

Proposed Fundamental Law of International Development Cooperation

Chapter I. General Provisions

1. Idea and Purpose

This law is constituted to the effect that economic, technical, and manpower assistance and cooperation (International Development Cooperation or IDC) are executed toward people in developing areas outside Japan (Developing Areas) who themselves make efforts to overcome their economic crisis, social injustice, and cultural subordination, to strengthen self-reliance internationally and domestically, and to enhance their living and social development; and that consequently, mutual friendship, equality, peace, and development in world society are realized in collaboration. Fundamental principles and other basic terms on IDC are set forth below to ensure its appropriate and effective execution.

2. Definition

In this law, IDC means economic, technical, and manpower aid to people's efforts toward self-reliance in Developing Areas as mentioned above, i. e., Japan's direct or indirect assistance to a government and its agencies, non-governmental organizations in Developing Areas or international agencies, etc.

3. Responsibility of the Japanese people

Under the spirit of constitutional law such as people's sovereignty, peace, human rights and international cooperation, etc., the Japanese people shall be conscious of the meaning of and their responsibility for IDC and its active implementation towards peoples in Developing Areas, and shall make efforts to participate, cooperate, assist in IDC activities, and to proceed with its appropriate and effective promotion.

4. Responsibility of the Japanese Government

4.1. Under the spirit of constitutional law as mentioned above and according to fundamental principles set forth in Chapter II below, every effort shall be made to construct a system under which appropriate and effective execution of the IDC is viable, and to furnish requisite financial resources.

4.2. In collaboration with educational agencies and research institutes, etc., the government shall provide the Japanese people with opportunities for awareness and understanding of the ideas and activities of the IDC, and encourage surveys and studies thereon, education and training for experts, and encouraging entry of trainees from Developing Areas.

Chapter 2. Fundamental Principles

5. Priority

Priority shall be given to lowest-income areas, lowest-income groups, and socially-weakened peoples who need IDP urgently.

6. Participation by Recipient People/Contribution for Self-Reliance

International Development Cooperation shall encourage people's efforts in Developing Areas with their participation and contribute to their self-reliance and liberation.

7. Respect for Sovereignty

7.1. International Development Cooperation shall be executed according to such principles as mutual respect for sovereignty, equality, non-interference in domestic policies and coexistence in peace, etc.

7.2. IDC shall be executed in mutual understanding between governments and peoples of Developing Areas.

7.3. Formation and strengthening of international hegemony or sphere of influence must not be promoted by IDC.

8. Protection of the Environment

In implementing IDC, consideration shall be given to its impact on environment, people's life and culture in Developing Areas. Proper measures for protection thereof shall be taken.

9. Prohibition Against Transfer to Military Purposes

9.1. International Development Cooperation must not be carried out for any military purposes, including purchase of armaments, etc.

9.2. Strong measures shall be taken by the government against transfer of IDC to military use or to settle international disputes.

9.3. IDC relating to such activities as police, imprisonment, or public peace, etc., must not be carried out. Similar measures as 2) above shall be taken against transfer to said use.

10. Protection of Human Rights

Proper measures such as cancellation, suspension, or alteration of IDC shall be taken by the government in case policies and activities of a government in Developing Areas are against international law or international spirit and standard of protection of human rights; or an IDC activity is considered to promote said policies and activities.

11. Prevention Against Injustice, Corruption or other Purposes

11.1. In execution of IDC, strong measures shall be taken against injustice, including unfair agreement and deceit, corruption, including bribery and induced benefit, wasteful use or unintended use without prior agreement.

11.2 In case any of the conditions described in 11.1 is found to exist or suspicions raised afterwards, the government shall take proper measures such as cancellation, suspension or alteration of ongoing IDC, or request for its improvement, recovery, investigation, etc.

12. Collaboration with International Sectors

In implementing IDC, every effort shall be made to collaborate with the counterpart of foreign governments, international agencies, and non-governmental organizations within and outside Japan for consistency.

13. Survey, Auditing, and Evaluation

13.1. In implementing IDC, not only primary surveys of the ideas and rules described previously, but also an appropriate assessment of the process before and after the implementation shall be fully made.

13.2. Auditing for each sector and each step of IDC activities shall be carried out by the Board of Audit with competence under the established system. Every effort shall be made by the government to cooperate with the recipient government, etc., and obtain its assistance for the purpose of smooth and thorough auditing.

13.3. Each agency that evaluates or audits IDC as described in 13.1 and 13.2, respectively, shall be independent of any implementing organization of IDC. The government shall be responsible for the establishment, function, and security of a system under which said evaluation and auditing agencies collaborate with counterparts in Developing Areas for joint assessment and auditing.

14. Disclosure of Information

14.1. Generally, all information relating to IDC shall be disclosed.

14.2. Exceptions to 14.1 are subject to the Diet's approval.

14.3. In case disclosure of information is requested under Section 104 of the Diet Law, or in case the Diet's policies which prevent the disclosure of any related information are not released or terminated, such shall be made available to the public immediately.

Chapter 3. Basic Policies, Formulation of Program, and Approval by the National Diet

15. Basic Program on International Development Cooperation

The Japanese government shall make long-term basic policies (Basic Policies) and submit these to the Diet for approval. According to these policies, programs are made under the principles described above to the effect that such international target as each ratio of budget for International Development Cooperation and for LLDC in GNP and grant element (sic). The same procedure shall be followed in case said policies are altered.

16. The International Development Cooperation Program

16.1. The government shall formulate the International Development Cooperation Program (IDCP) under the Basic Policies and submit this to the Diet for approval. The same procedure shall be followed in case the said program is altered.

16.2. The IDCP comprises of a Five-year Program and an Annual Program for International Development Cooperation.

16.3. The Five-year Program stipulates targets to be achieved within a five-year term within the areas of economic independence and social development, enhancement of living standards, correction of imbalance between rich and poor, other details in each Developing Area; and Japan's concrete policies toward above targets, such as amount of manner of contribution, conditions, etc.

16.4. The Annual Program details items necessary for each Developing Area to achieve the targets of the Five-year program for each of the five years:

- target areas of IDC beginning each year and their program sectors, contents, methods, conditions, and other details;
- contents and terms of projects beginning each year with an execution period of more than two years; and
- details and conditions, etc., of financing and offers to international agencies and NGOs concerned.

17. Consultation on the Formulation of IDCP

In formulating IDCP, thorough consultations among the Japanese government, recipient governments, their agencies, peoples in Developing Areas, international agencies, and NGOs concerned, etc., shall be carried out.

18. Attachment of Materials

18.1. Such information as global economic development and its implications on Developing Areas, Japan, and the rest of the world; influence of world imbalance on economic and social indicators and characteristics of requirements for International Development Cooperation by Developing Areas; status of achievement, condition of implementation, and evaluation of Japan's International Development Cooperation; report on consultation described in 17 above; estimate and financial resources for each item in 16.4; summary of activities by international agencies and NGOs concerned; and other referential materials shall be attached to Basic Policies and IDCP when they are submitted to the Diet.

18.2. In case Basic Policies and IDCP are altered, the same set of materials as described in 18.1 shall be submitted to the Diet.

19. Implementation of International Development Cooperation Not Subject to IDCP

19.1. In emergency cases like disasters, IDC which is not subject to IDCP may be implemented.

19.2. IDC activities under 19.1 above shall be reported to the Diet immediately.

20. Reports to the National Diet

Reports on IDC activities shall be submitted annually to the Diet.

Chapter 4. The Ministry of International Development Cooperation and the International Development Cooperation Agency

21. Ministry of International Development Cooperation

21.1. The Ministry of International Development Cooperation (MIDC) with a minister as chief is set up under certain laws for the purpose of total and effective administration of International Development Cooperation.

21.2. The MIDC is mainly responsible for all administrative matters, including the formulation of the Basic Policies and IDCP, submission thereof to the Diet, designation and execution of such IDC after Diet's approval, survey and research on IDC and other general matters, and for the fulfillment of its targets.

21.3. In the formulation of the Basic Policies and IDCP, the Minister of the IDC shall consult the International Development Cooperation Committee (IDCC) about proposals for consideration.

21.4. The IDCC shall consist of five members of the Diet, five people known for their knowledge and experience, four NGO representatives, three representatives of other NGOs (and two representatives of international agencies of which Japan has membership). The Minister of the IDC has the right to appoint each member with the approval of the Diet. The term of each IDCC member shall be two years, without reappointment.

21.5. As set forth in law, the International Development Cooperation Research Institute shall be established in the MIDC, especially for the purpose of conducting surveys and researches on IDC.

22. The International Development Cooperation Agency

22.1. As set forth in law, the International Development Cooperation Agency (ICDA) is tasked with implementing the IDC and performing administration work necessary for people's participation in and promotion of IDC activities.

22.2. ICDA's work includes education, training of experts for Developing Areas, developing of trainees from these areas, etc.

22.3. ICDA is operated with the participation of representatives of NGOs concerned, people known for their expertise and experience, and representatives of other organizations considered to be useful for promoting IDC.

Chapter 5. Miscellaneous Items

23. International Development Cooperation Evaluation Committee

23.1. As set forth in law, International Development Cooperation Evaluation Committee (IDCEC) is set up for the appropriate and effective execution of IDC.

23.2. The IDCEC shall submit annual assessments to the Diet. Occasional reports are made available when necessary.

23.3. The government shall provide IDCEC with any information available on IDC and any help needed for its smooth and immediate assessment.

24. Assistance for Organizations Concerned

24.1. Assistance shall be given to local governments, NGOs, and (international development cooperation activities under ideas and rules described in 1 [Idea and Purpose] and each section of Chapter 2 by) other organizations considered as appropriate.

24.2. In implementing 24.1, care shall be taken to ensure respect for recipients' independence.

25. Employment After Overseas Assignment

The staff dispatched to Developing Areas shall be assured of employment in Japan after assignment overseas.

26. Considerate Tax Treatment

Considerate tax treatment shall be given to any person, commercial organization, or juridical person that has contributed to IDC through organizations described in 24 [Assistance for Organizations Concerned].

Supplement

1) Effective Date

This law shall take effect from the day of its promulgation. Any regulation after 3 [Responsibility of the Japanese people] is applicable for IDC implemented after fiscal year 1990.

2) Termination of OECF and JICA

As set forth in law, the operations of the Overseas Economic Cooperation Fund (OECF) and Japan International Cooperation Agency (JICA) are to be terminated at the time of establishment of IDCA, and all tasks, rights, and responsibilities at the time of the termination are to be entrusted to IDCA.

3) Standing Committee at the Diet

A Standing Committee for surveys, consultations and legislation of IDC shall be set up by the Diet in order to ensure appropriate and effective execution of Japan's IDC under each section of this law.

Citizens of Japan
c/o People's Plan 21
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