

Myanmar's Transition and the International ODA Regime:

Ethical Aid?

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ミャンマーの変遷と国際 ODA レジーム :

倫理的援助 ?

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Introduction

After decades of self-enforced isolation, and after a further two decades of externally enforced international isolation, Myanmar has finally come in from the cold. In response to the reform effort of President Thein Sein, the international community, led by the USA, Europe and Japan, has welcomed Myanmar back into the community of nations. This has been no easy task, for all these states had imposed varying levels of sanctions on the Myanmar state. Through the 1990s and early 2000s, the USA and Europe in particular (and Japan to a much lesser extent), implemented sanctions that became both broader and deeper over time. Now however, these sanctions have been curtailed, replaced by ever increasing amounts of aid. Whether or not the imposition of sanctions was ethical is an issue beyond the purview of this research paper, which will focus on the ethics of foreign development assistance to Myanmar's transition.

Despite the considerable challenges and voices of gloom, Myanmar's transition could potentially become the broadest and deepest of recent years. In the economic sphere, Myanmar is continuing on its transition from a closed controlled economy to an open market economy, and this is to be done concurrently with industrialization. This process began more than twenty years ago, but was constrained by the sanctions. Politically, Myanmar has begun the transition from a military dictatorship to a multi-party democracy, and this is being done in conjunction with the continuation of state building efforts that will finally bring all the peoples of Myanmar into one political entity. This has a social aspect too, in that Myanmar's myriad of ethnic groups will need to overcome decades of conflict and form one integrated society. In this way, Myanmar must transition from an ethnocentric Burman-dominated society to an inclusive multiethnic society¹⁾. Myanmar's transition is thus comparable to those post-Cold War transitions of Central and Eastern Europe. These states however benefitted from their close proximity to the EU, which was able to offer the prospect of membership as an incentive for reform. These states

were also already industrialized. Myanmar's transition is also far more comprehensive than was China's or Vietnam's, which undertook only economic transition. Because of the magnitude of the transition in Myanmar, it is not unreasonable to view it as *the* transition of the early 21st Century and in this way, within the field of international relations, it the perhaps then a most suitable case study for investigating the ethical dimensions of development in general, and for external assistance for domestic reform efforts. Having said that, this is a tentative investigation of such ethical dimensions and should therefore be considered as a discussion paper. This paper will investigate ethics and development in Myanmar from two perspectives. From the international perspective, this paper will establish the extent to which ethics of development have been incorporated into the principles of ODA disbursal as defined by the official pronouncements of the international ODA regime. Having established the ethical dimensions of development and ODA, the second purpose of this paper is to investigate the extent to which this is reflected in the reality of development/ ODA policy and practice in Myanmar. This will look both from the international perspective, in terms of the donors, but also from the domestic perspective, in terms of the extent to which the Myanmar government itself has adopted and abides by the ethics of development as outlined by the international ODA regime. This will be done through a number of case studies of recent aid-financed development projects in Myanmar. The empirical side of this research comes from interviews conducted with development practitioners in Yangon and Nay Pyi Taw between 2013 and 2015. These practitioners included officials at bilateral and multilateral donor agencies, Myanmar government bureaucrats, and Burmese development workers/ researchers.

Section one of this paper will discuss the ethical foundations that may underpin motivations for donors to provide ODA. Section two will look at the ethical aspects of development in general, through a discussion of the goals and purposes of development. These two sections therefore provide a discussion of the ethics of development. The next section will deal with the international Official Development Assistance discourse, outlining the extent to which ethics of development have been incorporated into the development aid principles of the international ODA regime. The final section will deal with how ethics of development and the interrelated principles of the international ODA regime have been accepted and incorporated into the Myanmar government's development plans. This section will utilize a number of specific examples of donor's assistance to Myanmar's transition to assess accordance with the aid principles and ethics of development.

The Ethical Dimensions of Donor Motivations

Why do developed countries provide aid to developing countries? Of course there is a domestic political economy of ODA in which stakeholders compete for resources and hence influence over the decision making process. In this way, ODA is no different from any other public finance, and hence susceptible to the vagaries of bureaucratic politics. Because of this, development in the recipient/partner country is not the main motivation. As the ODA industry has grown over time, this motivation for aid has become more complex. Looking back at ODA during the Cold War, it is generally accepted that for much of the ODA disbursed during that period, development was

of only secondary importance. National security, trade or resource acquisition were often more significant motivations (see for example, White, 1974; Yasutomo, 1986; Arase, 1995; Alesina & Dollar, 2000; Berthélemy, 2006). Therefore, the motivations for aid were other than development in the recipient country, and this is despite the stipulation by the Development Assistance Committee (DAC) of the OECD, that ODA must have development in the recipient country as *its primary objective*. Let us assume that the donors of ODA do indeed expend precious public finance for development in a foreign country that will benefit non-citizens and non-taxpayers. What would motivate a state to do such a thing?

Do these reasons stem from altruism or selfishness, charity or self-interest? Obviously, *realpolitik* motivations stem from assessments of national interest. However, it seems that other ethical motivations also exist. Obligation may provide an ethical foundation for much of the development assistance that is disbursed. However, why do richer, developed states feel obliged to give development aid? It may stem from the experience of colonialism, in that colonizers and their descendents now have an obligation to compensate. Needless to say, this is based on an ethical concept of justice, whereby atonement for past misdeeds is necessary. Connected to this is the obligation that stems from an awareness of the structural imbalances built into the framework of the global economic system (that are very closely connected to the history of colonialism), which severely impede development in many developing countries. Arguing that not providing humanitarian aid was morally wrong, Singer (1972) regarded such aid as a moral obligation or duty and not charity.

Conversely, aid could be seen as an entitlement, and this stems from rights- based ethics. Eyben and Leon (2005) argue that because of the importance of ownership, and because entitlements are impersonal contracts to which both parties subscribe, it is better to view aid as an entitlement. In this way, development aid is the tool through which other rights (right to education, right to sanitation, right to work, etc.) are realized. This is based on the reality that, while the multitude of human rights may be accepted in principle, a certain level of capacity and capital may be necessary to protect and uphold those rights.

Solidarity may also be an ethical motivation for providing development assistance. This sense of solidarity could stem from any of the myriad of philosophical traditions or religious faiths that mankind has constructed, but importantly, as noted by Goulet (2006) the “normative ideal of solidarity is not unrelated to certain empirical realities”. Whilst this does not deal with how and when this sense of solidarity affects behavior and shapes actions, it does merely recognize that a sense of solidarity can be a reason for providing development aid. Furthermore, “the solidarity approach is best understood as a duty-based approach or a rights- based approach to global deprivation (or both)” (Goulet, 2006, p. xxxv).

The previously outlined ethics of obligation, justice and solidarity underpin the action of charity, which is defined as the voluntary provision of help or aid. Indeed, it is Gasper's (1999) conclusion that charity is the ethical underpinning of most aid, both governmental and NGO. However, Eyben and Leon (2005) argue that, “aid conceived as a gift has few friends in the world of development practice because it illuminates through power relations, the personal, the relational and the emotional”. This means that charity is not a partnership; it is the product of an unequal relationship. Furthermore, charity is often merely another transaction, and in this way it is

not transformational, and may indeed be dependency producing. This was one part of the argument put forward by Garrett Hardin (1974), when he stated that rich countries had a duty not to provide aid because it would contribute to further population growth and create dependency. Crocker (2008) too, noted that, “in fulfilling obligations to alleviate immediate and individual misery, international donors and national agencies might inadvertently and even intentionally maintain a remediable system responsible for great deprivation”(p. 25). As will be discussed in greater detail in the following section, it is the purpose of development to remedy such dysfunctional systems, and it is therefore, the purpose of development aid to assist in such a reform process.

Of course, in reality, there are usually a multitude of reasons for donors to provide development aid, some will be national interest and some may be based on ethical considerations. Incidentally, it may be that *enlightened self-interest* is the most effective motivator for donors of ODA. It seems reasonable that an understanding of interdependency, not just economical, but in terms of a broad definition of security that encompasses human security, environmental security, etc. could be used to persuasively used to underpin an argument for providing ODA.

Whither Development?

In his 1949 inaugural address, President Truman said, “More than half the people of the world are living in conditions approaching misery. . . . for the first time in history, humanity possesses the knowledge and skill to relieve the suffering of these people.” It is here therefore, over 60 years ago, that the period of modern international development began. In the post-World War Two world, development was generally thought to be simply the increase in income and welfare that resulted from economic growth, which would result from industrialization. In this process, countries would modernize as Gross National Product increased. Poverty too was thought to be merely an insufficient income that resulted in a deficit in basic human needs. However, by the 1960s Development Decade, a more comprehensive definition of development (that included not just the economy, but politics and society too) began to be formulated. Poverty too, began to be defined as not just a lack of goods resulting from low income, but also as a lack of opportunity and capacity, and characterized by powerlessness and exclusion.

In 1966 Goulet proposed the goal of development to be, “the fulfillment of man’s properly human potentialities, in the realm of intellectual, cultural, emotional, and spiritual growth by the use of his free powers” (Goulet, 2006, p. 71). Here Goulet is outlining what would later be called ‘capacity’, or the ability of humans to fulfill their needs independently. Amartya Sen would later call this ‘development as freedom’, “freedom, . . . in the form of individual capabilities to do things that a person has reason to value” (Sen 1999, p. 56). Of course, in both cases, independent free will is essential for each individual to freely decide and then have the ability to undertake the chosen course of action. In this way, the purpose of development is to empower individuals to develop for and by themselves. While the recipients of development aid, or indeed the recipients of development policy were once thought of as merely objects or targets, with the concept of development as capabilities and empowerment, development became agency-oriented; citizens are the agents of their own development. As Sen argued, “with

adequate social opportunities, individuals can effectively shape their own destiny and help each other” (Sen, 1999, p. 11). Such definitions of development meant that no longer was development monopolized by economic development. It became human development, with the focus on the capacities and freedoms of individuals, so that each human can become the agent of their own lives.

Needless to say, if we follow this definition of development, then the goals and methods of development will be decided by each group, according to their values. Therefore, development strategies must be contextually sensitive, and must be made by and for the people concerned. This is, according to Goulet, a condition of ‘authentic development’, which “consists of transforming the [victims of underdevelopment] into subjects, conscious and active shapers of their history” (Goulet, 2006, p. xvii). In this way, the only authentic development is self-development, and this means that while external agents can play a positive role, local agents are in control. While development aid can assist in the process of development, the decision makers must be local.

This brings us to a final point to make regarding the purpose of development. When is development merely a facade for what is in reality ‘antidevelopment’? Whilst an increase in consumption is doubtless necessary to relieve suffering and overcome poverty, this does not come at any price. If some suffer, or bear an unreasonable cost, while others reap a material benefit, then this is antidevelopment. In this way, as first outlined by Lebreton, if there exist areas of underdevelopment, this is merely ‘illusory antidevelopment’ because a small number of privileged ‘haves’ live in relative luxury at the expense of the many ‘have-nots’ who are thereby deprived of their basic human needs (quoted in Goulet, 2006). In our 21st century globalised economy, where income gaps are rising both within and across nations, it is especially relevant to consider this ethical aspect of development.

Whilst development is obviously the responsibility of the state concerned, within the concept of international development, the consensus on the purpose of development, as well as the ethics of development, are formulated within the framework of the international ODA regime. So, how have these previously outlined ethics of development been integrated into Official Development Assistance terminology?

Ethics in the Discourse of the International ODA Regime

At its core, the international ODA regime has the members of the Development Assistance Committee (DAC) of the OECD, and the two primary global development intergovernmental organizations (IGOs), the World Bank and the International Monetary Fund (IMF). Because the distribution of shares (and hence voting power) in both IGOs is according to economy size, and because DAC members are the so-called ‘developed’ states, such economically powerful states dominate the international ODA regime. If we imagine a highly simplified international ODA regime of concentric circles, these states and IGOs occupy the core. We could plausibly place UN organizations, regional development banks, some international non-governmental organizations (INGOs) and a number of emerging economies (such as BRIC countries) in an outer-core or semi-periphery. Finally, in the periphery are the underdeveloped countries, wherein live most of the world’s poor. As already discussed in the previous section on the motivations for aid, each donor has its own motives and priorities. However, this does not mean that the

discourse within the international ODA regime is devoid of ethics of development. The international ODA regime has, over time, developed a set of guiding principles that are based on ethics of development.

The international ODA regime has formulated three primary documents that outline the principles and purposes of ODA in the 21st century. These documents were crafted following the High Level Forums (HLF) on Aid Effectiveness that was first held in Rome in 2003. The Second HLF was held in Paris in 2005 and produced the Paris Declaration on Aid Effectiveness. The Third HLF was held in Accra in 2008 and resulted in the Accra Agenda for Action. Finally, the Fourth HLF, held in Busan in 2011, formulated the Busan Partnership for Effective Development Co-operation, that has been signed by over 100 countries as the “blueprint for maximising the impact of aid” (OECD, 1). Each HLF has built upon the work of the previous, and so in this way, the Busan Partnership can be seen as the culmination of almost ten years work, and is the closest thing we have to a charter, outlining the principles and rules for ODA’s role in international development. There is another reason why the Busan Partnership is especially important for this study. President Thein Sein came to power in 2011, and sent the current Minister of National Planning and Economic Development, Dr. Kan Zaw, to attend the Busan Conference, presumably to assess the methodologies of utilizing ODA in the reform effort.

The Fourth HLF held in Busan in 2011 was a “turning point” according to the OECD (OECD, 1). The Busan Partnership was signed by delegates from donors and recipients alike, and can thus be viewed as further consolidation of the international ODA regime. The formal set of principles, goals and methodologies establishes a framework that has been created by consensus. Importantly, this consensus was made by donors and recipients, and so includes the actors in the previously mentioned core, as well as those in the periphery of the international ODA regime. In this way, it could be argued that the international ODA regime is becoming both more plural and more inclusive. The Busan Partnership identifies four principles: ownership, results, partnership and, transparency and accountability (OECD, 2011, p. 3). The principle of ownership includes the concepts of harmonization, alignment and using country systems, all of which were identified as key areas in previous HLFs. Donors must align behind the strategies as set out by the recipient, and use local systems to improve capacity/capability, hence increasing recipient freedom and independence. Donors must harmonize with other donors to reduce waste and reduce the burden on recipient country officials. So as to harmonize with other donors, decision-making on development projects would need to be delegated to country-based staff of aid agencies. The principle of ownership is built upon the ethics of independence and self-development, which are key conditions of Goulet’s ‘authentic development’. Mutual accountability has a contractual quality that is likely based on an ethic of development whereby aid is a right of recipients. This is in keeping with the concept of partnership, which is an equal relationship of mutual rights and responsibilities. In this way, it is possible to conclude that the development ethic of aid as a right has been elevated in prominence.

Alongside these four primary principles, “the Declaration identifies that promoting human rights, democracy and good governance are an integral part of our development efforts” (OECD, 2011, p. 1). The Busan Partnership also recognizes the growth in new actors relevant to development cooperation. In addition to the traditional OECD ODA donors and IFIs, there are now a multitude of other actors, including emerging economies and

private organizations (OECD, 2011, p. 4). In line with this, South-south cooperation is recognized as having the potential to significantly assist in the development process. The Busan Partnership also includes a section entitled, “from effective aid to cooperation for effective development” (OECD, 2011, p. 9), which includes a call for developing countries to increasingly integrate into the global economy, meaning presumably removing trade barriers and other state support for targeted domestic industries. In this way, it seems safe to conclude that the Busan Partnership accepts the premise that economic liberalism is *the* model of international development. Needless to say, as previously outlined, there is a lively debate on whether this model of economic development is in fact anti-development. Therefore, there still remains the question of whether this can be considered as authentic development.

The next section will deal with the extent to which the government of Myanmar has adopted these principles as outlined by the international ODA regime. It will also deal with some specific case studies of development cooperation to highlight some key issues, or areas of conflict and contradiction.

Myanmar's development environment

According to the government of Myanmar, “The Nay Pyi Taw Accord for Effective Development Cooperation is a set of localised commitments that take as its foundation Myanmar’s unique history, values, governance systems, and socio-economic circumstances to create a country-specific set of clear, measurable and monitorable actions.” (NPTA, 2013, p. 1). Furthermore, according to the government of Myanmar, “In particular, the Accord has been informed by deliberations at the Fourth High Level Forum on Aid Effectiveness and takes forward the principles of ownership, focus on results, inclusive development partnerships, and transparency and accountability, embodied in the Busan Partnership for Effective Development Cooperation” (NPTA, 2013, p. 1). It seems indeed, that the Nay Pyi Taw Accord (NPTA) is a carbon copy of the Busan Partnership, or to rephrase, the NPTA is a ‘local’ version of the ‘global’. It may well be that the NPTA, as a set of joint commitments by both donors and recipient, is the first such national agreement that has totally adopted the principles of the Busan Partnership. In this way, as previously discussed, donor operations in Myanmar may be the first case study of the implementation of this newest international ODA regime document.

In the second paragraph of the preamble to the NPTA, the government of Myanmar commits itself to “people centered development” and “participatory processes” (NPTA, 2013, pp. 1–2), meaning human development and/or participatory development. Participatory development is fully embedded in the international ODA discourse and based on the ethical considerations of self-government/ independence and freedom/ free choice. Furthermore, in the NPTA, the government will utilize international assistance to “enlarge capacity”, and “integrate capacity enhancing objectives into all development plans” (NPTA, 2013, p. 2). As with the international ODA regime, capacity and capacity development have been elevated to that of a normative position within the domestic discourse on development in Myanmar. This is in line with the ethic of self-development, and Sen’s capabilities approach to development. The NPTA also commits the government to giving a greater voice for marginalized

peoples and to inclusive growth. Finally, the government of Myanmar recognizes that ODA should entail “mutual benefits” for development partners and Myanmar (NPTA, 2013, p. 1). Such a condition would surely be necessary if the relationship is indeed a partnership, but it is important that this has been formalized in this document. This gives weight to the concept of partnership, and also means that the government of Myanmar generally regards ODA as a right.

On the opposite side the NPTA requires development partners to use the “unique local context in Myanmar as the starting point” (NPTA, 2013, p. 3). In this way, as is mentioned many times in the document, donors must align with national priorities, follow “country-led” development, use “national capacity”, meaning country systems, and be transparent (NPTA, 2013, p. 3). All of these stress country ownership of development, and are based on the ethic of independence, or in international relations, on the principle of sovereignty.

It is likely that sovereignty is an especially important issue in Myanmar. One reason for this is that the Myanmar state is still in the process of state building. In the immediate post-independence period of state building, “the Constitutional government systems could not overcome the structural separation of center from periphery” (Prasse-Freeman, 2012, p. 135). Since independence, the Myanmar state has never been able to extend its authority over all of its territory, and so this inability to overcome the structural separation still remains. We should also point out that Myanmar’s strong propensity for staunch independence stems, to some extent at least, from its colonial experience.

The second, and interconnected reason for the importance of the issue of sovereignty is the fragility of inter-ethnic relations. Ethnic-based conflict has been an ever-present scourge limiting state-building efforts and development. Since independence, the extended conflict between the Burman majority of the center, and the ethnic minorities of the periphery, resulted in an institutionalized ethnocentrism, which became a core component of state sovereignty. Walton (2013) has argued that Burman-ness “functions as a privileged identity”, and more importantly perhaps, that the Burmans are largely blind to this. Needless to say, this needs to be recognized before it can be overcome, and to overcome is an essential step if a durable political solution to ethnic conflict is to be found. Ethnocentrism supports independence for the Burman majority, but is in direct contrast to independence for the ethnic minorities. In the same way, ethnocentrism supports development for the Burman majority, but hinders development for the ethnic minorities. This severely complicates the issue of ownership, and the ethics of independence, self-development and freedom, undermining so called ‘authentic development’. As will be shown in our first case study, dealing with this is a major challenge for donors.

National Census

The controversy surrounding the 2014 census provides an insight into both the complexity of ethnicity-related issues, and also the delicate role that donors need to play. Myanmar has not carried out a census since 1983, and so the lack of data is a serious problem for the government and for donors. Dependable data is necessary for development plans, but also for the 2015 national elections. The census was conducted in March/ April 2014, with

preliminary results released in the summer of 2014, and the full results in 2015. The United Nations Population Fund (UNFPA) provided technical support, which included training the 100,000-plus teachers who would be census takers, and assisting in drafting the census questionnaire forms. The UK's Department for International Development (DfID) was the primary foreign donor, provided US\$16 million in financial support, and the Myanmar government paid US\$15 million. Even though the considerable risks and potential for conflict were identified prior to the census being carried out, the donors and the government decided that the benefits outweighed the costs (IGC, 2014). The primary cause for concern was the inclusion of questions on ethnicity. There was virtually no consultative process before the drafting of the census questionnaire, and instead the government merely used the same ethnic classifications that had been used in the 1983 census (Irrawaddy, 2014–3). A number of ethnic groups issued statements that were critical of the census, and some asked that the census be postponed so that consultations could take place (Irrawaddy, 2014–2/3). An example of the inappropriateness of the ethnic classifications is the 53 Chin subgroups on the census list of ethnic groups. Many of these, the Chin themselves do not recognize or use (Economist, 2014). It seems that within the minefield of ethnic politics in Myanmar, the government approach to the issue of ethnicity was interpreted as evidence of the continued ethnocentrism of the state.

The issue of the Rohingya was also inflamed by the census. The Rohingya are Muslims resident in Rakhine State, although according to the Myanmar government they are Bengali, and hence not Myanmar citizens. This makes them in effect, stateless. The census form included a section for people to self-identify their ethnicity. However, Buddhist nationalists in Rakhine state feared that Rohingya would identify themselves as Rohingya, and this would be a path towards final acceptance and citizenship. In response to this fear, at the last minute the government said that they would ignore anyone who tried to self-identify their ethnicity as Rohingya (MRG, 2014). According to the UNFPA, this went against an agreement the government had made with them to allow all ethnic groups to self-identify their ethnicity (Guardian, 2014). Violence erupted in Rakhine state at the time of the census. Violence also erupted in Kachin and Shan state as a result of the census (ICG, 2014). International donors, the UNFPA and DfID in particular, have been heavily criticized for their role in the census (Karen News, 2014). Amnesty International called the exclusion of Rohingya who refused to identify themselves as 'Bengali', "a clear violation of the right to self-identification" (Amnesty, 2014). As identified by Amnesty International, the census was not conducted in accordance with the ethic of self-development, and this is not just in reference to the Rohingya, but also other ethnic groups. We could also argue that participatory development, and its ethical underpinnings of free will and independence were ignored. The 2014 census has certainly highlighted the continued ethnocentric tendencies of the Myanmar state, and this is regardless of the democratic reforms.

However, in line with the principles as laid out by the international ODA regime, donors were merely assisting the government's development plan. In this way, donor practices were aligned with recipient requests. The use of teachers as census takers was also in keeping with the use of recipient country systems, as stipulated by the Busan Partnership. In both these two ways, ownership was respected. However, that was country ownership and not local ownership. Paradoxically, while the NPTA requires development partners to use the "unique

local context in Myanmar as the starting point”, the government of Myanmar interprets this in a different manner than do the ethnic groups. In practical terms, as identified by DfID, reliable data is so crucial for Myanmar's development, and the current lack of reliable data is such a serious bottleneck to development, the census had to be carried out as soon as possible. We could interpret this situation as being one in which the state interprets self-development and ownership to mean state ownership, as opposed to foreign ownership; the state has the authority to decide. Certainly, such a tendency exists in almost any state, and is commonplace in many. As previously outlined, the state of Myanmar has had a long-held prevalence for such a perspective.

Community Driven Development

Top-down decision-making has been an intrinsic feature of Myanmar's political economy for some time. While traditional authority is usually based on such processes, years of military and pseudo-military rule in Myanmar has enforced a rigid hierarchical decision-making process. This top-down decision-making obviously has important implications for the ethics of independence and free will, and the connected principles of self-development and agency-oriented development. Hierarchical decision-making is also likely to have a tendency towards exclusivity because of its limited plurality. This would then have adverse consequences for inclusive development, which is also stipulated to be a principle of ODA (in the Busan Partnership) and development (in the NPTA).

The World Bank is now in full engagement with the government of Myanmar, and the Bank is now assisting in building confidence in President Thein Sein's reform process. Beginning in 2013, the Bank is funding a US\$80 million National Community Driven Development Project to support, “an urgent government priority critical to the success of Myanmar's triple transition - moving from top-down decision making to participatory approaches and bottom up planning” (IDA and IFC, 2012, p. 1). With the focus on reducing poverty, World Bank finance would be provided to local communities who would choose and manage the small infrastructure projects they required. Even prior to implementation, this project received criticism from civil society organizations (CSOs) in Myanmar. A lack of transparency, and a lack of consultation were the prime criticisms (Irrawaddy, 2012). According to these CSOs, the Bank's strong desire to support the government's reform process had resulted in it ignoring its own procedures. However, it should be pointed out that, this resulted from Myanmar government pressure to have concrete results to show the populace before the 2015 national elections. Indeed, this sense of urgency had been a problem for the World Bank because it could not move as fast as the government was requesting it to do²). To counter the criticisms of the CSOs, it seems that the World Bank carried out an exhaustive consultation process in the December 2012-January 2013 period (World Bank, 2012). Furthermore, the selection of pilot townships was done through a consultation process that included three sets of workshops in February 2013 to which various stakeholders were invited. These stakeholders included CSOs, local NGOs, donor and government officials. After these consultations, the government chose the initial pilot townships, all in remote regions. Combined, these townships have 390 villages with a population of 225,941 (World Bank, 2014-2).

According to the World Bank, “about 57 percent of the households in the project villages participated in the planning, decision making and the subproject implementation processes” (World Bank, 2014–2). The Bank provided training to empower them to choose and then implement project management. In September 2014, representatives of the pilot townships, as well as government and donor officials attended a review session in Nay Pyi Taw (World Bank, 2014–1). An event such as this is an essential part of this project. For reformers within the government, it is necessary to publicize, whenever possible, the concrete benefits that citizens have received. Furthermore, it needs to be explicit that such benefits result from international reengagement, which is a fundamental element of the reforms. In this way, it is no surprise that the feedback from locals was overwhelmingly positive, although ‘activist’ news organizations such as the Democratic Voice of Burma (DVB, 2014) have called the project a failure, arguing that Bank officials, “clearly have no knowledge of how these projects are being implemented on the ground”. In contrast to this, the World Bank claim that in the first year, the project “has successfully implemented 357 sub-projects which improve access to basic infrastructure and services in a participatory manner in three remote rural townships in Myanmar” (World Bank, 2014–2). Having said that, anecdotal evidence that supports the perspective of the DVB certainly exists. In interviews with Burmese development specialist in Yangon, this author has heard comments such as, “the World Bank gave grants to schools, but the head teachers didn’t know how to use it”³³. Such leakages are an expected part of all development projects, and this is especially the case when the overall risk is ‘high’, as the Bank has identified it to be with this project (World Bank, 2014–2).

As of January 2015, only US\$16 million had been disbursed, although the project will run until January 2019. In this way, it is too early to really assess the development impact, although it is still possible to probe its ethical dimensions. If these community driven development projects do indeed allow communities to decide their own development, then they could also enable authentic development, which would be in line with the ethics of free will and independence that underpin self-development. In this way, it seems that the state, contrary to tradition, allowed locals to become decision makers, to become agents of their own development. The World Bank also provided capacity development to empower locals. In terms of the discourse of the international ODA regime, this project was in accordance with the principles of alignment and ownership because it was at the request of the government, and the decision makers were national (choosing the townships) and local (choosing the individual projects). Furthermore, the World Bank utilized country systems by providing training directly to local citizens in the project townships. On balance, it seems that this project has the potential to both, implement according to the principles of the international ODA regime, and also adhere to ethics of development.

Thilawa SEZ

‘Land Grabbing’, or the seizing of land by the state (or other organizations) in an illegal or unfair manner is a serious problem in Myanmar. More than 6,000 complaints have been filed with the Parliamentary Land Investigation Committee, and the government has taken action in only a fraction of these (Irrawaddy, 2014–1). Of

particular interest to this paper is the prevalence of land rights (and related) issues on sites that will become Special Economic Zones (SEZs), which are being constructed in Myanmar. Thilawa SEZ, near Yangon, is being constructed in partnership with Japanese public and private investors, and will employ 70,000 workers when it is fully operational (Economist, 2014).

According to the 2014 Special Economic Zone Law, homes and farming properties located on a proposed SEZ must be relocated *and* reimbursed (SEZ Law, 2014). This law provides the legal framework for confiscating land. So what has happened in Thilawa? In 2013 an Environmental Impact Assessment (EIA) was carried out by the Japanese consultancy Nippon Koei, who employed the Burmese consultancy Resource & Environment Myanmar Ltd. to carry out the Field Survey. The evaluation of this EIA report with regards to social impacts such as involuntary resettlement and misdistribution of benefit and damage was that “impacts are not clear, need more investigation” (Nihon Koei, 2013, p. 100). However, importantly the report also states that, “The impact evaluation items such as involuntary resettlement, gender, children’s right which may affect the people who live or earn their living in the Class A area, is not included. These items will be dealt with [by] the government of Myanmar and relevant authorities.” (Nihon Koei, 2013, p. 101). This means that Nihon Koei did not investigate the potential land issues, and merely left the Myanmar government to deal with them. This is obviously in direct contradiction to the principle of mutual accountability as outlined by the Busan Partnership. Despite the substantial changes that have resulted from the reforms, it should have been understood that, given Myanmar’s recent history, the potential for violations of human rights were real and considerable. The prevalence of human rights abuses by the state kept Myanmar in the global media spotlight for over two decades. Foreign partners of the Thilawa project should have been especially vigilant regarding such tendencies. In accordance with participatory development (and the ethics of independence and free will), two Stakeholder Meetings were held in 2013. However, “based on the discussion among Myanmar and Japan Consortium for Thilawa Special Economic Zone Development Project (Class A), concerned and relevant participants for the stakeholder meetings were identified”. No local citizens attended the first meeting, and only one attended the second meeting, although representatives of the media attended both meetings. Obviously this contravenes the development ethics of independence and free will, which are translated into participatory development by the international ODA regime. State ownership has also taken priority over local ownership, and in this way it would be difficult to call the Thilawa project authentic development (as previously defined). However, we should also state that the project was first identified by the Myanmar government, and so donor support was aligned with recipient development plans. Furthermore, the Thilawa project is not agency-oriented development. Indeed, external agents, rather than merely assisting locals, seem to be almost the only stakeholders.

According to a report by Physicians for Human Rights (PHR), “During phase one of the project, affected households were not consulted, received inadequate compensation, and were given limited time to prepare for relocation”, thus, “violating their right to adequate housing and health care” (RFA, 2013). PHR surveyed 29 of the 68 households that were displaced by the first part of the Thilawa project. A number of those forced to relocate filed formal complaints with JICA, presuming perhaps that JICA had a more sympathetic ear. In response, JICA

conducted an investigation into the conditions of resettled locals. The resulting JICA report too, was criticized by the Thilawa Social Development Group (a residents group) for, amongst other things, insinuating that some people had been irresponsible with their compensation and this was a reason for their impoverishment (Irrawaddy, 2014–4).

The Thilawa project is a flagship project both of the reinvigorated Japan-Myanmar relationship, and of the government's reform effort. The administration of President Thein Sein wanted concrete results that could be used in the 2015 national elections to galvanize support for the reform effort of his party, the Union Solidarity and Development Party (USDP). One of these concrete results was to be the Thilawa SEZ. In 2012, according to a Japanese Embassy official Mr. Maruyama, the Myanmar government "are requesting that the project be finished before 2015". He called this request "mission impossible" (Fuller, 2012). However, the first stage of Thilawa SEZ was indeed operational by the summer of 2015. It seems likely that the maladroitness in which the relocation issue was dealt with in phase one of the project was at least partly due to these time pressures. It also seems that the process for dealing with forced relocations in the second stage of the Thilawa project is being dealt with in a much better manner than in the first stage. An example of this is that about 100 local residents attended the Stakeholders Meeting in June 2014. Furthermore, according to the 2014 Special Economic Zone Law, it is the responsibility of the developer or investors to "pay the agreed expenditures for transfer, resettlement and compensation" (Myanmar SEZ Law, Chapter 7, No. 80).

Importantly perhaps, the Thilawa SEZ is a public-private transnational partnership, with the Myanmar government and JICA holding minor stakes. Even though JICA is providing ODA loans for the construction of infrastructure, its stake, along with that of the Myanmar government stakes are an explicit public endorsement of the project, providing a solid guarantee for private investors. This is the type of partnership that exists in the Thilawa SEZ. It is a business partnership, which can access public finance in the form of Japanese ODA.

Conclusions

The sense of urgency surrounding all three projects led to donors ignoring some of their own guidelines. The requests from the Myanmar government for speedy completion and quick gains, caused donors to fast track the projects. Even though this inevitably compromised some of the principles of the international ODA regime (inclusivity, participatory development, mutual accountability), and their ethical foundations (independence, free will), the donors and the government of Myanmar decided that the potential benefit outweighed the cost. In the case of the census, the toxic issue of ethnicity was inflamed by Burmese ethnocentric tendencies. This undermined the mutual accountability principle of ODA, and ignored the right to self-development (of ethnic minorities), and the ethics of independence and free will.

In the case of the Thilawa SEZ too, the sensitive land rights issue was ignored, despite the propensity for such activity in Myanmar. The ethics of independence and freedom that underpin the right to self-development were subordinated to other priorities. Furthermore, ownership was characterized by state, or national ownership,

which took precedence over local ownership. The resulting partnership was between foreign donors and the state, and significant affected groups were excluded. Having said that, both projects were aligned with the recipient's development plans, and both also utilized country systems. In this way, to the extent possible, they supported capacity development in the recipient country. Therefore, we could say that, according to the ODA principles of harmonizing and utilizing country systems, the ownership and capacity elements of partnership were adhered to in these two projects. In this way then, the ethics of freedom and independence that manifest in the concept of capacity were satisfied. However, mutual accountability seems to have suffered. In both cases, the government failed to adhere to the standards it had set in the NPT accords. This undermined the partnership between donor and recipient. In the case of the National Community Driven Development project, the imperative of quick results may have caused considerable wastage. However, this project has the most potential for fostering self-development and agency-oriented development. In this way, it is perhaps the most ethical of the projects analyzed here.

Myanmar is still in the nascent stage of its transition. President Thein Sein's reform process began only in 2011, and it will probably take a generation to complete Myanmar's transition to an open society, market economy and plural democracy. Therefore, this study is limited in its ability to fully analyze and explain a process that still has a long way to go. The donor projects here are the first tentative steps in supporting the transition in Myanmar. They are however crucial steps. They will be determining the path ahead to a certain degree, and will be providing valuable lessons for the future.

On balance, we can conclude that the principles of ODA as defined by the international ODA regime are largely based on the ethics of freedom and independence. By adopted the Busan Partnership, the Myanmar government has accepted these ethics as also underpinning their own development strategies. We have shown that the twin issues of urgency and ethnocentrism have, to some degree, compromised these ethics of development and the related principles of ODA. However, in other ways, we have found that ethics of development are being adhered to in ODA donor operations in Myanmar. Donors are respecting recipient ownership, although this often means state ownership, rather than local ownership. Donors are also utilizing country systems, which should enhance capacity, and enable self-development. We have found examples of projects that follow an agency-oriented approach to development.

However, we should also say that it is still early days. If Myanmar is truly to transition to an open society, it will likely take a generation. The people of Myanmar, like all others, deserve the chance to self-development, based on the ethics of freedom and independence. It is perhaps inevitable that there will be winners and losers in this effort, and in this way, Myanmar's development will be yet another example of anti-development. However, this perspective is perhaps too dogmatic. Regardless, Myanmar's reengagement with the donor community will continue to provide an important case study with which to investigate the realities of ODA practices in the early 21st century.

Notes

- 1) It is estimated that the Burman ethnic group makes up 60–70% the population of Myanmar (Smith, 1999).
- 2) Interview with World Bank official, Yangon, August 2013.
- 3) Interview with Burmese Development Specialist, Yangon, August 2014.

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