

## JAPAN'S FALTERING SUPPORT FOR BURMESE DEMOCRACY

MAIKO ICHIHARA | JANUARY 23, 2015

After many years of engagement with Burma's military regime, Japan began to play a significant role in supporting the country's shift toward political reform in 2011–2012. Burma was a case that seemed to suggest Japan's increasing commitment to supporting democracy. However, as Burma's reform process has faltered during the past year, Japan has been unwilling to challenge the obstacles to reform, with the result that its commitment to Burmese democracy now appears weaker. If Japan is to contribute positively to maintaining Burmese progress in political reform, it must closely examine several core tenets of its engagement-based approach toward Burma.

### LIBERALIZATION IN BURMA

Since late 2010, Burma has undergone significant change. Pro-democracy leader Aung San Suu Kyi was released from house arrest in November 2010. The following November, the ban on former political prisoners standing in elections was lifted. The Political Parties Registration Law was revised to allow Aung San Suu Kyi's National League for Democracy (NLD) to participate in national elections. In April 2012, the NLD won the national by-elections by a landslide and obtained 43 parliamentary seats, including one for Aung San Suu Kyi.

The regime released more than 1,500 political prisoners between 2011 and 2013, including pro-democracy activists Min Ko Naing and Ko Ko Gyi.<sup>1</sup> Exiled pro-democracy activists were also granted permission to visit Burma. Media and Internet censorship has been relaxed, and domestic newspapers are now allowed to print photos of Aung San Suu Kyi. Private television stations have been established. The

government has committed itself to reaching ceasefire agreements with Burma's various ethnic minority groups and has reportedly agreed to establish a federal system in Burma—although many analysts doubt its sincerity on these questions.<sup>2</sup>

Although these reforms are positive signs of liberalization, they do not constitute democratization. The country's 2008 constitution remains problematic. Though it was ostensibly part of Burma's road map to democracy, the constitution has consolidated military-backed rule in the country. It stipulates that a president must be experienced in military affairs. Therefore, the parliament is likely to elect a military officer to be president. Furthermore, the interior, defense, and border affairs ministers are appointed by the commander-in-chief of the armed forces rather than by the president. In a state of emergency, the president can transfer executive and judicial powers and duties to the commander-in-chief. A quarter of parliamentary seats are allotted to military personnel;

### ABOUT THE AUTHOR

**Maiko Ichihara** is an assistant professor at Kansai Gaidai University in Japan and a member of the Carnegie Endowment's Rising Democracies Network.

elections are held only for the remaining seats. The constitution stipulates that the president's spouse or children may not be citizens of a foreign country; this prevents Aung San Suu Kyi, whose late husband and two children are British, from running for the presidency.

Revising the constitution requires an amendment approved by more than 75 percent of the members of Parliament. Because 25 percent of the parliamentary seats are held by military personnel, the military effectively has a veto over constitutional reform.

Problems persist in other areas. Despite President Thein Sein's promise to free all political prisoners by the end of 2013, the number of arrests for political crimes actually increased in 2014. The government has also arrested journalists on political charges such as defamation of the state and violation of Burma's State Secrets Act. Released political activists are routinely rearrested for participating in peaceful protests. Exiled pro-democracy activists have been arrested upon entering Burma if they have a criminal record for their past participation in pro-democracy movements. As a result, the number of political prisoners increased from approximately 30 at the beginning of 2014 to 70 by July 2014.<sup>3</sup> The country's human rights record remains poor. The Rohingyas—Burma's Muslim minority—continue to suffer discrimination. They have been denied citizenship and are barred from political participation. They also experience constant abuse and violent attacks.

In sum, Burma's liberalization seems to have been curtailed so as to preserve military-backed rule. The prospects for genuine democratization are at best uncertain.

## **REWARDING THE LIBERALIZATION PATH**

In supporting democratic change in Burma, Japan follows a different tack than Western powers: it has taken an engagement-based approach, based on reward-oriented and indirect measures.

Even before Burma's 2011 opening, Japan diluted sanctions and focused on diplomatic dialogue with the regime. While other donors were reducing their aid to Burma, Japan provided \$857 million of grant aid and \$360 million of technical

assistance between 1989 and 2011.<sup>4</sup> Japan was Burma's largest donor during the period of military rule.

The Japanese government suspended new official development assistance (ODA) projects after Aung San Suu Kyi's third house arrest in 2003. However, in addition to providing humanitarian aid, Japan continued to support projects designed to assist members of the Association of Southeast Asian Nations (ASEAN) or Indochina as a whole, which included Burma as an aid recipient.<sup>5</sup>

As incentives for the Burmese government to remain on the course of liberalization, Japan has offered positive economic rewards. It quickly resumed providing foreign aid after the 2011 opening, the first country to do so. Japan also agreed to cancel \$3 billion and to refinance \$2 billion of Burma's debt to Japan. In addition, it provided \$900 million in bridging loans that would enable Burma to repay the World Bank and the Asian Development Bank and thus be eligible for additional credit.

Although some domestic critics suggest that it is too early to reward the regime, Japan insists that such rewards encourage Burma to remain on the path to democratization.<sup>6</sup> In fact, Japanese officials have called for more generous reward measures by Western countries.

Japan has adopted the engagement approach for several reasons. One is a judgment that it would be too risky to adopt strict sanctions toward Burma due to geostrategic concerns. In addition to being geographically close to Japan, Burma possesses rich natural resources. That asset, combined with a friendly public opinion toward Japan, encourages the Japanese government to treat Burma cautiously and with an eye to favorable future economic and political bilateral relations.

Japan is not alone in hesitating to apply strict sanctions against neighboring countries in which its stake is high. In fact, Australia and ASEAN have also followed an engagement approach toward Burma.

Governmental officials and intellectuals in Japan are skeptical of the effectiveness of sanctions. For example, Katsumi Uchida of the Overseas Economic Cooperation Fund of Japan

(now the Japan International Cooperation Agency, or JICA) criticized the sanctions approach in 1996, arguing that an anti-government stance toward Burma could foster political instability and poverty.<sup>7</sup>

Japan has cultivated relationships with prominent figures in Burma in a way that has sought to use dialogue and engagement in pro-democratic fashion. Former moderate prime minister Khin Nyunt, who announced the seven-point road map to democracy in August 2003, was a major diplomatic interlocutor for Japan until he was placed under house arrest in October 2004. Since 2001, the Japanese government has provided Human Resource Development scholarships to Burmese students, which enable them to study at Japanese universities. Thus, graduates of Japanese universities, including Ko Ko Oo (minister of science and technology) and Mya Aye (former minister of education), have served in the Burmese cabinet.<sup>8</sup>

Many legal experts and mid-level managers in Burmese government offices also studied at Japanese universities, and several NLD parliamentary members have Japanese educational backgrounds.<sup>9</sup> Aung San Suu Kyi herself was affiliated with Kyoto University as a visiting researcher in 1985–1986 and received funding from the Japan Society for the Promotion of Science.<sup>10</sup> Japan's capacity-building assistance to governmental officials of ASEAN and Indochina countries has also been a valuable tool to expand the human network among Japanese and Burmese officials.

These human connections have created a network between the two countries. To maintain ties, the Japanese government has organized an alumni association of Burmese officials who received capacity-building trainings in Japan.<sup>11</sup> However, Japan has not used such networks as tools of political persuasion as effectively as it might have. Nor does its bilateral cooperation leverage these links politically. Instead, most of its support is directed at technical issues.

## **SUPPORTING THE FUNDAMENTALS OF DEMOCRATIZATION**

Since the Japanese government resumed ODA provision to Burma, a number of projects have been implemented in the

country. Among such foreign aid projects, Japan's rule-of-law assistance projects are particularly related to supporting Burma's democratization.

Burma is a priority country for Japan's rule-of-law assistance.<sup>12</sup> Human resources in the legal field are limited in Burma because universities have operated only intermittently and the role of the courts has been limited under military rule. To address this issue, Japan has worked to enhance staff capacity at the attorney general's office and the Supreme Court, drafted a securities exchange law, and provided seminars on legal systems related to public companies, corporate governance, and the privatization of state-owned enterprises. Nagoya University, a Japanese national university, established the Myanmar-Japan Legal Research Center at the University of Yangon to provide reference materials related to Japanese laws.<sup>13</sup>

In particular, the capacity-building program at the Supreme Court and the attorney general's office is intended to help strengthen the judiciary vis-à-vis the executive. However, the Supreme Court consists of military officials. Thus, helping build capacity at the Supreme Court in its present form could ultimately help stabilize military-backed rule.

Supporting the executive for better governance standards does not necessarily help democratization either. For example, Japan is also implementing a number of capacity-building projects for Burmese governmental officials in the economic realm. Although several of these projects have been implemented with the intention of enabling Burma to reap the benefits of reforms, this approach could strengthen the executive and this, too, could help stabilize military-backed rule.

Interestingly, most of Japan's rule-of-law support is conducted in the economic rather than political realm. This tack also seems to reflect Japan's indirect approach to democracy support. Governmental and nongovernmental actors in Japan occasionally argue that such assistance constitutes democracy support because economic development could facilitate democratization.<sup>14</sup> Such a belief seems to be buttressed by the pattern that democratization exhibited in other Asian countries such as South Korea, Taiwan, the Philippines, and Indonesia. Thus, Japan's rule-of-law assistance is quite frequently provided in links with the economic sector to support

economic development and stabilization, which, it is hoped, will lead the country toward democratization in the long run.

Although not much information had been disclosed at the time of writing, Japan's \$700,000 support package for Myanmar Radio and Television (MRTV) aims to support impartial broadcasting, decrease the information gap among the members of the public, and support the country's democratization.<sup>15</sup> MRTV is a government-operated broadcasting station, and the aid package aims to change MRTV's authoritarian mindset.

In addition to material and financial support, some academics and staff members from a Japanese broadcasting station have been dispatched to Burma to train media staffers on independent broadcasting methods.<sup>16</sup> Although this program could represent significant support for Burma's move toward additional reforms, the limitation is that such support is being provided only to a government-operated station. Capacity-building support for independent media is also necessary.

An additional noteworthy aspect of Japan's foreign aid to Burma is support for minorities. The Japanese government pledged approximately \$100 million of financial assistance in January 2014 for capacity and regional institution building, economic infrastructure, education, medical needs, and agriculture to ethnic minorities in Rakhine, Kachin, Shan, and other states.<sup>17</sup> The Nippon Foundation is the implementing partner for most of the funded projects, and Yohei Sasakawa, the foundation's chairman, has been working in the border areas between Burma and Thailand to organize peace talks between minority groups and the Burmese government.

Additionally, the Thai-Japan Education Development, a Japanese nonprofit organization operating in Burma (as well as in Thailand), has helped minority groups conduct ceasefire negotiations with the government. For example, Katsuyuki Imoto, who is vice president of the organization, worked to integrate different minority groups for collective ceasefire negotiations with the government, which led to the establishment of the United Nationalities Federal Council, a coalition of ethnic minority armed forces.<sup>18</sup>

Japan's support for minority issues does not directly help Burma progress toward democratization. However, this support could facilitate democratization in two ways. First, to be a genuinely democratic country, Burma must fully incorporate the voice of its ethnic minorities, who constitute 30–40 percent of the population. Although the Thein Sein administration has reached ceasefire agreements with most Burmese minority groups, sporadic fighting persists, especially between the government and the Kachin Independence Army. The termination of conflict is fundamental to the country's democratization.

Second, supporting Burma's minorities could affect Aung San Suu Kyi's influence. The country's liberalization has been led by cooperation between Thein Sein and Aung San Suu Kyi and has therefore been more an individual effort than an institutional one. However, criticism of Aung San Suu Kyi's unwillingness to speak out forcefully on minority issues has increased among pro-democracy activists. Tackling conflicts between minority groups and the Burmese government could help restore trust and support for Aung San Suu Kyi among pro-democracy activists.

## THE CHINA FACTOR

Geopolitical competition with China is both a driver and an inhibitor of Japan's democracy support. Japan was certainly motivated by the post-2011 window of opportunity to encourage democracy in Burma. But the most distinctive impetus for Japan's democracy support for Burma is its ongoing power struggle with China.

Put simply, Japan competes with China for influence in Burma. After Japan and Western countries suspended a substantial amount of ODA to Burma in 1988, China increased its presence as a major investor in Burma. Until 1988, Japan exerted the greatest influence in Burma; this position has since been assumed by China. Burma's appeal to China is its abundant natural resources such as oil, natural gas, and minerals.

Since the regional power shift began in the mid-2000s as China surpassed Japan in both military budget and GDP, the geopolitical power struggle between the two countries has intensified. To counter China's power politically, Japan has

sought to create a coalition of democracies in the region.<sup>19</sup> Japan saw Burma's reform process as an opportunity to strengthen its relationship with the country and weaken China's influence. Burma's geographic proximity to China increased Burma's strategic value. It was through this geopolitical prism that democracy support for Burma became a top priority of the Abe administration's foreign policy.<sup>20</sup>

However, this prioritization also means that Japan is unwilling to risk losing influence by pressing hard for reforms when the Burmese regime resists change. In fact, to maintain influence over Burma without driving the country closer to China, Japan has offered inducements rather than sanctions.

### RELUCTANCE TO CRITICIZE

Despite the Burmese government's negative steps in the political domain over the past year, Japan has been hesitant to interfere in Burma's domestic political affairs. In a report submitted to the Burmese parliament in October 2014, the country's Constitutional Review Joint Committee, which is composed primarily of the parliament's military members, did not propose any fundamental constitutional amendments, such as abolishing the military's parliamentary veto or removing the article that prevents Aung San Suu Kyi from running for president. National and local by-elections, which were scheduled to be held at the end of 2014, were canceled, allegedly due to their high cost, though many analysts suspect that the government was fearful that the NLD would once again emerge victorious. A fall 2014 draft of the government's plan for addressing the Rohingya issue refuses to acknowledge Rohingyas as such and instead considers them Bengalis, seemingly suggesting that they have a country to which they can be deported.

The Japanese government, taking a noncoercive approach, does not mention these moves against reform in any of its official statements. The only concern mentioned relates to the intensified conflict among residents in Rakhine and Mandalay.<sup>21</sup> Because of its inaction in response to the loss of momentum in Burmese reforms, Japan has provided no external stimulus toward democratization during this recent difficult period.

Japan's uncritical engagement with the Burmese military government occasionally draws criticism in Japan that its

approach hinders democratization.<sup>22</sup> Nonetheless, Japan has continued to actively support Burma's reform process in its own way despite the limitations of its approach. Indeed, the amount of foreign aid allocated for such support is significant compared with Japan's democracy support for other countries.

### CONCLUSION

Reflecting their belief in the engagement approach, many Japanese government officials and intellectuals argue that Japanese foreign aid prevented Burma's complete isolation and assisted the country's progress toward liberalization. However, the ways in which Japan's engagement facilitated liberalization in Burma have been neither explained nor verified, and in any case, Japan has done little to remove obstacles to democratic liberalization. To the extent that the Burmese government adopted liberalization measures so that Western sanctions would be lifted, Japan's less stringent policy may not have been the most influential driver of reform.

As long as the Burmese government does in fact wish to advance with political reforms, Japan's approach may support the democratization efforts. However, the Thein Sein administration includes conservative actors in addition to moderate members. If the conservative actors gain influence over political decisions, Japan's engagement-based approach may militate against democratization.

True democratization has not yet begun in Burma. The key to democratization is the need for a revised constitution. For this, the pro-democracy side must find pro-democracy supporters among the parliament's military members, which will be a difficult task. Japan (and Western powers) should adopt more direct measures to promote democratization in a manner that supports constitutional revision.

Japan's contribution to the reform that is under way in Burma has so far been reactive rather than preemptive. If Japan believes in rewarding Burma's liberalization efforts, it should adopt firmer measures against the current backlash in the country. Without such measures, a policy based on positive rewards will exert no influence. Burma's political situations before and after the general election of fall 2015 are likely to provide a stern test for Japan's democracy support policies.

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