of good governance, the promotion and consolidation of democratization, and respect for basic human rights including women's rights constitute the basis for effective, efficient and stable economic and social activities, and thereby support social and economic development. They also hold the key to realizing an equitable and inclusive society including reducing disparities. Japan will thus provide the necessary assistance in such areas as: development of legal and judicial systems that involves the development of positive law and the training of legal and judicial experts including experts in the correction and rehabilitation of offenders; development of economic and social systems; improvements in governance which include the training of civil servants and institutional capacity building for anti-corruption and other purposes; development of a democratic political structure including an electoral system; and democratization process with a focus on the media and education for democracy.

Ever since the peace accord in Cambodia, the Japanese government has made great contributions to the creation of socio-economic stability and to the nurturing of human resources, completing a vast number of technical assistance and loan projects. As far as the current situation in Cambodia is concerned, however, the Japanese government's assistance

in the field of democratic governance has not made enough impact. For example, when JICA provided technical assistance to the National Election Committee of Cambodia in the form of election reform assistance, the contents of the assistance were limited to technical matters such as the provision of computers for fingerprint authentication, commenting on the detailed rules of voter registration, and cooperation to support voter education. It is difficult to argue that these forms of assistance led to free and fair elections. “Teach someone how to fish rather than giving them fish” is a phrase often used to explain the importance of technical assistance. Even if we teach people how to fish, the current state of affairs that developing countries are facing will deplete fishery resources and expel impoverished fishers from their fishing grounds. What is needed now is to secure the rights of impoverished people to fish and to assist in promoting their participation in the decision-making process in order to sustain fishery resources. As a donor, we face international expectations to be responsible for how the foreign aid recipients use the techniques we have shared with and taught them.

The biggest issue we face is how to actualize the protection of “universal values such as freedom, democracy, basic human rights, and the rule of law” in our actual assistance activities. Protecting those values is the stated philosophy of the Japanese government. We need to ensure that Japan’s election and legal reform assistance are not utilized to justify heavy-handed governments. Not only in Cambodia but also in other countries, Japan’s development assistance should engage proactively as well as cautiously in various political and democratic governance issues that arise in relation to development. Japanese NGOs working in developing countries should also provide support for the empowerment of democracy, in addition to providing assistance in socio-economic areas. Academic research on development assistance also needs to provide a deeper understanding of the legal and political aspects of development. Thus, we make four recommendations to strengthen inter-ministerial collaboration on ODA; these recommendations are based on – but not limited to – the Cambodian case. The goals of these recommendations are to promote the creation of comprehensive policies and to pursue the Japanese government’s philosophy of promoting democracy and the rule of law through ODA:

1. Create a post within the Ministry of Foreign Affairs to direct the creation and implementation of comprehensive policies to instill the principle of democracy in ODA. Appoint specialists of democratic governance in development aid as external experts, including high-level special envoys.
2. Using such programs as the JICA Volunteer Program, provide democracy assistance at the grassroots level through civil society organizations in developing countries that are in the process of democracy consolidation.

3. In cooperation with such organizations as the Ministry of Justice and the Japan Federation of Bar Associations, expand the use of ODA for the rule of law in developing countries, and particularly focus on expanding the general public's access to independent justice and legal education.
4. In cooperation with the Ministry of Education, Culture, Sports, Science and Technology, actively support various activities conducted at universities and related institutions that foster human resources that contribute to democracy in developing countries, and apply the research outcomes to the creation and implementation of ODA policies.

We strongly encourage the relevant ministers to work to attain the proposals above.

Co-representatives:

Yasunobu Sato

Ken Inoue

The Experts Group for the Reconsideration of Japan's ODA and Democracy

Name of Members	Positions and Affiliations
Yasushi Akashi (Supreme adviser)	Former Under-Secretary-General of the United Nations; Former Special Representative of the United Nations Secretary-General for the UN Transitional Authority in Cambodia
Tomoko Ako	Associate Professor, The University of Tokyo
Shinichi Ago	Professor, Ritsumeikan University
Toshio Arima (Special adviser)	Board member, United Nations Global Compact; Chair of the Board, the Global Compact Network Japan
Naoki Ishihara	Professor, Ritsumeikan University
Katsumi Ishizuka	Professor, Kyohei University
Momoyo Ise	President, the Association of Former International Civil Servants-Japan
Maiko Ichihara	Associate Professor, Hitotsubashi University
Masaki Inaba	Japan Civil Society Network on SDGs
Ken Inoue (Co-representative)	Staff member of an Association; Former Chief Governance Adviser to the United Nations Integrated Mission in Timor-Leste
Tadanori Inomata	Former Japanese Ambassador to Costa Rica
Michiya Kumaoka	Professor, Japan Institute of the Moving Image

Name of Members	Positions and Affiliations
Sumihiro Kuyama	Board Member, the United Nations Association of Japan; former Visiting Professor, the United Nations University; former Assistant Secretary General of the United Nations
Issei Sakano	Consultant
Naoshi Sato	Attorney-at-law
Hiroshi Sato	Former Chief Senior Researcher, Institute of Developing Economies; Former President, the Japan Society for International Development
Yasunobu Sato (Co-representative)	Professor, The University of Tokyo
Ryo Sahashi	Professor, Kanagawa University
Koichi Sugiura	Wayo Women's University
Hiroshi Suzuki	Professor, The University of Tokyo
Akio Takahara	Professor, The University of Tokyo
Kazuo Tase	President and CEO, SDG Partners, Inc.
Masakuni Tanimoto	Global Peacebuilding Association of Japan; World Federalist Movement of Japan
Hiroshi Taniyama (Special advisor)	Member, Board of Directors, Japan International Volunteer Center (JVC)
Ari Nakano	Daito Bunka University
Jun Nishikawa	Professor Emeritus, Waseda University
Sukehiro Hasegawa) (Special advisor)	President, Global Peacebuilding Association of Japan; former Special Representative of the Secretary-General, the United Nations
Ryokichi Hirono (Special advisor)	Professor Emeritus, Seikei University; former president of the Japan Society for International Development; Chair of the United Nations Research Team the Cambodia Reconstruction Plan
Tatsuo Fujimura	Chairman, Myanmar-Japan Eco-Tourism
Takaaki Mizuno	Kanda University of International Studies
Kimitoshi Yabuki (Special advisor)	Attorney-at-law; Professor, Hitotsubashi University
Kano Yamamoto	International Christian University; the Japan Committee for UNICEF; Tokyo Union Theological Seminary
Hideki Wakabayashi	Secretary-General of Japan NGO Center for International Cooperation (JANIC)

(End)