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# Human Rights and Democracy in Japan's Dialogue with Myanmar

*Universality of Human Rights and a Country-based Dialogue Approach  
in Japan's Human Rights Foreign Policy*

Division of Human Rights Studies

Department of History

Course Code: MRS15

Semester: Spring 2021

Supervisor: Karin Zackari

Words: 16,962 words



## **Abstract**

Dialogue (対話) plays an important role not only in diplomatic relations between Myanmar and Japan, but also in Japan's human rights foreign policy. This thesis analyzes how Japan uses a dialogue approach as part of Japan's human rights foreign policy in Myanmar. It discusses the characteristics of Japan's dialogue approach and its possible correlations with human rights and democracy in Myanmar. The questions will be explored from historical dialogues between Myanmar and Japan during the Second World War to ongoing dialogues in a case of *The Gambia v. Myanmar*. By using discourse analysis, the thesis sheds light on human rights rhetoric in Japan's human rights foreign policy, the Development Cooperation Charter, The Basic Policy of Japan's Assistance to Myanmar, government documents as well as in exclusive dialogues between Myanmar and Japan. Qualitative interviews and the Policy Cycle are juxtaposed with the discourse analysis to articulate interactions of people and empirical implementations of Japan's dialogue approach in the human rights foreign policy.

*Keywords: Japan's human rights foreign policy, Development Cooperation Charter, Dialogue, Japan's ODA, Myanmar-Japan Relation, Democracy in Myanmar, Discourse Analysis, Policy Cycle*

## **Acknowledgements**

I would like to express my gratitude to Karin Zackari, who supported this research project as my thesis supervisor. Without her constructive feedbacks, advices and critical comments, I would have never seen my thesis completed. Her encouragements and positive thought also kept me motivated, regardless of the distance learning during the pandemic time. She has my deepest respect and gratitude.

My research would have never been accomplished as it is now without kind collaboration with interviewees from Terra People Association, The Nippon Foundation and UNHCR. It was quite challenge for me to reach Japanese organizations supporting Myanmar due to the diplomatic tensions between Myanmar and Japan after the coup d'état in 2021. The cumbersome situations almost made me give up researching this topic, but thanks to the interviewees, I was able to pursue my academic interests and I have learned quite a lot though 'dialogues' with the interviewees. It is obvious that their empirical views, experiences and data enriched this thesis research. Furthermore, their passions and dedication to Myanmar greatly inspired me to advance my career in the field of human rights and humanitarian aid assistance.

I would also like to thank professors and colleagues in M.A. Human Rights Studies at Lund University and The University Edinburg. My academic knowledge and skills were developed though studying with them. Their broader views and insightful opinions also deepened my understandings of different human rights discourses in the world. And consequently, these knowledge and skills enabled me to establish a basis of multidisciplinary studies for this thesis. Also, staff in the Lux library and the main library at the University of Edinburgh patiently helped me to find right books and let me stay in the library until the last moment of the closing time.

Finally, special thanks to my family in Japan, and friends in Lund, Edinburgh, Panama, Japan and all over the world, who support and cheer me up wherever they are. Their unconditional

supports kept my head up for the thesis as well as two years of studying in Sweden. Hope I can somehow contribute my knowledge, directly or indirectly, to improvement of their life and human rights.

## **Notes on Language and Translation**

Japanese language is transcribed in accordance with the Hepburn romanization system. Research sources available only in Japanese, such as government documents and interview data, were translated into English by me.

## **Abbreviations**

DCC:	Development Cooperation Charter
EAO:	Ethnic Armed Organizations
IDP:	Internally Displaced People
JICA:	Japan International Cooperation Agency
MOFA:	Ministry of Foreign Affairs
MOU:	Memorandums of Understanding
ODA:	Official Development Assistance
HRFP:	Human Rights Foreign Policy
TPA:	Terra People Association
TNF:	The Nippon Foundation
UNHCR:	United Nations High Commissioner for Refugees

# Table of Contents

Abstract

Acknowledgements

Notes on Language and Translation

Abbreviations

Table of Contents

1. Introduction .....	8
1.1 Research Questions and Aims .....	9
1.2 Research Demarcation .....	10
1.3 Definition of Terms .....	11
1.4 Academic Contributions .....	13
1.5 Disposition .....	14
2. Background and Literature Review .....	15
2.1 Human Rights Discourses in Asia, ASEAN and Myanmar.....	15
2.11 Universality and Asian Values .....	15
2.12 Limitation of “Region’s First” In ASEAN.....	16
2.13 The Principal of Non-interference and Myanmar .....	18
2.2 Japan’s Human Rights Foreign Policy (HRFP).....	19
2.21 “Dialogue (対話)” approach in HRFP .....	19
2.22 Special Relationship between Myanmar-Japan.....	21
3. Methodology and Theory .....	23
3.1 Starting Point of Study.....	23
3.2 Design of Study .....	23
3.21 Discourse Analysis .....	23
3.22 Qualitative Interviews .....	24
3.23 The Policy Cycle .....	26
3.24 Rational Choice Theory .....	27
3.3 Limitations .....	28

3.4 Ethical Considerations .....	29
4. Analysis .....	30
4.1 Part 1. Agenda Setting: .....	30
Democracy in Japan’s Discourse with Myanmar .....	30
4.11 Democracy and Self-determination.....	30
4.12 Human Rights Talk Under Japan’s Occupation.....	32
4.13 The Post-War Human Rights Foreign Policy.....	34
4.2 Part 2. Policy Formulation: .....	36
Universality of Human Rights in Japan’s Dialogue .....	36
4.21 Different Approaches Between the West and Japan .....	37
4.22 Gaps Between Norms and Practices.....	38
4.3 Part 3. Legitimation: .....	42
The Principal of Non-interference .....	42
4.31 Xenophobic Political Culture in Myanmar .....	42
4.32 Norms and Rules in Rational Choice .....	44
4.4 Part 4. Implementation:.....	47
Dual Nature of Japan’s Dialogues .....	47
4.41 Contested Discourses Between Myanmar and the World.....	48
4.42 Discrepancies in Japan’s Human Rights Approach .....	50
4.5 Part 5. Evaluation and Policy Maintenance: Sustainable Development.....	53
4.51 Side Effect of Dictatorship 1: One-way Communication .....	54
4.52 Side Effect of Dictatorship 2: Ethnic Solidarity.....	54
4.53 Bottom-up Dialogue Approach .....	55
5. Conclusion .....	57
6. References .....	61



# 1. Introduction

Since 1948 the Universal Declaration of Human Rights (UDHR) was promulgated, the universal norms of human rights have been adopted by laws and foreign policies of nation states, spread to people in over 500 languages.<sup>1</sup> Although the declaration has been criticized as “the western model of individual rights”<sup>2</sup> and called “the ‘imperialist’ imposition of Western values on non-Western societies”<sup>3</sup>, it cannot be denied that the UDHR became a permanent basis at global and regional levels<sup>4</sup> including countries in Asia.

Adherence to the UDHR is articulated in Japan’s Human Rights Foreign Policy (HRFP) and the Development Cooperation Charter (DCC), the foundation of Japan’s Official Development Assistance (ODA) policy. According to the government of Japan, the universal norms and values of human rights, are best promoted through ‘*dialogue* (対話)’.

“through major UN Forums on Human Rights and bilateral *dialogue*, Japan contributes to improvements of human rights situations around the world while developing and promoting the universal norm of human rights (Human Rights Foreign Policy, Art. 1)”

“Cooperation aimed at self-reliant development through assistance for self-help efforts as well as *dialogue* and collaboration (Development Cooperation Charter, 1(2) Basic principles C.)”

However, outcomes of *dialogue* approach seem controversial, as Japan’s HRFP is widely

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<sup>1</sup> United Nations, Universal Declaration of Human Rights, <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (accessed March 11 2021).

<sup>2</sup> Normand, R. & Zaidi, S. *Human Rights at the UN*, Indiana University Press, IN, 2008, p.140.

<sup>3</sup> Vincent, A., *The Politics of Human Rights*, New York, Oxford University Press, 2010.

<sup>4</sup> United Nations, Universal Declaration of Human Rights, <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (accessed March 11 2021).

criticized quiet diplomacy, namely “low-profile and non-confrontational approach”<sup>5</sup>. As one said that “the promotion of human rights and democratization by Japan may be needed to smooth the path of political development for Asian societies undergoing rapid state-led economic and social transformation”<sup>6</sup>, Japan’s human rights approach is closely associated with politics and economics in Asia. Whereas, this study aims to go deeper into the criticism of quiet diplomacy with a different perspective. In other words, Japan’s dialogue approach can be analyzed from not only politics and economics, but also history, culture and society, as a “more nuanced approach situates human rights in a different light and places the negotiation of universality – with its many contestations and contradictions”<sup>7</sup>.

This study thus focuses on historical dialogues between Japan and Myanmar, a country the government of Japan established “special relationship”<sup>8</sup>. The research is based on discourse analysis and qualitative interviews. The discourse analysis is introduced to examine policy documents, such as Japan’s HRFP, DCC and The Basic Policy of Japan’s Assistance to Myanmar, and also, academic theories in human rights and policy studies and local narratives are referred to understand the backgrounds of the government policies. The research is not to define diplomatic strategy of Japan’s government, but rather to promote heuristic leaning about various measures to promote human rights and democracy in the world.

## 1.1 Research Questions and Aims

The study aims to enhance multidisciplinary studies in human rights foreign policies and to understand various countermeasures against human rights violations. The analysis focuses on Japan’s dialogues approach, not only because it is emphasized in Japan’s HRFP and DCC,

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<sup>5</sup> Yokota, Y. & Aoi, C., “Japan’s foreign policy towards human rights: Uncertain changes”, *Human Rights and Comparative Foreign Policy*, Forsythe, D. (ed.), Tokyo, NY and Paris, United University Press, 2000, p119.

<sup>6</sup> Arase, D., “Japanese Policy toward Democracy and Human Rights in Asia”, *Asian Survey*, vol. 33, no.10, University of California Press, 1993, pp 951-2.

<sup>7</sup> Jensen, S. *Negotiating Universality: The Making of International Human Rights, 1945-1993*, Cambridge, Cambridge University Press, 2016, p281.

<sup>8</sup> Dalpino, C., “The Role of Human Rights: The Case of Burma”, *Japan in International Politics*, Berger, T., Mochizuki, M and Tsuchiyama, J (ed.), Lynne Rienner Publisher, 2007.

but also because the importance of dialogue hasn't been articulated before the fact that Japan holds relatively high GDP and strong political influences in the Asian region. Especially, Japan's assistance to Myanmar, development of infrastructure and related systems necessary for the sustainable economic development are most likely to be described with an emphasis on the enormous amount of Japan's ODA fund<sup>9</sup>, said that "the greater benefit of development assistance attributes to the donor rather than the recipient"<sup>10</sup>. This study thus aims to expand the human rights argument by shedding lights on Japan's dialogue with Myanmar.

This thesis poses three main questions:

- 1) How does Japan use dialogue as a part of the human rights foreign policies to Myanmar?
- 2) What are characteristics of Japan's dialogue approach?
- 3) What outcomes can be generated by Japan's dialogue approach in terms of human rights and democracy in Myanmar?

## 1.2 Research Demarcation

In order to observe Japan's dialogue approach to Myanmar, it is important to note that "backgrounds shape their interpretation, and they position themselves in the research to acknowledge how their interpretation flows from their personal, cultural and historical experiences"<sup>11</sup>. In addition, it is aware that this analysis is subject to "choice of research object/subject, methodical repertoire, interpretive bias, conflicts of interest or the empirical grounding of their recommendation"<sup>12</sup> so do testimonies of interviewees.

The focal point of historical dialogue between Myanmar and Japan is in the period from the Second World War when Japan occupied Burma to the present. However, Japan's dialogues

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<sup>9</sup> "The Basic Policy of Japan's Assistance to Myanmar", MOFA, 2015.

<sup>10</sup> Dalpino, C., "The Role of Human Rights: The Case of Burma", *Japan in International Politics*, Berger, T., Mochizuki, M and Tsuchiyama, J (ed.), Lynne Rienner Publisher, 2007, p217.

<sup>11</sup> Creswell, W., J. & Creswell, D., J., *Research Design: Qualitative, Quantitative and Mixed Methods Approaches*, fifth edition, LA, SAGE, 2018, p56.

<sup>12</sup> Andreassen, B., Sano, H. McLnerney-Lankford, S., *Research Method in Human Rights*, MA, Cheltenham, Edward Elgar, 2017, p174.

about Myanmar's coup d'état 2021 are hardly covered in this thesis. It is not only because the bilateral dialogue constantly changes, but also because there are possible risks to influence interviewee's supporting activities subject to the domestic politics in Myanmar. Also, the thesis refers to historical events as background context of the Japan-Myanmar relationship, but this is not a historical study per se. Instead, historical narratives are part of the discourse that is analyzed.

## 1.3 Definition of Terms

In this section follows brief definitions of terms used in the thesis.

### Human Rights and Democracy

A term human rights and democracy are most likely to be mentioned separately in official documents of Japanese government, because “the spread of human rights to some extent is depending on the level of democratization”<sup>13</sup>. The separate use of human rights and democracy are also explicit in the Basic Policy of Japan's Assistance to Myanmar, as it stress on “assistance for promotion of democratization”<sup>14</sup>. Whereas, these terms are also frequently used in combination, giving an additional emphasis on Japan's effort for both of them.<sup>15</sup> In order to analyze human rights rhetoric in government documents, this study follow the terminology used by the Japanese government, human rights and democracy are thus addressed separately.

### Dialogue (対話)

According to an English and a Japanese dictionary, Dialogue is defined as follows.

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<sup>13</sup> Asplund, A., *Japan: A Rising Champion of Human Rights and Democracy in East and Southeast Asia*, Lund University, 2010, p4.

<sup>14</sup> According to Japan's Assistance Policy to Myanmar (2015), 3 Priority Areas (2) is “Capacity building and development of systems to sustain economy and society (including assistance for promotion of democratization)”. See more details <https://www.mofa.go.jp/files/000077442.pdf> (accessed March 11 2021).

<sup>15</sup> Asplund, 2010, p4

**Dialogue:** n. 1 a conversation b conversation in written form; this is as a form of composition 2 a a discussion, esp one between representatives of two political groups. b a conversation, a talk (long dialogues between the two main characters). (The Oxford Encyclopedic English Dictionary, 1991)

対話 (Taiwa/ Dialogue): n. (a) conversation; (a) colloquy; interaction (Basic Japanese-English Dictionary, 1992)

Based on the general definitions, this study specifies more about Japan's dialogue by taking into account the social context of Japan. According to a Japanese linguist, Hideo Hosokawa, dialog is "a process of communication itself, not only way to deliver what I think to others, but also a way to think about what is need to understand others"<sup>16</sup>. In other words, dialogue is a communication tool to *examine others and itself* to establish harmonization as a whole. Also, Hosokawa emphasizes that "dialog is a process of thinking"<sup>17</sup>, so that an answer would be *flexibly* formulated in the process of communication. Therefore, *self-examine* and *flexibility* are important features of Japan's dialogue in this thesis. These contextual understanding of Japan's dialogue is essential for this study, because it is a basis of Japan's approach in HRFP, and moreover, it helps to articulate different human rights approaches between the West and Japan to solve problems in Myanmar.

## **Japan's Official Development Assistance (ODA)**

According to the Ministry of Foreign Affairs, the Official Development Assistance (ODA) - a category used by the OECD to measure foreign aid – began in the 1950s and aimed at "providing ODA mainly to Asian Countries"<sup>18</sup>. Throughout the 1990s, Japan became one

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<sup>16</sup> Hosokawa, H., "Transcript of the Conference in Search for Dialogue: Theoretical Framework for Workshop Zero", *Annali di Ca' Foscari Serie oriente*, vol. 53, Institut Yatsugatake d'Education des Langues et des Cultures, 2017, p3.

<sup>17</sup> Ibid.

<sup>18</sup>"The Basic Policy of Japan's Assistance to Myanmar", MOFA, 2015, <https://www.mofa.go.jp/files/000077442.pdf> (accessed May 11 2021).

of the major donors for development assistance around the world while strengthening “its partnerships with developing countries including emerging donors, private companies, local governments, and NGOs”<sup>19</sup>. The first ODA Charter was issued in 2003<sup>20</sup>, the assistance policy was renewed in 2015 to the Development Cooperation Charter (DCC) in order to “even more proactively secure peace, stability and prosperity of the international community”<sup>21</sup> and “strengthen further its role as an equal partner of developing countries in the joint efforts to address challenges facing the international community”<sup>22</sup>.

## **Myanmar/Burma**

Burma was renamed Myanmar by the ruling military junta in 1989. The new name of the nation, Myanmar, is widely recognized by the UN Member States including Germany, Russia, China, Canada and Japan. However, the USA and the UK. has been still refusing to use Myanmar, because it closely related to a controversial issue of human rights, whether the decision of the military government can be accepted by the international communities or not.<sup>23</sup> In this thesis, Myanmar is used to mention the country, unless it is in the historical context before 1989. The purpose of using Myanmar is only to maintain consistency of historical recognition with Japanese government. It doesn't imply any particular political opinions or support for the military junta. Nevertheless, it is important to realize that “power comes from the combination of meaning in a specific setting”<sup>24</sup>, even from a single word for the name of country.

## **1.4 Academic Contributions**

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<sup>19</sup> Ibid.

<sup>20</sup> “ODA Charter”, MOFA, 2003 <https://www.mofa.go.jp/policy/oda/reform/revision0308.pdf> (accessed 15 May 2021).

<sup>21</sup> DCC, MOFA, 2015.

<sup>22</sup> Ibid.

<sup>23</sup> “Burma's democracy movement prefers the form 'Burma' because they do not accept the legitimacy of the unelected military regime to change the official name of the country”, stated by the UK foreign office. BBC News “Who, What, Why: Should it be Burma or Myanmar?”, 2 December 2011, <https://www.bbc.com/news/magazine-16000467> (accessed 11 March 2021).

<sup>24</sup> Creswell, W., J. & Creswell, D., J., *Research Design: Qualitative, Quantitative and Mixed Methods Approaches*, fifth edition, LA, SAGE, 2018, p 93.

The thesis offers multidisciplinary studies in Japan's HRFP, and more nuanced analysis can be realized due to researcher's language skills, fluent Japanese and English. The language skills allowed the study to articulate contextual meanings of Japan's dialogue and to analyze a broader range of the government documents and local news available only in Japanese. Furthermore, it improved quality of interviews with people who engaged in Japan's ODA projects and intergovernmental dialogues between Myanmar and Japan. These empirical data and information were translated into English and compared to broader academic theories in the thesis.

The study also enhances analysis of human rights talk in Asia. They are compared, analyzed and described in line with world-wide aspects of human rights that I gained through two years of studies in M.A. Human Rights Studies at Lund University. The thesis thus expands a discussion regarding Japan's country-based approach to Myanmar and contributes to future research in the relevant field.

## **1.5 Disposition**

The thesis consists of five chapters. In Chapter 1, I introduce research including aim of study, research questions and definition of terms. Then I explain background and literature review regarding Japan's HRFP and human rights discourses in Asia, ASEAN and Myanmar in Chapter 2. Chapter 3 is about research methodology and theory, which consists of discourse analysis, qualitative semi-structured interview and Policy Cycle. In Chapter 4, implications of Japan's dialogue in HRFP are analyzed in respect of human rights and democracy in Myanmar. The analysis is proceeded through Policy Cycle: Agenda Setting - Policy Formulation - Legitimation - Implementation - Evaluation and Policy Maintenance. Finally, the research findings of Japan's dialogue approach are concluded in Chapter 5.

## 2. Background and Literature Review

In order to analyze Japan's dialogue approach, it is essential to understand the particular nature of human rights discourse encompassing Japan's HRFP. This chapter gives the overview of human rights discourses in the regions of Asia, narrowing down from the Association of Southeast Asian Nations (ASEAN) to Myanmar. Then, literature review of Japan's human rights approach is explained in line with norms and practices of the HRFP and the historical relationship with Myanmar.

### 2.1 Human Rights Discourses in Asia, ASEAN and Myanmar

#### 2.1.1 Universality and Asian Values

According to OHCHR, all United Nations Member States have ratified at least one of the nine core international human rights treaties, and 80 percent of these have ratified four or more, giving concrete expression to the universality of UDHR and international human rights.<sup>25</sup> Regardless of the world-wide adaptations to UDHR, however, "human rights serves as an ideological battleground highlighting differences as much as commonalities between individuals, nations, and cultures"<sup>26</sup>, because it has been argued that the UDHR is "Western orientation of human rights"<sup>27</sup> and "there is little room for debating the simple historical fact that the Universal Declaration was based largely on western philosophical models, legal traditions, and geopolitical imperatives"<sup>28</sup>.

At the World Conference on Human Rights in Bangkok in 1993, 110 NGOs in the Asia-

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<sup>25</sup> OHCHR, Universal Declaration of Human Rights at 70:30 Articles on 30 Articles, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23856> (accessed March 11 2021).

<sup>26</sup> Normand, R. & Zaidi, S. *Human Rights at the UN*, Indiana University Press, IN, 2008.  
Major, C. & Savin-Baden, M., *An Introduction to Qualitative Research Synthesis*, Routledge, 2010, p143.

<sup>27</sup> Gunn, T., "Do Human Rights Have a Secular, Individualistic & Anti-Islamic Bias?", *Religion & Democracy*, vol. 149, no.3, The MIT Press, 2020, p 148.

<sup>28</sup> Normand & Zaidi, 2008, p195.



Pacific regions called for the world attention to recognize regional histories, cultures and religions in universal norms of UDHR<sup>29</sup>. In the declaration, their broader interpretations of UDHR were expressed as ‘*a new understanding of universalism*’, ensuring the basic rights protections to everyone in the region as “many cultures legitimate practices that violate human-rights norms”<sup>30</sup>.

“There is emerging *a new understanding of universalism* encompassing the richness and wisdom of Asia-Pacific cultures... Universal human rights standards are rooted in many cultures. We affirm the basis of universality of human rights which afford protection to all of humanity” (Bangkok NGO Declaration, 1993)

Thus, the Bangkok NGO Declaration aspired not only to bridge universal norms of human rights and regional particularities, but also to “push for a global order based on universal human rights”<sup>31</sup>. In this regard, it is important to note that the Bangkok NGO Declaration rephrased national sovereignty that “the advocacy of human rights cannot be considered to be an encroachment upon national sovereignty”<sup>32</sup> to assure the universal level of human rights in Asia. National sovereignty is, however, narrated differently in ASEAN’s human rights discourse.

## **2.12 Limitation of “Region’s First” In ASEAN**

The ASEAN Intergovernmental Commission on Human Rights (AICHR) was inaugurated in 2009 at the 15<sup>th</sup> ASEAN Summit in Thailand. In 2012, The ASEAN Human Rights Declaration was drafted by the AICHR, and signed by all member states, Brunei, Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand, Viet Nam, and Myanmar. The significance of the declaration is not only to adhere to UDHR, but also to take into account regional particularities, namely *a new understanding of universalism* stated by the Bangkok

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<sup>29</sup> “Bangkok NGO Declaration on Human Rights”, UN, 1993, available via UN Digital library <https://digitallibrary.un.org/record/170675> (accessed March 11 2021).

<sup>30</sup> Vincent, A., *The Politics of Human Rights*, New York, Oxford University Press, 2010, p163.

<sup>31</sup> Zaidi, 2008, p143.

<sup>32</sup> Bangkok NGO Declaration, 1993.

## Declaration.

“All human rights are universal, indivisible, interdependent and interrelated. All human rights and fundamental freedoms in this Declaration must be treated in a fair and equal manner, on the same footing and with the same emphasis. At the same time, the realization of human rights must be considered in the regional and national context bearing in mind different political, economic, legal, social, cultural, historical and religious backgrounds” (Art. 7, AHRD)

Yet, in terms of national sovereignty, ASEAN and the Bangkok Declaration seem to have a different view. The concept of national sovereignty is embedded in the ASEAN’s principle of non-interference.<sup>33</sup> According to Katanyuu (2006), the ASEAN’s principle of non-interference lays down three important codes of conduct governing intra-ASEAN relations; First, it discourages member states from criticizing or intervening in members’ internal affairs. Second, it commits members to deny sanctuary or support to groups seeking to subvert or overthrow the governments of member states. Third, particularly during the 1960s and 1970s the principle discouraged members from providing external powers with any form of support deemed subversive to other members.<sup>34</sup> It is thus true that the ASEAN’s principal of non-interference reinforces *national sovereignty* of the Member States, but at the same time, it could “render useless ASEAN bodies like the AICHR”<sup>35</sup>. Furthermore, the principal was condemned as “region’s first”<sup>36</sup> by international communities, because the principal “prevents them from exercising their rights protection in the region, rather than respect for

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<sup>33</sup> The principal of non-interference in the internal affairs of ASEAN Member States is articulated ASEAN Charter, Art. 2 (e).

<sup>34</sup> Katanyuu, R. “Beyond Non-Interference in ASEAN: The Association’s Role in Myanmar’s National Reconciliation and Democratization”, *Asian Survey*, vol. 46, no. 6, University of California Press, 2006, p826.

<sup>35</sup> Löffelholz, M. & Arano, D., *The ASEAN Guide: A Journalist’s Handbook to Regional Integration in Southeast Asia*, International Institute for Journalism, 2011, p36.

<sup>36</sup> The United Nations human rights chief welcomed the adaptation of human rights norm by leaders of the ASEAN to universal, but at the same time, a concern of “the region’s first” was expressed that the regional system retains language that is not consistent with international standards. See more UN, “UN official welcomes ASEAN commitment to human rights, but concerned over declaration wording”, *UN News*, 2012 <https://news.un.org/en/story/2012/11/426012> (accessed 11 March 2021).

sovereignty and renunciation of the use of force”<sup>37</sup> as seen ongoing human rights violations exacerbated by the military government in Myanmar.

### 2.13 The Principal of Non-interference and Myanmar

Although Aung San Suu Kyi expressed a hope that “ASEAN would eventually serve as a counterbalance to the iron grip of the junta in her country”<sup>38</sup>, Adama Dieng, the UN Special Adviser on the Prevention of Genocide, expressed his concern that the ASEAN’s principal of non-interference could be a “hamstrung”<sup>39</sup> against the international responsibility to ensure the basic rights for everyone in the world. In this respect, he also specified Myanmar as a country where “the Security Council has not taken stronger action to prevent atrocities against civilians”<sup>40</sup>. In fact, when Myanmar’s accession of ASEAN was discussed, the U.S. and EU imposed constant pressure on ASEAN due to the controversy over the domestic situations of human rights violations in Myanmar.<sup>41</sup> In addition, Thailand, the Philippines, and Indonesia delayed signing the Charter to protest human rights violations and the house arrest of Aung San Suu Kyi committed by the military junta.<sup>42</sup> Yet, in 1997 ASEAN approved Myanmar’s membership without any substantial change on the provisions.

Theoretically, in customary international law, *opinion juris sive necessitatis* justifies the interference of international communities to protect human rights in a nation, as *opinion juris sive necessitatis* is a vital notion that a state can carry out actions in accordance with a legal obligation of international community.<sup>43</sup> But, in reality, domestic problems in Myanmar are

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<sup>37</sup> Löffelholz & Arano, 2011, p44.

<sup>38</sup>Nyan Lynn, A., “Myanmar’s emerging role in ASEAN”, Myanmar Times, August 2017, <https://www.mmtimes.com/asean-focus/27163-myanmar-s-emerging-role-in-asean.html> (accessed 15 May 2021).

<sup>39</sup> “On Rwandan genocide anniversary, UN leaders ask: Can world muster the will to prevent new atrocities?”, UN News, 2018 <https://news.un.org/en/story/2018/04/1006732> (accessed 11 March 2021).

<sup>40</sup> “the Security Council has not taken stronger action to prevent atrocities against civilians in Syria and South Sudan as well as Myanmar.” (ibid.)

<sup>41</sup> Katanyuu, 2006, p842.

<sup>42</sup> Arendshorst, J., “The Dilemma of Non-Interference: and the ASEAN Charter”, *Northwestern Journal of International Human Rights*, vol. 8, Issue 1, Art. 5, Northwestern University School of Law Northwestern Journal of International Human Rights, 2009, p111.

<sup>43</sup> Harris & Sivakumaran (2020) further described about *opinio juris sive necessitates* “the States concerned must therefore feel that they are conforming to what amounts to a legal obligation. The

perpetuated by the ASEAN's principal of non-interference, as targeted use of heavy weaponry on civilian areas, disappearances and extra-judicial killings, torture and deaths in custody, and the use of airstrikes and landmines were reported in the latest document submitted to the General Assembly of Human Rights Council.<sup>44</sup>

## 2.2 Japan's Human Rights Foreign Policy (HRFP)

### 2.21 “Dialogue (対話)” approach in HRFP

Dialogue (対話) is often expressed in parallel with cooperation (協力) by the government of Japan to appeal its “leading role to bridge the cooperation”<sup>45</sup>. The significant emphasis on dialogue and cooperation is explicit in a number of government documents, including Japan's HRFP and DCC.

“(4)「対話」と「協力」の姿勢に立って、国連等国際フォーラム及び二国間対話等において、日本を含む国際社会が関心を有する人権問題等の改善を促すとともに、技術協力等を通じて、必要かつ可能な協力を実施すること。”

(From the standpoint of “**dialogue**” and “**cooperation**” in the international forums and bilateral **dialogue**, Japan supports improvements of human rights issues concerned by members of the international society, including Japan., and provides vital and possible assists though the technical **cooperation**. “(HRFP, translated by the researcher)

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frequency, or even habitual character of the acts is not in itself enough. There are many international acts, e.g. in the field of ceremonial and protocol, which are performed almost invariably, but which are motivated only by considerations of courtesy, convenience or tradition, and not by any sense of legal duty.”

<sup>44</sup> “Report of the Special Rapporteur on the situation of human rights in Myanmar”, A/HRC/46/56, United Nation Human Rights Office of the High Commissioner, 2021.  
United Nations International Children's Emergency Fund, Rohingya, <https://www.unicef.org/emergencies/rohingya-crisis> (accessed 15 May 2021).

<sup>45</sup>HRFP Art.1

“C. Cooperation aimed at self-reliant development through assistance for self-help efforts as well as **dialogue** and **collaboration** based on Japan’s experience and expertise. (DCC)”

The dialogue and cooperation approach has been analyzed by scholars in terms of two main points: Japan’s quiet diplomacy and its own interests in economic and politics. First, it was observed by Asplund that “Japan’s policy gives precedence to dialogue and cooperation over critique and sanctions when promoting and protecting human rights”<sup>46</sup>. Given human rights violations in Myanmar, for instance, Japan emphasizes “not to isolate Myanmar from the international community” and “to keep the ‘dialogue’ open under any given situation.”<sup>47</sup> Japan thus hardly imposes economic sanctions on Myanmar<sup>48</sup>, but instead, “continues grassroots projects and positive encouragement with mild critique”<sup>49</sup>. In addition, Japan’s silence regarding Myanmar’s accession to the ASEAN was addressed by Yokota and Aoi that “quietly observed the event, signaling its approval of the ASEAN argument for constructive engagement, in contrast with some Western governments which were more critical of Myanmar's admission”.<sup>50</sup> For these reasons, Japan’s dialogue approach has been criticized as “quiet diplomacy”<sup>51</sup> a “non-confrontational approach”<sup>52</sup> and for being “a rectory nation, avoiding criticism”<sup>53</sup> in the international arena.

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<sup>46</sup>Asplund, A., *Japan: A Rising Champion of Human Rights and Democracy in East and Southeast Asia*, Lund University, 2010, p24.

<sup>47</sup> Ministry of Foreign Affairs of Japan, Myanmar, 2012

<https://www.mofa.go.jp/mofaj/press/pr/wakaru/topics/vol93/index.html> (accessed 15 May 2021).

<sup>48</sup> According to Ministry of Foreign Affairs of Japan, In 1995 during home arrest of Aung San Suu Kyi, the Japanese government reviewed its aid policy and suspended projects that would directly benefit the people of Myanmar by addressing their basic human needs on a case-by-case basis meanwhile monitoring democratization and the improvement of human rights. Yet in fiscal 1996 no grant aid or yen loans for new projects were provided other than small-scale, grass-roots assistance through nongovernmental organizations. See more MOFA “Japan’s Position Regarding the Situation in Myanmar”, 1997, <https://www.mofa.go.jp/region/asia-paci/myanmar/myanmar.html> (accessed 15 May 2021).

<sup>49</sup>Asplund, 2010, p33

<sup>50</sup> Yokota, Y. & Aoi, C., “Japan’s foreign policy towards human rights: Uncertain changes”, *Human Rights and Comparative Foreign Policy*, Forsythe, D. (ed.), Tokyo, NY and Paris, United University Press, 2000, p 127.

<sup>51</sup> Arase, 1993, p943.

<sup>52</sup> Yokota & Aoi, 2000, p119.

<sup>53</sup> Asplund, 2010, p25.

Second, Japan's human rights dialogue often links with economic and political situation in Southeast Asia, because "there has been a consistent tendency in the Asian region to detach human rights dialogues from political and economic processes, especially within the Association of South East Asian Nations"<sup>54</sup>. But at the same time, analyzation of Japan's human rights approach has been limited to politics and economics, because its economic and political influence in Southeast Asia has increased dramatically<sup>55</sup>. Japan's HRFP was criticized "economic-first aid of Japan"<sup>56</sup> and "ODA's humanitarian supports in Southeast Asia secure and protect Japan's raw goods supply and its markets"<sup>57</sup>. Whereas, Yokota and Aoi amplified the economic and political arguments over the regional histories of Japan that Japan's diplomatic approach might be derived from "the recognition of its own serious and systematic violations of human rights committed before and during the Second World War, particularly in neighboring Asian countries"<sup>58</sup>. Yet, since "the idea of world history itself is clearly political in origin"<sup>59</sup>, historical and social aspects of Japan's human rights approach have been less focused and eventually replaced to political and economic discussion. Moreover, Arase questioned whether Japan's development aid involves any meaningful commitment to democratic values and human rights, and he concluded "in major policy tests, Japan has not demonstrated one"<sup>60</sup>.

## 2.22 Special Relationship between Myanmar-Japan

Japan obtains a "special relationship"<sup>61</sup> with Myanmar in terms of their historical relationship. Their significant diplomatic tie can be explained from two periods of the history,

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<sup>54</sup> Asplund, 2010, p125.

<sup>55</sup> Mori, T., *'Co-Prosperity' or 'Commonwealth'? :Japan, Britain and Burma 1940-1945*, London School of Economic and Political Science, 2006, p9.

<sup>56</sup> Seekins, D., "Japan's Development Ambitions for Myanmar: The Problem of Economics before Politics", *Journal of Current Southeast Asian Affairs*, 2015 p136.

<sup>57</sup> Dalpino, C., "The Role of Human Rights: The Case of Burma", *Japan in International Politics*, Berger, T., Mochizuki, M and Tsuchiyama, J (ed.), Lynne Rienner Publisher, 2007, p215.

<sup>58</sup> Yokota &Aoi, 2000, p119.

<sup>59</sup> Arendt, H., *On Revolution*, Penguin Books, Clays Ltd., 1963, p53.

<sup>60</sup> Arase, 1993, p949.

<sup>61</sup> Dalpino, 2000.

the Second World War and post-war. Burma was occupied by Japan since 1942 until the national independence in 1948. During the period, a surge of the Burmese national independence from the Britain was at its peak, in which Japan supported the nationalism movement by establishing a Burmese-Japanese armed group, the Thirty Comrades, and providing military training to the Burmese nationalists, including Aung San and Ne Win who eventually led the national independence in 1948. Even after the independence, Japan kept close relationship with the new government of Myanmar, where “many of the top men in the army had been politicians”<sup>62</sup> and remained dialogues with them based on the historical coalition between Myanmar and Japan.

After the Second World War, Japan and Myanmar conclude The Japan-Burma Peace Treaty and Agreement on Reparation and Economic Cooperation in 1954. In accordance with the bilateral treaties, Japan drafted the Basic Assistance Policy to Myanmar, focusing on three areas of assistance: democratization, national reconciliation and sustainable development. According to the Ministry of Foreign Affairs (MOFA) of Japan, the total 2,903, 8700 million yen was granted for development projects and 828, 5700 million yen for technical cooperation in Myanmar during the period from 2012 to 2016. Even prior to the political reforms in 2011, Myanmar had accumulated a total external debt of around USD 15 billion, of which USD 6.6 billion was owed to Japan<sup>63</sup>. From the global scope, Japan’s assistance to Myanmar was also distinct that Japan’s ODA made up the biggest part of assistance found to Myanmar in 2012, 2013 followed by the major Western countries and 2016<sup>64</sup> and OECD-DAC showed that Japan is one of top-ranked aid supporting countries to Myanmar.<sup>65</sup>

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<sup>62</sup> Suu Kyi, A. *Freedom from Fear*, London, the Penguin Group, 1991, p56.

<sup>63</sup> According to Multi-dimensional Review of Myanmar (OECD, 2014), a total external debt of around USD 15 billion, of which USD 6.6 billion was owed to Japan, USD 3.7 billion to various other donors of the Paris Club, USD 2.13 billion to China and around USD 1 billion to multilateral agencies.

<sup>64</sup> The Basic Policy of Japan’s Assistance to Myanmar

<sup>65</sup> MOFA, Myanmar Country Data, 2020, <https://www.mofa.go.jp/mofaj/area/myanmar/data.html> (accessed 11 May 2021).

## 3. Methodology and Theory

### 3.1 Starting Point of Study

“Clarity on the methods advanced within each discipline is key to an understanding of the human rights discourse overall and to ensuring its normative promise”<sup>66</sup>. At a starting point of study, it is important to clarify and reemphasize the contextual meaning of Japan’s dialogue – *flexibility* and *self-examine* - that the study takes into account to choose methodology. In the social context of Japan, dialogue implies communication in which one can *self-examine* about what to need to understand others, and the course of interaction is *flexibly* adjusted to people and social environment. In other words, a key to analyze Japan’s dialogue is understanding “the discursive foundations of the social reality”<sup>67</sup>.

### 3.2 Design of Study

The study equips with discourse analysis and qualitative interview to examine Japan’s approach to human rights and democracy in Myanmar. The primary sources are Japan’s HRFP, DCC, The Basic Policy of Japan’s Assistance to Myanmar, in which dialogue approach is used as a part of the human rights policies to Myanmar. The government documents relevant to Japan’s ODA, academic theories, historical narratives between Japan and Myanmar and local new are also referred as the secondary sources. The analysis is explored and synthesized in the model of Policy Cycle, which consists of Agenda Setting, Policy Formulation, Legitimation, Implementation, Evaluation and Policy Maintenance.

#### 3.21 Discourse Analysis

According to Nelson & Cynthia, discourse analysis is about “locating discourses in a historical and social context, by which we refer to the particular actors, relationships, and

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<sup>66</sup> Andreassen, B., Sano, H. McLnerney-Lankford, S., *Research Method in Human Rights*, MA, Cheltenham, Edward Elgar, 2017, p1.

<sup>67</sup> Nelson, P. & Cynthia, H., *Discourse Analysis*, SAGE Publications, Thousand Oaks, 2011.



practices that characterize the situation under study”<sup>68</sup>. In this study, Japan’s HRFP, DCC, The Basic Policy of Japan’s Assistance to Myanmar as the primary sources, because they are “texts that best constitute data”<sup>69</sup> explicitly showing Japan’s human rights rhetoric and norms of dialogue approach. Nonetheless, the study takes into account “an implementation gap”<sup>70</sup> in these policies, as there is a probability that “decisions made by policymakers may not be carried out successfully”<sup>71</sup>. For this reason, empirical data from qualitative interviews, academic theories and other related documents and historical narratives are referred as the secondary sources to improve validity and integrity of the analysis. These multidiscipline sources are thus expected to reveal the implementation gap in Japan’s HRFP and to improve quality of discourse analysis revealing “how the activities of civil society are talked about”<sup>72</sup> at international, national and local level.

A basis of the methods for this thesis is “a self-conscious design”<sup>73</sup>. It can’t be emphasized enough that “the past experiences may potentially shape the interpretations the researchers make during the study”<sup>74</sup> from how to select the primary and secondly sources to how to proceed the analysis. Notwithstanding, it might be hard to deny correlations between Japan’s human rights policies and historical dialogue between Japan and Myanmar, and to some extent, “the methods applied to human rights research reflect an understanding of the values and aims of the human rights discourse itself, and these methods are key to advancing an understanding of human rights in a variety of contexts and disciplines”<sup>75</sup>.

### 3.22 Qualitative Interviews

Qualitative interviews are juxtaposed with discourse analysis “to test, confirm, deepen or

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<sup>68</sup> Nelson & Cynthia, 2011, p14.

<sup>69</sup> Nelson & Cynthia, 2011, p18.

<sup>70</sup> Cairney, P., *Understanding Public Policy: Theories and Issues*, Palgrave Macmillan, 2011

<sup>71</sup> *Ibid.*, p34.

<sup>72</sup> Wolff, J. & Poppe, A., “From Closing Space to Contested Spaces”, PRIF Report, no. 137, Peace Research Institute Frankfurt, 2015, p969.

<sup>73</sup> Major, C. & Savin-Baden, M., *An Introduction to Qualitative Research Synthesis*, Routledge, 2010, p55.

<sup>74</sup> Creswell, 2018, p299.

<sup>75</sup> Andreassen et al., 2017, p1.

extend the findings”<sup>76</sup>. It can be underlined that the self-conscious design can be promoted by interview data, because “interviews help to show how the interpretive frames were shaped by the broader context”<sup>77</sup>. On the other hand, a qualitative interview also should be a self-conscious design, because “it is difficult to say exactly how much, and certainly the researchers’ interests will have some bearing on the talk”<sup>78</sup>. Thus, interview questions are designed in terms of “learning from the participant, not prescribing the questions that need to be answered from the researcher’s standpoint”<sup>79</sup> even though the study acknowledges that interviewee’s experiences, interests and bias are also, more or less, reflected on the answers.

Targets of the interviews were decided based on the level of assistance projects, category, dialogue partners, periods of commitment and distinctions in Japan’s ODA projects towards Myanmar. The interviews are conducted in Japanese, and translated into English by the researcher. The English translations were carefully checked and approved by interviewees. Details of interviewees and their organizations are on the list below.

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<sup>76</sup> Andreassen, B., Sano, H. McLnerney-Lankford, S., *Research Method in Human Rights*, MA, Cheltenham, Edward Elgar, 2017, p187.

<sup>77</sup> Nelson, P. & Cynthia, H., *Discourse Analysis*, SAGE Publications, Thousand Oaks, 2011, p6.

<sup>78</sup> Nelson & Cynthia, 2011, p.11.

<sup>79</sup> Creswell, 2018, p80.

	<b>UNHCR<sup>80</sup></b>	<b>The Nippon Foundation<sup>81</sup></b>	<b>Terra People Association<sup>82</sup></b>
<b>Number of Interviewees</b>	1	1	2
<b>Interviewee's Period of Stay in Myanmar</b>	1997-99	(Frequent visits since 2012-present)	2006-2020
<b>Project Level</b>	International	Intergovernmental	Local
<b>Main Dialogue Partners</b>	Gov, State Gov Partner NGOs, Returnees	Gov, State Gov, EAO, IDPs	Gov, State Gov, Ethnic Minorities
<b>Main Assistance Category</b>	Reintegration HAS	Peacebuilding, HAS	Livelihood, Human development, Infrastructures, Sustainable resources
<b>J's ODA Experience</b>	O	O	O
<b>Distinctions</b>	UN organization	Special Envoy of the Gov of Japan for National Reconciliation in Myanmar	The largest allocation of Japan's ODA grant in 2020 <sup>83</sup>

Gov: government, EAO: Ethnic Armed Organizations, DPs: Internally Displaced Persons, HAS: Humanitarian Aid Support

### 3.23 The Policy Cycle

According to Cairney, the Policy Cycle is “the best known way to organize the study of policy making and to introduce a discussion of policy theories.”<sup>84</sup> The study applies the Policy Cycle to human rights study, because combining themes across the studies is strongly suggested by Major & Savin-Baden that “it sets up the possibility for new understandings which may in turn contribute to increased knowledge”<sup>85</sup>. The Policy Cycle consists of six classifications: Agenda Setting, Policy Formulation, Legitimation, Implementation, Evaluation, Policy Maintenance. By following the steps, implications of dialogue approach in Japan's HRF are identified, analyzed and explained in “the dynamics of policy-oriented

<sup>80</sup> UNHCR <https://www.unhcr.org> (accessed 16 May 2021)

<sup>81</sup> The Nippon Foundation <https://www.nippon-foundation.or.jp/en> (accessed 16 May 2021)

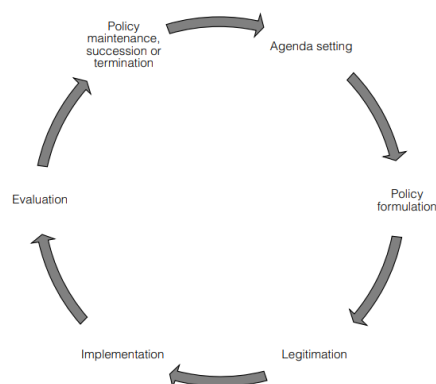
<sup>82</sup> Terra People Association [terrapeople.or.jp/main/](http://terrapeople.or.jp/main/) (accessed 16 May 2021)

<sup>83</sup> Ministry of Foreign Affairs of Japan, ODA Grant Assistance 2020 Country Data 2020, [https://www.mofa.go.jp/mofaj/gaiko/oda/region/page23\\_001257.html](https://www.mofa.go.jp/mofaj/gaiko/oda/region/page23_001257.html) (accessed May 11 2021).

<sup>84</sup> Cairney, P., *Understanding Public Policy: Theories and Issues*, Palgrave Macmillan, 2011, p32.

<sup>85</sup> Major, C. & Savin-Baden, M., *An Introduction to Qualitative Research Synthesis*, Routledge, 2010, p63.

learning”<sup>86</sup>.



The Policy Cycle (Cairney, 2011)

There are three significant benefits to apply the Policy Cycle to study in human rights foreign policy. Firstly, since “national and international ideas and values interacted dynamically”<sup>87</sup> in human rights foreign policies, the relations are logically explained in the Policy Cycle. Secondly, human rights discourses are greatly considered in both Japan’s dialogue approach and the Policy Cycle for its policy development. Lastly, the Policy Cycle firmly supports to development of study in human rights foreign policy, as “the image of a cycle serves as a heuristic device to help describe the real things”<sup>88</sup>.

### 3.24 Rational Choice Theory

According to Herbert Simon, rational choice takes into account “the gross characteristics of human choice”<sup>89</sup> and “the broad features of the environment in which this choice takes”<sup>90</sup>. In other words, choices are not perfect, but the best alternative option available in the

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<sup>86</sup> Sabatier, P., “An Advocacy Coalition Framework of Policy Change and the Role of Policy-Oriented Learning Therein”, *Policy Science*, vol.21, no.2/3, Springer, 1988, p130.

<sup>87</sup> Donnelly, J., *Universal Human Rights in Theory and Practice*, 3<sup>rd</sup> edition, Cornell University Press, Ithaca and London, 2013, p200.

<sup>88</sup> Cairney, 2011, p30.

<sup>89</sup> Simon, H, “A Behavioral Model of Rational Choice”, *The Quarterly Journal of Economics*, vol. 69, no. 1, Oxford University Press, 1955, p100.

<sup>90</sup>Ibid.

particular context. In Myanmar, for example, rules and decisions made by political authorities can be considered as rational choice, because their choices are subject to their own political interests and preferences, limited by domestic problems they face. The theory is referred in Part 3. Legitimation to describe the domestic implementation of The ASEAN's principle of non-interference in Myanmar.

### 3.3 Limitations

Deficiencies of the Policy Cycle were pointed out by Cairney in terms of following points: centralized and exclusive<sup>91</sup>, top-down<sup>92</sup> and inflexibility<sup>93</sup>. However, these points are not covered in the thesis as it prioritizes initial objectives of the model, “a guide amid complexity”<sup>94</sup> to clarify implications of dialogues in Japan's HRFP.

It is important to mention impacts of Myanmar's coup d'état on the study. On February 2021, the coup d'état was carried out by the military coup in Myanmar. As a consequent, the Japanese government suspended the provision of new aid to Myanmar in March<sup>95</sup> and the diplomatic relation between Myanmar and Japan became more sensitive than ever, as seen the fact that Japanese journalist was charged in Myanmar on May 2021<sup>96</sup>. Due to the diplomatic tension between Myanmar and Japan, the research interview with Japanese-based organizations supporting Myanmar was quite limited. Especially, interview with government agencies was not able to arrange, even though they showed their great interest in the research.

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<sup>91</sup> It was addressed by Cairney (2011), the overall direction of policy was driven by a small number of policymakers at the center.

<sup>92</sup> According to Cairney (2011), The Policy Cycle is largely designed to track how well choices made at the top are carried out at the bottom, it doesn't take into account the perspectives and interruptions from other actors, such as NGOs and local communities.

<sup>93</sup> Cairney (2011) mentioned that since policy analysts and civil servants are most likely to spend long periods of time in the same department, they become increasingly attached to policy programmes.

<sup>94</sup> Bridgman, P. & Davis, G., *What Use is a Policy Cycle? Plenty, if Aim is Clear*, Australia, National Council of the Institute of Public Administration, Blackwell Publishing Limited, 2003, p100.

<sup>95</sup> The Mainichi News, “Japan Suspends New Aid To Myanmar Over Military Coup”, March 2021, <https://mainichi.jp/english/articles/20210331/p2g/00m/0na/026000c> (accessed 11 May 2021).

<sup>96</sup> Aljazeera, “Myanmar military bans satellite TV, charges Japanese Journalist” May 2021, <https://www.aljazeera.com/news/2021/5/5/myanmar-military-bans-satellite-tv-charges-japanese-journalist> (accessed 11 May 2021).

However, the silence of the Japanese government might be regarded as a part of Japan's dialogue approach, as one said that "human rights are supported by quiet diplomacy."<sup>97</sup>

### 3.4 Ethical Considerations

The study is aimed neither to represent specific organizations nor to support any political opinions. My affiliation is only with Lund University. All interviews were conducted under the agreement of interviewees. Interview recording and English translation were undertaken with a consent, personal information and research data were treated and kept secure in accordance with GDPR<sup>98</sup>. These research ethics are also in line with the ethical guidelines of Swedish Research Council.<sup>99</sup>

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<sup>97</sup> Arase, D., "Japanese Policy toward Democracy and Human Rights in Asia", *Asian Survey*, vol. 33, no.10, University of California Press, 1993, p 943.

<sup>98</sup> The European Union, GDPR, <https://gdpr.eu> (accessed 11 May 2021).

<sup>99</sup> Swedish Research Council, Good research practice, 2017  
<https://www.vr.se/english/analysis/reports/our-reports/2017-08-31-good-research-practice.html>  
(accessed 3 April 2021).

## 4. Analysis

### 4.1 Part 1. Agenda Setting:

#### Democracy in Japan's Discourse with Myanmar

Japanese government differentiates democracy and human rights in its foreign policies, as “Japan makes the definition that the human rights to some extent is depending on the level of democratization.”<sup>100</sup> In this regard, Part 1. Agenda Setting discusses about how democracy and human rights in Myanmar have been understood and linked in Japan's HRFP. Since identities may affect policy-making<sup>101</sup>, the observation starts with discourse analysis of democracy discursively formulated in the particular context of Myanmar. The concept of democracy is explored in terms of its connection with self-determination and historical civil movements in Myanmar. Then, it is analyzed how the Myanmar's democracy was understood in Japan's discourse, and how Japan set human rights agenda, in which “self-reliance development and self-help efforts”<sup>102</sup> is underlined to improve human rights and democracy in Myanmar.

#### 4.11 Democracy and Self-determination

Nowadays, “democracy” is everywhere - from international law and the UN statements to national policies and walls on the street. However, the definition of democracy is still disputed<sup>103</sup> and “possesses both institutional and cultural aspects that have varied across time and place.”<sup>104</sup> In eighteen centuries in Europe, “democracy was still a form of government, and neither an ideology nor an indication of class preference.”<sup>105</sup> While, modern democracy to be “much more than mere representation that the people out to be directory involved in

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<sup>100</sup> Asplund, A., *Japan: A Rising Champion of Human Rights and Democracy in East and Southeast Asia*, Lund University, 2010, p4.

<sup>101</sup> Campbell, J., “Ideas, Politics, and Public Policy”, *Annual Review of Sociology*, ProQuest, 2002, p 24.

<sup>102</sup> DCC, 1.(2)C.

<sup>103</sup> Møller, J. & Skaaning, S., *The Rule of Law*, NY, Palgrave Macmillan, 2014, p7.

<sup>104</sup> Isakhan, B. & Slaughter, S., *Democracy and Crisis*, Hampshire and NY, Palgrave Macmillan, 2014, p5.

<sup>105</sup> Arendt, 1963, p225.

their government”<sup>106</sup> or it might have an even broader definition that “human rights and democracy are regarded as fundamental to development.”<sup>107</sup>

Democracy was explained in line with self-determination by Vidmar that “the concept of democracy and the idea of self-determination to some degree share historical and philosophical underpinnings”<sup>108</sup> and in contemporary international law, “we are dealing with self-determination as a human right.”<sup>109</sup> Nevertheless, different perspectives between West and rest of the world were recognized, as “self-determination had a democratic pedigree in Western European and American contexts and elsewhere it was rather understood as a collective struggle of peoples against their subordination to other peoples and associated with demands for new State creations.”<sup>110</sup> In Myanmar, for example, the concept of democracy and self-determination have been formulated in the traditional Burmese cultures, *dhamma* (Universal Buddhist Law) as “ideational force is historically constructed.”<sup>111</sup> On the contrary to “the Western ideas of liberal individualism.”<sup>112</sup> *Dhamma* entails “righteousness or virtue emphasizing right relations between man and man in all spheres of life.”<sup>113</sup> Furthermore, there is a view that “Buddhism places the greatest value on man, who alone of all beings can achieve the supreme state of Buddhahood... Each man has in him the potential to realize the truth through his own will and endeavor and to help others to realize it, and human life therefore is infinitely precious.”<sup>114</sup> In fact, the “his own will and endeavor”, was explicitly depicted in *Kabar Ma Kyae Buu* (Until the End of the World), a protest song emblematic of

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<sup>106</sup> Isakhan & Slaughter, 2014, p4.

<sup>107</sup> Ministry of Foreign Affairs of Sweden, *Strategy for Sweden's development cooperation in the areas of human rights, democracy and the rule of law 2018-2022*, Stockholm, Government Offices of Sweden, p4.

<sup>108</sup> Vidmar, J., “The Right of Self-determination and Multiparty Democracy: Two Sides of the Same Coin?”, *Human Rights Law Review*, vol. 10, no. 2, Oxford University Press, 2010, p239.

<sup>109</sup> *Ibid.*, p266.

<sup>110</sup> *Ibid.*, p266.

<sup>111</sup> Béland, D., “The Idea of Power and the Role of Ideas”, *Political Studies Review*, vol.8, Political Studies Association, 2010, p149.

<sup>112</sup> Zaidi, 2008, p151.

<sup>113</sup> Rathore, A. & Verma, A., *B.R. Ambedkar: The Buddha and his Dhamma*, Oxford University Press, 2011, p5.

<sup>114</sup> Suu Kyi, A. *Freedom from Fear*, London, the Penguin Group, 1991, p74.



8888 Uprising (1988) and Spring Revolution<sup>115</sup> (2021), the biggest civil disobediences against the military government in the modern history of Myanmar.

“We never surrender to it until the earth ends. We created the history with our blood. Revolution! Those people who lose their lives for democracy are our heroes. This country (Myanmar) is the place where heroes live in<sup>116</sup> (Kabar Ma Kyae Buu)“

Therefore, historical and cultural backgrounds of a country affect not only how people understood democracy and self-determination, but also how people sought for democracy and self-determination in their own society. In this respect, Aung San Suu Kyi expressed Burmese democracy “like liberty, justice and other social and political rights, is not ‘given’, it is earned through courage, resolution and sacrifice.”<sup>117</sup>

#### **4.12 Human Rights Talk Under Japan’s Occupation**

Historical dialogue between Japan and Myanmar can be traced back to the Second World War, when Japan occupied Burma and supported the Burmese national independence. In 1942, Japan invaded Burma, as “Burma became a key battle-ground in the political warfare between Britain and Japan.”<sup>118</sup> It was also in line with Japan’s imperialist idea, the Greater East Asia Co-Prosperity Sphere, in which Burmese occupation was justified by its slogan: New Order in East Asia. Although Burma became free from British rulers during Japanese occupation, “Japanese actions in the territories did not always match the pronounced idealism.”<sup>119</sup> The fact was “the country had simply exchanged one foreign ruler for

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<sup>115</sup> A civil protest against coup d’état of the military government in 2021. See more the details, The Guardian, “Myanmar protesters hold general strike as crowds push for ‘five twos revolution’”, Feb 2021 <https://www.theguardian.com/world/2021/feb/22/myanmar-junta-warns-of-lethal-force-as-protesters-gather-for-five-twos-revolution> (accessed 11 May 2021).

<sup>116</sup> Kabar Ma Kyae Buu with English subtitles, YouTube, 2021, <https://youtu.be/p3ezeV6eG1U> (accessed 11 May 2021).

<sup>117</sup> Suu Kyi, 1991, p176.

<sup>118</sup> Mori, T., ‘Co-Prosperity’ or ‘Commonwealth’? :*Japan, Britain and Burma 1940-1945*, London School of Economic and Political Science, 2006, p14.

<sup>119</sup> Ibid., p159.

another<sup>120</sup>”.

Yet, there is a discourse widespread in Myanmar that “Japan played a significant role in Burmese struggle for independence from British colonial rule.”<sup>121</sup> The contradiction in human rights discourses, namely Japan’s occupation in Burma and Japan’s support for Burmese independence, might be closely analyzed in respect of local dialogue between Burmese and Japanese. For example, this is a dialogue between Nu and Colonel Suzuki, who established Thirty Comrades, Burmese-Japanese armed group formulated for the Burmese national independence from Britain.

“Independence is not the kind of thing you can get by begging for it from other people. You should proclaim it yourselves. The Japanese refuse to give it? Very well then: tell them that you will cross over to some place like Twante and proclaim independence and set up your own government<sup>122</sup>”

In fact, Japan’s two-faced dialogue under the occupation was also mentioned by Suu Kyi that “Japanese army began to treat the Burmese like a subject people... because Burmese people were put in all the key positions of government and administration... for some extent, they gained a degree of self-government.”<sup>123</sup> In this study, these contradictions can be observed in terms of *flexibility* and *self-examine* of Japan’s dialogue. It can be argued that Burmese democracy was *flexibly* understood by Colonel Suzuki, who *self-examined* its role in the particular context of Burma, even though contesting with his diplomatic position and national interests of Japan. However, Japan’s incoherent approach was eventually condemned by Aung San, who was closely working with Japan since establishment of the Thirty Comrades. He declared “if freedom is only for a select group of people it is not freedom”<sup>124</sup> and

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<sup>120</sup> Ibid., p54.

<sup>121</sup> Maung Tin, K., “Myanmar Independence Day: Entering a new era, to a modern democratic nation”, *The Japan Times*, Japan Times, 2012.

<sup>122</sup> Wintle, J., *Perfect Hostage: A Life of Aung San Suu Kyi, Burma’s Prisoner of Conscience*, NY, Skyhorse Pub, 2007.

<sup>123</sup> Suu Kyi, A. *Freedom from Fear*, London, the Penguin Group, 1991, pp54-55.

<sup>124</sup> Wintle, 2008, p 161.

eventually, Aung San and his alliance defeated Japan with the British troops in 1948. Therefore, after all, Burmese national independence was seized by Burmese people with “his own will and endeavor.”<sup>125</sup> Furthermore, as “ultimately and ironically, Burma may have changed Japan more than Japan changed Burma.”<sup>126</sup> the triumph of Myanmar formulated a core concept of Japan’s HRFPP “supporting self-help effort of develop countries”<sup>127</sup> to promote human right and democracy after the end of world war.

#### **4.13 The Post-War Human Rights Foreign Policy**

Japan started providing ODA mainly to Asian countries from the 1950s, when Japan was still an aid recipient in the post war years.<sup>128</sup> According to the Ministry of Foreign Affairs in Japan (MOFA), “ODA played an important role in Japan’s development together with Asian countries while improving relations with them.”<sup>129</sup> In accordance to the promulgation of the UDHR in 1948, the government of Japan shifted its focal point of assistance policy in Myanmar from providing military support to improving humanitarian aid support and socioeconomic development. In 2015, The Basic Policy of Japan’s Assistance to Myanmar was drafted in line with DCC, sets 3 Priority Areas to support Myanmar:

1. Improvement of people’s livelihoods
2. Capacity building and development of systems to sustain economy and society
3. Development of infrastructure and related systems

It is important to note that The Basic Policy of Japan’s Assistance to Myanmar is also based on the Japan-Burma Peace Treaty and Agreement on Reparation and Economic Cooperation pledged after the Second World War in 1954. In accordance with the biliteral treaties, Japan’s ODA contributed to Myanmar’s economic growth, such as the construction of a major

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<sup>125</sup> Suu Kyi, 1991, p74.

<sup>126</sup> Dalpino, C., “The Role of Human Rights: The Case of Burma”, *Japan in International Politics*, Berger, T., Mochizuki, M and Tsuchiyama, J (ed.), Lynne Rienner Publisher, 2007, p213.

<sup>127</sup> DCC, 2.1.C

<sup>128</sup> Ministry of Foreign Affairs of Japan, Overview of Japan’s ODA White Paper 2014, Tokyo, The Government of Japan, 2015 <https://www.mofa.go.jp/files/000120346.pdf> (accessed 9 March 2021)

<sup>129</sup> Ibid.

hydroelectric plant and water purification system, agricultural machinery, and school buildings. These heavy industrial projects links to aspirations of DCC “sustained socioeconomic growth”<sup>130</sup> and “self-reliant”<sup>131</sup> necessary to ensure the basic human rights for people in Myanmar. On the other hand, there is a critical view that “the greater benefit of development assistance attributes to the donor rather than the recipient”<sup>132</sup>, the national interests of Japan and socioeconomic growth for Myanmar seems to be two sides of the same coin.

In Japan’s human rights dialogues, therefore, there are two contradictions to support democratization of Myanmar. First, during the Second World War, Burmese national independence was promoted while Japan occupied political power in the country. Second, Japan’s economic interests can be pointed out in the post-war ODA policy to advance the socioeconomic growth for Myanmar. However, regardless of these contestations, normative ideas of Japan’s dialogue shows “how the structure of political discourse and language shapes how policy ideas are communicated and translated into practice.”<sup>133</sup> As seen ongoing bilateral dialogues between Japan and Myanmar’s political authorities, such as the military coup and Aung San Suu Kyi<sup>134</sup>, the exclusive dialogue establishes a basis of “Japan’s realist approach utilizing an elective and adaptive policy on human rights and democracy.”<sup>135</sup> Moreover, mutual understanding and diplomatic collaboration can be fostered in the interactive dialogue in which Japan can set human rights agendas with Myanmar’s political authorities to lead a radical change for institutional democracy in a country.

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<sup>130</sup> DCC, 2.2 A.

<sup>131</sup> DCC, 1.2 C.

<sup>132</sup> Dalpino, 2007, p217.

<sup>133</sup> Campbell, J., “Ideas, Politics, and Public Policy”, *Annual Review of Sociology*, ProQuest, 2002, p32.

<sup>134</sup> Ministry of Foreign Affairs of Japan, “Japan’s Position Regarding the Situation in Myanmar”, 1997, <https://www.mofa.go.jp/region/asia-paci/myanmar/myanmar.html> (accessed 15 May 2021).

<sup>135</sup> Asplund, 2010, p35.

## 4.2 Part 2. Policy Formulation:

### Universality of Human Rights in Japan's Dialogue

As discussed in the Part 1, understanding of democracy in Myanmar has been promoted through Japan's dialogues. This approach is also in line with a human rights theory that "the proponent of human rights must be willing to engage in a dialogue with other cultures and ideas to assess the genuine basis for the claim of universality."<sup>136</sup>

"1. Universality. We can learn from different cultures in a particular and draw lessons from the humanity of those cultures to deepen respect for human rights. There is emerging *a new understanding of universalism* encompassing the richness and wisdom of Asia-Pacific cultures. (Bangkok NGO Declaration on Human Rights, 1993)"

*A new understanding of universalism* was declared by 240 participants from 110 NGOs from the Asia-Pacific region at the World Conference on Human Rights in 1993. Although "universality was turned into a guiding principle of the United Nations"<sup>137</sup>, the statement sought to rephrase the universal norms of the UDHR with an emphasis on different values and ideas contingent to their own history, culture and society. Notwithstanding, this study argues that the *new understanding of universalism* is not clearly articulated in Japan's assistance policies. For instance, as seen the fact that Japan greatly considers particularities of history, culture and society to approach human rights in Myanmar, a term *History* is mentioned only two times, *Culture* is three times in the whole fifteen pages of DCC. On the other hand, *Economic* is mentioned thirty-five times and *Politic* six times, adherence of the UDHR is explicitly stated.

Part. 2 Policy Formulation thus examines how universality of human rights and country-based human rights of Myanmar are connected in Japan's dialogue. The analysis starts with identifying two problems of universalism ideas while dealing with problems in Myanmar:

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<sup>136</sup> Zaidi, 2008, p16.

<sup>137</sup> Brier, 2016, p163.

different human rights approaches between the West and Japan, gaps between universal norms and local practices. Then, it describes how Japan's dialogue integrate universality of human rights into the policy formulation to approach empirical problems of Myanmar.

#### 4.21 Different Approaches Between the West and Japan

“Awkwardness and distance between Japan and the West”<sup>138</sup> can be found in a number of situations, especially upon issues of human rights violations in Myanmar. For instance, sanction is regarded as “tools to advance a freedom agenda”<sup>139</sup> by the U.S. government. In order to increase diplomatic pressures to the military coup to improve devastated human right situations in Myanmar, the U.S. and EU have been imposing economic sanctions to Myanmar from time to time since 1997.<sup>140</sup> On the other hand, Japan's hesitation to imposition of economic sanction to Myanmar is quite clear.<sup>141</sup> The U.S. sanction in 2003 was even criticized by Japan that more than 70,000 people lost their job around the period due to the U.S. sanction over fabric industries in Myanmar.<sup>142</sup> Instead, Japan actively uses “various channels”<sup>143</sup> to change the situations in Myanmar, namely the historical tie and exclusive dialogues with the military government and political authorities in Myanmar. The different human rights approach between the West and Japan might be explained that “policy reflects beliefs of political actors, such as their value priorities, perception of important casual relationships, perception of world statues, perceptions of the efficacy of policy instruments.”<sup>144</sup>

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<sup>138</sup> Dalpino, 2007, p214.

<sup>139</sup> U.S. Department of State, Human Rights and Democracy, <https://www.state.gov/policy-issues/human-rights-and-democracy/> (accessed 15 May 2021).

<sup>140</sup> U.S. Department of State, U.S. Relation With Burma, January 2020, <https://www.state.gov/u-s-relations-with-burma/> (accessed 15 May 2021).

<sup>141</sup> Only in 1995, 1996, Japan stopped Yen loan to Myanmar and suspended ODA grant. See more “Japan's Position Regarding the Situation in Myanmar”, MOFA, 1997, <https://www.mofa.go.jp/region/asia-paci/myanmar/myanmar.html> (accessed 15 May 2021).

<sup>142</sup> Kudo, T. *Economic Impacts on Fabric Industries in Myanmar led by the US. Economic Sanction*, Institute of Developing Economics, Tokyo, 2006, <https://www.spf.org/publication/upload/1780718aaaa.pdf> (accessed 15 May 2021).

<sup>143</sup> Ministry of Foreign Affairs of Japan, “Japan's Position Regarding the Situation in Myanmar”, 1997, <https://www.mofa.go.jp/region/asia-paci/myanmar/myanmar.html> (accessed 15 May 2021).

<sup>144</sup> Sabatier, 1988, p132.

Yet, it is important to emphasize that both human rights approaches are embedded in universal norms of the UDHR, which might be “the principal ‘glue’<sup>145</sup> bridges the different rights approach between the West and Japan. In the UNCHR investigation on the human rights situation in Burma,<sup>146</sup> for example, a Japanese officer, Sadako Ogata, a head of UNHCR 1991-2000, played a role of “Japan with the West in the Asian Value”<sup>147</sup> while using her dialogues with the West and Myanmar. In the UNCHR mission in Burma, Ogata suggested that international communities should soften their languages in the resolution not to cut off communication with political authorities in Myanmar.<sup>148</sup> Although her compromise to Myanmar might be controversy, but “a decision-making aims at fostering dialogue and consultation”<sup>149</sup> was promoted by her flexible dialogues, facilitating global solidarity and long-term solutions to tackle problems in Myanmar.

#### **4.22 Gaps Between Norms and Practices**

For international communities, practicing the universality of human rights in Myanmar entails to fill in gaps between universal norms and local practices, because of the particular social context of Myanmar: there are more than 135 ethnicities,<sup>150</sup> speaking over one hundred languages<sup>151</sup> and governed by different state governments or autonomous committees in a country.

Request-based assistance is a basic method of Japanese government to conduct its ODA projects in other countries. In the assistance method, ODA projects are planned based on

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<sup>145</sup> Sabatier, 1988, p141.

<sup>146</sup> UNHCR, Sadako Ogata (Japan), <https://www.unhcr.org/sadako-ogata-japan-1991-2000.html> (accessed 15 May 2021).

<sup>147</sup> Dalpino, 2007, p215.

<sup>148</sup> Swedish resolution in the Third Committee on February 1990. According to Arase (1993), France was against Ogata’s suggestion, but Sweden accepted it in view of Japan's importance as an aid donor to Myanmar. The amended resolution was eventually submitted.

<sup>149</sup> Löffelholz, M. & Arano, D., *The ASEAN Guide: A Journalist’s Handbook to Regional Integration in Southeast Asia*, International Institute for Journalism, 2011, p37.

<sup>150</sup> World Population Review, Myanmar, 2021, <https://worldpopulationreview.com/countries/myanmar-population> (accessed 11 May 2021).

<sup>151</sup> Suu Kyi, 1991, p57

request form<sup>152</sup> submitted by local organizations. In the request form of ODA projects, Japanese government ensures two types of dialogues to succeed ODA projects. First, dialogues with local actors are promised by indicating local partner organizations (3 (4)) on the request form. Also, necessity of MOU<sup>153</sup> or agreement of the local government (4 (2)) are asked to see the level of dialogue partners. Second, “self-examine” dialogue is promoted by clarifying relevance between a requesting project and Country Assistance Policy<sup>154</sup> (2 (2)) and SDGs (2 (2)). Thus, the request form enables the ODA projects to include various dialogues as it is aware that “societal norms and values that are reasonably shared between subjects.”<sup>155</sup> And consequently, it promotes realization of democratic society as “deliberative democracy is a call for greater participation.”<sup>156</sup>

Terra People Association (TPA) is a Japanese NGO that requested Japan’s ODA grants and received the biggest allocation of the ODA grants for Myanmar in 2020.<sup>157</sup> TPA requested projects to maintain water supply system for ethnic minorities in Chin state and to provide technical supports for sustainable agriculture in Chin and Shan State.<sup>158</sup> In a research interview with TPA, they addressed two advantages of the request-based ODA assistance. Firstly, it enables them to quickly identify needs of people and directly respond them, as “the project takes into account opinions and data from local organizations closely working with targeted people.” Secondly, “the request-based assistance entails dialogue with local people in the earlier stage of project-making, compared to the offer-based assistance widely practiced by other international NGOs.” However, on the other hand, the request-based

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<sup>152</sup> Obtained from TPA.

<sup>153</sup> Memorandum of Understanding. More details in 4.3. Legitimation

<sup>154</sup> MOFA, Country Assistance Policy for Respective Countries, 2021, <https://www.mofa.go.jp/policy/oda/assistance/index2.html> (accessed 11 May 2021). However, due to Myanmar’s coup d’état in 2021, the Country Assistance Policy in Myanmar was reassessed and still suspended.

<sup>155</sup> Chevalier, J. & Buckles, D., *Participatory Action Research: Theory and Methods for Engaged Inquiry*, Taylor & Francis, 2019, p 283.

<sup>156</sup> Ibid., p61.

<sup>157</sup> MOFA, ODA Grant Assistance Country Data, [https://www.mofa.go.jp/mofaj/gaiko/oda/region/page23\\_001257.html](https://www.mofa.go.jp/mofaj/gaiko/oda/region/page23_001257.html) (accessed 11 May 2021).

<sup>158</sup> According to MOFA, 85,137,882 yen for Water supply project, 99,848,213 yen for Agriculture project.



assistance has to be processed in a timely manner, as “needs of people are subject to change and largely influenced by domestic politics and economics.”

Social inclusion is “the process of improving the terms on which individuals and groups take part in society – improving ability, opportunity, and dignity of those disadvantaged on the basis of their identity.”<sup>159</sup> Given the point, this study analyzed organizational features of TPA, such as their multiethnic backgrounds, language skill and historical experiences, are great advantages to realize social inclusion with ethnic minorities in Myanmar. The regional office of TPA comprises 23 local people from 8 different ethnicities and 3 Japanese people fluent in Burmese. According to the interviewees “different ethnic backgrounds of local staff help us to implement projects at community level. But at the same time, when reconciling disputes between different ethnic communities, to some extent, being as a foreigner (Japanese) is an advantage to show the neutrality of the organization.” Also, “speaking local language has considerable influences not only on efficiency of communication, but also on amount of information for the project. We often find out decisive factors, such as amount of resource, features of geography and an exact number of populations through casual conversations, as well as relationship of people and daily happenings. These kinds of local information are sometimes taken for granted by local people, so that a local interpreter skips translating them.” Since TPA acknowledges the cultural diversities of ethnic groups in Myanmar, the organization also introduced non-verbal training materials and practical workshops to share technical skills with ethnic minorities who couldn’t receive enough education to learn Burmese, the official language of Myanmar. The pragmatic idea can be seen as an outcome of long-term commitments of TPA, working with various ethnic minorities since 2003<sup>160</sup> that makes TPA distinguished from most of international humanitarian NGOs in Myanmar.

Through clarifying features of TPA, the study analyzes that multiethnic backgrounds, local language and historical experiences of TPA met with values of Japanese government to

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<sup>159</sup> The World Bank, “Social Inclusion”, <https://www.worldbank.org/en/topic/social-inclusion> (accessed 11 May 2021).

<sup>160</sup> TPA undertook ODA projects since 2013.

promote universal norms of human rights at local level in Myanmar. In fact, these practical skills, local languages and deep understandings of history and cultures, are valued by the government, not only to proceed the ODA projects, but also to promote human rights advocacy and generate sympathy of people. For instance, Japanese ambassador in Myanmar, Ichiro Maruyama, who is well known for his fluent Burmese, made a speech in Burmese when armed conflicts were occurred in coup d'état 2021. His statement declared in front of the Japanese embassy in Burmese, “The Japanese government will never ignore voices of people in Myanmar.”<sup>161</sup> drew great attentions from both Myanmar and Japanese media. Therefore, universal norms of human rights are connected to local practices and promoted through people by pragmatic approach of Japan’s dialogue.

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<sup>161</sup> Yahoo news Japan, “Japan Never Ignore Voice of People in Myanmar’ face-to-face Dialogue in Burmese, held between Local Protestants and Japanese Ambassador”, Feb 2021 <https://news.yahoo.co.jp/byline/takahashikosuke/20210220-00223695/> (accessed 11 May 2021). Myanmar media DVB, “မြန်မာလူထုအသံကို လျစ်လျူမရှုဟု ဂျပန်သံအမတ် ပြော” Feb 2021, [မြန်မာလူထုအသံကို လျစ်လျူမရှုဟု ဂျပန်သံအမတ် ပြော – DVB](#) (accessed 11 May 2021).

## **4.3 Part 3. Legitimation:**

### **The Principal of Non-interference**

“Human rights and fundamental freedoms are inalienable rights. Human rights issues are the central concerns for all members of the international society, shall not be regarded as interference of the domestic affairs. (HRFP, 2 (1), translated by the researcher)”

As seen in the HRFP, Japan takes an assertive opposition against the principal of non-interference to solve global problems of human rights. However, it is hard to say whether the Japan’s countermeasure against the principal of non-interference is actively in practice, because Japanese diplomacy has been criticized as “equi-distance stance”<sup>162</sup> and Western governments deem to exert more forceful measures with clear human rights norms, such as economic sanctions and political statements accusing tyranny of the military coup. In order to examine Japan’s countermeasure to the principal of non-interference, Part 3. Legitimation first analyzes how the principal of non-interference has been implemented by political authorities in Myanmar. In other words, this analysis takes into account gross characteristics of human choices and broad features of environment in which a choice takes place.<sup>163</sup> Then, based on the findings, it can be explored how Japan’s dialogues are utilized to overcome the principal of non-interference.

#### **4.31 Xenophobic Political Culture in Myanmar**

As said “Asian leaders have been extremely sensitive about what they regard as Western attempts to influence their domestic affairs,”<sup>164</sup> Myanmar is quite careful about political scrutiny from other countries. For instance, Myanmar’s National Constitution 2008 Art. 59

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<sup>162</sup> Yokota & Aoi, 2000, p119.

<sup>163</sup> Simon, 1995.

<sup>164</sup> Yokota & Aoi, 2000, p126.

(f)<sup>165</sup> doesn't recognize presidency of anyone has a legal relationship with foreigners. In the general election in 2015, the provision was invoked by the military junta to reject the presidency of Aung San Suu Kyi who hold a nationality of Myanmar but was married to a foreigner. Furthermore, the Western presence was also diminished as much as possible in the field of humanitarian aid support. Through an interview with a former UNHCR officer in Myanmar, it was revealed that "when UNHCR implemented a reintegration project in Rakhine State in the mid- 1990s, it was more difficult for Western staff to obtain a visa from the government of Myanmar." In fact, due to the strict entry rules, UNHCR reintegration project was mostly composed of non-Western staff, and also, Bridge Asia Japan, a Japanese NGO, was exclusively appointed as a local partner of UNHCR.<sup>166</sup>

However, the xenophobic political culture and Asian bias can be recognized not only in the national government, but also in the state governments. In an interview with The Nippon Foundation (TNF), it was mentioned that "only Japanese people were allowed to get involved in a project that provides the humanitarian aids to Internally Displaced People (IDPs) in territories of Karen National Union. The rule was insisted by the government of Myanmar, Kayin State government and Karen National Union, because they said Western people tend to prioritize 'norms of human rights' than their local voices. Therefore, TNF couldn't deploy any foreign staff for the projects." In addition, "other assistance measures, such as target of people and transportation routes were also strictly regulated by the political authorities". In fact, the testimonies of TNF might be applicable to political theories stated by Jensen and Hall & Taylor that "clear political self-interest was blended with larger principles"<sup>167</sup> and "same operative forces will generate the same results everywhere in favor of the view that the effect of such forces will be mediated by the contextual features of a given situation often

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<sup>165</sup> Art. 59 (f). "shall he himself, one of the parents, the spouse, one of the legitimate children or their spouses not owe allegiance to a foreign power, not be subject of a foreign power or citizen of a foreign country. They shall not be persons entitled to enjoy the rights and privileges of a subject of a foreign government or citizen of a foreign country;". Constitute, Myanmar's Constitution 2008 [https://www.constituteproject.org/constitution/Myanmar\\_2008.pdf?lang=en](https://www.constituteproject.org/constitution/Myanmar_2008.pdf?lang=en) (accessed 19 Feb 2021)

<sup>166</sup> Japanese NGO, BAJ <https://www.baj-npo.org/myanmar/index.html> (accessed 11 May 2021)

<sup>167</sup> Jensen, S., "Evolving Internationalism: Denmark and Human Rights Politics, 1948-1968", *Nordic Journal of Human Rights*, vol. 36, no. 3, Norwegian Center for Human Rights, 2018, p 253.

inherited from the past.”<sup>168</sup>

### 4.32 Norms and Rules in Rational Choice

In most political systems, “basic legal norms are quite resistant to change.”<sup>169</sup> However, since “national political elites could read different interpretations into it to suit their own interests”<sup>170</sup>, jurisprudence in Myanmar appears fluid and partial. In other word, it is a rational choice. Rational choice theory was described by De Jonge as “upshots of human actions”<sup>171</sup> resulted from two selection procedures: from all possible (and relevant) action alternatives which are feasible, and from this set of alternatives the preferred one is chosen. With the rational choice theory, it can be explained that legal norms and rules in Myanmar are arbitrary interpret by the political authorities with “the basis of his preference”<sup>172</sup>, such as their economic interests and political cultural preferences, and determined by “the selection of the feasible set”<sup>173</sup> subject to problems they are facing. Therefore, even though “basic legal norms are quite resistant to change”<sup>174</sup>, in the particular political context of Myanmar, there might be a room to change legal norms as they are national choice arbitrary interpreted and controlled by the military coup. And in fact, the theory deems to apply to the domestic implementation of the ASEAN’s principal of non-interference in Myanmar.

This study found out that Japan’s dialogue is a useful tool to deal with rational choices made by political authorities in Myanmar, because of *flexibility* of the dialogue. And consequently, it could lead a practical solution to overcome the legal shield of the principal of non-interference. For instance, Memorandums of Understanding (MOU) is one of significant outcomes generated by dialogues between TNF and political authorities in Myanmar. Although MOU is not legally binding, it has considerable influences on the implementation

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<sup>168</sup> Hall, P. & Taylor, R., “Political Science and the Three New Institutionalism”, *Political Studies*, XLIV, 1996, p 941.

<sup>169</sup> Cairney, 1988, p136.

<sup>170</sup> Campbell, 2002, p27.

<sup>171</sup> De Jonge, J., *Rethinking Rational Choice Theory: A Companion on Rational and Moral Action*, Hampshire and NY, Palgrave Macmillan, 2012, p8.

<sup>172</sup> *Ibid.*, p8.

<sup>173</sup> *Ibid.*, p8.

<sup>174</sup> Paul, 1988, p136.

of humanitarian aid assistance at the ground level. For instance, MOU concluded between TNF and the political authorities in Myanmar in 2012 enabled TNF to provide 300 million yen of food and medicines to almost 500,000 IDPs in territories of Ethnic Armed Organizations (EAO), regardless of strict regulations of the government and ASEAN's principal of non-interference. In this case, it can be said that dialogue played a vital role to conclude MOU, as TNF emphasized its continuous efforts of face-to-face communication with EAO and political actors, including the Aung Min, a chairperson of the National Reconciliation and Peace Center in Myanmar.

In addition, it can be argued that dialogues might vernacularize universal norms of human rights. In a story shared by one interviewee, there was a testimony of Myanmar's authorities "Westerns preached democracy, but didn't change life of IDPs"<sup>175</sup> regarding projects on democratic education and sustainable agricultural development for IDPs implemented for a few of years by Western-based NGO. "We requested the NGO to improve life of people, but our request didn't seem reflected on the project. They preached us the concept of human rights, but didn't change life of IDPs." In this study, the testimony is not examined by discourse analysis, as "experiences may potentially shape the interpretations."<sup>176</sup> However, it can be pointed out that the similar dilemma, a lack of communication between universal norms of human rights and local practices of people, was also recognized when Myanmar adopted to the UDHR. According to Suu Kyi, it was difficult for people to understand how any of the rights contained in the thirty articles of the Universal Declaration of Human Rights.<sup>177</sup> In this regard, even though Japan's dialogue approach is not the best way to appeal its contribution for human rights at international level, the approach "working patiently and persistently for improvements through ongoing dialogue with the present regime"<sup>178</sup> might be leading substantial changes at the ground though MOU and the ODA's grassroot projects, in which Japan can reach to domestic problems of Myanmar beyond the principle of non-

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<sup>175</sup> Mentioned by the interviewee.

<sup>176</sup> Creswell, 2018, p299.

<sup>177</sup><sup>177</sup> Suu Kyi, 1991, p.175.

<sup>178</sup> Ministry of Foreign Affairs of Japan, "Japan's Position Regarding the Situation in Myanmar", 1997, <https://www.mofa.go.jp/region/asia-paci/myanmar/myanmar.html> (accessed 15 May 2021).

interference.

## 4.4 Part 4. Implementation:

### Dual Nature of Japan's Dialogues

In Part 3, it was argued that norms and rules hampering international protections of human rights have been flexibly approached by Japan's dialogue at national level while fostering mutual communication with authorities in Myanmar. Notwithstanding, international contributions in a visible manner have been stressed "to earn the world community's respect and to gain a voice in shaping global policy."<sup>179</sup> Especially, Japan's international visibility was highly and urgently required in 2019 when human rights violations towards Rohingya people in Myanmar was alleged by The Gambia in the International Court of Justice (ICJ).<sup>180</sup> Voices for protections of Rohingya became harder not only at the international level, but also at local level. In Japan, more than 2000 people of Japanese and Rohingya residence gathered in front of a government office building in Japan to seek justice and equal human rights protections for Rohingya people.<sup>181</sup>

However, Japan might fail to prove its visible contribution for the global solidarity, particularly because Japan abstained UN resolutions regarding Rohingya issues. It was widely criticized by international humanitarian organizations that "Japan is on the wrong side of history over Myanmar's atrocities against the Rohingya"<sup>182</sup> and "Japan's Cold-Blooded Approach to the Rohingya Crisis."<sup>183</sup> Having said that, the Japanese government doesn't seem to change its long-standing position to "promote democratization and human rights not

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<sup>179</sup> Berger, T., Mochizuki, M. & Tsuchiya, J, Japan in International Politics, Lynne Rienner Publication, 2007, p5.

<sup>180</sup> ICJ, Summary "Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)" January 2020, <https://www.icj-cij.org/public/files/case-related/178/178-20200123-SUM-01-00-EN.pdf> (accessed 11 May 2021).

<sup>181</sup> Arab News Japan, "Protestants claiming for Rohingya in front of the government office", Feb 2021, [https://www.arabnews.jp/article/japan/article\\_32770/](https://www.arabnews.jp/article/japan/article_32770/) (accessed 11 May 2021).

<sup>182</sup> Tassi, L., "Japan is on the wrong side of history over Myanmar's atrocities against Rohingya", Amnesty International September 2018 <https://www.amnesty.org/en/latest/news/2018/09/japan-is-on-the-wrong-side-of-history-over-myanmars-atrocities-against-the-rohingya/> (accessed 15 May 2021).

<sup>183</sup> Kasai, T "Japan's Cold-Blooded Approach to the Rohingya Crisis, Human Rights Watch, June 2019, <https://www.hrw.org/news/2019/06/20/japans-cold-blooded-approach-rohingya-crisis> (accessed May 2021).



by isolating Myanmar but by working patiently and persistently for improvements through ongoing dialogue with the present regime”<sup>184</sup> and” keep a dialogue open under any given situation.”<sup>185</sup> However, in a case of *The Gambia v. Myanmar*, neither Japan’s dialogue approach nor its outcomes are clear. Therefore, Part 4 Implementation reveals broader aspects of Japan’s dialogue approach to protect human rights for Rohingya refugees, while explaining complexities of multi-ethnic problems in Myanmar.

#### 4.41 Contested Discourses Between Myanmar and the World

On 11 November 2019, human rights violations against Rohingya people were claimed by The Gambia, as a representative of the 57 Islamic countries in the ICJ.<sup>186</sup> The case was disputed whether human rights violations against Rohingya are fringe of the Genocide Convention Article 9 ratified by Myanmar in 1956. The Rohingya crisis was narrated “one of the largest exoduses of refugees witnessed in recent decades”<sup>187</sup> and “the most persecuted minority of the world”<sup>188</sup> in the international arena. It is not only because more than 7000,000 Rohingya refugees in Myanmar have fled to Bangladesh since August 25 in 2017<sup>189</sup>, but also because 60 percent of whom were children<sup>190</sup>, and Cox’s Bazar in Bangladesh became the largest refugee settlement in the world.<sup>191</sup>

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<sup>184</sup> Ministry of Foreign Affairs of Japan, “Japan’s Position Regarding the Situation in Myanmar”, 1997, <https://www.mofa.go.jp/region/asia-paci/myanmar/myanmar.html> (accessed 15 May 2021).

<sup>185</sup> Ministry of Foreign Affairs of Japan, Myanmar, 2012 <https://www.mofa.go.jp/mofaj/press/pr/wakaru/topics/vol93/index.html> (accessed 15 May 2021).

<sup>186</sup> UN, ICJ- *The Gambia v. Myanmar*, <https://iimm.un.org/icj-the-gambia-v-myanmar/>

<sup>187</sup> <https://www.unrefugees.org/news/rohingya-refugee-crisis-the-facts/> (accessed 15 May 2021).

<sup>188</sup> Dombrowski, K. & Kaltenbach, J, “The world’s most persecuted people”, *Development and Cooperation*, April 2015, <https://www.dandc.eu/en/article/myanmar-does-not-recognise-rohingya-citizens-ngo-expert-elaborates-our-interview> (accessed 15 May 2021).

<sup>189</sup>, Kathryn, R., “Rohingya refugee crisis: Facts, FAQs, and how to help?”, *World Vision*, June 2020 <https://www.worldvision.org/refugees-news-stories/rohingya-refugees-bangladesh-facts#:~:text=Since%20Aug.%2025%2C%202017%2C%20more%20than%20700%2C000%20Rohingya,largest%2C%20fastest%20movements%20of%20people%20in%20recent%20history.> (accessed 15 May 2021).

<sup>190</sup> UNICEF, Rohingya, <https://www.unicef.org/emergencies/rohingya-crisis> (accessed 15 May 2021).

<sup>191</sup>, Kolstad, K., “Cox’s Bazar: The world’s largest refugee settlement”, *Norwegian Refugee Council*, August 2018 <https://www.nrc.no/news/2018/august/coxs-bazar-the-worlds-largest-refugee-settlement/> (accessed 15 May 2021).

However, in the ICJ, the Rohingya genocide was explicitly denied by political authorities in Myanmar, including Aung San Suu Kyi, who received Nobel Peace Prize in 1991 for “her non-violent struggle for democracy and human rights.”<sup>192</sup> The denial of Rohingya genocide was strongly appealed by her in the ICJ, the principal of non-interference was also underlined as the Rohingya issues is one of historical disputes among different ethnic groups in Myanmar. Furthermore, Suu Kyi didn’t even use a single word of “Rohingya” in the international court. Given her attitude to Rohingya people, it was widely criticized that “the denial of Rohingya identity”<sup>193</sup> and considered” inextricably linked to denial of their human rights and ultimately, to genocide.”<sup>194</sup> Yanghee Lee, The UN outgoing human rights envoy for Myanmar, also condemned that “the country’s civilian leader, Aung San Suu Kyi, failed to live up to her reputation as a humanitarian”<sup>195</sup> and Amnesty International withdrawn the Ambassador of Conscience Award from Suu Kyi in 2018 due to her refusal about the Rohingya genocide.<sup>196</sup>

The thesis examines that The Gambia v. Myanmar wasn’t mere a problem about human rights for Rohingya, as “there are important links and connections in time and space which have not been adequately understood.”<sup>197</sup> Rather, it revealed a depth of religious disputes and long histories of rights violations against ethnic minorities since 1982 Citizenship Law. In Myanmar, 135 ethnic groups<sup>198</sup> are legally recognized by the Citizenship Law, but there are even more ethnic groups. Their nationality and the basic human rights have been arbitrary

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<sup>192</sup> The Nobel Prize, “Aung San Suu Kyi”, <https://www.nobelprize.org/prizes/peace/1991/kyi/facts/> (accessed 19 May 2021)

<sup>193</sup> Addressed by Simon Adams, Executive Director of Global Center for the Responsibility to Protect. Simon Adams, Twitter, December 2019, <https://twitter.com/SAdamsR2P/status/1204763270311219202> (accessed 15 May 2021).

<sup>194</sup> Ibid.

<sup>195</sup> Aljazeera, “Outgoing UN envoy to Myanmar ‘utterly disappointed’ with Suu Kyi”, April 2020, <https://www.aljazeera.com/news/2020/4/29/outgoing-un-envoy-to-myanmar-utterly-disappointed-with-suu-kyi> (accessed 15 May 2021).

<sup>196</sup> Amnesty International, “Amnesty International withdraws human rights award from Aung San Suu Kyi”, November 2018, <https://www.amnesty.org/en/latest/news/2018/11/amnesty-withdraws-award-from-aung-san-suu-kyi/> (accessed 15 May 2021).

<sup>197</sup> Jensen, 2014, p 15.

<sup>198</sup> World Population Review, Myanmar, 2021, <https://worldpopulationreview.com/countries/myanmar-population> (accessed 15 May 2021).

justified by the Citizenship Law. In this respect, there is a view that “Rohingya is not the only group persecuted in Myanmar”<sup>199</sup> because human rights violations against other ethnic minorities, such as Kachin, Karen Christians and the Shan Buddhists, were not even recognized by the international communities. Zin Mar Aung, Burmese activist, also addressed that “European countries and the U.S. should not approach Myanmar from only the human rights perspective...They can criticize us, but if they criticize us excessively, this puts all the blame on the government while other factors are neglected.”<sup>200</sup> From the wider scope of multi-ethnic problems in Myanmar, Rohingya crisis is, therefore, just the tip of iceberg that have been disguised by the government of Myanmar and overlooked by the international communities.

#### **4.42 Discrepancies in Japan’s Human Rights Approach**

In Part. 2, it was explained that the UDHR, a shared belief in the universality of human rights between the West and Japan, consolidates comprehensive approach to human rights problems in Myanmar. On the other hand, the human rights coalition can be recognized between Myanmar and Japan in respect of their historical dialogues as well as Japan’s ODA support to Myanmar. In the case of *The Gambia v. Myanmar*, it was clear that Japan stood by Myanmar rather than international communities. Japan assisted in establishment of Independent Commission of Enquiry (ICOE), as Myanmar’s authorities claimed that “it would not be helpful for the international legal order if the impression takes hold that only resource-rich countries can conduct adequate domestic investigations and prosecutions.”<sup>201</sup> It was remarkable that Kenzo Oshima, a former Permanent Representative of Japan to the UN, was appointed to one of board members of the ICOE to “assess the situation on the

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<sup>199</sup> AsiaNews, it, “Rohingya not only group persecuted in Myanmar, Christian minorities are as well”, March 2017 [www.asianews.it/news-en/Rohingya-not-only-group-persecuted-in-Myanmar,-Christian-minorities-are-as-well-41952.html](http://www.asianews.it/news-en/Rohingya-not-only-group-persecuted-in-Myanmar,-Christian-minorities-are-as-well-41952.html) (accessed 15 May 2021).

<sup>200</sup> Stated by Burmese activist, Zin Mar Aung. See more, Okada, M., “Japan Draws Sharp Contrast with China and the West in Myanmar Diplomacy”, Japan Forward, October 2018 <https://japan-forward.com/japan-draws-sharp-contrast-with-china-and-the-west-in-myanmar-diplomacy/> (accessed 15 May 2021).

<sup>201</sup> UN, “Aung San Suu Kyi defends Myanmar from accusations of genocide, at top UN court”, UN News, December 2019, <https://news.un.org/en/story/2019/12/1053221> (accessed 15 May 2021).

ground in Rakhine dispassionately and accurately.”<sup>202</sup>

Yet, Japan didn't merely support the government of Myanmar, but Japan implied to refuse the fact of Rohingya genocide. Japan's position in *The Gambia v. Myanmar* was clear, because Japan abstained UN resolutions regarding Rohingya issues, Japanese government preferred to call Muslims in Rakhine State without mentioning “Rohingya”<sup>203</sup> just like what Suu Kyi did. Furthermore, an opposition against Rohingya genocide was implied by Ichiro Maruyama, the Japanese ambassador in Myanmar.<sup>204</sup> These “supportive” coalition between Japan and Myanmar seems controversy, as “coalitions can obscure exercises of power, exclude people from the policy process, and exacerbate the degenerative effects of conflicts.”<sup>205</sup>

It is difficult to say that Japan downplays human rights protections for Rohingya people, because Japan has been taking various measures to support them. As humanitarian assistance for ethnic minorities is explicitly underpinned in the Basic Policy of Japan's Assistance to Myanmar, a significant number of ODA grant projects were implemented to improve lives of ethnic minorities. Especially, in order to respond the Rohingya crisis in 2015, the government pledged \$18 million for Rohingya repatriation plans in Bangladesh to provide humanitarian aid support, such as access to clean water, food, as well as education.<sup>206</sup> In 2010, Japanese government introduced the Third Country Resettlement Programme<sup>207</sup> for the first time in Asia, with support from UNHCR. It was remarkable that refugees from

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<sup>202</sup> Ibid.

<sup>203</sup> Kasai, T., “Japan's Cold-Blooded Approach to Rohingya Crisis”, Human Rights Watch, June 2019 <https://www.hrw.org/news/2019/06/20/japans-cold-blooded-approach-rohingya-crisis> (accessed 15 May 2021).

<sup>204</sup> According to local news website the Irrawaddy, the Japanese ambassador in Myanmar, told in he did not think the Myanmar military “committed genocide or (had the) intent of genocide”. Reuters, “Rights group denounce Japan envoy for ‘disturbing’ comments on Myanmar Rohingya”, January 2020 <https://www.reuters.com/article/japan-myanmar-idINKBN1ZE0VH> (accessed 15 May 2021).

<sup>205</sup> Weible & Ingold 2018, p. 341.

<sup>206</sup> NHK World Japan, “Rohingya Repatriation Plan”, November 2018 <https://www3.nhk.or.jp/nhkworld/en/news/backstories/86/> (accessed 15 May 2021).

<sup>207</sup> MOFA, Acceptance of Refugees in Japan, November 2020, <https://www.mofa.go.jp/mofaj/gaiko/nanmin/main3.html> (accessed 15 May 2021).

Myanmar, including Rohingya people, were exclusively prioritized during the first three years of the programme implementation.<sup>208</sup>

It is thus clear that Japan's controversial position in *The Gambia v. Myanmar* doesn't meet with its continuous humanitarian support for Rohingya refugees. The contradiction might eventually hinder Japan's human rights approach, because the flexibility of Japan's dialogue is rather disadvantage to establish a rigorous approach to Myanmar's ethnic conflicts embedded in "a geopolitical sphere protected by a clear and hidden protectionist system."<sup>209</sup> Whereas, Japan's human rights coalition with both the international communities and Myanmar might be an asset to comprehend the depth of the problems, and enhance various measures to alleviate causes of human rights violations against ethnic minorities in Myanmar.

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<sup>208</sup> According to MOFA, 50 Families (194 people) were resettled in Japan through the programme. Taking into account of a small number of cases and high standards of refugee acceptance in Japan, the outcomes of the programme is noteworthy.

<sup>209</sup> Najafov, Z., "Internationalization of Ethnic Conflicts and Impact on Regional and International Security", *Journal of Political Sciences & Public Affairs*, vol. 5, no.4, Military College of Armed Forces of the Republic of Azerbaijan, 2017, p 2.

## 4.5 Part 5. Evaluation and Policy Maintenance: Sustainable Development

“It is increasingly recognized that human rights are essential to achieve sustainable development.”<sup>210</sup> And vice versa, sustainable development is essential to ensure people’s basic human rights, as “the sustainability of the movement will hinge on securing discursive shifts and translating them into concrete policy reform and longer-term structural changes that democratize governance.”<sup>211</sup> Indeed, an interconnection between sustainable development and human rights is emphasized in a principal of Sustainable Development Goals (SDGs): Leave No One Behind (LNOB). LNOB is described by the UN that “not only entails reaching the poorest of the poor, but requires combating discrimination and rising inequalities within and amongst countries, and their root causes.”<sup>212</sup>

In the Basic Policy of Japan’s Assistance to Myanmar, sustainable development is regarded as equally important as national reconciliation and democratization. This view might be compatible with the philosophy of Japan's ODA, “Assistance for self-help efforts.”<sup>213</sup> The “self-help efforts” must be one of key elements for a democratic reformation of Myanmar, not only because the concept democracy has been discursively formulated in the domestic context of Myanmar as discussed in Part 1. But also because, decisions of people have been oppressed under the dictatorship of the government. In other words, since “the structure of political discourse and language shapes how policy ideas are communicated and translated into practice”<sup>214</sup>, people’s decisions and behaviors have been limited in the unequal social system. In order to foster sustainable development based on the self-efforts, therefore, it is necessary to change mindset of people as well as the oppressive institutional system.

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<sup>210</sup> UNHRC, Human Rights and the 2030 Agenda for Sustainable Development, <https://www.ohchr.org/EN/Issues/SDGS/Pages/The2030Agenda.aspx> (accessed 11 May 2021).

<sup>211</sup> Isakhan & Slaughter, 2014, p105.

<sup>212</sup> UN Sustainable Development Group, Leave No One Behind, <https://unsdg.un.org/2030-agenda/universal-values/leave-no-one-behind>, (accessed 11 May 2021).

<sup>213</sup> DCC, 1.2 C.

<sup>214</sup> Campbell, 2002, p32.

In Part 5. Evaluation and Policy Maintenance, it is first explored how the long history of dictatorship has been hindering self-help efforts of people, and then observed how Japan's dialogue establishes a basis for self-help efforts to pursue sustainable development of democracy and human rights in Myanmar.

#### **4.51 Side Effect of Dictatorship 1: One-way Communication**

There is an interesting view about people in Myanmar mentioned by a UNHCR officer who worked with national staff for one and a half years in Rakhine State. In the interview question regarding experiences of dialogue with local people, it was mentioned that “the local staff were most likely to wait for directions from international staff. Considering the political culture of Myanmar, democratic way of decision-making, such as sharing opinions and exchanging ideas, didn't seem to be widely practiced.” One interpretation about the passive behavior of local staff was suggested by the interviewee that “the one-way communication might be derived from the fact that Myanmar has a long history of dictatorship and top-down political system in which decisions were made by a limited number of elites.” In fact, this view can be endorsed by theories that “taken-for-granted paradigms constrain the range of policies that policy makers are likely to consider<sup>215</sup>”and moreover, “cultures legitimate practices that violate human-rights norms.”<sup>216</sup>

#### **4.52 Side Effect of Dictatorship 2: Ethnic Solidarity**

The one-way communication was recognized in the political culture of Myanmar, on the contrary, ethnic solidarity was significantly developed to resist oppressions of the military government. The outstanding teamwork skills of local people was addressed in the interview with TPA that “autonomous communities normally have their own committees to deal with daily-life problems, such as electricity maintenance, water supply, management of common properties and religious practices. These administrations were established by their initiatives and maintained by themselves.” The ‘self-help effort’ of ethnic minorities make sense in

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<sup>215</sup> Campbell, 2002, p23.

<sup>216</sup> Vincent, 2010, p163.

terms of long-lasting oppressions from the government and continuous disputes among different ethnic communities. There is no doubt that the ethnic minorities had no choice, but supporting each other by strengthening the community-based solidarity.

The solidarity of people was also mentioned by TNF, but from a different scope. At a border between Thai and Myanmar, there was a boarder control office strictly checking passengers on a bridge. Whereas, under the bridge, local people were crossing the border by boats through the river, apparently without an official permission. As discussed in the Part 3, the national law and rules are rational choice, subject to the social environment, interests and preferences of the powerful actors. In the unjust structure of society, it is thus not difficult to imagine that the enforcement of rules is also considerably fluid at ground.

#### **4.53 Bottom-up Dialogue Approach**

Self-help effort is promoted by various assistance of Japan. A target of the support is not only socially vulnerable people, such as woman, children, people with disability and ethnic minorities<sup>217</sup>, but also social environment firmly supports self-help effort of individuals. For instance, Japan International Cooperation Agency (JICA), a governmental agency that delivers ODA, provided “support for improving the basis of human resources”<sup>218</sup> through The Project for Capacity Development of Legal, Judicial and Relevant Sectors in Myanmar.<sup>219</sup> It was a five-years-programme that JICA supported development for judges, prosecutors and other officials as well as the mutual consistency of targeted laws and regulations in the Union Attorney General’s Office and the Supreme Court of the Union in Myanmar. In addition, in Myanmar’s General Election 2020, about 1.7 million dollars of Japan’s ODA was granted to provide indelible ink to prevent double voting.<sup>220</sup> Furthermore,

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<sup>217</sup> Ministry of Foreign Affairs of Japan, ODA Grant Assistance 2020 Country Data 2020, [https://www.mofa.go.jp/mofaj/gaiko/oda/region/page23\\_001257.html](https://www.mofa.go.jp/mofaj/gaiko/oda/region/page23_001257.html) (accessed May 11 2021).

<sup>218</sup> JICA, Case Study Myanmar, [https://www.jica.go.jp/english/our\\_work/thematic\\_issues/governance/study.html](https://www.jica.go.jp/english/our_work/thematic_issues/governance/study.html) (accessed May 11 2021).

<sup>219</sup> Ibid.

<sup>220</sup> “Japan and UNDP provided indelible ink for Myanmar’s 2020 General Election”, UNDP Myanmar, August 2020



Japanese government dispatched an election monitoring team headed by Yohei Sasakawa, a chairman of TNF, to support free and fair implement of the election.<sup>221</sup> It is noteworthy that Sasakawa monitored the previous Myanmar's election, General Election 2015, as he was appointed to Special Envoy of the Government of Japan for National Reconciliation in Myanmar by Japanese government in the same year, right before the General Election in 2015.

Given Japan's bottom-up assistance for improvements of institutional system in Myanmar, "nothing much has changed in the short term but that a lot has changed in the long term."<sup>222</sup> In the long-term projects, dialogue is a key to set an appropriate agenda, to formulate a intergovernmental policy and to implement effective communication, as Japan's dialogue approach was shown in the Policy Cycle. The interactive dialogues bridging people also correlate to the concept of LNOB grounded in the foundational principles of the Charter of the United Nations.<sup>223</sup> Therefore, dialogue is a practical tool for Japan's HRF to establish sustainable development for self-help effort and to disseminate of universal norms of human rights in the civil society of Myanmar.

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<https://www.mm.undp.org/content/myanmar/en/home/presscenter/pressreleases/2020/japan-and-undp-provide-indelible-ink-for-myanmars-2020-elections.html> (accessed 20 May 2021).

<sup>221</sup> "Dispatch of Election Observer Mission and Assistance to Myanmar Response to Flood Disaster", MOFA, September 2015, [https://www.mofa.go.jp/press/release/press4e\\_000849.html](https://www.mofa.go.jp/press/release/press4e_000849.html) (accessed 20 May 2021).

<sup>222</sup> Cairney 2011 p. 29.

<sup>223</sup> UN Sustainable Development Group, Leave No One Behind, <https://unsdg.un.org/2030-agenda/universal-values/leave-no-one-behind>, (accessed 11 May 2021).

## 5. Conclusion

In the wider Asian region, the human rights discourse is dominated by the view that human rights are an “imported concept from the West.”<sup>224</sup> Yet, broader understandings of human rights have been articulated by major actors and important declarations, such as the Bangkok NGO Declaration in 1993 and in the ASEAN Human Rights Declaration in 2012. In terms of the global discussion about human rights, this study demonstrated how Japan’s ‘dialogue (対話) approach’ bridges gaps between universalism and regionalism, norms and practices, while fostering mutual understanding of the fundamental concept of human rights. In addition, the study revealed contradictions in Japan’s dialogue approach to human rights and democracy Myanmar. In the research, discourse analysis was used to examine Japan’s dialogue approach to Myanmar and juxtaposed with qualitative interviews with Japanese representatives and NGOs active in Myanmar. The analysis was explored and synthesized in Policy Cycle, demonstrating the empirical role of dialogue approach in Japan’s HRFP.

By equipping with the Policy Cycle, Chapter 4 Analysis Part 1. Agenda Setting described how democracy was interpreted in Japan’s dialogue to set human rights agenda for the democratization of Myanmar. Since the concept of democracy was discursively formulated in the particular context of Myanmar, such as Buddhism and modern civil movements, Japan has been flexibly using dialogue to understand the particular concept of democracy in Myanmar. However, Japan’s human rights dialogue was inherently contradicted, because Japan supported Burmese national independence while Japan occupied Burma during the Second World War. Also, it is controversial whether Japan’s post-war human rights policy and ODA projects are foremost concerned with Japan’s own national interests rather than benefitting to the vulnerable people of Myanmar.

Although the particularities of culture and history were largely taken into account in Japan’s human rights agenda to Myanmar, Part 2. Policy Formulation explained how universality of

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<sup>224</sup> Yokota & Aoi, 2000, p119.

human rights are linked to Myanmar's democratization in Japan's dialogue. Given the universality of human rights, however, there are two critical points while approaching human rights violations in Myanmar: different diplomatic measures between the West and Japan, and gaps between universal norms and local practices. First, contestations of human rights approaches between the West and Japan were described in respect of their different relations and interests with Myanmar. Nevertheless, a common belief in the UDHR fosters solidarity between the West and Japan, generating comprehensive approach to alleviate causes of problems in Myanmar. Second, the request-based ODA assistance promotes Japan's dialogue with various social actors to include broader views in the policy formulation. Through the ODA request form, Japanese government ensures dialogues with local people and *self-examine* of the project. In addition, the request-based ODA assistance emphasizes the democratic way of decision-making in Japan's assistance, in which social inclusion and the fundamental concept of human rights are promoted at the local level.

Part 3. Legitimation examined how Japan's dialogue approach overcomes the ASEAN's principal of non-interference to ensure the basic rights protection for people in Myanmar. In Japan's HRFP, there is a contradiction about the principal of non-interference, as Japan's quiet diplomacy doesn't appear to meet with its assertive position against principal of non-interference to protect human rights in Myanmar. In this observation, Japan's approach was closely analyzed in terms of domestic implementation of jurisdiction in Myanmar. By equipping with rational choice theory, it was explained how decisions of political authorities affected interpretations and implementations of the domestic rules. In other words, interests, preferences and concerns of the government are prioritized over people's human rights. In such unjust political system, Japan's dialogue is a pragmatic tool to find empirical solutions to provide rights protections, such as Memorandum of Understandings and grassroots assistance, while overcoming the shield of the principal of non-interference.

Part 4. Implementation argued the dual nature of Japan's dialogue regarding a case of *The Gambia v. Myanmar*. It was discussed that Japan's international standpoint about the Rohingya genocide doesn't correspond with its continuous support for ethnic minorities in

Myanmar. On the other hand, various discourse about Rohingya people can be found between Myanmar and international communities due to the multi-dimensional problems of ethnic minorities. Although Japan's dialogue approach promotes flexible understanding of the domestic issues, the flexibility might be controversial in the case of *The Gambia v. Myanmar*. Moreover, it might eventually hinder rigorousness of Japan's approach to solve the problems in Myanmar. Instead, Japan should take advantage of the flexibility to facilitate communication with both international communities and Myanmar, promoting the global solidarity and effective implementations of the HRFP.

Although there are contradictions and discrepancies in Japan's dialogue approach, Part 5. Evaluation and Policy Maintenance concluded that Japan's dialogue firmly supports sustainable development of human rights and democracy in Myanmar. Importance of 'self-help effort' is explicitly addressed in DCC, it is regarded as a fundamental element for sustainable development of human rights. Yet, promoting the self-help effort is not easy in Myanmar due to the long history of dictatorship. For instance, the one-way communication was identified in the political culture of Myanmar, in which only a limited number of people can engage decision-making process and respect their opinions. On the contrary, ethnic solidarities has been developed to resist oppressions of the government. In that case, Japan supports the self-help efforts by promoting improvement of people and social capacity. The bottom-up assistance varies, from the basic humanitarian assistance for vulnerable people, including women, children, people with disabilities and ethnic minorities, to long-term programmes for institutional reformations in which self-help efforts are encouraged through interactive dialogues.

The study has shown that the dialogue approach is integrated into a whole process of Japan's HRFP to promote human rights and democracy in Myanmar. Dialogue is thus a pragmatic tool to understand various concepts of human rights, and moreover, to bridge universality of human rights and country-based approach in Japan's assistance policy in Myanmar. However, contradictions and discrepancies are inherent in Japan's dialogue. These characteristics and dilemmas of Japan's dialogue approach, therefore, show us the dynamics

of human rights discursively formulated in the particular context of politics, economics, history, culture and values of communication across the world.

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