
**Parliamentarians' Capacity Building Project
on Accountability and Aid Implementation
for Population and Development Issues
Part II**

“Special Conference Room”
Members' Office Building
House of Councillors

&

Hotel New Otani

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Meeting Minutes

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Monday, September 13, 2010

OPENING CEREMONY

Opening Address

Hon. Yasuo Fukuda

Chair of the Asian Population and Development Association (APDA)
Chair of the Japan Parliamentarians Federation for Population (JPFP)
Chair of the Asian Forum of Parliamentarians on Population and Development (AFPPD)

Distinguished Ladies and Gentlemen,

I thank you most heartily for joining our programme.

This programme has been put together in order to discuss how we can expand the size of ODA, which is now shrinking in amount. As you are all aware, populations in the developing nations are still increasing as a result of the population explosion in the past. Now, basic education and healthcare are not even provided sufficiently in order to curb this growth. Industrial activities have negatively impacted the global environment and have complicated the climate change issue. Some examples of such impacts are drought, heavy local rainfall and rising sea level involving broader area around the coastal area affected by salt injury, resulting in an expansion of tropical and infectious diseases affected area – including dengue fever and malaria.

Now, in a globalised world, such infectious diseases will quickly affect the rest of the world. With the population growing, climate change will suspend the stable supply of food. For example salt damage is becoming more frequent in the rice-producing areas in Asia and Af-

rica, and has begun to seriously affect the productivity of rice harvest. These kinds of issues cannot be tackled by one single nation alone. Those developed and developing nations must work together and collaborate to bring a solution. The importance of ODA provided by the developed nations, as a means of international cooperation, is increasing. Discussions that come from such contexts include “how can we increase the amount of ODA from the developed nations; how can we improve the efficiency of the usage of ODA covered by precious tax money paid by the tax payers in developed nations?” These kinds of discussions have been going on within our groups.

Allow me to share some responses with you from a public survey which may be an important clue to such questions. When those who had a negative impression of ODA were asked why they did not want it to be expanded, or wanted it to stay at its current amount, they responded that they did not have any information on the type of aid extended to recipient nations, nor on its outcomes. In other words, it is highly necessary to inform constituents of what type of ODA is being provided and the magnitude of the positive impact that is

created by the provision of aid – if the developed country's government is to increase ODA. Sharing such results between the developed and developing nations will not only enable the size of the ODA to recipient nations grow, but will also deepen mutual understanding between the developed and developing nations. Such mutual understanding is indispensable in order for global society to develop in a sustainable manner. In order to maximise the effect of ODA, and in order to improve its cost-effectiveness and efficiency, parliamentarians' roles and viewpoints are essential.

At last year's workshop, the parliamentarians thoroughly discussed all the various issues that are hindering the effective implementation of ODA; I hear that this year, you will be providing information on what kinds of perspectives are necessary for parliamentarians to achieve accountability, based on the outcomes of last year's workshop. I understand that you will also be discussing the relationship between legislation and society, and

the role of parliamentarians and legislation.

Law and legislations will be considered from a rational point of view; a rational point of view is synonymous with improving ODA accountability. I believe that by strengthening the mutual exchange through parliamentarians' global networks, people's voice in the developing nations will be communicated via parliamentarians to the people in developed nations; and the goodwill of the developed nations will be delivered to the developing nations. Such alignment between the developing and developed nations provides a rudimentary condition in which to deal with the challenges we face on a global scale, and to ensure a sustainable future filled with hope for our children's generations.

This four-day seminar is ready to start. I am confident that our meeting will bear fruitful results.

Thank you for your attention.

Monday, September 13, 2010

OPENING CEREMONY

Address

Hon. Yoko Komiyama

Chair of the Democratic Party of Japan (DPJ) Financial Committee
Vice-Chair of the Japan Parliamentarians Federation for Population (JPFP)

Distinguished Ladies and Gentlemen,

I am the Chair of the Democratic Party of Japan's (DPJ) Financial Committee, as well as the Vice-Chair of JPFP.

First and foremost, I welcome you here to this "Parliamentarians' Capacity Building Project on Accountability and Aid Implementation for Population and Development Issues – Part II". Thank you very much for coming from far and wide, from various parts of the world.

This project is for parliamentarians to really be able to understand the various results and the significance of ODA, so they can be accountable towards the citizens with a critical mind and awareness. The aging society and low birth rates in Japan and other nations is pressing on social security and fiscal needs. Many countries are in a financial crunch – and Japan is no exception. In such circumstances, we must have the understanding and support for allocation of ODA because there are many that are thinking "why do we need to help others first, when we are in a financial crunch?"

Japan experienced a historic change of administration when the DPJ took power

last year. The basic principle of the DPJ administration is to stay at eye-level with the citizens so as to reflect the various policies to the people. Even for ODA, we would like to reflect that it is for all the people and focus to achieve good results.

As mentioned earlier by Hon. Yasuo Fukuda, the results of a public opinion poll by the Cabinet Office of the Government of Japan were published in July 2010. Many of the citizens do support the expansion of ODA. At the same time, however, there were various objections to this expansion, stating that the results of ODA were unclear and the implementation of aid needs to be demonstrated. In that sense, this workshop, organized by APDA, is epoch-making because it helps us to really look into ODA and its effects.

Although the Japanese administration has changed, the membership of JPFP remains the same in that we are an all-party federation working together for the future of humankind. We hope to help and give our efforts as much as possible within the limits of our budget.

Thank you very much, and I wish you every success.

Monday, September 13, 2010

OPENING CEREMONY

Address

Mr. Kazuo Sunaga

Deputy Director-General of International Cooperation Bureau
Japanese Ministry of Foreign Affairs (MOFA)

Distinguished Ladies and Gentlemen,

It is such an honour to be able to address parliamentarians from different nations, delegates from the United Nations Population Fund, and representatives from academia as well as the business world.

I respectfully admire the leadership exercised by former Prime Minister Hon. Fukuda and Hon. Komiyama in implementing numerous initiatives in the past.

My heartfelt congratulations go to the Asian Forum of Parliamentarians on Population and Development (AFPPD), chaired by the Honourable former Prime Minister Fukuda, on the United Nations Population Award that was presented in June 2010, in recognition of their activities that have been highly praised by the international community.

I am aware that the project which starts here today utilises the inter-country NGO support trust fund, the Japan Trust Fund (JTF), established by the Japanese government for UNFPA. I hope this project will be productive and that it serves as a stepping stone for working towards solving population and development issues, as well as achieving sustainable development.

Human security is one of the main pillars of diplomatic policy for Japan; in other words, we focus on each individual and try to build a society or a nation that allows each individual to realise his or her potential through protecting each individual and enhancing each person's competency in order to combat threats in the form of poverty, conflict, infectious diseases, and environmental destruction. Population issues are deeply related to various challenges, including infectious diseases and the migration of people; I believe that this issue should be addressed by the global community from the human security point of view. At the Kyushu Okinawa G8 Summit in 2000, infectious diseases issues were discussed and Hon. Fukuda touched upon population issues and Maternal and Child Health (MCH); he also addressed the challenges in achieving the MDGs at TICAD IV in 2008. At the Toyako Hokkaido G8 Summit held in 2008, MCH and the importance of strengthening public health systems were internationally discussed in response to Japan's suggestion to focus on these issues.

At the G8 Muskoka Canada Summit in June 2010, Japan manifested that it will provide supplementary aid of 50 billion yen over the course of 5 years, starting in 2011, to the MCH area which is progressing the least among the MDGs.

Many pregnant women die before appropriate treatment is provided, and this is a major obstacle to realise MCH. Japan will continue to provide support to ensure seamless treatment for pregnant mothers – from the antenatal to postpartum period. We will also share our plan and philosophy with other nations at the United Nations MDG Summit Meeting which will be held 20-22 September 2010 in New York.

We must now deal with population and development issues by addressing the

needs of the people, while considering the cultural backgrounds that vary from region to region. Japan will continue to tackle population and development issues by aligning with parliamentarians who have an interest in the international public health area and with international agencies, private foundations, businesses and the academia.

I would like to close my remarks by wishing you every success for such an exciting programme.

Monday, September 13, 2010

OPENING CEREMONY

Address

Dr. Kiyoko Ikegami

Director of the UNFPA Tokyo Office
United Nations Population Fund (UNFPA)

Distinguished Ladies and Gentlemen,

May I first say how delighted I am to be addressing you in Tokyo again; a hearty welcome to you all. On behalf of UNFPA, I would like to thank our host, the Japan Parliamentarians Federation for Population (JFPF) and the organizers, the Asian Population and Development Association (APDA); in collaboration with the Asian Forum of Parliamentarians on Population and Development (AFPPD), the Forum of African and Arab Parliamentarians on Population and Development (FAAPPD), and the Japanese Ministry of Foreign Affairs (MOFA), for bringing us back together in Tokyo.

For many years, UNFPA has worked closely with parliamentarians on population and development issues, and my colleagues and I at UNFPA feel extremely privileged to have an excellent partnership with parliamentarians all over the world. In this regard, we are pleased that AFPPD was awarded the 2010 UN Population Award in recognition of its pioneering achievements in developing the role of parliamentarians in the Asia-Pacific region to achieve the goals of ICPD. Let me express my hearty congratulations to Hon. Yasuo Fukuda as Chair, and Mr. Shiv Khare as Executive Director of AFPPD, for their outstanding achievements.

This is a critical moment in time. Next week, a high-level meeting on the Millennium

Development Goals (MDGs) will be convened in New York on 20-22 September 2010 to accelerate progress towards the achievement of the MDGs by 2015. We know that much progress has been made but with five years to go, the prospect of falling short of achieving the MDGs is still very real because of the lack of commitment.

Achieving the MDGs requires greater attention to population, reproductive health, and the empowerment of women and young people. Inequities between the rich and poor, the powerful and the powerless, and between women and men, hinder progress towards the MDGs achievement and must be forcefully addressed.

Today, maternal death is the world's greatest health inequity. Each year, there are needless deaths of thousands of women and girls during pregnancy and childbirth. That is why UN Secretary-General, Mr. Ban Ki-moon, developed the Global Strategy on Women's and Children's Health, focusing on continuum of care for maternal, newborn and child health; in addition, paying more attention to the most marginalised group of people, adjusting social inequity conditions in relation to achieving the MDGs. The plan calls for every part of the world's health institutions to work together towards this goal.

Time is running out and the challenges are still great. We no longer have the luxury of taking a longer, broader view. We must focus on those areas that are most urgently in need, demand immediate attention, and can potentially yield the greatest benefits. We need focused, quick-win and strategic actions to close the gap between the commitments we make and the results we can achieve.

This is where parliamentarians, as elected representatives, play an important role. They have committed themselves to the ICPD visions and goals, which have been inherited and integrated in the MDGs. Many of endorsed the Addis Ababa Statement of Commitment – adopted in October 2009 at the Fourth International Parliamentarians’ Conference on the Implementation of the ICPD Programme of Action (IPCI/ICPD) – which reaffirmed the principles and goals of ICPD, and committed to support accessi-

ble and affordable health services that promote family planning, HIV/AIDS prevention and the health and well-being of women and girls. You have the unique role in creating the political will that is necessary to change laws, create policies, and delivering funds – in an accountable manner – in order to achieve the MDGs.

We need solidarity and international cooperation to achieve the MDGs. Individually and collectively, you can demonstrate enormous influence on policy and practice at both national and international levels. We count on you to put your weight behind practical measures both to implement the Cairo Consensus and to reach the MDGs. Based on your influence, combined with your passion and institutional commitment, we will ensure greater progress.

I thank you very much.

Monday, September 13, 2010

KEYNOTE SPEECH

Japan's ODA and Accountability; The Role of Parliamentarians

Hon. Yoshimasa Hayashi

MP, Japan

Distinguished Ladies and Gentlemen, welcome to Tokyo.

I was unable to attend the 2009 workshop because I became the Minister for Fiscal and Economic Policy; the year before that, I was appointed as the Minister of Defence by our Chair, Hon. Yasuo Fukuda, who was Prime Minister at the time. I am very grateful to him for inviting me to become a Cabinet Member. This is now the 15th year of my career in parliament since I first ran for the Upper House in 1995, after graduating from the Kennedy School of Government at Harvard University in 1994.

I briefly chaired the Special Committee on ODA in the House of Councillors, just prior to becoming Minister for Fiscal and Economic Policy, and gained around four months of insight into the pressing issues at that time.

First: accountability issues. Fiscal consolidation is high on the Japanese agenda, as is with many European countries and the United States as well. Our programme, however, goes much deeper than other countries' because Japan has studied the issues on reforming lending money as a government for almost 20 years.

Japan's fiscal situation was already in bad condition before the "Lehman Shock" in 2008. We started fiscal stimulus to revive the economy and as a result, our current

total debt – including debt from local governments and the short-term lending money from the market – has reached almost JPY900 trillion. The annual budget is now JPY90 trillion, thus our debt is the equivalent of 10 years worth of budget; what we are lending from the market is 10 times the budget size.

In 2006 we made a 5-year fiscal consolidation plan for 2006-2011 and are now gradually downsizing the expenditures. We did not cut the entire budget by 10%; instead, we decided to make separate cuts for each issue. In big issues of the budget, like social welfare, we cut 0.22 trillion yen per year; public building was cut by 2-3%, and ODA was decreased by 1-2% each year. According to that plan, we would have nearly reached the primary balance from 20 trillion to almost zero in 2011. In the third year of that planning period, 2008, the Lehman shock unfortunately struck; exports were affected and American, Asian and European economies were badly hit. The GDP gap was almost 30 trillion at that time and companies reported exports decreasing by almost 30-50%, cooling the economy.

In the autumn of 2008, Prime Minister Taro Aso and I decided to put the 2006-2011 fiscal consolidation plan on hold from 2009 to 2011 to pump up the economy and restart with a new plan for 2015-2020. The 2015 plan by the, now ruling party, Democratic Party of Japan (DPJ) is to halve the primary balance so

that the primary balance can be achieved again in 10 years from 2010. After the Lehman shock, we started the JPY15 trillion economic package in the spring of 2009 as a supplementary budget, with the aim of working towards the 2015-2020 plan and trying to revive the economy.

The Liberal Democratic Party (LDP), the opposition party to which I belong, made a policy package for the Upper House elections which took place in June 2010. We need to achieve a balance; simply cutting expenditures is insufficient; thus LDP proposed a hike in consumption tax from 5-10% to finance social programmes such as the pension plan, medical insurance, healthcare, elderly care, etc. Prime Minister Naoto Kan has agreed to put the issue of raising the consumption tax on the agenda and, fortunately, the majority of the public has come to understand the increase. Polls have shown responses such as “we have to accept raising the consumption tax to achieve the balanced budget and also to have sustainable social welfare programmes, where the population is aging”, expressed by almost 60% of respondents.

When we analyse the polls on support for ODA, we must take the state of Japan’s affairs into consideration. If the fiscal and economic situation is stable and doing well, the public will be more willing to support ODA. At this moment, however, the Japanese are anxious about future fiscal consolidations and the future stability of the social network.

For ensuring accountability, a Special Committee on ODA was set up several years ago in the Upper House and I understand that there is also a sub-committee within the foreign relations committee in the Lower House. ODA is very important;

it occupies a place in the budget – a big part – and there are lengthy discussions on how to effectively use tax money to help other countries around the world. Through the years, parliamentarians have been checking how the government is handling all the ODA programmes and one of the areas of progress we have made within the past decade is asking the government to do country-by-country programmes. There are several organizations, such as JICA and UN agencies, in each developing country; activities should be coordinated among the institutions so that programmes are not duplicated and so that funds are used effectively.

Cost and benefit analysis and assessments of ODA were made around five years ago (in 2005) through reports in order for the committees to review the figures. Over the past few years the Special Committee has sent missions to recipient countries to examine how funds are being used. In 2008, we sent our first mission in history to donor countries to see how they coordinate. There were interesting cases in some European countries where they, as donor countries, were coordinating with each other in a byway organizational manner. For example: when donor country A is managing X countries effectively, donor country B does not have to concentrate on the same programmes in the same X countries. With this coordination also comes a lot of knowledge-sharing on best practices and results. Japan is thinking about taking the idea and coordinating with other donor countries, as well as with multi-national organizations. Coordinating with organizations has been done for many years, but we must strengthen relationships and try to promote that more people from Japan work in those multi-national organizations. In addition, multi-national organizations should coordinate with each

other to strengthen their programmes and maximise funds.

Fiscal consolidation is also very high and heavy on the Special Committee's agenda, so how we finance all the ODA programmes is another agenda we have been tackling. Besides JFPF, there is another league in the Japanese parliament named the Parliamentary Group on International Solidarity Levy (PGISL), which was started in 2008. We are thinking about creating an innovative way to generate revenue for ODA. France started an initiative in 2005, imposing a small tax on international airline tickets and using that tax money only for ODA. PGISL wants to do the same, and also tax international currency transactions. Money-wise and coverage-wise it is quite large; however, it is technically and politically very difficult as this should be done simultaneously with various other countries of major currencies. If Japan started only tax yen-to-dollar transactions, and other countries do not do this, then those transactions would simply go from the Tokyo market to Hong Kong, Singapore, New York, London, etc. so that they do not have to pay the tax.

The Leading Group on Innovative Financing for Development was established in 2006 for many countries to discuss the International Solidarity Tax, including the tax on currency transactions.

Tokyo will be hosting the December 2010 meeting, and chairing the conference. Making progress on the proposal at this meeting would be very important to secure the revenues for ODA, not only for the Japanese Government but also for

other donor countries. Given the immense size of the currency market, it is ideal just taxing 0.0001% of the amount of the transaction. If you buy US\$100 from Japanese yen, there would only be a JPY1 tax. These are small numbers but the transactions are going to spread world-wide, which will create a big fund. This currency tax would involve government-to-government coordination.

Another point I would like to make is on private foundations. Japan is one of the countries responsible for the Global Fund to Fight AIDS, Tuberculosis and Malaria; and the Global Fund also coordinates with private organizations such as the Bill and Melinda Gates Foundation. Private foundations' volume is becoming increasingly larger at the moment, so we should cooperate and coordinate with the private sector's foundations through good coordinators. We need people that are specialised in this area to go closer to the recipient countries; for example, specialists in health policies and infrastructure building with knowledge of the geographical area are key. The specialists must also have a skilled personality to coordinate each government, multinationals, and private funds. Ideally, you would have people who both understand and are experienced in those areas so that communication between the donor and recipient countries can be made effectively.

These are the issues we are now grappling with in Japan, and the background of the fiscal consolidation agenda is still very high. I would very much like to hear your opinions.

Thank you very much.

Tuesday, September 14, 2010

SESSION 1

Progress and Feedback from the 2009 Workshop

CHAIR:
Hon. Fredrick Outa Otenio
MP, Kenya

Curriculum Vitae

Hon. Fredrick Outa Otenio was first elected as a Member of Parliament in December 2007 in the general election in Kenya. He represents the constituency of Nyando in the Western part of Kenya. He currently serves on the Committee on Health, Agriculture; and is also on the Speakers Committee.

Among the projects he has so far initiated are: the revival of irrigation that had initially collapsed; the building of orphanages; catering to the needs of widows in Nyando; attending to the aged and eye surgery; and the sinking of boreholes.

He holds a Bachelor's in Health Management from the City University of New York; a Master's degree in Theology from the International School of Theology; a Master's degree in Intercultural Studies from Biola University; and is presently working on his Doctorate of Philosophy through Biola University.

Tuesday, September 14, 2010

SESSION 1

Progress and Feedback from the 2009 Workshop

Hon. Jenista Joakim Mhagama

MP, Tanzania

Curriculum Vitae:

Hon. Jenista Joakim Mhagama is the Chair of the Community Development Committee in the National Assembly of Tanzania, as well as the Presiding Officer of the Tanzanian National Assembly.

She is an international diploma holder in modern management and administration.

Distinguished Ladies and Gentlemen,

First of all, I wish to express my sincere thanks and appreciation to the organizers, host and sponsors for giving us another opportunity to attend the second part of the "Parliamentarians' Capacity Building Project on Accountability and Aid Implementation for Population and Development Issues".

As we know, Tanzania is a member of the international community that agreed to the Programme of Action adopted by the ICPD in Cairo in 1994, as well as the important decisions adopted and promoted by the various international conferences and summits, including the MDGs.

After the 2009 workshop, we came out with four recommendations and priorities that were to be worked on with our respective parliaments.

Recommendation number one was the "Request to Governments". In the requests to the governments, we decided

that two things should be done. One was that "Governments should provide parliamentarians with adequate and timely information on all aspects of ODA programmes". We parliamentarians in Tanzania decided to start working on this.

I reported back what we had learned from the 2009 workshop to the Steering Committee, and they decided to amend the standing order of the Tanzanian Parliament. This means that every four months, the Parliament – before the budget session – sits at the Planning Committee Meeting. During this Planning Committee meeting the government is required to provide all the information based on the following areas:

1. Resource mobilisation from different donors and resources that will be mobilised within our country, and budget implementation.
2. Any project to be funded by donors and any other project that the government is intending to implement during the budget session for the current year.

We, as parliamentarians, also request the government that they provide the information concerning the priorities which have been set by the government during the budget year session. This kind of planning meeting was started by us this year and we think that we will be able to organize it to be more fruitful next year. As you know, general elections are taking place in Tanzania this year, so we have a lot of things to do.

The second point of the "Request to Governments" is: "National Parliamentary Committees on Population and Development should request the government to place higher priority on population issues when formulating and requesting ODA".

After my feedback to the population group within my parliament we, the Tanzanian Parliamentarian Association on Population and Development, agreed to organize a very big forum by collaborating with the government ministries and international NGOs who are working with population issues. The forum discussed the current situation facing reproductive health within our country, and we came out with some challenges relating to current situations facing reproductive health and population in general, towards national development of our country.

The following challenges were found during the big forum that the parliamentarians' group on population and development organized:

1. The population of Tanzania is now growing much more quickly than the economic capabilities that are needed to provide for essential

services such as education and healthcare. The only reason behind this rapid population growth is high fertility; an average-aged woman in Tanzania bears nearly six children during her reproductive life.

2. The country has been expressing frequent acute shortages of contraceptive commodities, as men and women are asking for the services but the services are not available.
3. The resources allocated by the government for family planning services are insufficient to meet the demands; resources have been declining over the past three years, and donors are also not currently contributing directly to family planning issues in Tanzania.

As a conclusion of that big forum, the Tanzanian Parliamentarian Association on Population and Development requested the government to act on the following:

1. We request our government to ensure that they allocate enough resources for family planning services activities and use the education that has been recited out by national family planning with their cost, which have been shown in their programmes and plan of activities for the year 2010 to 2015 under supervision of the Ministry of Health and Social Welfare.
2. We request our government to ensure that there is a creation of specific family planning targets associated with the budget line items within the Ministry of Health and So-

cial Welfare budget; but they should plan a structure to facilitate the monitoring activities, tracking of family planning activities, and resource mobilisation, so we can try to find the way to deal with such kinds of big problems within our country.

After that big forum, the government has made large progress on our recommendations. As per now, the government – together with the Ministry of Social Affairs and in collaboration with the development partners – have developed and launched the recharged national family planning to be implemented in 2010 to 2015 with specific activities per the need of making sure that there will be contraceptive securities within our country. They have also shown that they are going to build the capacity to deliver a lot of services for advocacy and manage all systems towards population issues within our country. We are very happy that, through the Tanzanian Parliamentarian Association on Population and Development, we and the government are now going together in working toward population issues in our country.

We have not done much with Recommendations 2 and 4, but at least we have done something for Recommendation 3. The parliamentarians discussed together with the government whether we could amend the Internal Audit Act in the public sector so as to improve governance, government accountability, and enhance greater transparency in the government's financial aspects. The Ministry of Finance and Economic Affairs at the Accountant General's Department organized the 2-day

workshop for watchdog committees within our parliament and the Steering Committees on the role of reform of internal auditing in the public sector. The objective of the workshop was to create greater awareness and knowledge to parliamentarians in order to respond to the government's efficiency and accountability in monitoring and supervision of different projects within our country, especially on the local government level. Some strategies and strategic points were put forward so as to improve the strength of the internal audit function for sustainable development for our country.

There is no doubt that everything in reproductive health, together with gender equality and equity, has a positive impact on reducing population growth which will improve the health and welfare of the nation and will reduce health costs that impairs the economic development of many countries.

We have to make sure that we reduce poverty, so I do call upon development partners and the other funding partners to support this effort made by various countries towards the economic development by working with population issues so that the promises made in Cairo are kept to ensure a better and brighter future for all of us.

Tuesday, September 14, 2010

SESSION 1

Progress and Feedback from the 2009 Workshop

Hon. Dr. Damry Ouk

MP, Cambodia

Curriculum Vitae:

Hon. Dr. Damry Ouk is a Member of Parliament of the Kingdom of Cambodia.

He holds a Master's degree in Public Administration and a qualification as a Candidate of a PhD in Law.

Dr. Ouk has had experience as a Medical Doctor and was the Vice-President of the Cambodian Red Cross for 16 years.

Hon. Ouk has been a Member of the Cambodian Parliament for 24 years and is the Secretary-General of the Cambodian Association of Parliamentarians on Population and Development (CAPPD), as well as a member of the Legislation and Justice Commission.

Distinguished Ladies and Gentlemen,

Thank you to the organizers for this workshop, and especially to the Japanese Government and the Japan International Cooperation Agency (JICA) for allowing us to be able to conduct these conference meetings, and allowing us to present our feedback from the 2009 workshop with some recommendations.

I will summarise an outline of Cambodia's progress update. First, is the progress update of the Cambodian National Assembly's agreements and adoptions of laws; second, is the UNDP-supported parliamentary capacity building conducted in 2009 for legislative and assistance projects; third, is the UNFPA and APDA-sup-

ported parliamentary capacity building conducted in 2009.

There is also a progress update on the Royal Government of Cambodia, which contains some output of last year's workshop; in addition, I will keep you informed on the output by the Cambodian government after this year's workshop. Following the 2009 "Parliamentarians' Capacity Building Project on Accountability and Aid Implementation for Population and Development Issues", I conducted workshops and meetings for Cambodian Parliamentarians about the activities and the support we received last year. There has been further development progress in the rehabilitation and construction of physical

infrastructure by the government, also relating to the development of capacity building.

In 2009, there was also a lot of progress in the Cambodian National Assembly. For the fourth term, 43 new texts of law were adopted. From August 2009 until August 2010 – a period of around one year after the first APDA workshop – 25 texts of law were adopted, of which 10 were agreements on international trade and commerce cooperation within ASEAN, Japan, China and Korea. In particular, we have adopted some important laws to improve the needs of Cambodian society. There have been criminal laws adopted, one of which includes the Anti-Corruption Law that we have been preparing for 15 years and promulgated in December 2010. To review it, we collaborated with France, Germany, Hong Kong and Japan.

There is also the Expropriations Law. This gives the government priority for having the power and right to be granted property from the private sector in order to carry out public development such as building roads, schools, hospitals, etc. We do pay suitable prices for the land, according to the market. There was warranty revision of the law related to demonstrations: the “Peaceful Demonstration Law”. More revisions have been made to the inter-country child adoption law, and national budget management in 2010. This is the progress update for the side of the Cambodian National Assembly/Parliament.

Many documents have been adopted and they are mostly endorsed by both houses, such as the National Strategy Develop-

ment Plan on Health; the Strategy Development Plan for 2009-2013; and updates to the Criminal Law and the Royal Government of Cambodia.

The Anti-Corruption Law that we adopted has been set by the National Assembly. Our delegation has visited other countries – such as China and South Korea – to examine and listen to the experiences of the implementation of new laws, especially their anti-corruption laws. There have been recent pledges, further corruption policies and vigilant oaths. There are two levels of the anti-corruption institution; one is the council to ensure that institutions are not corrupt; one is to ensure that the police are not corrupt.

Regarding capacity, including capacity building for parliamentarians, we have all made time to pay visits to our constituencies. All groups in parliament – meaning, every commission – have gone to visit specific fields to check the conditions and completions, as well as examining commerce and the delayed administration for the conditions of the implementation in the law and justice field. They lead in these periods. The Cambodian Parliament is on a cycle of meeting in parliament for three months, then going to their constituency for three months, meeting for three months, etc.

We have held a forum and 17 workshops/meetings which both relate mostly to the capacity building of the parliament and senate. Nine of the 17 meetings were held at the National Assembly Building; four of the 17 meetings were held in Phnom Penh; and four of the 17 meetings were held at

provincial offices. There have also been four international study tours with groups travelling to Malaysia, Italy, Switzerland, Lao PDR, Korea, and China; as well as the United States to study women's issues, and Germany to study human rights and the rule of laws.

We have also had UNFPA-supported workshops relating to capacity building of Cambodian parliamentarians, as well as workshops and roundtables after returning from visits abroad so that we can give feedback and briefings to the parliament/senate. We joined the parliamentarians' meeting at the "Women Deliver" conference in Washington DC and spoke mostly about health, reproductive health, newborns, gender, and about women's issues. After this conference, I organized four workshops and a roundtable discussion where we talked to the media and were broadcast on television to spread the message from UN Secretary-General, Ban Ki-moon, on issues relating to MDG5, MDG3, and MDG6.

In terms of the updated progress of the Royal Government of Cambodia, we have held workshops to have more efficient communication between the national assembly/parliament and the government for information sharing. One of the recommendations from the 2009 APDA workshop was that the government should keep the parliament/senate informed with timely information on all aspects of the ODA programmes. We do feel that the government is informing the parliament quite sufficiently now and providing us with enough information.

National development plans regarding construction in Cambodia have to be endorsed by both houses. Before the endorsement there is a process similar to a public hearing to keep people informed through the media – through television, radio and the press. National development that includes ODA has to be endorsed by the National Assembly and the senate. In Cambodia we, luckily, do not have many problems regarding project development and we mostly receive grants from countries like Japan, for example. Just before coming to Tokyo for this workshop, we received two large grants. One is of US\$130 million for Bridge construction for the National Road No.1; another is US\$3 million for human resources development. Both these projects are supported by JICA. During national development projects three head leaders of Cambodia are informing each other regularly on all aspects; the President of the Senate, the President of the National Assembly, the Prime Minister all meet regularly and discuss the main topics of national development.

As previously mentioned, our newest developments include the anti-corruption laws and an Anti-Corruption Institution which was established in March 2010, comprised of the Anti-Corruption Council and the Anti-Corruption Unit; there was the finalisation and adoption – by both houses – of the National Assembly Strategic Development Plan update from 2009-2013, which was signed and officiated by the King; there was the finalisation by the Royal Government of the Cambodian Aid Effectiveness Report that mostly related to ODA and addressed good governance; and there was the finalisation of the compendium

of documents at the Third Cambodia Development Cooperation Forum.

Regarding national strategies, it was the establishment of the third term of the legislative government from 2003-2008. We consider good governance in Cambodia as the core and at the central point of the projects and activities. It is what we call the "Rectangular Strategy" and we are now in Phase II. To achieve good governance we must overcome the struggle to fight corruption; corruption is an obstacle for national development, national credibility, national unity and national stability.

Secondly, we must improve legal and judicial reform; we must find a structure that is more effective for judicial prudence and legislation. We are now building the capacity of judges and prosecutors, and we have prepared laws regarding judicial and legal reform. The third core of the "Rectangular Strategy" is the public administration reform. This is mostly related upgrading the efficiency and effectiveness of human resources. There is the challenge of reducing the number and also promote the quality and strategies of the staff. The fourth issue is the reform of the Royal Cambodian Armed Forces, which, similarly to the above, also relates to reducing the number, building the capacity and upgrading the quality.

Further rehabilitation and construction of physical infrastructure will continue to take place in Cambodia. I believe we should give priority to the construction of the transport network and water resource and irrigation system. Our Prime Minister has committed that from now

until 2015, Cambodia will export around 1 million tonnes of rice abroad. To meet this quota, we must upgrade the irrigation systems and water resources.

We have also been developing the energy sector, which is still under construction. In 2012, five large energy projects will be completed bringing around 700 mega watt. We are also developing the information and communication sharing services. Upgrades are taking place on what we call ITC, Information Technologies Cambodia, and the government is ready to install systems of communication as well as the rural regulation of communication and information.

There are many areas that the government is focusing on capacity building and human resources development. One is strengthening the quality of education. There are a lot of students and now we must streamline the quality of education, under control of the authority. Second is ensuring enhanced health services by spending more on health centres, and doctors and nurses, as well as training more midwives. There has also been strong support from all Cambodian leaders on the implementation of the gender policy, as well as the population policy.

I wish to thank again those who are supporting Cambodia such as JICA and USAID, as well as other donor countries. Many of the things that are happening in Cambodia are thanks to their help.

Thank you very much for your kind attention.

Tuesday, September 14, 2010

SESSION 2
Introductory Session

CHAIR:
Hon. Lombani Msichili
MP, Zambia

Curriculum Vitae:

Hon. Lombani Msichili was first elected to the Parliament of Zambia in 2006, and is the MP for the urban Kabushi Constituency.

He is an accountant by profession and a member of the Public Accounts Committee, as well as a member of the Zambia All Party Parliamentary Group on Population and Development (ZAPPD).

Tuesday, September 14, 2010

SESSION 2
Introductory Session

Dr. Osamu Kusumoto

Secretary-General/Executive Director
The Asian Population and Development Association (APDA)

Curriculum Vitae:

Dr. Osamu Kusumoto started his career with the Asian Population and Development Association (APDA) in 1990 and currently holds the positions of Secretary-General and Executive Director.

He has participated in over 100 conferences on population and development, including all ICPD and ICPD/IPCI meetings where he was Assistant to the Committee Chair.

Dr. Kusumoto has also had decades of experience as a university lecturer at Saitama Prefecture Agricultural College, Tamagawa University, and Nihon University.

He holds a Bachelor's Degree in Economics; a Master's degree in Sociology; and a Doctorate of Philosophy in International Studies having done his thesis on "Demographic Transition in Asia; A Comparative Study of South-East Asia, South Asia, West Asia and Central Asia.

Distinguished Ladies and Gentlemen,

I have attended over 100 parliamentary conferences on population and development. At each conference it seems that we face the same difficulties in that developing countries' parliamentarians express the same challenges they face with population and development issues. Everyone recognises this issue and developed countries' parliamentarians sympathise with this.

Some African and Asian parliamentarians have said that they do not have any reports on the ODA they receive from

developed countries, which is very contrary to democratic procedures, and we are conducting this meeting with this in mind.

As we go into this conference I wish to thank you for your participation and feedback from the 2009 workshop. Many issues were raised and these were reported to parliamentarians in respective countries; APDA appreciates this very much.

We have asked distinguished experts to speak at this meeting, some of whose fields may be within a different realm

than those of parliamentarians' activities on population and development. Please, therefore, allow me to explain the intention of each session and the significance of the project.

This project started last year with the aim of examining ODA and its achievements to both donor and recipient countries. ODA needs improved transparency and clarity so that empathy can be built by both people in developed and developing countries and achievements of ODA can be recognised. This will facilitate the sharing of ideas and help to expand the help to developing countries, once the stakeholders' awareness is heightened. This way, we will actually be able to contribute to humankind's future.

Transparency and accountability – and evidence and information on this – is essential for organizations, donor countries, and their taxpayers. This is easier said than done. What it takes and how much it takes is not being discussed.

We have been very much involved in population and development issues in this area – especially with including parliamentarians and fora for ODA discussions. What gets pointed out – and what one of the main complaints of developing countries is – is that in many cases a majority of the funds go to the consultants; and, when there are leftover funds the liability remains with the recipients. The formal rationality of the application of more thorough reporting, and distribution of those, could account for resources being used so that donor requirements can be fulfilled.

For example, if US\$100,000 is granted for the funding of a project and the administration for it costs US\$80,000, then we would really lose the plot of the purpose. But what donor nations require for the accountability and transparency of a project to be thorough necessitates skilled personnel – and that is costly. There need to be multilingual lawyers and Certified Public Accountants (CPA) who command annual income of, maybe, US\$300,000 in Japan and other developed countries. That is, US\$80,000 would only cover three months' salary for such qualified persons.

If 80% of the project funds are spent on the administrative costs to ensure the project's soundness, questions may arise as to whether the project is actually worth implementing. Thus, it is vital to examine the overall purposes of the projects and the appropriateness of costs to ensure transparency and accountability within the project budget.

Parliamentarians are of course also busy with various other mandates but in order to fulfil their responsibilities towards their constituents and their voters it is vital that the parliamentarians are able to demonstrate the tangible effects and case studies of ODA, and the partnership between donors and recipients.

My concern is how to improve this situation, which is why APDA created this programme. This project is an ambitious one with the aim of achieving such a grand purpose. It has cast new light on various issues surrounding ODA, which have yet to be widely discussed.

When we started the project in 2009, I sought many experts' opinions. It came as a surprise when they responded that they were interested in its implementation of law and skills for it, but not in lawmaking. It seems that they are not committed to the integral process of the understanding the spirit of law, interpreting its intention, and its implementation. This triggered my thinking that it is important to touch upon this issue seriously. These experts and CPAs are also experiencing more complexity within legal issues, making it more difficult to persuade them to see it from an interest in implementation angle. We have been looking for resource persons who can go beyond the complexities and simplify it to make it easier to understand in terms of accuracy. Things cannot, however, be simplified to the core and appropriate personnel for this is required. We also identified this in the field of computer software.

You may remember back 20 years ago when we had to enter dots for each command on a computer, and if the dot was omitted it froze the computer; the layman was unable to use the computer system. Today, however, it is user-friendly but the actual software has become more complex than ever before, which is why I invited computer software expert Mr. Kouichi Kishida to speak for Session 4. He is a trailblazer in the Japanese software development industry, and operates and manages his own software company. He has even advocated that software should be accessible and free to everyone. Mr. Kishida not only looks at types of computers and rules, but analyses the

models of what the actual systems represent in society.

I want to reiterate the importance of transparency and results to demonstrate to the taxpayers. What kind of legislation and mechanisms, therefore, can be made to facilitate this – and how do we make laws understandable? Laws are based on necessity. There is a very interesting example from the state of Maryland in the United States, where it is illegal to bring a lion into a movie theatre. There must be a reason that this law necessarily exists so that this practice stopped; perhaps there was someone who actually brought in a hairy pet lion that blocked the screen?

During the prohibition period in the 1920s, also in the United States, gangsters such as Al Capone benefitted from breaking the law by bootlegging and making a tremendous profit. Professor Hideki Kashizawa will elaborate on jurisprudence from the sociological point of view in Session 6.

In developed countries, we have to strictly abide by compliance; and laws and regulations are getting more and more detailed. Laws set high value on formal rationality, so when a legislation is introduced, accompanying laws and regulations are also created in order to maintain its formal rationality.

Such a trend is becoming common in the corporate culture, as well as in government and public interest organizations. The advancement of computers and software further intensify complexities and positive law supremacy. In this sense – though different from a positive law in

the Roman era – in the modern era, computers intervene in positive law supremacy and complexities.

As you know, international organizations are adopting such practices. The ATLAS system used by UNFPA and UNDP is the same type of system called Enterprise Resource Planning (ERP) used by companies, which is a one streamlined controlling system for human resource management, resource planning. In this way, using computers and software made a high level of formal rationality possible; in turn, its complexity is becoming greater without questioning its appropriateness.

For example, in our organization, we have to record our work every 30 minutes. Computers are only a tool. The complexities that computers handle with ease can go hand-in-hand with positive law supremacy and bureaucracy; so, formal rationality often becomes an end, not a means. An initial purpose is gone, and establishing the system becomes the purpose in itself.

ODA's objectives are framed in the proposals. However while there is demand for compliance, accountability and transparency, the excessive pursuit of formal rationality not only becomes a purpose but it also incurs enormous costs. This issue needs attention and close examination but it is rarely brought to the discussion table.

Parliamentarians, representatives of people, need to look into the real purpose and meaning behind seeking formal rationality and compliance. Appropriate discussions need to be opened as to why such system is needed,

how much it will cost, and how appropriate it is on the whole.

These types of details and complexities are affiliated with, and have been put into the rationale of, Max Weber's theory of bureaucracy. The expansion of bureaucracy will bring the institutions to up management and organization for formal rationality to take place; otherwise, as pointed out over 100 years ago, we will live in an inefficient society.

At present, we are living the actual prediction and prophecy of Max Weber and Karl Marx – Marx was saying the same thing. Marx thought the planned economy would be very constructive – and that it would happen after capitalism, with compliance of budget; all of the details added at once and then implemented – that is the type of planned economy that we would be forced into.

The Soviet Union had adopted the planned economic system but then switched to the market, probably because of inefficiency. When we look at it, we have really gone through a large experimentation with the society of humankind in the 20th century, but we never really learned lessons. That is to say, we have lost purpose-oriented rationality, or efficiency, by binding ourselves firmly with laws and regulations and never asking ourselves why so.

Professor Hideki Kashizawa will elaborate on this positive law supremacy in Session 6. We live in a predominantly legal society, where supremacy of positive law prevails and creating laws and regulations invites even more laws and

regulations. As a society becomes more complex, greater complexity becomes more costly and inefficient. In order to prevent society coming into solvency, we need to see expanded complexity and bring back more appropriate rationale for realistic application. This can only be done by parliamentarians who are responsible for enacting legislation.

The main difference between bureaucrats and parliamentarians is that parliamentarians are the ones who look into the rationale and appropriateness of various legislations, whereas bureaucrats apply laws and regulations within the law's limits. They are forced to adhere to strict guidelines and may not surpass them, meaning that Parliamentarians are the primary stakeholders for ensuring transparency and accountability.

There was once a time when the legal complexities became so enormous that laws were reorganized, or the reduction of complexities was achieved. It was when Napoleon made the Napoleonic Code (*Code Civil*). In the Roman Empire, there were many religions, cultures and ethnic groups and races. In order for them to coexist in harmony and in order, laws were essential and so positive laws were created. As I mentioned earlier, laws were made based on necessity. The Roman Era stood for several centuries, during which time a number of laws were made to handle matters that required stipulation.

Throughout the course of human history, I think this is the era during which the largest number of laws was accumulated into a single legal system. The Romans took a realistic and pragmatic approach;

when a law became inapplicable, they made supplementary rules, rather than rewriting it. If there were no such supplementary rules, they would stick to the original laws. This way, they were able to avoid any loopholes or defects in the law. It is said that the Romans were able to sustain their social system over such a long period thanks to this pragmatic legal system.

Several centuries later, however, we have come to have numerous laws and there are cases when people did not understand why certain laws were created in the first place, or why they had to apply these laws. Roman Law (*Lus Commune*) practice remained long and had a great influence upon the civil law systems in Europe.

Then, there came somebody who thought that the Roman law was too complex and had lost substance. That was the famous Napoleon Bonaparte. He ordered legal experts to sort out the Roman law, as a result of which the Napoleonic Code was compiled. Japanese Civil Code, when it was formed back in Meiji Era, also had Code Napoleon as its basis while incorporating Japan-specific matters as well. In that sense, it can be said that present-day Japanese society is – to a certain extent – still influenced by Roman Law.

My point here is that there arose a necessity to simplify the law when it became too complex for better understanding. In a sociological term, to coin the words of Niklas Luhmann, such a process is called the “reduction of complexity”. As the modern society becomes more complex, it inevitably

comes to a halt unless complexity is reduced based on the principles of relevance. Earlier, I talked about a law being made upon necessity. But, in order to achieve purpose-oriented rationality, complexity needs to be reduced upon necessity. That is the work of parliamentarians.

I have tried to look for legal experts who could give us an idea about how to simplify the system, but to no avail. Modern Japan is heading straight towards a legalised society; and, in the name of more transparency and accountability, the entire society – including government officers – are oriented more towards the supremacy of positive laws. Such society benefits legal experts with more job opportunities, while the general public is not concerned about the situation. Although everyone somewhat feels uneasy about the situation, nobody knows why it is and what they could do.

It was extremely difficult to find a lecturer who could talk about how to reduce systems' complexity. I was stuck, but found another area that is susceptible to becoming “doomed” to create and expand the same kind of intellectual system and reduce its complexity, that is the area of computer software. You may find surprising, but even law is one kind of social system, necessary for maintaining certain order and structure in society according to certain decision-making procedures. In this sense, you could say that it is exactly the same as what software is to computer.

From this viewpoint, I started looking for somebody in the field of computer

software who could talk about reducing the complexity and relevance of software. I was introduced to Mr. Kouichi Kishida, who is kindly here with us today. There is another aspect to this, which is that the computer system is the very thing that sustains growing requirements for the supremacy of positive laws, compliance, and transparency. Thus, computer software, just like law, is created with so much effort out of necessity. The two systems have a lot in common in their nature.

Mr. Kouichi Kishida is a living witness to computer software. He has been deeply involved in the GNU movement (free software) that has set the foundation for Linux as it is today. He has also taught extensively at many universities around Japan including Kyushu University, and is active as the chairperson for the software award committee.

In his presentation on “Evolution and the Immaterial Nature of Software”, we will hear his ideas on software being a mirror of society; he has written many books on this theme. But he primarily works as a painter; as such, he has painted a lot of pieces and also published some collection books.

He looks at software as a kind of thought system and a mirror of society. This is something that most of the software engineers who are only driven by technological considerations alone could not have as an idea. He has been developing software from the earliest days, walked along with its history, and deeply contemplated what it really is. He is what we can call a “software philosopher”. Today we will be able to

hear his valuable views and he has requested to have freedom in terms of his lecture's contents. So be ready, open up your mind, and ask any question that may arise in your mind.

In Session 5, Mr. Katsutoshi Chikudate, Chair of the Japan Corporate Auditors Association (JCAA), and Standing Auditor of the Tokyo Electric Power Corporation (TEPCO) will give us a talk on "Corporate Activities and Corporate Governance; Social Responsibilities and Corporate Activities" from the viewpoint of an internal auditor. He served as a Vice-President to TEPCO as well as a Director of APDA.

In this time and age, accountability and compliance are strong requirements – even for for-profit organizations – to fulfil their social responsibilities. Auditing can be conducted by independent external auditors such as CPAs or by internal auditors. In Japan's case, public-interest organizations, such as APDA, are foundations regulated under the Japanese government. They, therefore, must go through internal auditing by auditors with convocation rights for the Board of Directors, as well as external auditing by CPAs who secure the independence and objectivity of auditing – both are required.

External auditors check legality of financial statements and business operations from neutral as well as expert perspectives, while internal auditors verify whether or not the given corporation in its substance – including its management policy – adheres to the spirit of the law and whether the corporate strategy and business management are appropriate.

Roughly speaking, external auditors audit whether formal requirements are met; in other words, whether laws and regulations are met. On the other hand, internal auditors look deeply into the management standing while keeping a certain distance from the management to see to it whether corporate activities are appropriate.

To fulfil that requirement, an internal auditor needs to have experience in management – and know the actual conditions of management – to make a judgment about its appropriateness, while also understanding its difficulties.

I have been talking about the need for questioning the relevance of laws and regulations. This is exactly what internal auditors are required to do in terms of company operation by keeping compliance with the law.

At the 2009 workshop, Prof. Dr. Hiromitsu Muta, Executive Vice-President for Finance at the Tokyo Institute of Technology, stated: "In ODA, developed nations give funds to developing nations, but the burden is often on the recipients' side what's important in any project is to lead it to success in accordance with the project objectives. For that, project assessment should be made on the basis of objectives and how to make improvements rather than criticising the project. For that purpose, *ex-post* evaluation is not enough; *ex-ante* evaluation and also mid-term evaluation are necessary to allow for modifications."

In this sense, assessment of ODA projects should aim at directing the project towards success, thus should be purpose-

oriented. That is the very role that internal auditors are playing within the given corporation.

Due to the changes in international accounting standards, public accounting standards are also changed. But what truly important is not such technical matters, but rather substantial auditing as efforts to direct the business to success, in accordance with compliance requirements and social responsibilities.

Session 6 will be on “Legalised Society and Social Validity of Laws” by Professor Hideki Kashizawa from Saga University. He is a Director of the Japan Association of Sociology of Law. He was the Editor in Chief for the “Future of the Legalised Society”, issued in the 67th issue of the Association's journal, and gives lectures on environmental law and Sociology of Law at Saga University.

As society becomes more diverse, legalisation as a phenomenon is advancing in many parts of the world in order to set rules to the diverse realities. Key words of these modern times such as institutionalisation, formal rationalism, transparency, accountability, institutional manifestation, fair competition, etc. also drive the legalisation of society. This trend seems justified by appearance, but is it really so? It is not necessarily so, as studies of human cognition tell us otherwise.

For instance, historically, Japanese society was very homogenous for a very long time. Because of the nature of such society, it was considered very important that people understand each other without expressive words. In other words, in

such a society, people used to form good relationships by fathoming sentiments, rather than by clearly expressing everything verbally.

This is only possible upon the condition that people's experiences are the same and their knowledge all to a very high degree. When that happens, even without clear dictation, people follow the same behaviours and compliment each other's behaviours. This is an ideal way of teamwork. There is a tradition of not expressing things too clearly in Japan. It was indeed considered eventful that someone speaks of something, and we even have a particular expression for such an explicit behaviour.

It may be an extreme example, but one Japanese folk song has a line that goes: “don't you understand that I love you, unless explicitly say so?” Such a feeling may be quite difficult for foreigners to understand. This was only possible because Japan was a highly homogenous Society. The cost of information sharing was at very low in such a society. Nowadays, Japan is different. Young people would not understand what is meant without words. They answer back by saying “unless you clearly tell me what to do, I wouldn't know”.

It is said that there is no history without ideology, but it takes some effort to record things in writing and express things clearly in words. Furthermore, no matter how detailed the laws and regulations are set, there are always elements that escape expression due to the nature of language. When you expand the scope of linguistic expression to mean something, you can reduce the amount of the non-

linguistic portion hidden behind the meaning, but you can ever eliminate it completely; in other words, the question of linguistic communication versus non linguistic communication is a matter of proportion – and both are essential.

To state a matter clearly and linguistically increases the level of clarification, but it also increases the social costs. This is even more prominent when it comes to the field of Law. No matter how detailed the law can be to regulate everything, it will never be perfect. On the contrary, the substance that lies behind the law is increasingly lost. Eventually, some people may even think that as long as they do not violate what is written, anything goes.

Laws are formed upon necessity. The cost of legalised society has never been a general discussion topic, but such a cost has become really enormous in the modern time, and it is not a productive cost at all for that matter. From this perspective, we have to start questioning whether it is good to make laws unconditionally exhaustive. It is necessary to review them from the viewpoint of social necessity and relevance to make them more appropriate.

Laws are not the example simply by themselves; they are rooted in our lives, they are there to support our lives. Given this nature, parliamentarians who are elected by the people are the ones to legislate. Parliamentarians are lawmakers. Thus, it is an essential theme for parliamentarians to think about how laws should be. From this point of view, Professor Hideki Kashizawa will talk about what kind of negative effects can emerge from further legalisation of

society where “laws for laws’ sake” is practiced.

Session 7 is on “Obstacles in Health-related ODA and their Solutions; the Role of Parliamentarians”, by Dr. Kiyoshi Kurokawa, Professor at the National Graduate Institute for Policy Studies (GRIPS).

Although Dr. Kurokawa is now a Professor at GRIPS, his expertise lies in internal medicine, especially in nephrology. After graduating from the University of Tokyo, he became a Professor at UCLA Medical School, and is a world-renowned researcher. After returning to Japan, he also occupied the posts of Professor at the University of Tokyo Medical School and Dean of the Medical School at Tokai University.

He was also Chair of the Science Council of Japan and later a Special Advisor to the Cabinet in charge of science under the Abe Administration and the Fukuda Administration. He has been actively involved in international cooperation for health matters, and made many proposals in this area.

We have an expert from the World Bank in Session 8 to talk about evaluation and oversight from the viewpoint of international organizations. Among international organizations, the World Bank is the largest provider of assistance.

As one of the main actors in the advancement of developing countries, the World Bank has been implementing numerous projects; extensive monitoring and evaluation have been carried out in order to achieve objectives, and to be

accountable for effectiveness, efficiency and transparency.

Through these experiences, the World Bank will brief us on:

1. World Bank's standards for monitoring and evaluation
2. What monitoring and evaluation is, based on purpose-oriented rationality and appropriateness to respond to situations
3. Conditions to be accountable to donors, and gaps between the requirements and actual implementation
4. How to bridge these gaps
5. The World Bank's foci among requirements, and tools for project practitioners to meet the requirements

The World Bank is world-renowned, and has great expertise and knowhow on monitoring and evaluation amongst other things. In implementing programmes, developing countries need to have the capacity to fulfil the conditions set forth by International Organizations' standards of auditing, monitoring and evaluation.

This session will be a valuable resource for parliamentarians to learn about the World Bank's main principles and objectives in monitoring and evaluations, and how results will feedback into programmes.

Session 9 is on Preparing for Action Plans; Roles of Parliamentarians. Given the preceding discussions, we will focus our discussion on what are the necessary conditions of auditing in each country, and adopt action plans. This step will generate a huge outcome of this programme.

This programme is going end its entire process next year. By the final year, If we can come up with auditing standards in the areas of population and development from parliamentarians' viewpoint that are convincing to the people of each nation, that already will be a great achievement.

By confirming audit standards that adapt to situations of each country and sharing them, we will be able to clarify requirements necessary for providing accountability by parliamentarians of developed nations to their voters, and at the same time what they want to achieve in developing countries as ideals.

If we can further expand the network of parliamentarians by sharing such information, we will be able to achieve the objective of this programme, which is to promote ODA that voters understand and support.

To that end, I hope that you engage in active discussions with your colleagues back home on what are the crucial determinants for recipient nations to determine either the success or failure of ODA.

Tuesday, September 14, 2010

SESSION 3
Case Study: Legislation on Population Issues

CHAIR:
Cong. Jesus Crispin Remulla
MP, Philippines

Curriculum Vitae:

Congressman Jesus Crispin Remulla passed the Philippine Bar Examination in 1988 and immediately started law practice.

He was a provincial legislator from 1992-1995, and thereafter appointed by President Estrada as the Assistant Secretary of the Presidential Management Staff (PMS) in 1998.

- The PMS is under the Office of the President and assists the President in the performance of his duties (through policy studies, for example).
- He also performed duties similar to the Executive Assistant to the President from 1998-2001.

Congressman Remulla worked as Chief of Staff in the Senate from 2002-2003, and has been elected as a Member of Parliament in 2004, 2007 and 2010.

He is currently the Deputy Speaker of the Parliament of the Philippines and an ex-officio member of all standing committees, including special committees such as that on MDGs.

Tuesday, September 14, 2010

SESSION 3

Case Study: Legislation on Population Issues

Hon. Dr. Nguyen Van Tien

MP, Vietnam

Curriculum Vitae:

Hon. Dr. Nguyen Van Tien is a Member of Parliament from Vietnam and is currently serving the 2006-2011 term.

He has been the General Secretary for the Vietnamese Association of Parliamentarians on Population and Development (VAPPD) since 1994, and the Vice-Chair of VAPPD and the Vietnam International Medical Parliamentarians Organization (VIMPO) since 2006.

Honourable Dr. Nguyen Van Tien received his Medical Doctorate in 1979, a Master's in Public Health in 1994 from Mahidol University in Thailand, and a PhD in Public Health in 2000 from Hanoi Medical University.

Distinguished Ladies and Gentlemen,

Thank you to the organizers for giving me the chance to present the issues pertaining to the legislation on population in Vietnam.

Our seminar here is focusing on the "Parliamentarians' Capacity Building Project on Accountability and Aid Implementation for Population and Development Issues", which relates to our work in this field in each of our countries. I think that within the social field population and development is an issue that can receive the most benefit from our side, from JICA, Europe, and from the UN – especially from UNFPA. There are many projects running in each country thus we need capacity building for Members of Parliament to understand, monitor and give advice to the

government on this issue.

In my presentation, I will outline the geography of Vietnam; general information on the population of Vietnam regarding size, averages, legislations on population; and recommendations on how regional and national parliamentary fora can work to improve activities on population and development.

Vietnam, located in the South East Asian region, has a coastline of 3000 kilometres. Over the past 10 years, the economic growth in Vietnam has been continuously increasing; even last year, when the global economy was receding and some countries had a (-) 0% growth rate, Vietnam was still experiencing positive growth rate of 5.5%.

The Parliament of Vietnam will be celebrating its 60th year in 2011. There will have been 12 terms by then; each term is five years. There is a total of one House and 500 Members of Parliament who are directly elected by the people. In Vietnam, however, only 25-30% of MPs work full-time for the parliament – the other MPs work in the local government and also in the cabinet. Functions include lawmaking and monitoring, and deciding on what the most important issues of the country are.

The Parliament of Vietnam has set the target of ensuing that 30% of parliamentarians are female. At present we are at 26% – 30% is very difficult to reach. We tried to reach our goal of 30% in the last term but it was unsuccessful, thus we will try again this year and make it a matter for the agenda.

There are 10 Standing Committees in the Parliament of Vietnam. Each Standing Committee has 30-40 members, and each Member of Parliament may only join one committee. Our committee is Number 8: the Social Affairs Committee (PCSA) which is in charge of health issues – including reproductive health issues – population, labour, poverty-related issues, etc. This committee is the patroness for the Vietnamese Association of Parliamentarians on Population and Development (VAPPD) and the Vietnam Association of Medical Parliamentarians on Population (VIMPO), and it is an active member of AFPPD.

In Vietnam, four population censuses have been conducted: in 1975, 1979, 1989, 1999, and 2009. In 2009, the population in Vietnam was an estimated 86.5 million; however, the census revealed that it was only 35.7 million. This means that the estimate was incorrect but the facts do prove that the number of children in each family has reduced significantly.

The censuses conducted in 1999 and the census conducted in 2009 showed many differences in birth rate, infant mortality rate, and life expectancy at birth; life expectancy at birth in 1999 was almost 69 and in 2009 it was almost 73 years old.

Over the past 50 years, the Vietnamese population has gone from high fertility to low fertility, meaning that Vietnam has done a lot to reduce the fertility rate and population growth rate year-by-year. In 2005 Vietnam achieved a goal by reaching a replacement rate, meaning each family should have 2-2.3 children. In some cities the TFR is only 1.5 or 1.6 and in some of the river deltas the TFR is between 1.7 and 1.8. At the time, demographers said that this was a “bonus” for the population of Vietnam; meaning that during 30 years, Vietnam’s population reached a “golden period”. The labour force was larger and there were less children and less of the elderly.

The 2009 census showed that the under

Country	Population (millions)	Density (people/km ²)	GDP in PPP (US\$/person)
India	1129,9	380,02	2.753
Bangladesh	150,4	1123,50	1.242
Japan	127,7	340,05	33.525
Philippines	91,1	305,45	3.410
Vietnam	85,3	262,06	2.600

10% of the Vietnamese are elderly. If the figure is over 10% it means that the country is reaching an aging population; in Vietnam it is between 9.1% and 9.3%. Vietnam will be enjoying a “golden period” until 2030. This means that the replenishing rate will be around 48%. The population density in Vietnam, however, is very high.

The population growth rate is reducing in Vietnam due to the contraception prevalence rate which has gone from 60% in 1995 to the present rate of approximately 80%. This means that more people are using condoms and other forms of contraception.

The child malnutrition has also been dramatically reduced from 50% 20 years ago to 18% at present. The child malnutrition rate has also declined, which is reflected in the decline of the infant mortality rate as well.

Age groups are also changing in Vietnam meaning that the labour force is as well. The present labour force is increasing; however, the number of children is decreasing and the number of elderly is increasing. It is a “bonus” but also a challenge for the future.

There was a consensus for the whole political system on the population issue. We have had many conferences with parliament leaders, government leaders, and local leaders on how population will affect socioeconomic development. People want knowledge and family planning, and want to have a small-sized family in order to improve their economic situation. The population issue is mainstreamed in many development

programmes in education, healthcare and socio-economic development. We have many volunteers for population issues that work at the grass-roots level. We have now reached a time we call the “golden population period”; however, we still have many challenges for population.

The first challenge we have is the large population and its high density, as previously mentioned. Second, mass urbanization and urban migrants can create many social challenges; there is the concern that more slums in the cities will appear. We have sent many delegations abroad – consisting of ministers, leaders, and MPs – to observe slums in other countries and learn about experiences, successes and failures, to reduce slums as a result of urbanization.

Another challenge is that the population aging period is starting before the people become rich. Vietnam is still very poor, and it is very difficult to take care of all people properly and to ensure they all live in good conditions. There is still the “population bonus” that we are enjoying, but with a very low skilled-labour force of only 20%; 70% of the labour force works in agriculture.

The malnutrition rate is also a challenge, especially the child malnutrition rate. One-third of children under 5 years old in Vietnam have stunted growth, meaning that the next generation will also be of shorter height.

There is also disparity in the infant mortality rate between the rural and urban areas, depending on the age group. More resources are needed from the government to eradicate the large gaps

between the rural and urban disparities. The urban population also differs by region. Urbanization is not only taking place in the large cities but also in parts of the smaller regions, thus one of the bigger problems is how to deal with reducing poverty in the rural areas. The size of the labour force varies from region-to-region; however, the number is generally very low in the highlands and mountainous areas. The female labour force also differs; in the southern region, the female labour force is much smaller than in the north. There is far more agriculture in the north, whereas the labour in the south is more focused on industry and services.

To deal with all these challenges, Article 40 of the constitution of Vietnam, and many laws, state that: "Government, society, families, and each citizen have the responsibility in protecting and taking care of mothers and children; implementing all population programmes". Our law also stipulates that family planning is voluntary, but realistically each person should implement family planning. We try to mobilise all available systems; all mass organizations and the NGO engine to keep educating people to exercise family planning.

To carry out and deal with some of the laws on population – but not only family planning – we had an ordinance in parliament on population in 2003, which was revised in 2008. We also have recently-adopted laws on the elderly, HIV/AIDS, domestic violence, and gender equity. This goes to show that population issues in Vietnam are not only about family planning; they encompass many issues.

Based on our experiences, we have some recommendations for the role of parliament in these matters. I believe we need to consult with policy-scientists for policy development. Recently, in Vietnam, we have held many seminars and workshops for consultations between parliament and policy-scientists so that we can get timely information from them. However, during these meetings the policy-scientists say different things to the parliamentarians than what they report to the government. The policy-scientists are paid by the government. When receiving funding from the government, policy-scientists are sometimes cautious about what they say; however, they are willing to speak frankly with parliamentarians.

The second recommendation is to strengthen advocacy activities regarding population and development. MPs/politicians have very busy schedules. In order for NGOs and other groups to be able to carry out activities, they need to be able to reach Members of Parliament. If funds are lacking, NGOs and other groups will not be able to advocate, educate, nor provide knowledge and information for MPs; there may be some aspects of population and development issues that MPs are unaware of and will, therefore, be ignored and not have the chance to be addressed and discussed in parliament.

Another issue is that there should be more watchdogs; the monitoring and implementation of laws should be strengthened. If there are not any laws, government programmes cannot be monitored effectively.

I also believe that we should have a broader concept of the population issue

that extends beyond family planning. We can organize seminars that include HIV/AIDS, disabilities, aging, adolescence, women, and gender – not just family planning. This is important because including other issues, such as gender or adolescence, will have an effect on family planning.

In addition, we can also try to elaborate laws on measures to take to improve the quality (of life) of the population. Within this context and its contents, how can we take advantage of the “golden period” for population? We must also seek ways to improve the quality of reproductive health services, especially in the mountainous and remote areas where it is very difficult to reach health centres.

In Vietnam, just as in other countries, we are trying to control the imbalance in sex ratio. Presently, in Vietnam, there are 115 boys to every 100 girls; in some provinces it is even 120 boys to every 100 girls. We must also ensure that the budget for population issues is used efficiently, including ODA. How can we use ODA for population with utmost efficiency?

We would also like to make recommendations on the roles of the United Nations,

International Organizations, and fora such as AFPPD.

They should cooperate with parliamentary groups to facilitate advocacy among MPs and policy makers to help with appropriate population and reproductive healthcare policies and services. Parliamentary fora on population and development should work with each other to deal with global population problems such as aging, reproductive health, safe abortion, maternal health, and domestic violence. Countries can also learn from each other by sharing experiences. Vietnam has learned from Indonesia that population policies had been affected during their decentralisation change; meaning that when large changes are being made, care has to be taken to ensure that there are not any negative effects on population programmes.

In closing, I would like to reiterate the importance of broadening the scope of population issues, as well as promoting advocacy and knowledge to other parliamentarians’ groups and policymakers to gain their understanding and support for population programmes.

Thank you.

Tuesday, September 14, 2010

SESSION 3

Case Study: Legislation on Population Issues

Hon. Shri Shantaram Laxman Naik

MP, India

Curriculum Vitae:

Hon. Shantaram Laxman Naik is a Member of Parliament in the Upper House of India and belongs to the Indian National Congress, which heads the ruling coalition government in India.

Hon. Naik is a member of the Standing Committee of Parliament on Law and Justice and also a Member of the Standing Committee on Food and Consumer Affairs, as well as a member of the Consultative Committee on Finance.

He also holds a post in the organization of his party as the Secretary of the All India Congress Committee, and is a very active member of the Indian Association of Parliamentarians on Population and Development (IAPPD).

Distinguished Ladies and Gentlemen,

Ladies and Gentlemen, allow me to take this opportunity from the onset to thank the Government of Japan for their Official Development Assistance (ODA) to India. There may be some hitches, but there is progress.

Regarding the two issues of population and development, we are fairly progressing as far as development is concerned, as are other countries; however, as far as population is concerned, we want to achieve the reverse progress and that is difficult. It is difficult because population requires rigorous progress and we are still experiencing problems.

To give a brief outline of our status as a government: we are a federation. There are 28 states, the Central Government, and seven union territories which are ruled directly from the centre. There is a coalition government headed by the congress party, with other parties joining; thus, a combination of parties rules the 28 states. There are hitches in coalitions, but India is now in an era of coalitions.

Despite the fact that we are facing population problems, in 1952 India was the first country in the world to launch a national programme emphasising family planning. In addition, Professor Raghunath D. Karve opened the first family planning clinic in Mumbai, something which we also boast about.

If we look at the population scenario, India only takes up 2.4% of the planet's geographical area but supports 17.5% of the global population. If the current trend continues, India may overtake China – that is the fear. The current trend means that we “produce” the equivalent of the entire population of Australia every year. And while the global population is increasing 3-fold, we are increasing 5-fold. We quote these figures because we keep them in mind when we design and implement our family planning programmes. If we do not keep these key figures in mind our programmes will not work; therefore, we are not shy of mentioning this because we are not shy of mentioning the status.

The scope of Indian legislations on population is quite minimal but at least we do help the population. As far as the constitutional aspect is concerned, population has been mentioned in the “concurrent list” of the constitution. There are three lists in the constitution: the central list, the state list, and the concurrent list. The central list consists of the items that the central government enacts in laws in the Parliament of India. Items on the concurrent list can be enacted by both the state government and the central government. As far as the state government is concerned, the state government has exclusive power of enacting law. Population issues have been put on the concurrent list so that both have power and both have their power regulated.

A recent constitutional provision is that we have frozen the seats of parliament until 2026. Why? Suppose some states have good family planning, their seats will suffer in parliament because seats are decided as per state population.

We also have the Marriage Restraint Act, which states that the minimum age of marriage for girls is 18 years old and 21 years old for boys. Those who marry in violation of the law will be strictly punished with a fine and up to three months imprisonment. Socially, this is very difficult. A case came to me when I was practicing law whereby a major boy eloped with a minor and she became pregnant. The police charged him, because under the law it was rape. The boy was brought to court to face charges and each time he came, the girl came with him. There was, ultimately, difficulty in reaching a compromise.

The Medical Termination of Pregnancy (MTP) Act was introduced in 1971. Under this, termination is permissible when pregnancy involves risking the life of the pregnant woman; grave injury to physical or mental health; or if there is a substantial risk that if the child were born, it would suffer from such physical and mental abnormalities that it would be seriously handicapped.

The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act of 1994 was amended in 2002. The main features are that no pre-natal diagnostic techniques can be used to determine sex before birth. Violation of this is punishable by fine and with up to three year's imprisonment. This act, however, is sometimes misused by doctors; sometimes a woman goes to the doctor to determine whether all is in order with the pregnancy, but then also finds out the sex.

Another legislation I would like to mention is one my colleague from Vietnam touched upon earlier: the Prevention of

Domestic Violence Act. We have a very good act on this subject and it is a central and state law. If any woman suffers at the hands of the family, she can report it and the problems are solved by giving proper direction and proper help. It is a wonderful law that has been enacted and it is in practice.

Now, we have the National Population Policy. The policy is not law; it only lays certain guidelines such as replacement level fertility by 2012 (TFR 2.1), population stabilisation by 2045, IMR below 30 per 1000 live births by 2012, MMR below 100 per 100,000 live births by 2012, and universal immunization. These issues will be achieved, but it will take time.

Population and environment are also related. As the population increases, the pressure on the environment grows. Trees are being cut, dams are being erected, etc. because there is more and more demand; demand for houses, demand for infrastructure. The Government of India has the Environment Protection Act to seek a balance of what should be permitted and what can be allowed for development in relation to the environment – there is a conflict between nature and development. It is a very difficult issue, causing a lot of tension between the Ministry of Environment and all the other ministries.

The National Rural Health Mission (NRHM) was established in 2005 to provide effective healthcare to the rural population and all aspects of it are being taken very seriously by the government. It aims for population stabilisation, gender and demographic balance; promotes a healthy lifestyle; pushes for the revitalisation of local health traditions and mainstream

Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy (AYUSH); and aims to enhance the capacity of Panchayati Raj Institutions (PRIs) to own, control and manage public health services.

There are also legislations in demand, which we, under no circumstances are in a position to accept. Examples of legislations in demand include: legislation on incentives/disincentives for family size (funding from centre linked to performance); restricting family size by legislation (like China's one-child-policy); and family size as a criterion for election disqualification.

There are also demands for restrictions in facilities like maternity and paternity leave. In India, we give the mother leave up to a period of six months and we even amended the law recently to give fathers leave as well, as they have duties towards the child as well. People are now demanding that this rule must be taken and encouraged more, but we cannot.

Another aspect is that population management is now restricted to the centre. We have empowered all villages in Punjab at the very lowest level and smaller municipal bodies in their duties of implementing population and health policies. As mentioned earlier, in India we have Panchayati Raj Institutions (PRIs). PRIs are institutions, village councils, of elected representatives involved in the system of governance at the village, block and district level. We call these three tiers village panchayats, taluka (middle) panchayats, and district panchayats. At the municipal level we have municipal cooperation, large cooperation, and municipalities; so, nowadays these bodies play a very effective role. And since when did they start playing an effective

role? Since the enactment of the 73rd and 74th constitutional amendment in the country, which empowers them to take care of health and family welfare at the local level. The 73rd amendment deals with the village panchayat law; the 74th amendment deals with the municipal bodies.

In all these aspects, stakeholders' involvement is very important, especially that of elected representatives at all levels and

parliamentarians at all levels. In this, the role of the Indian Association of Parliamentarians on Population and Development (IAPPD), under the leadership of Mr. Manmohan Sharma, is vital. He is the key, and I would say sole, figure who deals with this subject; he guides them and manages. I call him "the one man army" and he deserves praise from us all.

Thank you very much.

SESSION 3

Case Study: Legislation on Population Issues

Hon. Douangdy Outhachak

MP, Lao PDR

Curriculum Vitae:

He is currently a Member of the Standing Committee of the Lao National Assembly, Chair of the Social and Cultural Affairs Committee, and President of the Lao Association of Parliamentarians on Population and Development (LAPPD).

Hon. Outhachak's previous experiences include: Vice-Minister to the Prime Minister's Office, for 5 years; Vice-Chair of the Information Board of the Party for 3 years; and Vice-Chair of the Social and Cultural Affairs Committee for 10 years.

Hon. Outhachak received his Bachelor's in Politics and Administration in Russia in 1985.

Distinguished Ladies and Gentlemen,

On behalf of the National Assembly of the Lao People's Democratic Republic, I have the honour and great pleasure to address this session.

Taking this opportunity, I express thanks to APDA for inviting and facilitating us to join the session held here today in Tokyo. This event is considered as significant.

As we are aware, the Lao PDR is a small country with a population of nearly six million. Being one of the least developed countries, the Lao PDR is currently ranked 131st out of 182 countries as classified in the Human Development Index. However, the Lao PDR has made efforts in making the economy grown constantly and the livings of the people have been improved regularly. Official Development Assistance (ODA) has contributed to the socio-economic development of the Lao PDR.

The Lao PDR receives ODA from friendly countries – including Japan – international organizations, and NGOs. Japan is a main country extending ODA to the Lao PDR. Taking this opportunity, on behalf of the National Assembly of the Lao PDR as well as the Lao people, I express sincere thanks and gratitude to the Government of Japan as well as the Japanese people for ODA and other supports extended to the Lao PDR.

ODA has been used to contribute to the national socio-economic development in accordance with the prioritised plans of the Government in order to implementation of the plans, programmes and projects in the fields of socio-economy, science, technology, and the environment. The aim is to meet the objectives of stimulating the economic growth and national poverty eradication, moving the country off the list of least developed countries by 2020.

Today, the Lao PDR is making utmost efforts in its commitment to implement the international conventions, which she is party to. The Lao PDR still faces some constraints and challenges. The country must overcome them step by step. The starting point of development in the Lao PDR is too low, development capital is every inadequate and the number of qualifies officials is limited. The infant and maternal mortality rates are high and the malnutrition rate for children is high. The quality of education is low due to inadequate teaching and learning equipment.

In the future, the Lao PDR will continue making efforts in the national construction and development. At the same time, ODA from friendly countries, international organizations and NGOs still plays an important role and is necessary to the socio-economic development of the Lao PDR.

The National Assembly of the Lao PDR as people's representation has implemented its functions and responsibilities for promoting and overseeing the implementation of the socio-economic plans, programmes and projects, including the ODA-funded ones.

Our participation in this event will provide us with an opportunity to gain good practices and share experiences in oversight of ODA usage and promote the Government to allocate more ODA for the population and development field.

In conclusion, I would like to express my sincere thanks to APDA for their warm hospitality and excellent preparation for this event.

I wish all delegates happiness and I wish the project success.

Thank you.

Tuesday, September 14, 2010

SESSION 4
Evolution and Immaterial Nature of Software

CHAIR:
Hon. Dr. Donya Aziz
MP, Pakistan

Curriculum Vitae:

Hon. Dr. Donya Aziz is a member of the National Assembly of Pakistan and formerly the Parliamentary Secretary to the Ministry of Population and Welfare, and represented the Parliament on the Pakistan Medical and Dental Council for 5 years.

Hon. Dr. Aziz now sits on the Standing Committees for Health, Economic Affairs, Privatization, Rules and Privileges, and also represents her political party on the Working Council of the Women's Parliamentary Caucus.

Hon. Dr. Aziz received her Bachelor's Degree in Medicine and a Bachelor's of Surgery from Punjab University and worked as a medical researcher for two and a half years at the Department of Radiology at the University of California Medical Centre.

SESSION 4
Evolution and Immaterial Nature of Software

Mr. Kouichi Kishida

Special Adviser at Software Research Associates, Inc. (SRA)

Curriculum Vitae:

Mr. Kouichi Kishida started his career as a software engineer in the early 1960s. After working for several companies, he co-founded Software Research Associates (SRA) in 1967 making it one of the oldest software houses in Japan. He now serves as the senior technical advisor of the company.

He has been known as a leading technical character in the Japanese software industry. In the 1970s, he promoted his own version of structured programme design method; and in 1980, he introduced Unix into SRA as the base of software development tool. It was the start of the revolution of software development environment in Japan. He received the ACM-SOGSOFT Distinguished Service Award in 2001.

Mr. Kishida has been volunteering in various social activities within the Japanese software community. He organized various non-profit association and still serves as an active member of these.

Distinguished Ladies and Gentlemen,

It is my pleasure to speak to you this afternoon. My presentation is not specifically gauged to population programmes but I will speak about the types of computer software there is, and the evolution and immaterial nature of software.

My programming career started in the early 1960s and I kicked off my own company, Software Research Associates (SRA), in 1967. I am now half-retired and my major concern is the fundamental, philosophical foundation of software development.

I also work as a moonlight painter of abstract art. Before I became a computer programmer I wanted to be a painter but it was very difficult to earn a living as

such, so I had to change my mind. I earned my living by programming and would do my paintings in the evening/night.

I would like to introduce a famous quote from 1921 by the Austrian philosopher Otto Neurath, which reflects the philosophical situation in the early 20th century. He said, "We are like sailors who on the open sea must reconstruct their ship but are never able to start afresh from the bottom". If possible, they would return to the harbour to reconstruct the boat, but that is not possible; we must continue our voyage by repairing the boat we are riding on now.

This remark exactly describes the situation that software is in today. Software is used in almost every aspect of our daily lives, but because of it we

also encounter various types of programme difficulties. Sometimes airline ticket reservation systems are out of order; sometimes stock market exchanges are forced to stop; sometimes electrical power supplies are dropped. These types of problems are almost all due to software failure in this software-dependent era. If it were possible, we would throw out these “legacy systems” and construct new, useful and “beautiful” software systems from scratch – but this is not possible. The situation now is that we must live with the currently existing “dirty” software systems.

What are the essential characteristics of software? We celebrated the famous professor Mr. M.M. Lehman’s 80th birthday a few years ago. In the mid-1970s, Professor M.M. Lehman was working at the IBM Research Institute in the United States. He observed a number of large-scale software systems, including the famous IBM 360 Operative Systems, making the conclusion that there should be a law for the software evolution process.

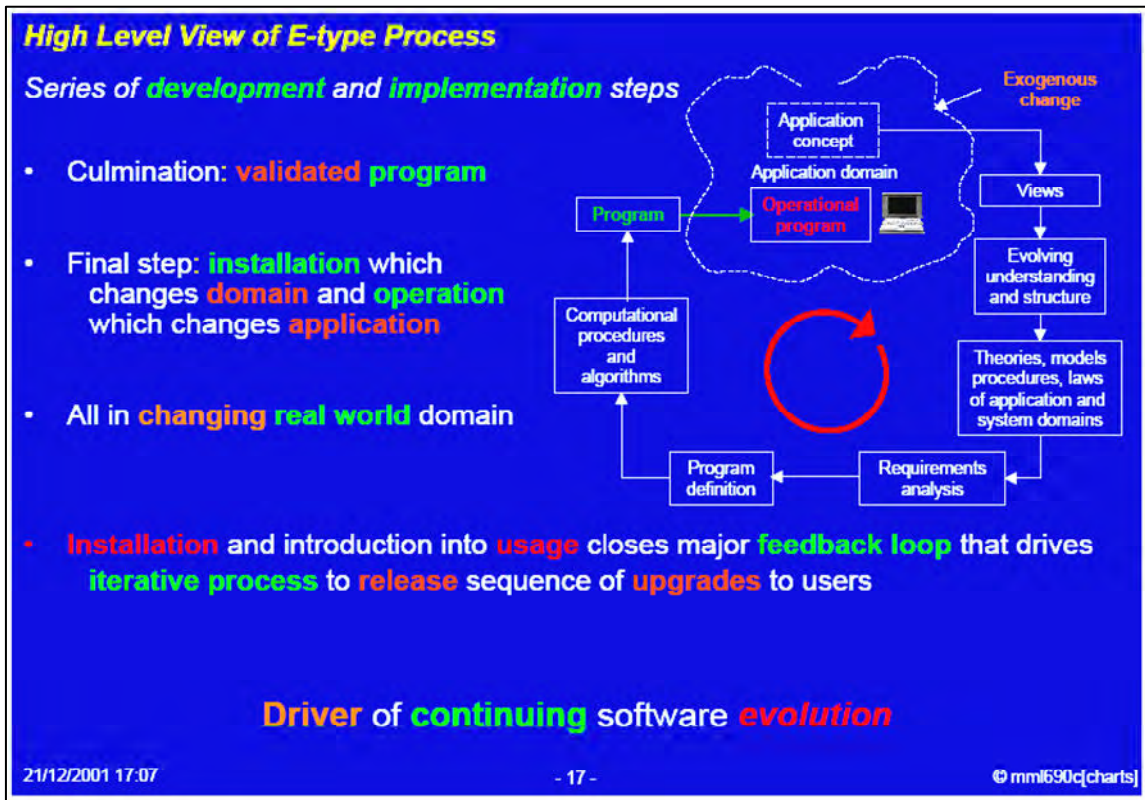
Professor M.M. Lehman said there are two types of software; one is the Specifications-type, or “S-type”. For example, if there are mathematical equations to solve, such as calculating the square root of a number, we can specify a programme and find a beautiful algorithm to solve it. Formal specification will never change over time, the situation is constant; therefore, the square root solution of a number will be the same one year later and one century later. If we develop the real-life programme based on correct specifications, the programme will forever operate correctly. But this S-type software programme is an exception.

The other type of software is what the majority of today’s developed programmes are: “E-type” software. “E” means “Embedded”; embedded in real-world applications such as companies, management control systems, airline reservation systems, government organizational systems, etc. These types of social systems are embedded in the applications but the problem is that real-world applications change over time, meaning that the software must also change.

The image above provides an idealistic picture of the E-type system. The cloud-like shape represents the application. If someone wants to introduce a computer in this application, what type of software is needed? Views of possible software systems will differ from person-to-person. For example, if the president of a company has an idea or opinion about a software system, so will the department managers, marketing staff, manufacturing staff; or the customers, users, and buyers. Everyone has their own opinion about software systems, thus system analysts interview people and then summarise specifications. Based on those specifications, software systems are designed and programmed. And after completion, programmes are tested against the specifications, but the requirement specifications will only partly reflect their needs and wants.

What happens when a problem comes into the application and is then in operation? Everyone that is influenced by the operation will complain because the software was developed based on a summary of their opinions.

Software development also takes time and during this time, the application systems’ environment will change. If it is



a business application, the company's business will have changed over time; last year's specification is not good enough for today's business. In the meantime repairs and modifications need to be made, so analysts will conduct a second round of interviews in order to make appropriate modifications on the applications.

In these real-world types of systems, E-types are alive in application. With interview specifications and programming, the cycle will rotate forever. The first cycle is called "development; the second, third, and fourth cycles are called "maintenance". The word "maintenance" is taken from the hardware manufacturing paradigm, hardware such as microphones, personal computers, electricity, etc. E-type systems require maintenance, but software maintenance is not as easy as hardware maintenance. Software maintenance means the software has to be changed to adapt to the changes of the environment and goes through a process of evolution.

Professor M.M. Lehman said that "the global process of the software revolution is with a multi-level, multi-group, multi-agent fieldwork system". The current problem that certain engineers have is dealing with this type of very strange and complicated situation. Professor M.M. Lehman also developed around 10 laws on software evolution; the first three are famous examples.

The first is the "continuous change". Software must be adapted to the change of its operational environment; therefore, if software is alive, it is continuing the change.

The second is the "increasing complexity". This applies especially to hardware systems because part of the hardware will deteriorate over time; the RAM might slow down, the keyboard may malfunction, or there may be some screws loose. Software does not exactly deteriorate but it has to be adapted,

which is not always good for the structure of the software system.

When new software systems are developed, the system designer will carefully examine the specification and classify the functions to be performed; then they develop modular designs to fix one function into one module, and a different function into other modules. But what happens when maintenance is done? Some customers request that a specific function is deleted or added to the software by the next morning. The maintenance programmer has to respond to these requests but they are not concerned about the functional structure of the software system – they just do some “patchwork”. If a customer comes back to us several years later and asks us to modify another function, the modification is more difficult as the previous function has now been distributed all over the software; therefore, patchwork has to be done on each of the modules. This means that the structure of software systems will deteriorate over time and that is one of the fatal characteristics of software.

The third law of software evolution is “self regulation”. Not everyone agrees with him but Professor M.M. Lehman said that this was true: “The process of software evolution is out of human control.” His interpretation was that large-scale software systems, such as the IBM 360, are not maintained by humans; humans just assist with the “birth”, evolution and growth of the system. This type of software system is a different creature – it has its own biorhythm.

The idea of phenomena happening over time is the world that software engineers come from. There is the Ancient Greek philosophical phrase of “Panta Rhei”,

meaning “everything flows”, and additionally, “everything changes over time”. The famous Swiss linguist, Ferdinand de Saussure, said “time changes all things; there is no reason why language should escape this universal law”. As a linguist, De Saussure was amazed by nations’ efforts, such as France’s, in the 18th century to standardise languages. He believed it was inevitable that language would change over time; we believe that software is the same and that it cannot escape all of the changes over time.

What is time? Two thousand five hundred years ago, the famous Chinese philosopher Confucius was sitting on the banks of the Yellow River and said, “It is what passes like that indeed, not stopping day and night”. Time flows without stopping, but what is the speed of that flow, and what is the direction of the time flow? Time flows at a speed of one hour per hour. Sometimes we feel it flows slowly; sometimes it flows rapidly, but time flows constantly at one hour per hour. The direction of the flow is from our front to our back. We cannot see our future because time is flowing in front of us and we cannot see the flow, but we can look back on the past. In this sense, we cannot sit beside the river and watch the flow as Confucius said; we are in the middle of the stream of time and can only look back.

Let us look back on software programmes. I started my programming career around 50 years ago and since then many technical changes have occurred. I was deeply involved in structural programming from the 1960s-1970s which was successful to capture static pattern of dynamic program execution processes. From the 1970s to the 1990s there were a variety of software design systems, and structure analyses and designs. These days, people

are very eager to pass you the product-line design approach. In summary, all software engineers are concerned about the process because software is, in essence, the implementation of processes.

Computer hardware in the early 1960s was very poor, so the first concern for the programmers was how to implement effective mathematical programme executions into the hardware. This was the base of computer science theories. In the late 1970s, computer hardware grew and became much more high-speed, making it more of a real-world problem solving tool. The next challenge in the 1980s was the technology transfer process between people. There were new effective social development tools methods and tools, but how do you educate and train people to use these new systems? The real issue in the software community was the process connecting people with people. And then after the 1990s, thanks to the internet, computers are everywhere. Hardware is now in small microchips that are embedded in everything. Mobile telephones have two or three micro computers and a very large-scale software system running on the device. These sustained application systems are now tools that help support people's everyday lives, and the systems have evolved because people's everyday lives change over time.

The two key words to describe our social system are "process" and "structure". Structure is independent of time but process is time-dependent, so our programme is how to deal with continuously evolving social systems and structure over time. Structuralism is one of the major streams of 20th century philosophical thought. Again, Swiss linguist Ferdinand De Saussure is one of

the pioneers of this structuralism, who believed that linguistics is not a study of the norms or discipline of language but rather that linguistics is a study of language which changes over time.

The concept of software engineering was introduced in the late 1960s, after sustainable programmes on the large scale were coming out and we wanted to learn from other engineering disciplines such as electrical engineering, civil engineering, architectural engineering, and other types of scientific engineering disciplines. Software engineers, therefore, wanted to have a discipline for software system development and as a result, process standardisation paradigms have been widely spread over the world for over 10 years.

The Software Process Improvement and Capability Evaluation (SPICE) and the Capability Maturity Model (CMM) measure the capability of social development organization and the maturity level on a scale of 1 to 5. SPICE is our International Organization for Standardization (ISO), while compatible with CMM.

Activity theory is another approach of software process normalisation. The CMM concept, for example, was proposed by Mr. Walter Humphrey who worked for a long time as a manager at the IBM Cooperation in the United States. The CMM concept is strongly management-orientated and based upon the hardware manufacturing paradigm. In looking into CMM, I found that it has a very similar flavour to classic oriental management, like neo-Confucianism.

Zhu-Xi's Confucian book, *The Great Learning*, from 16th century China states: "If you want to conquer the world, at first you must govern your state properly. To

govern a state, at first you must regulate your family. To regulate your family, at first you must cultivate yourself. To cultivate yourself, at first you must rectify your mind.” This is a famous Confucian paradigm of management, which could be matched with the software process management. ISO could represent the world; CMM represents the state; the team software process represents the family; and the personal software process represents one’s self.

Similar conceptual matching can be done with turn-of-the-20th century German sociologist Max Weber’s concept of “ideal bureaucracy”. Weber said that ideal bureaucracy has five characteristics: emphasis on form; concept of hierarchy; specialisation of tasks; specified sphere of competence; and an established norm of conduct for each layer in the hierarchy. These were supposedly strong political tools for republicanism to beat monarchism.

Both frameworks of the Confucian management paradigm and Max Weber’s Bureaucracy Programme are very beautiful, logically speaking, but this logically beautiful paradigm framework is easy to collapse in practice. Take, for example, the present-day bureaucratic and political situations of Japan, China, and South Korea that are based on the Confucian paradigm; we are looking at collapsing the political status. It is a logically beautiful framework but not very good in practice; thus, in practice, we must go one step beyond Confucianism.

Recently, I was doing some research into the history of Japanese philosophy. I found that in the early 18th century there was a “Linguistic Turn” in Japanese philosophy and there were several

Japanese philosophers who tried to take a step beyond Confucianism, one of them being Sorai Ogiu (1666–1728). He was an advisor to the Tokugawa administration which was in the era of the eighth Shogun Yoshimune; another is the young merchant philosopher Nakamoto Tomi-naga (1715–1746).

Sorai Ogui said that neo-Confucianism, which was at the base of the Tokugawa administration, was too metaphysical and overstressed self-discipline; Confucianism should be re-constructed in a more sociological style. He said, “The Way of Confucius is the Way of Sacred Kings”, and that the fundamental concept of the way of Confucianism is too abstract and difficult to understand for the general people. So, legendary Chinese sacred kings invented Rites-and-Music as examples, which is easy for people to understand and practice. We should inherit this spirit and think about how to make our own version of Rites-and-Music. That was Sorai’s appeal.

In going one step beyond this, we look at Nakamoto Tominaga who was one of the frontrunners of the Kaitokudo philosophical school. Kaitokudo School was established by five rich merchants in the 18th century in Osaka as a private school of philosophy. Nakamoto Tominaga was the son of one of the founders of the school. Tominaga died very young but managed to write a number of works; in most of which he criticised Confucianism, Buddhism and Japanese Shintoism. Many Buddhists and Confucian philosophers were against his philosophy, and his books almost became lost in history. After the Meiji Restoration, almost 200 years after his death, Tominaga’s works resurfaced and his theories were reevaluated. In his last book, he stated, “The Way is the way of sincere practice,

that's all"; thus the fundamental concept of Confucianism is the way of how things are practiced, that's all. We do not need Confucius and we do not need the sacred Kings; just pursue your own way of sincere practice – that is all.

Nakamoto Tominaga also produced works on the characteristics of language for discourses. He said that every linguistic discourse has three characteristics. One is the trend of time. No one can escape the environment of their living age. Secondly, there is ethnic taste. Third, there are very fundamental styles of representations of languages. I believe that if you are looking at how to use language, I think the business of software is writing software systems using some kind of special language.

I think of language as a career of culture, and any social group has their own unique culture. There are cultural differences that exist among countries and even within the same countries. Cultural differences exist among companies, schools, projects, user communities, etc. Every human group speaks a different language – that is the fundamental condition given to us. I think that communication problems are the basic reason for software trouble. The user speaks one language and the system analyst speaks a different language; the developer speaks one language and the designer speaks a different language; the programmer speaks one language and the user another. Among these groups there exist communication problems because of the differences between languages, so communication engineering is needed to solve the software problem in the future.

One difficult issue that software engineers face today is that software

development is being considered as material labour, when in fact it is not; the essence of software engineering is immaterial labour. Immaterial labour is the production of immaterial goods such as services, knowledge, communication, etc. It also means producing an informational concept of a commodity. For example, we develop the software and the software is written on a CD or floppy disk. The CD/floppy disk is a material good but that material is not important; what is written on that CD/floppy disk is what is important. Fashion is a similar case. The material is not that important; it is the design, colour, and "look" that are important. To produce such kinds of products is what we term immaterial labour.

Software is also an immaterial product; it is invisible and intangible. It embodies information and cultural contents. Software is very important and useful for implementing other immaterial products, making software development a type of immaterial labour. In addition, not only are the developers immaterial labour workers but the software consumers are immaterial users.

There are different segments of immaterial labour, such as industrial production where communication is lifeblood; or some kind of symbolic analysis and problem solving of knowledge workers. There is also affective labour whose products are intangible: a feeling of ease, well-being, passion, satisfaction, excitement, sense of connectedness to a community.

There are other aspects of immaterial labour. It is a relationship between production and consumption. There is a famous paradigm for automobile manufacturing companies and their mass production of standard-style automobiles.

Over the past 20 to 30 years, the Toyota-style automobile production has been overriding “Ford-ism”. The Toyota-style is based upon communication and they conduct market research to produce a variety of automobiles for timely introduction into the market.

In the face of immaterial production, the production is not the product or the market but rather a production of a social relationship. The social process that integrates production and consumption is very important. With the current variety of web application such as Youtube, the users of these software products are the ones who are developing new versions of the product. In this case, consumption is not separated from production; production and consumption are integrated into the same long process, and product consumption generates new needs, putting products into permanent evolution. Consumption also adds value. The more it is consumed, the more value it gains. For this type of production, consumption is the essence of the new style of immaterial labour.

In the software engineering community, there is a stream of paradigm change: from “product-orientation” to “process-orientation”. This phenomenon was first recognised by Dr. Prof. Christian Floyd in the late 1980s. We believe that quality is a characteristic of the hardware product

but in software’s case, the quality is related to the using process and method. From a product-orientated view, we need to figure out some techniques and tools to deal with the software evolution process with application evaluation in the real world.

In these types of evolution systems, as previously mentioned, I believe that every human group is involved in that kind of evolution process, and every group speaks a different language. In this sense, I think that Russian philosopher Mikhail Bakhtin’s (1895–1975) concept of “dialogism” is quite important. Bakhtin studied Dostoyevsky’s novels and concluded that the novels are a unique art of “polyphony” and “unfinalisability”. There are many characters in each novel and Dostoyevsky treats every character at the same level, and every character has their own opinion based on their cultural background. Discussions among them continue in a never-ending way. The stories do come to an end at one point but the discussions are open-ended and continue in the readers’ minds.

This kind of dialogism and unfinalisability is very important when we think about multi-cultural software development – and the concept of software itself.

Thank you very much.

Wednesday, September 15, 2010

SESSION 5
Corporate Activities and Corporate Governance in Japan

CHAIR:
Hon. Dr. Nguyen Van Tien
MP, Vietnam

Curriculum Vitae:

Hon. Dr. Nguyen Van Tien is a Member of Parliament from Vietnam and is currently serving the 2006-2011 term.

He has been the General Secretary for the Vietnamese Association of Parliamentarians on Population and Development (VAPPD) since 1994, and the Vice-Chair of VAPPD and the Vietnam International Medical Parliamentarians Organization (VIMPO) since 2006.

Honourable Dr. Nguyen Van Tien received his Medical Doctorate in 1979, a Master's in Public Health in 1994 from Mahidol University in Thailand, and a PhD in Public Health in 2000 from Hanoi Medical University.

SESSION 5

Corporate Activities and Corporate Governance in Japan

Mr. Katsutoshi Chikudate

Chair of the Japan Corporate Auditors Association (JCAA)
Standing Auditor of the Tokyo Electric Power Company, Inc. (TEPCO)

Curriculum Vitae:

Mr. Katsutoshi Chikudate is presently Chair of the Japan Corporate Auditors Association (JCAA), as well as the Standing Auditor of the Tokyo Electric Power Company, Inc. (TEPCO).

Mr. Chikudate started his career at TEPCO in 1966, and now holds the prestigious title of former Executive Vice-President.

He was born in Fukushima, Japan and graduated from Kyoto University with a major in Law.

Distinguished Ladies and Gentlemen,

My name is Katsutoshi Chikudate, and it is a great honour to address parliamentarians from African and Asian nations who are in positions of leadership in their countries.

Allow me to talk about Japanese corporate activities, as well as corporate governance. Corporate companies, or joint stock companies, play a major role in the Japanese economy as well as the legal regulations surrounding these activities; thus, I would also like to touch upon the importance of law and corporate governance. The characteristics of corporate governance in Japan are that the auditors audit the directors who are the executers of management.

I will focus on three parts in this presentation regarding corporate activities and corporate governance in Japan. The first part will be general remarks on companies- and company-related acts in Japan. The second part will be a synopsis of situations within institutions such

as: 1) the structure of joint stock companies provided by the Companies Act; 2) internal control according to the Financial Instruments and Exchange Act; 3) listing requirements for the Tokyo Stock Exchange (TSE) and other stock exchanges. The third part will briefly cover the recent situation regarding: 1) necessity of strong corporate governance; 2) discussions by the Company Acts Committee of the Legislative Council; 3) laws and corporate governance.

General remarks; what, after all, is a company in Japan? We would say that a company is a form of joint enterprise for the purpose of managing a business with the support of multiple investors. There are various forms of companies, among which are joint stock companies or incorporated companies. The main type of company is the stock company, the membership (i.e. shareholders) of which is represented by the shares, and the business of which is carried out by a third-party body (i.e. director or a board of directors) elected by the shareholders.

According to the 2010 Statistical Yearbook from the Japanese Ministry of Internal Affairs and Communications, there are around 2.5 million stock companies in Japan; approximately 99% of all companies in Japan are joint-stock companies. The same source states that of Japan's 127 million people, 63 million are labour force participants of which 55 million are fulltime employees. Looking at these figures, it is safe to say that stock companies play a very important role in Japan's economic activity.

The Companies Act provides for the formation, organization, operation, and management of companies where the relationship between private persons – for example, between a company and shareholder or creditor, etc. – is regulated under the principle of private autonomy.

For the history of the Companies Act, we go back to the enactment of the former Commercial Code of 1890. Over the past 120 years amendments have been made frequently in response to the changing social conditions. The current Companies Act was enacted in 2005 and its major characteristics include, in three points:

1. important provisions had been separately provided in a plurality of acts such as the Commercial Code and the Limited Liability Company Act were compiled into one act;
2. a systematic review was undertaken to maintain overall consistency and reorganize multiple recent revisions;
3. various types of institutions in the company-related acts were reviewed to respond to recent changes in social and economic conditions.

The three characteristics, provided by the Companies Act, of a stock company is that: 1) limited liability for all members of

the company; 2) transferability of shares; 3) the principle of proportional voting.

Among all the company-related acts in Japan, we are looking at the Financial Instruments and Exchange Act. The purpose of the Act is to facilitate the issuance of financial instruments, such as securities, and functioning of their trading markets to allow companies to raise funds and investors to engage in asset management. To put it more specifically, the value of the companies and securities should be fairly evaluated based on hard information, and the markets should be trustworthy for investors and easy to access.

To secure the efficiency and fairness of these markets, the Financial Instruments and Exchange Act provides the following regulations:

1. the efficiency and the fairness of the disclosure system, requiring companies to disclose information
2. prohibit unfair trading such as market manipulation and insider trading
3. regulations on stock exchanges, which connect companies and investors

The TSE and other stock exchanges were established as markets where financial instruments, such as securities, could be issued and traded. These stock exchanges ensure the fairness and reliability of the markets and provide a useful and efficient infrastructure for transactions and settlements in order to earn the trust of a large number of market participants and stimulate security markets. For these purposes, the stock exchanges have drawn up listing requirements such as formal examinations of requirements and qualifications for companies to be newly listed, and a timely disclosure policy for currently listed companies. These listing

requirements are “soft laws”; in other words, regulations without enforcement powers, given by the national government and voluntarily observed.

In order to understand the structure of stock companies provided by the Companies Act, we shall review the principle of company systems. All stock companies require a director as well as general meetings of shareholders. Other bodies, for example, a board of directors or a board of corporate auditors or auditing committee, can be provided according to the provisions of the articles of incorporation.

In terms of actual practices in company systems designing, large-scale companies in Japan can select either of the following types of company systems:

1. Company with auditors; thus, a board of directors plus a board of corporate auditors plus external auditors who are Certified Public Accountants (CPAs)
 - The board of directors makes decisions concerning business execution, supervises the execution of duties by the board of directors, etc.
 - The auditors audit the execution of duties by the board of directors, etc.
 - The external auditor, who is a CPA, manages accounting audits
- More than 90% of companies have adopted this system in terms of company-type with auditors.
2. Company with committees; thus, a board of directors plus three committees who do the nominating, compensation, auditing plus an external auditor (CPA)
 - The board of directors and the accounting auditor are of the same pattern as previously explained in the company with auditors.

- Three committees are provided for, and the auditing committee audits the execution of duties by the board of directors.

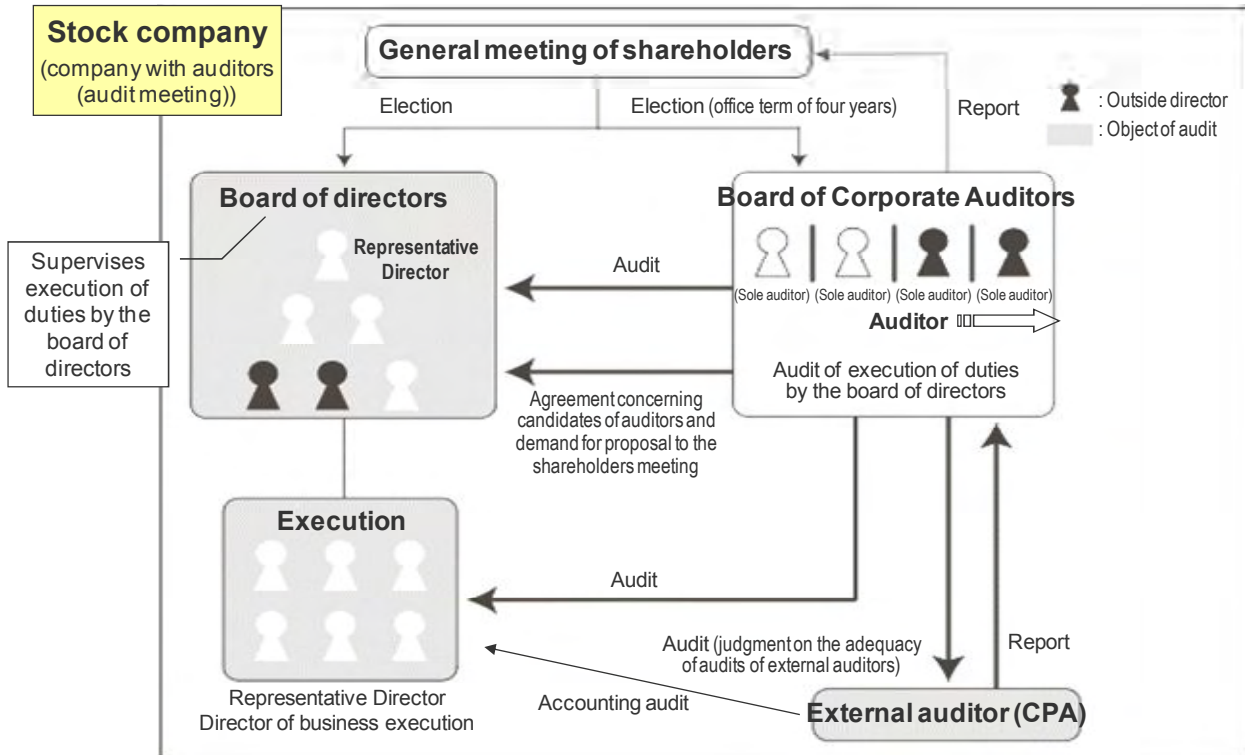
What is the structure of stock companies provided by the Companies Act? The revision of the Act in 2002 introduced the “company system with committees” (as it was called then, following a model in the US) in Japan. It became possible to select between this system and the conventional auditor system. With this, more than half of the committee members of each committee must be outside directors, according to the Companies Act. On the other hand, companies with auditors, the traditional type, are under no obligation to appoint outside directors, but at least half of the auditors must be outside auditors. To compare, in a company with auditors, independent auditors (they are not allowed to simultaneously act as directors/hold concurrent positions) audit the business execution, while audit committee members (in a company having committees) manage audits as directors making decisions concerning business execution.

Regarding the business execution by managers and the monitoring function by auditors within the auditing committee, directors are those entrusted with business execution by the shareholders in stock companies. As an independent body, auditors are entrusted by the shareholders to audit the business execution of those directors. In a company having installed committees, the audit committee members as directors manage the audits of the business execution by the executive officers, etc. Both types of companies ensure sound, sustainable growth of the company, have an obligation to establish

a framework of high-quality corporate governance, and are responsible for its execution.

The following is the basic structure of corporate governance and positioning of auditors, as well as the structure of stock companies, provided by the Companies Act:

the internal control system. Moreover, when auditors audit a business report, it is mandatory for auditors (the Board of Corporate Auditors) to audit the adequacy of the contents of the internal control system. According to the Financial Instruments and Exchange Act, the “internal control concerning financial reports” is regulated so as to ensure the



reliability of financial reports.

It also shows the relationship between shareholders, auditor’s meetings, the board of directors, and the board of corporate auditors; it shows that auditors play an integral role to execute corporate governance.

What is an internal control system, according to the Companies Act? In general it is a system for securing appropriate business operations and the propriety of business within an organization. According to the Companies Act, it is mandatory for large-scale companies with a board of directors to make resolutions concerning the arrangement of a system for securing the propriety of company business, which is the basic policy of

According to the Financial Instruments and Exchange Act, listed companies must prepare and submit an “internal control report” that has assessed the “situation of arrangement and management of internal control concerning the financial report” every business year together with a securities report. The assessment of internal control, “assessment of the situations of arrangement and management”, contains the following two assessment criteria:

- Internal control of the whole company: An assessment is made concerning whether the six basic elements of the internal control, which

affect the whole organization, are functioning effectively.

- Internal control concerning business processes: An assessment is made concerning whether control corresponding to possible risks is functioning effectively for each business phase.

In addition, an external auditor (CPA) should audit the internal control report and should then create and submit an internal control audit report.

Touching upon requirements for listing on the TSE and other stock exchanges, when a company is newly listed, its qualification requirements are examined including a formal requirement examination according to the "Security Listing Regulation" concerning the number of shareholders, the number of shares in circulation, the aggregate market value, etc., the continuity of the company according to the "Guideline concerning Listing Examination etc.", profitability, the soundness of corporate management, the corporate governance of the company, and the effectiveness of the internal management system.

The Company Announcements Disclosure System has been formulated with respect to listed companies in order to provide investors with important company information, and is required to disclose information on the business, management, or achievements of such companies (e.g., shares to be issued, start of new businesses, etc.), which have an important influence on the judgments concerning investments in securities. Furthermore, it is also required to disclose a quarterly brief announcement of the most recent financial statement, the corporate governance report, etc.

Recent requirement revisions have been made. Regulations on the allocation of new shares to third parties, etc. were revised in August 2009. It is now mandatory for auditors to give an opinion concerning legal compliance of the company, etc.

The "Independent Directors/Auditors System" was added in December 2009. It is now mandatory for listed companies to assign at least one independent director/auditor. Simultaneously, further enrichment of the disclosure level concerning the corporate governance system, etc. was introduced.

The recent situation has shown that there is the necessity of strong corporate governance. As explained so far, a variety of laws and regulations are becoming enforced and various systems have been introduced to enhance and strengthen corporate governance and internal control by a variety of laws, ordinances, etc. for the efficient and fair development of economic activities mainly by companies led in Japan. In reality, however, a succession of corporate scandals has shaken the trust of investors – both in and outside of Japan.

More specifically, in the US in 2001, there was the Enron case that was reviewed showing there had been fictitious transactions and indebtedness that were recorded separately from the consolidated financial statements utilizing an outside corporate entity, which led to bankruptcy. In 2002 there was the profit padding of WorldCom that was reviewed and also sent the company into bankruptcy.

If you turn your eyes to Japan, in 2004 Seibu Railway revealed false descriptions

of the situation of major shareholders in their securities report and so the company was delisted as a result of the scandal. In 2005 Kanebo did sales padding and had cost underestimation reports, leading them to become delisted as well. In addition, in 2006, Livedoor was delisted because of its window dressing; in the same year Nikko Cordial Securities also got delisted after window dressing was also revealed and acquisition by another company.

There is also the demand for stronger corporate governance from the aspect of the society's stronger surveillance for corporate scandal. Following these occurrences of scandals, the regulations on corporate governance in Japan were made stricter by the enactment of the Companies Act, the Financial Instruments and Exchange Act, etc.; but corporate scandals did not end, and there were public demands for more and stronger countermeasures.

Demand for stricter corporate governance reflects the changing economic situation. The subprime loan problem triggered the financial crisis and economic catastrophe in Europe, the US, and the world in 2007 resulting in a global economic downturn. In Japan too, a succession of well-known large companies fell into unprofitable operations and "the red"; the management situation is more difficult than ever. Under these unusual circumstances, each company faces serious problems about how to steer the company.

Under these strained circumstances, there is greater anxiety over corporate scandals such as accounting fraud. Due to heightened social concern about corporate accounting, monitoring of various scandals has become stricter. At the

same time, the trends towards both the globalisation of corporate activities and the international standardization of the accounting system are also intensifying. Thus, there is greater demand for stricter corporate governance from these perspectives as well.

Countermeasures from the viewpoint of the Companies Act have also been in demand. Given the situation, each relevant body – such as ministries, agencies and organizations concerned – have published reports, drafted proposals and other documents concerning corporate governance, demanding countermeasures in terms of companies acts.

The following are a few examples of reports that have been published, coming from a variety of agencies, ministries and associations concerned:

- For Better Corporate Governance, Nippon Keidanren, April 14, 2009
- Proposals concerning Ideal Ways of Corporate Governance and Disclosure System of Listed Companies, Japan Institute of Certified Public Accountants, May 21, 2009
- The Corporate Governance Study Group Report, Corporate Governance Study Group, Ministry of Economy, Trade, and Industry, June 17, 2009
- For Strengthening the Corporate Governance of Listed Companies, etc., Financial Services Section, Financial Services Council, Financial Services Agency, June 17, 2009
- Arrangement of Market Environment, etc. for Safe Investments, Listing System Arrangement Meeting, Tokyo Stock Exchange, April 23, 2009
- Final Report on Answers by Experts Meeting, Japan Corporate Auditors Association, April 8, 2009

The Legislative Council is under the Ministry of Justice. Its purpose is to investigate basic items concerning civil laws, criminal laws, and other legal affairs in response to requests for advice originating from the Minister of Justice. Under these circumstances, on 24 February 2010, the Legislative Council received a request, "Describe the synopses of the necessary reviews of regulations, etc. concerning an ideal framework for corporate governance and the disciplining of parent companies and their subsidiaries ... with respect to the companies act." In conclusion, it was decided that the newly established Companies Act Committee should continue the discussions. Since then the Companies Act Committee has met four times, on 28 April, 26 May, 23 June, and 25 August, at which each committee member made presentations to clarify the focal points of discussion. The major focal points of discussion proposed, so far, were related to corporate governance and ideal strategies for parent and subsidiary companies.

Major focal points concerning corporate governance have been proposals on improvements to the current system in the areas of strengthening the authority of auditors, tightening the conditions of external directors and independent directors, disclosure of the management conditions of internal control system operations, etc. There have also been

proposals on the company system for new governance organizations such as companies with audit committees, companies with joint audit committees, etc. Regarding the major focal points concerning ideal ways for parent and subsidiary companies, the protection of the shareholders of parent companies, and ideal ways of listing subsidiary companies, group governance, etc. have been discussed.

In conclusion:

- Companies play a major role in the economic activities of Japan, and are social public institutions involving various stakeholders such as shareholders, creditors and employees.
- In modern society, the democracy, where the legal system rules, is a principle, and compliance is a natural social responsibility for companies.
- Therefore, it is a necessary minimum duty to appropriately perform corporate governance based on the Companies Act, the information disclosure provided by the Financial Instruments and Exchange Act, etc.
- In addition, companies should be aware of their important responsibilities as public institutions and should always strive to enhance the level of their internal control (as self-discipline).

Thank you very much.

Wednesday, September 15, 2010

SESSION 6
Legalized Society and Social Validity of Laws

CHAIR:
Cong. Jesus Crispin Remulla
MP, Philippines

Curriculum Vitae:

Congressman Jesus Crispin Remulla passed the Philippine Bar Examination in 1988 and immediately started law practice.

He was a provincial legislator from 1992-1995, and thereafter appointed by President Estrada as the Assistant Secretary of the Presidential Management Staff (PMS) in 1998.

- The PMS is under the Office of the President and assists the President in the performance of his duties (through policy studies, for example).
- He also performed duties similar to the Executive Assistant to the President from 1998-2001.

Congressman Remulla worked as Chief of Staff in the Senate from 2002-2003, and has been elected as a Member of Parliament in 2004, 2007 and 2010.

He is currently the Deputy Speaker of the Parliament of the Philippines and an ex-officio member of all standing committees, including special committees such as that on MDGs.

SESSION 6

Legalized Society and Social Validity of Laws

Prof. Hideki Kashizawa

Professor at Saga University

Curriculum Vitae:

Professor Hideki Kashizawa obtained his Master's degree in Law from Kyushu University and thereafter worked on a PhD programme in Law.

He has been a Professor at Saga University since 1999, and a Director of the Japanese Association of Sociology of Law since 2005.

Professor Kashizawa is currently a Member of the Japanese Association of Legal Philosophy; the Japanese Association for Environmental Sociology; the Japan Association for Environmental Law and Policy; the Kyushu Law Association; and the Sociological Society of West Japan.

Distinguished Ladies and Gentlemen,

Thank you very much for giving me the opportunity to speak here. My name is Hideki Kashizawa and I belong to the Japanese Association of Sociology of Law for which I serve as a Director. This Association studies the relationship between law and society, which is what I will be addressing today.

I have been teaching environmental law and sociology of law at Saga University, and have recently become deeply concerned with a certain tendency my students seem to have. I wrote about this in the Association's newsletter which Dr. Osamu Kusumoto read and thereafter invited me to give a presentation on.

My concern is about, what I call, the "Supremacy of Positive Law" principle. "Positive laws" are written laws and my students take these as something almighty; that is to say, they think that as long as there are positive laws society

should work well, and that problems arise in the absence of political laws. They also think that what is not provided by positive law does not have any power.

When I tell my class, "positive laws are not all that powerful", my students give me strange looks. One example is Article 25 of the Air Pollution Control Act, which provides for liability with- or without negligence. When you make a damage claim because you think damage is done unto you by someone – or in this case, by a corporation – the case has to be filed in court as an unlawful act that has been done onto you. When there is a large injured party, you have to establish the fact of negligence on the part of the defendant of the party of the one who caused damage. That is the principle of the law. In the case of air pollution, however, it is almost impossible for citizens to prove with evidence that it was negligence on the part of the corporation that caused damage unto the general public. After many legal battles, judicial

precedents have established liability with or without negligence in pollution cases. Pollution cases have already been established, thus when the case is brought to court, the negligence on the part of the defendant does not actually have to be proven.

In this context, Article 25 of the Air Pollution Control Act is merely a written confirmation by the legislative branch of the judicial principle already established, not something newly created by the lawmaking branch. With or without liability or negligence, people can take the case to court; however, the students cannot believe that the legislative branch laws become unimportant. The legislative branch only follows what has already been established in the judicial branch, and the students wonder whether that is really right.

Looking at it more closely, belief in the supremacy of law principle underestimates the social aspects that are there before or after laws are legislated; thus it does not take into full consideration, number 1, the importance of social movements and discussions before a particular law is legislated; and number 2, the difficulty of implementation and dispute settlement process after the law has been legislated.

Firstly, before the law is legislated, the students are not interested in the history of the social movements that came before the legislation. My students' response regarding this would be, "Well after all, everything will be alright once the law is enforced, right?" And secondly, when I explain how difficult it is to actually implement the law after legislation, they simply respond by saying, "Well, law enforcement just needs to be tougher." This implies that the students tend to think that laws are independent from

society, existing by themselves; they do not think about how laws are related to society. Sociology of law is a study that looks at the relationship between law and society; thus, in a nutshell, my students do not fully understand the very concept of sociology of law.

I wish to focus my presentation on the process of implementation after positive laws are legislated.

There is one example I would like to give you which I have long questioned. In Japan, there is the so-called "adult entertainment business". Adult entertainment businesses are regulated by local governments, thus prefectural governments are regulating adult entertainment which cannot operate without permission of the local government. Permission is provided in accordance with the Sex Industry Law.

This Sex Industry Law is quite unique, in an odd sense, as a case study. For example, if a service business does not fulfil a certain level of brightness in the room, the business is then considered a "sex business"; if the room where the service is provided is too dark, it is considered a "sex business". If it is, indeed, a sex business, it must obtain permission from the local government and meet the requirements that it is in a certain distance away from schools, hospitals, etc. In addition to this, neighbourhood residents can oppose plans for the establishment of such a business, if it is too close to a school or hospital, etc.

Article 13 of the Sex Industry Law stipulates the permitted hours of business; these hours exclude any hours between midnight and dawn. Do we think that the sex businesses really close between midnight and dawn to comply with the Article? Would they really make money that way? I do not think so. Walk in the

red-light district and you will know that many of the sex businesses are open after midnight. We could conclude that Article 13 of the Sex Industry Law does not really take into account whether it is enforceable or not.

Similar to this Sex Industry Law, there are other laws that are almost completely negligent of the feasibility of implementation; that is to say, you cannot really blame those students who are indifferent to the various implementation systems of the laws after they are legislated because that is the reality. During discussions on the sociology of law the “legalisation of advanced capitalist countries” is often pointed out as one of the tendencies, whereby positive laws are mobilised to respond to social issues and achieving unity of society as a result.

Roughly speaking, there are two reasons for the progression of legalisation. One is the changing nature of the processing of disputes. It used to be that a dispute was dealt with by social groups, such as local communities; however, due to the degeneration of such social groups, any dispute is now immediately brought to the attention of the justice system. Disputes are to be solved on the basis of applicable laws, under the aspect of legislation called “judicialisation”.

The second reason for the progression of legalisation is the rise of the welfare states. Advanced capitalist nations can be called “welfare states”; where poverty, welfare, health, and environmental issues are dealt with by the states. For that purpose, many countries set policy goals – and legislative laws to achieve those goals – and enforce regulations on the behaviour of citizens and businesses; thus, in welfare states, laws and regulations are used as a means to achieve policy goals.

The amount of regulatory laws that have been created in welfare states is so vast that legal experts are not able to review all of them, but there are positive laws that can be called “regulatory” laws because they are put in force to achieve policy goals – administrative laws. In this sense, welfare states are positive states, where they take a positive stance to interfere with social problems; while at the same time administrative states see the hypertrophy.

The regulations on environmental laws are carried out by command and control. The Water Pollution Prevention Law, for example, sets the effluent standard for harmful substance – the concentration regulation of 0.1 mg or less per 1 litre of effluent. Local governments conduct irregular, surprise inspections to ensure that this concentration regulation is being enforced legitimately. A factory, however, could put a lot of tap water at the overflow so that they can pass the regulation. It is also impossible for the local government to take effluent during the night, so the factory – unbeknown to the authorities – could just drain effluent that is above regulation. Do you think, then, that the water pollution prevention law is helpless? No, it is not.

Japan has overcome pollution in places such as Minamata and Yokkaichi, through command and control approach, yielding productive results. At first glance, regulations look powerless but they are effective – and it is puzzling. The ones who are regulated have the incentive to avoid regulation because if they can avoid the cost in order to pass the regulation, they are then in a better position to compete. In other words, those that are regulated have the incentive to become free riders; they do not want to burden the cost, but they do want to enjoy the wonderful natural- or business environment.

Why, then, do regulations work? There has not yet been sufficient research conducted on this issue but I believe there are three elements as to why these regulations are effective.

First, there are those who are regulated; the majority of whom understand the necessity of that regulation. Regulation is not just a unilateral order or command of the regulators but is an interaction between the regulators and the ones to be regulated. The ones to be regulated must have understanding towards the regulation otherwise the regulation will not be effective. They should not follow the law only because there is a sanction, but because there must be a substantially justified attitude towards following the regulation and because such a law is necessary. Unless there is this type of mentality among those being regulated, the enforcement of this law will be neglected with huge costs associated. Article 13 of the previously mentioned Sex Industry Law is already being neglected. If this law were completely enforced, however, there would be huge confusions and large costs.

The second element is the intermediary organizations: industry organizations. As previously mentioned, those who are regulated need to have an understanding towards the regulation but this is difficult and could carry significant costs. If there is an industry organization, resources can be concentrated in consultation with these organizations and costs can be reduced. These types of industry organizations also conduct voluntary monitoring, and monitor each other so that members do not enjoy free riding. One example is the city of Kyoto, the former Japanese capital, that is trying to regulate landscape ordinance; the size, colours and place of billboards and business' signboards are

regulated in order to maintain a beautiful landscape. It is proving difficult to enforce this regulation as there are not any industry organizations regarding- or for manufacturing such billboards; or an industry organization of tenants of buildings. The city must, therefore, deal with each tenant individually, which is ineffective and entails huge costs.

The third element is social monitoring. The interaction of the regulators and the regulated parties must be monitored by the outside mass media, NGOs, or the people. If regulation is an interaction between the regulator and the regulated, there is the concern that the regulators will become too accommodating and only conduct mild enforcement or superficial implementation. There is the infamous Japanese example of industrial waste dumping at Teshima in Kagawa prefecture. There is the Industrial Waste Processing Law and industrial waste processing companies must obtain a permit from the prefecture which will monitor these companies. In the Teshima case, Kagawa prefecture was the regulator. Kagawa was too accommodating to the industrial waste companies and they gave tacit approval of the illegal dumping of a huge amount of industrial waste. It took about 10 years and a significant financial sum to clean up the illegal dump.

These kinds of incidents could occur again, thus monitoring organizations and institutions which track the interaction between the regulators and the regulated are essential. Given the costs and authority, the national government cannot conduct such monitoring. The national bureaucrats cannot monitor the bureaucrats of the local authorities; which is why I believe that the inhabitants, who could become victims of environmental degradation, or NGOs and mass media who are sensitive to these issues need to

be empowered. In the Teshima case the victims were the inhabitants, and they filed a lawsuit and conducted social movements for over 10 years. The cleanup started after Kagawa prefecture finally admitted to the illegal dumping. The administration must disclose more information regarding cases such as these.

In conclusion, allow me to summarise my presentation:

- The regulators try to implement the regulations but the ones that are being regulated need to understand the necessity of the regulation in order for the regulations to be effective.

Legislations are proceeding in advanced capitalist countries and there are more regulations; however, the regulation should not be understood as a unilateral act of power by the regulators or by the national government or by the local government – it is a continued interaction between the regulators and the regulated.

It is also dependent on the understanding between the people of the regulated parties and voluntary compliance.

- In order for regulations to be successful, it is desirable that an industry organization exists; otherwise we would meet huge costs and the regulation will not be enforceable.
- It is essential that there is an external party that monitors the interaction between the regulators and the regulated; residents, NGOs and mass media need to be empowered.

It is essential that laws, at the stage of enforcement, are looked at as an interaction between society and we must consider the laws' social validity.

Thank you very much.

Wednesday, September 15, 2010

SESSION 7
***Obstacles in Health-related ODA and their Solutions:
the Role of Parliamentarians***

CHAIR:
Hon. Dr. Donya Aziz
MP, Pakistan

Curriculum Vitae:

Hon. Dr. Donya Aziz is a member of the National Assembly of Pakistan and formerly the Parliamentary Secretary to the Ministry of Population and Welfare, and represented the Parliament on the Pakistan Medical and Dental Council for 5 years.

Hon. Dr. Aziz now sits on the Standing Committees for Health, Economic Affairs, Privatization, Rules and Privileges, and also represents her political party on the Working Council of the Women's Parliamentary Caucus.

Hon. Dr. Aziz received her Bachelor's Degree in Medicine and a Bachelor's of Surgery from Punjab University and worked as a medical researcher for two and a half years at the Department of Radiology at the University of California Medical Centre.

Wednesday, September 15, 2010

SESSION 7
***Obstacles in Health-related ODA and their Solutions:
the Role of Parliamentarians***

Dr. Kiyoshi Kurokawa

Professor at the National Graduate Institute for Policy Studies (GRIPS)

Curriculum Vitae:

Dr. Kurokawa is a Professor at the National Graduate Institute for Policy Studies (GRIPS), Professor Emeritus of the University of Tokyo, and an Adjunct Senior Scientist of the Earth Institute at Columbia University.

After receiving a Doctor of Medicine (MD) from the University of Tokyo Faculty of Medicine, he followed clinical training in internal medicine and then in nephrology at the University of Tokyo Faculty of Medicine and then as a Research Associate in the Department of Medicine at the University of Pennsylvania School of Medicine, as well as other professorships at numerous national and international universities.

Dr. Kurokawa has served and serves as Executive Officer to many prestigious professional societies; including, among others, the Japanese Society of Internal Medicine, President-elect of the International Society of Internal Medicine, Member of the President's Council of the New York Academy of Sciences, Member of the United Nations University (UNU) Honorary Advisory Committee (HAC), and Commissioner of the Commission for Social Determinants of Health at the World Health Organization (WHO).

Dr. Kurokawa is a leader and well-known in his professional community, both nationally and internationally. Because of his highly unique and unusual professional careers which span over 15 years each in both Japan and the United States, he has been a leader and advocate for many academic and professional activities in Japan. In 1999 he received the Order of Purple from the Government of Japan for Excellence in Academic Achievements.

Distinguished Ladies and Gentlemen,

We humans came a long way from the great valley of Kenya to a lake around 140,000 years ago, but let us go back 2000 years, when Jesus Christ was born. What sort of human population did we have on planet earth? Two thousand years ago, the population was an estimated 2 to 3 hundred million people. As a species, the major goal was to reproduce – nothing else. We fought against starvation and diseases, and cried over the loss of family

members; through this process we acquired and shared indigenous knowledge through family stories, through communities, and through paper and script.

By the year 1500 AD, around the time of Leonardo Da Vinci's "The Last Supper", the population had grown to an estimated 500 million. This means it took 1500 years for the world population to double. And along the way, humans accumulated more knowledge and ways in which to cope with symptoms of "diseases". At the turn of the

20th century the population had reached 1.6 billion; the figure had tripled over 400 years time. Now, the figure is 6.7 billion; the population has increased 4-fold in 100 years. We are living longer, the child mortality rate is dropping, we are fed reasonably well – particularly in affluent countries; however, life-style related diseases such as obesity, diabetes, hypertension, etc. are becoming a major problem. You are not hungry, but you are eating. Why is that? Our genes are generated to stay out of hunger, yet we eat a lot and claim that this is a disease? It is a matter of lifestyle, and it has become a health burden.

The explosion of the human population is one of our basic challenges. As we become more educated about issues such as contraception, and as we ensure that girls are becoming well-informed, the conception and birth rates will drop rapidly to around 2.0. Japan and other more developed countries' rates may drop to as far as 1.2. Each decade since 1990 has seen a relative decrease in the population figure; however as a net number the population is expected to reach 9 billion by the year 2050. This is too much for our planet to bear given its limited resources; thus we need to be smart because we need energy, food and water in order to live; and natural resources and space to live. That is the challenge.

What about life expectancy; how many years is a person expected to live, on average? The Roman Empire was the most civilised era of human civilisation and the life expectancy was 25 years old. This means that only 1 in 5 children lived past the age of 5. Major killers included malnutrition, infectious diseases, smallpox and tuberculosis. At the turn of the century, 100 years ago, the most advanced countries were the Great Britain

and the United States where the life expectancy at birth was between 40 to 45 years old. During the 1950s and 1960s in Japan and other countries, the average life expectancy reached 60 years old. It took almost 2000 years to gain an extra 15 years of life expectancy; over the last 100 years, we have gained another 40 years of life expectancy. At present, there are 40,000 people over the age of 100 in Japan and it is expected that there will be an additional 20,000 by the end of this year making the total number of centenarians 60,000. This is a great achievement, but it may not be compatible with the social security and pension plans, which creates another challenge in affluent countries.

In 2009, there was the Lehman Brothers crash, ensuing economic and financial crisis, and economic downturn thus there was not much financial growth or insurance of pension plan maintenance. It was a major challenge in many affluent countries because the government spent a lot of money to keep jobs and the economy up to standard. Solving the debt increase was a major challenge, particularly in Japan.

Everything has changed since 1990. Why 1990; why these past 20 years? Firstly, the Cold War ended and the Soviet Union disappeared officially in 1991. The world became a global market economy; there was not any conflict between communism and socialism to the democratic market-driven economy, thus the market suddenly became much bigger.

At the same time, there were many people in affluent countries that were beginning to use computers – desktops and laptops. In 1991, the World Wide Web came in and within one decade everything became very connected. Then the mobile phone was introduced; 70% of Africans

and 60% of Indians now carry a mobile phone. Everyone has become connected. It may not be physical and it has created a lot of paradigms. The world has become, as author Thomas Friedman said, hot, flat, and crowded; we have too many people. And we live in an interconnected “one world”.

In this interconnected world, we cannot stay completely unaffected by conflicts in Afghanistan; we cannot stay completely out of poverty issues because in this interconnected world, national policies must deal with these issues. There are many people suffering in South Asia who lack water, drinkable water, and reasonable sanitation. Africa similarly remains affected by the impacts of poverty. At the time of the Bandung Conference in 1955, the GDP per capita in Asian and African nations as a whole was the same. Asia then started to grow very fast, leaving Africa behind. Africa now, however, is starting to gain their momentum and is expected to grow by 5.6% next year.

This is what the state of the world is, thus far: market economy; connectivity; the end of the Cold War; hot, flat, and crowded. One interconnected world. This is one reason why the United Nations set the UN Millennium Development Goals (MDGs), creating a common agenda for all. There are eight goals, and four of the eight goals are related to health issues.

MDG1 is “End Poverty and Hunger”, which is related to nutrition. If there is insufficient, say, trace metal for a newborn/child for the first two years of their lives, their learning ability will be almost permanently inhibited. The Gates Foundation and other organizations have tried to implement policies and deliver necessary amounts of trace metal in the

form of chewing tablets so that each child could have access to it.

MDG4 and MDG5 are child health and maternal health, respectively. These two MDGs are key elements for making the community more stable for the future growth of the next generation of human resources. And MDG6 is to Combat “HIV/AIDS” under which also falls MDG6.C: combating tuberculosis and malaria.

This has become a common agenda. We made the pledge at the United Nations to reach these goals by 2015, but they are lagging and their achievement is a major challenge. Who will be held accountable, and to what extent is the Japanese public aware of these issues? This is one of the challenges for legislators, who are elected by their constituents through voting. The majority of the public is concerned about jobs and daily life, but when you are elected as a legislator and parliamentarian, you are not only concerned about your constituency but also the state of your nation and the state of other global nations. How do we overcome the challenge of crossing the gap from a democratic society to one global world?

So, why ODA; why accountability and aid implementation? Because we have to become more aware. We live in one interconnected world but whether the general public is really aware through their daily life is very much in question, even in Japan. Look at Japan’s reality: in the last four years, Japan has had five Prime Ministers. But if you look at Japan as the second largest global economy, up until a few months ago – now China exceeded that, which is to be expected because the GDP is a major factor in the number of the population – Japan’s GDP per capita remains flat. Over the past 20 years, since the burst of the “bubble

economy”, the GDP per capita of Japan has gone down quite rapidly. The media must also report the facts correctly; Japan’s GDP per capita has fallen rapidly over the last two years, not the GDP.

We want to close the gap between the “those who have” and the “have nots”. What kinds of programmes are there? There are several new mechanisms which have emerged over the last few decades; for example, the standard ODA programmes and the decision-making processes that are used within the G8. At the 2000 Kyushu Okinawa G8 Summit, global health was put on the agenda; and Japan also proposed to create the Global Fund to fight HIV/AIDS, Tuberculosis and Malaria. The subsequent year, at the 2001 Genoa G8 Summit hosted by Prime Minister Silvio Berlusconi, the Global Fund was also unanimously decided upon and funds were dedicated to it. The Global Fund was gaining strength. Around the same time, the Bill and Melinda Gates Foundation and American foreign aid programmes also participated in this initiative. Suddenly, HIV/AIDS was receiving wider coverage and the number of patients able to access antiretroviral therapy (ART) had risen to almost three million. The total number of HIV/AIDS-category patients was expected to rise to 40 million last year, but now the factual number remains around 34 million – it is gradually lowering, which is good.

Another ODA programme is bilateral aid, like government-to-government. Different governments provide different policies, depending on the values of political leadership and legislators. The other way is multilateral aid, meaning ODA programmes from the World Bank, IMF, WHO, UN and other agencies. These multilaterals act as funding mechanisms through affluent countries into development and underdeveloped

countries. The nature of these two mechanisms tends to be very bureaucratic. First, the budget has to be made available to your country, meaning you have to deal with multiple stakeholders to secure the budget, and then negotiate with recipient countries and international organizations. The implementation process has to be very transparent, but some countries may not be transparent.

Donating the money to the World Bank, IMF, WHO, UN and other agencies is another very bureaucratic process. When the programme and policies are delivered to recipient countries, there is another government body with another bureaucratic process to deliver the service. This, by its very nature, is slow and may not be reaching the recipient, depending on the governance of each nation. There should also be more communication between countries – among donor and recipient countries, alike – regarding the destination of funds. Recipient countries will find they are receiving a lot of money for one specific area and projects become duplicated. There has been a substantial amount of criticism recently on the lack of coordinated ODA programmes.

Now that the world has become flat, you can actually see the suffering as a result of global poverty issues. Tourism has also spread now that it is easier to travel to different countries – and to see the real suffering of human beings. I have travelled extensively with the World Health Organization (WHO), and have been able to see the real world. Witnessing the suffering, first-hand, captures your heart and you emotionally realise how fortunate you are to live in a reasonably wealthy country.

Many NGO activities have emerged over the last two decades, the majority of which have been established and led by

women; more than half of NGOs in the US have been founded by women. NGOs go with the top-down governmental aid programmes, to the bottom-up with passionate and committed people. The ownership of NGOs can be an issue but then again, Oxfam and other organizations are trying to work with the government for effective implementation. The other new movement within this is the establishment of foundations such as those of Gates, Rockefeller and Soros. They have their own money and good business sense. They have a cost-efficient way of implementing certain policies and have become important catalysts for achieving their common goals. Still, however, governmental ODA plays a very large role because they are one of the major forces for the funding of social infrastructure. Seventy-five percent of global health projects are funded bilaterally and through the government; 20% are through foundations such as Gates, etc.

Another new appearance is the new idea of “Public-Private Partnerships”. One example is the Global Alliance for Vaccines and Immunisation (GAVI), founded in the year 2000. They negotiate with governments, foundations and the private sector – pharmaceutical companies – to acquire cheaper vaccines so that it becomes more affordable and within the context of ODA. GAVI also created another creative financial mechanism supported by seven countries’ sovereign funds/government bonds, which is also sold in Japan too through “Daiwa Shoken (Security)”. This means that individual citizens can buy this bond to support GAVI; if you do not trust the government, you can buy this bond directly.

Another important partner player is the private sector and their “Corporate Social Responsibility”, CSR but I am pushing for

thinking beyond philanthropic CSR. For example, one of the most famous Japanese products is the bed net – the most effective preventative measure against malaria infection. It is being produced by a Tanzanian company who have established three factories in Tanzania, creating over 6000 jobs. The bed net is one of the most ethical and high-tech but low-cost products. It was started by Sumitomo Chemical Companies. This business model is not donation; this model is not profit over cost, so it is licensed out. The product is produced at US\$5 a piece, it lasts 5 years, and it is washable. At the UN two years ago, Sumitomo pledged to have 150 million bed nets delivered to those most in need by 2012.

When malaria issues are discussed at large global meetings these days, such as the World Economic Forum, bed nets are always mentioned – even by Bill Gates. When Bill Gates mentioned the bed net at the World Economic Forum in February, he related it back to Sumitomo Chemical Company’s CSR. I told Sumitomo how lucky they are to have such a noteworthy figure like Bill Gates publicly endorsing them in front of business and political leaders of the world.

Takeda Chemical Companies, a pharmaceutical, has decided to donate one million dollars a year for ten years to the Global Fund. It was a struggle to convince the executives to agree to the proposal but the CEO, Hasegawa-san, was keen to be involved when he found out more about the Global Fund. Those at the Global Fund liaise with heads of governments and corporate leaders, and will always say there are two large companies contributing to the Global Fund: Chevron and Takeda Chemical Company. One million dollars for, not only CSR, but also such

valuable branding and publicity is a strategic investment.

The last, but not least, new movement I would like to emphasise is that many of the world's leading universities are introducing programmes for undergraduate students to go abroad and observe what is happening in "needy" countries. Unless you spend time there, it is difficult to get a sense of-, see and understand. The students are able to see how low-tech things can change so much. Is it really necessary to have high-tech, high-energy things to make reasonably clean drinking water? No. Some students become so inspired by their experiences that they decide that the development field is what they want to go into. They go to business school as a tool to achieve their own goals and learn the bottom-up approach.

An MIT student from India was trying to find replacement energy source for kerosene, because kerosene has toxic fumes. He was able to design a solar-charged battery that could be produced in China and sold for US\$1. He created a small business plan and this small company was able to deliver an innovative product.

In this interconnected world, not only do we need to educate but we also need to export future leaders of the younger generation into environments where they begin to see the kinds of opportunities there are; what kind of opportunities they have to pursue a career that is completely different from the old paradigm. I met with the president of Harvard University, Dr. Drew Gilpin Faust – the first female president of the university – and came to learn that wherever she travels, she tries to speak at high schools for girls to inspire them to get involved with the world.

I met another young man from Kabul, Afghanistan, who received a scholarship to study medicine at Yale University. He returns to Kabul during each break and voluntarily teaches science. This type of voluntary movement of the youth is an important element to support future leaders and future nations.

Thank you.

Wednesday, September 15, 2010

SESSION 8

International Organizations' Standards for Integrity and Accountability

CHAIR:

Hon. Ledia Amaliah Hanifa

MP, Indonesia

Curriculum Vitae:

Hon. Ledia Hanifa Amaliah is a Member of the Indonesian House of Representatives for the 2009-2014 term, a Member of the Indonesian Forum of Parliamentarians on Population and Development, and the Head of the Public Relations Division of the Parliamentarian Women Caucus of Republic of Indonesia.

Hon. Amaliah holds a Master's in Social Intervention from the Faculty of Psychology of the University of Indonesia.

SESSION 8

International Organizations' Standards for Integrity and Accountability

Ms. Junhui Wu

Director of Global Partnerships and Trust Fund Operations at The World Bank

Curriculum Vitae:

Ms. Junhui Wu is the director of the Global Partnership and Trust Fund Operations (CFPTO) at the Vice Presidency of Concessional Finance and Global Partnerships of the World Bank.

She is responsible for (i) the strategic direction and policy formation for all trust fund operations and global partnerships, (ii) providing guidance to Bank-wide implementation of the Trust Fund Management Framework, (iii) managing cross-sectoral and cross-regional programmatic trust funds, as well as the World Bank's own Development Grant Facility (DGF), and (iv) donor relationship. From January 2007 to February 2009, Ms. Wu was the sector manager of the Transport, Energy and Mining Sector Unit under the East Asia and Pacific (EAP) Region Sustainable Development Department of the World Bank. Her responsibilities included formulation/implementation of regional and country Bank assistance strategies for infrastructure sector development, business development, and preparation and supervision of all transport and energy operations including IBRD/IDA lending, Global Environment Facility (GEF) and carbon financing as well as analytical work.

Ms. Wu joined the World Bank in 1996 and has since held various positions. From May 2003 to Jan 2007, she was the sector manager of the Energy and Mining Sector Unit of EAP. Before that, she was a Lead Power Engineer in the Africa Region. Ms. Wu has more than 25 years experience in the energy sector involving countries such as Canada, China, France, Indonesia, Laos, Mongolia, Nepal, Nigeria, Pacific Island countries, Philippines, Sudan, Tanzania, UK, USA, Vietnam, Zambia and Zimbabwe. Prior to the World Bank, she had worked for leading international consulting firms since 1990. From 1984 to 1988, Ms. Wu managed the Renewable Energy Application Division of Zhejiang Energy Research Institute in China. Ms. Wu holds a Bachelor's Degree from the Electrical Engineering Department of Zhejiang University and a Master's Degree in Energy Economics and Policy from Paris University in France.

Distinguished Ladies and Gentlemen,

It is an honour to share "Monitoring and Evaluation at the World Bank" with you here. Before I start my presentation, I would like to mention that I am happy to see countries being represented here today that I have been associated with in the past. Just to give a few examples: in Tanzania, I was personally involved in the gas-to-electricity project "Songo Songo

Gas Development and Power Generation Project", which is really yielding results and helps the country tremendously. In the Lao PDR I was also involved in a rural electrification project, which I will address later on. And in Indonesia, we are now using the Japan Social Development Fund (JSDF) to support a PEKA project, PEKA meaning "to care" and "to do good".

A major source of financial and technical assistance to developing countries is the World Bank Group which is comprised of the International Bank for Reconstruction and Development (IBRD), the International Development Association (IDA), the International Finance Corporation (IFC), Multilateral Investment Guarantee Agency (MIGA). The Group contributed to a total commitment of US\$58 billion in response to the 2009 global financial crisis, which is nearly double our lending and other interventions. One of the areas that I oversee is the Trust Fund Management. The World Bank Managed Trust Funds has become an important part of the Bank's business, and the total trust fund disbursement in the fiscal year 2009 amounted to US\$6.9 billion. All funds are used to support development, support poverty alleviation, in our member countries.

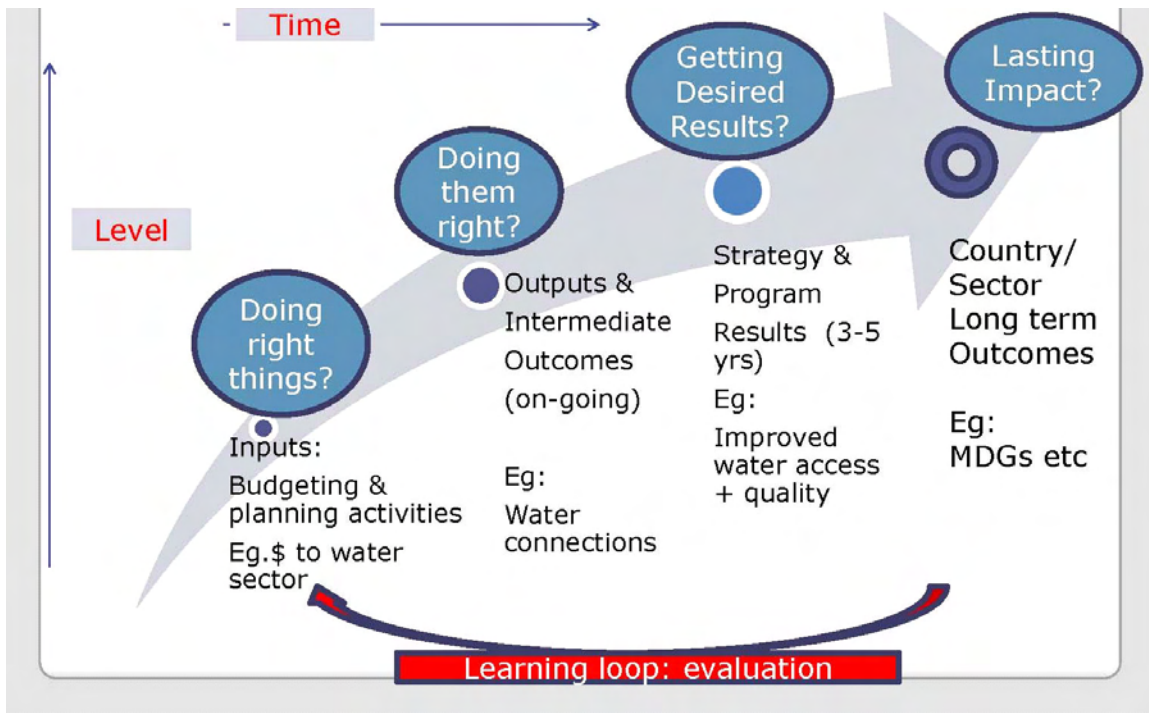
Regarding the evaluation architecture and the institutional setup in the Bank, there is the philosophy called "change". In the 1990s, the focus was more on the number of projects being conducted and lending amounts. Over the last 10 years, however, the focus has been more on measuring, monitoring, and managing for results. This means strengthening the results orientation internally and working with the development partners on harmonising, monitoring and reporting, and evaluation requirements. There is also an overarching evaluation framework that has been developed to ensure systematic and consistent measurements of results across World Bank operations – not a small task. And how do we strengthen country capacity, so that it ensures that the countries themselves have the capacity to measure for results and ownership of a results-based approach?

What do we mean by results? I will give just a few examples. In education, for

instance, we recruited and/or trained over three million teachers. We also built and rehabilitated over two million classrooms which will benefit over 105 million children per year. Within the public sector and governance, we do results-based budgeting and measurement in 12 countries. Also, in the health sector, we provided more than 47 million people with access to basic health packages, nutrition, and all population services. In addition, we provided 2.5 million pregnant women with antenatal care, and immunised 310 million children.

To return to the electrification project in the Lao PDR: around seven years ago, the electrification rate was around 30% meaning that 70% of people did not have access to electricity. But thanks to the Lao government, the Lao people and also World Bank's assistance, the electrification rate is now around 50%. I have personally visited many remote areas, like in Vietnam, and have seen first-hand how happy people are when they receive electricity. With that comes better knowledge of market access, improved sales of their products, and their income level increases. This is a similar story in Zambia. With government ownership, citizens of the countries' involvement, and the World Bank's assistance, we can really help to achieve results.

What is the results chain when we refer to it; how do we use it? We start at the strategic level, which the World Bank calls the "Country Assistance Strategy" (CAS). We come to an agreement with the countries on strategic priorities and then use the budget to align resources with priorities. We ensure consistency of investment activity with strategy so that it is not supply-driven, and define clear and realistic objectives for each and every project. Over the last five years particularly, we have really strengthened



the work on that and collect baseline data and set the targets.

For each project we have a specific section on the baseline we call the Key Performance Indicators (KPIs); what we are going to achieve. Decision-makers then review indicator data and other factors to manage the results and if any adjustments are needed, we do so during project implementation. Finally, we evaluate and create a “learning loop” to see lessons learned through preparation and implementation, and use those results for future decisions.

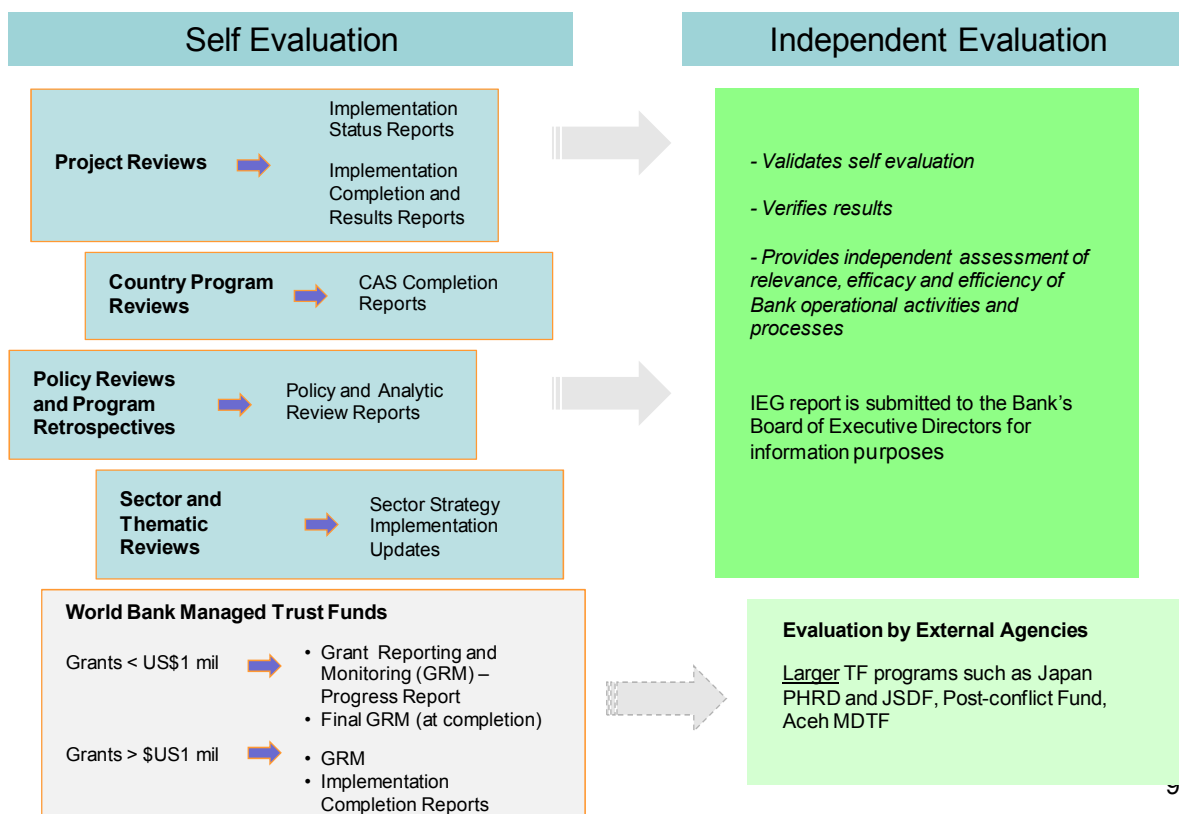
This is the model we use for managing for results; the results chain:

I would like to highlight the International Development Association (IDA) and the World Bank at work. IDA is a very important source of financing and we are now at a stage called IDA16 replenishment, which focuses on IDA’s results framework. We have really mobilised resources on the ground to help poor countries. This also means that measurement is very

important because donor countries – including their parliamentarians – ask to see where and what the results are. Especially when their own countries are facing domestic problems, they question why they should finance abroad; everyone wants to see results.

How is the evaluation architecture done inside the World Bank?

Projects reviewers look at the implementation status report, and the implementation completion and results report. This means that for each project we have supervision missions on a semi-annual basis; after which, the task manager completes the implementation status report, highlighting the issues and updating the performance indicators. At the country-level, once the CAS completion report is finished there are programme retrospectives; policy and analytical review reports; sector and schematic reviews; and we have sector strategy implementation updates that are regularly reported to the development committee on our Board.



The last elements of the evaluation architecture are the World Bank Managed Trust Funds. For grants smaller than US\$1 million, we complete a Grant Reports and Monitoring (GRM) – similar to a progress report – and a final GRM after programme completion. For grants over US\$1 million, we also have a GRM in addition to the in-depth implementation completion reports. What we are doing is making sure that evaluation is there and being looked at systematically to figure out the issues, and provide feedback to the new project design/new country assistance strategy. This is what we call “self-evaluation” for the World Bank task managers and management. There is also the Independent Evaluation Group (IEG) which reports, not to World Bank management, but to the Board; it ensures the accountability that IEG’s voice is independent so if there are any issues with any of the World Bank Group entities, they can be reported.

Evaluation is also done by external agencies, which are employed to look at the larger trust fund programmes such as the Japan Policy and Human Resources Development Fund (PHRD), the Japan Social Development Fund (JSDF), the Post-Conflict Fund, and the Aceh Multi-Donor Trust Fund (MDTF).

To build countries’ capacity, we know that only strengthening the World Bank’s internal monitoring and evaluation is not adequate enough. It is important to strengthen the capacity of each country because the most important issue is to strengthen ownership by each country. We have the Statistical Results Facility, grants provided to upgrade countries’ monitoring and evaluation systems and skills; and the Capacity Scan for Managing Development Results (MfDR), which are self-assessment tools for countries’ key government stakeholders to identify gaps and actions to improve MfDR. We also established a platform, the Community of

Practice (CoPs), to allow the African, Asian and Latin American regions to exchange information and learn lessons through a social media platform, using distance-learning approaches, etc. In addition to this, there is the African Community of Practice on Managing for Development Results.

I also wish to use this opportunity to recognise Japan's contributions; over the years, Japan has made a very generous contribution to ODA. In particular, there has been a substantial increase in Japan's contribution to the Trust Funds in FY10 – its highest since FY04 – despite domestic economic issues. The contributions go mainly to the Global Fund to Fight AIDS, Tuberculosis and Malaria (GFATM), JDSF, and PHRD.

I would also like to use this opportunity to highlight JDSF, which has a 10-year history of empowering the poor. This fund was established by the Government of Japan and the World Bank in 2000 as an untied mechanism for providing direct assistance to the poorest and most vulnerable groups in eligible member countries of the World Bank Group.

In Vietnam, the Fund has been used for early childhood care and development. An initiative was piloted in 147 villages in Vietnam's three poorest provinces, which resulted in the percentage of underweight children under five years old declining from 39% to 19%. Parental education sessions were also run by the community which were attended by over 80,000 men and women.

Building local capacity for pro-poor development in Tamil Nadu has been the focus of the Fund in India. A new way was piloted to deliver basic services to the rural poor and was implemented in 2509 villages in 15 districts. Through this,

26,000 youth have received training, many being linked directly to good paying jobs.

A village self-help learning initiative has been set up in Sri Lanka with help of the Fund. It introduced and tested a direct funding mechanism for community-driven development to reduce rural poverty. As a result, 147,000 households have benefited from savings and credit funds; 20,000 self-organized savings and production groups have been set up; and 22,000 people have benefitted from skills development activities.

Another example is that of Indonesia where JDSF financed the previously mentioned PEKA programme. PEKA also means that a woman without a husband is the head of the family; however, in their society, women may be the head of the family but they are still not given high social status, thus they have difficulties in accessing loans to credits, etc. To change this, a programme to empower women was started by JDSF in three provinces and has now expanded to 10. I was in Indonesia last year, when some women ran for- and won local elections; going from being of very low social status to standing up and winning an election is a remarkable result.

In closing I would like to say that I have perhaps painted a very positive picture, but we are all also fully aware of the challenges and opportunities in front of us: data quality, lack of statistics, uneven capacity, political will and ownership, managing donor expectations, time lag in seeing results on the ground and the attribution issue, and that the resources used in Monitoring and Evaluation are relatively small. All these points are compounded by global issues we are facing such as climate change, communicable diseases, etc. These challenges are in front of us but at the

same time I think it can also provide great opportunities.

Focus on results can help prioritise, lead to better use of scarce resources and real progress on the ground. Parliamentarians

are there to make sure that scarce public resources will really be used to help the country make advances in economic development and the reduction of poverty.

Thank you very much.

Thursday, September 16, 2010

SESSION 9
***Proposal for ODA Expansion from the Viewpoint of Japanese
Parliamentarians***

CHAIR:
Hon. Shri Shantaram Laxman Naik
MP, India

Curriculum Vitae

Hon. Shantaram Laxman Naik is a Member of Parliament in the Upper House of India and belongs to the Indian National Congress, which heads the ruling coalition government in India.

Hon. Naik is a member of the Standing Committee of Parliament on Law and Justice and also a Member of the Standing Committee on Food and Consumer Affairs, as well as a member of the Consultative Committee on Finance.

He also holds a post in the organization of his party as the Secretary of the All India Congress Committee, and is a very active member of the Indian Association of Parliamentarians on Population and Development (IAPPD).

Thursday, September 16, 2010

SESSION 9
***Proposal for ODA Expansion from the Viewpoint of Japanese
Parliamentarians***

Hon. Aiko Shimajiri

MP, Japan

Member of the Foreign Affairs and Defence Committee of the House of Councillors
Director of the Japan Parliamentarians Federation for Population (JFPF)

Curriculum Vitae:

Hon. Aiko Shimajiri is a Member of the House of Councilors and a Member of its Foreign Affairs and Defence Committee, as well a Director of the Japan Parliamentarians Federation for Population.

After graduating from high school in the United States, she attained a degree from the Department of Journalism of Sophia University in Tokyo, following which she joined Sheason Lehman, now known as Lehman Brothers.

Hon. Aiko Shimajiri was elected as a city council member of Naha city in 2004, and to the House of Councillors for the first time in 2007.

Distinguished Ladies and Gentlemen,

It is an honour for me to be invited to speak at this session – thank you very much.

Today I wish to speak about Official Development Assistance (ODA) proposals and expansion from Japanese parliamentarians' point of view. First allow me to introduce myself: my name is Aiko Shimajiri and I am a Director for the Japan Parliamentarians Federation for Population (JFPF), and a parliamentarian, member of the House of Councillors from Okinawa. Okinawa is a two hour flight from Tokyo and is an island in a beautiful

cobalt sea. It is around 1000 kilometres from north to south, and is comprised of 160 large and small islands.

Japan now faces a low birth rate and aging society. Okinawa's TFR, however, is the highest in Japan at 1.79 and in Taramason (on Okinawa) it stands at 3.14. This is extremely high in comparison to Tokyo's TFR of 0.98. Okinawa has an environment where people can raise their children well; we still have a community where there is a helping spirit among people, of which we are very proud.

Why am I a member of JFPF? The direct reason for joining JFPF was thanks to the,

now retired, Hon. Chieko Nohno who was very active in population issues. She asked me to join her on a trip to Ethiopia where we visited a fistula hospital, and I witnessed young people driven to give birth to new life in dire situations. I could never have imagined that such things could happen and was shocked that women had to suffer so much in our so-called “civilised world”. Of course, we had to think of ways to help this fistula hospital but, most importantly, we have to think of ways in which to ensure that women no longer have to come to this type of hospital. We need to approach this issue from a reproductive health perspective and grass-rooted network, in alliance with global society.

In 2009, APDA hosted a public seminar on “Population, Environment and Women” in Okinawa. At that time, a report had just been released on the background of why Japan entered the Second World War. Japan’s population started to increase during the Meiji era, bringing poverty in the rural areas. We can see how the population changes as a result of conflict throughout world history.

Mr. Jared Diamond wrote a book called *Collapse; How Societies Choose to Fail or Succeed*. There are many examples in his books on population and social changes. Population issues affect our daily lives, and international conflicts and environmental issues have an influence on this in numerous ways. It is related, in a microscopic way, to national security, thus from this perspective we can say that we cannot attain sustainable development without solving population issues.

The Government of Japan also shares this perspective and approaches this with the basic ODA policy of “human security”. The Japanese government truly understands the importance of the population issues; however, Japan is facing an extremely low birth rate, aging society, and our fiscal situation is deteriorating tremendously making it very difficult to maintain ODA spending.

In 2009, the Democratic Party of Japan (DPJ) came into power and funding towards population issues was, most unfortunately, cut significantly. The main factor of the cut was the deteriorating fiscal situation, but also because it is difficult to show our people the positive results of population-related aid to developing nations. We should say, for example, “children are starving – we have to give them food”; or “we can prevent infectious diseases by 30%”. This is an easy way to appeal to the national sentiment. Of course, we have to give food to the starving, but vaccines are also important for saving lives.

It is such a tragedy to see a population increase as a result of unwanted pregnancies. Under such circumstances – even if the children do survive – it is difficult for them to get out of the poverty cycle. In this sense, we can not take any fundamental measures in other population-related issues, unless we solve the population issue of unwanted pregnancies. The important question is: how can we appeal to our nation’s people regarding this matter, and how do we make them understand?

Thanks to all the persistent efforts made by Asian countries and parliamentarians

participating in conferences such as these, population issues within Asian have improved dramatically. One example is Vietnam where the population increase rate has halved – an outstanding achievement. If we look at Asian population issues as a whole, we can see that other miraculous results can be achieved.

Today, 16 September 2010, a commemorative reception will be held in Tokyo, in honour of the 2010 UN Population Award given to AFPPD in June 2010. The receipt of this award and the reception demonstrate that Asian parliamentarians' activities have been recognised globally.

Measures being taken for population issues have borne results thanks to the tremendous efforts of the developing countries, but are these results communicated to the people? Unfortunately not. APDA and other related organizations have conducted activities to raise awareness and to gain the understanding of the people. APDA's publication *ODA Quarterly*, for example, is not only sent to JFPF members but to all Japanese parliamentarians. These days, people are seeking not only detailed information but also more specific, vivid, and moving stories.

In order to expand ODA in the future, we must gain the understanding of the people. It is also important that parliamentarians involve themselves in programmes with the viewpoint of the people. With the efforts of our predecessors, parliamentary federations have been formed in the African, American, Arab, Asian, European and Pacific regions. And under these federa-

tions, we now have parliamentarians' groups in many countries to deal with population and development. By using these parliamentarians groups' networks, we can have direct access to best practices from the developing countries' local programmes to developed countries' parliamentarians. Providing such examples is very useful in order to gain consent from the people in the developed nations regarding population issues.

The Government of Japan's Cabinet Office recently released the results of the "Public Opinion Poll on International Cooperation on Global Health" on 29 July 2010. Asked about how ODA from Japan should be appropriated and to what sector, 73.1% of Japanese citizens who answered the survey responded that Japan should appropriate more budget on healthcare and public health aid; 68.2% of people mentioned water and sanitation; 54.7% on education. Population programmes are indispensable in all of these three areas. The findings were that the Japanese firmly believe we should strengthen our efforts in the population sector, even against the background of tight fiscal situations.

Those who responded that efforts in the healthcare and public health sector should not be hyped up believe that the donor country citizens are not informed of the specific aid contents. This survey demonstrates that the awareness of the aid issues formed through our discussions has been correct. It is clear that we, parliamentarians, who are accountable to our people, should promote networks amongst ourselves; otherwise it is very difficult to convince our voters. We must show the public that aid is working efficiently; the size of the assistance and

its outcomes should be shown to the voters.

Occasionally we do hear of ODA resources becoming the cause of corruption. I personally believe that most ODA is utilised effectively by the experts in the developed nations and the people in the developing nations; however, there have unfortunately been some cases of ODA resources used that lead to corruption in the developing nations. Even one such example tarnishes the image of ODA and damages the trusts of undertaking; all the fruit that was brought about thanks to peoples' sincere efforts will be defamed. It takes a long time and a lot of effort to recover trust from the donor nations' people. We should exercise utmost caution that corruption will not happen in the course of dealing with ODA.

At the same time, what brings us hope is that we have learned from past experiences and so there seems to be much less room for corruption to happen now. The present concern is that cost-effectiveness of aid is being diluted, now that the auditing system – in order to prevent corruption – has become overly complicated. The international bodies that are the main vehicles of aid provision are sponsored by multiple donor nations and there are numerous conditions and reporting obligations in order to be accountable for the funds that have been extended by multiple governments. Among those conditions, some are required for the sake of the system that exist – and are not even substantial or plausible.

Japanese companies are now vocal in insisting on the strengthening of

compliance in order to deal with compliance regulations. The flip side, however, is that laws and regulations have become so complicated because people do not want social sanctions or penalties thus there is the constant search for legal loopholes. As mentioned by Professor Hideki Kashizawa, people take for granted that they can do as they please as long as it does not violate the documented legislated law.

Regulations governing, such as micromanagement of regulations by way of adding laws, do seem to be improving – but not always. Business execution becomes more costly by complicating law enforcement. Moreover, only legal experts would be capable of understanding a way to circumvent the law by letting such micromanagement of the law to happen.

The ruling DPJ vocally insists on politicians exercising leadership, but that is easier said than done. It should go without saying that politicians take leadership in democratic society, regardless of party affiliation. But that is very difficult; and why is this? Under the current system, we have to push a political intent forward under a legal system that has become extremely meticulous and complex in its governing nature. Ironically, it is the parliamentarians who passed such a complex law that is seemingly inhibiting political leadership to happen.

Government officials that are responsible for policy execution, execute their duties within the scope of what the law dictates. In other words, government officials do not have to be accountable as long as they are compliant. No matter how often their initiative fails, or no matter how many resources are lost due to failure, they do

not have to take responsibility as long as they abide by the law.

A concrete, yet embarrassing, example is the situation in Japan regarding the incomplete pension premium record which has developed into a serious social issue. This issue is one of the reasons why there was an advent of the new administration in 2009.

In Japan, employers and employees share the same pension premium. After a certain amount of years of such shared payment practices, the employee is entitled to a monthly pension. Some insincere employers, however, deceived their employees and never paid the premium or deposit to the Treasury. Additionally, when data was entered into the computer, some handwritten data was incorrectly registered.

In retrospect, the government should have sent a payment certificate to annuitants, but it was not done. This is why the situation turned into an unimaginably serious issue.

As far as the politicians were concerned everything was legal and in order, but the bureaucrats who provided the incomplete data were never checked. No one has taken responsibility for the fact that it was never suggested that confirmation should be sent. Now, who is to take the blame for this situation is but only the politicians ourselves. This is one of the major differences between officials, bureaucrats and statesmen. Officials are responsible for the execution of the administrative system; thus, they do not have to be accountable for anything unless they violate the law – statesmen or

parliamentarians have to be accountable for the outcomes. I would say that most officials are conscientious people – and I really want to believe so; however, this kind of trend went out of hand. Most officials believe that they would not be responsible for anything as long as they do not – and did not – violate the law, or as long as they are compliant; they are very evasive in terms of their responsibility. As civil servants, do they not morally suffer when they cause a major loss like this? In any case, the law is provided by the parliamentarians and I believe parliamentarians should legislate a law which officials can be responsible for; but this does not mean that formal rationality should be pursued based on legal experts' opinion in legislating laws.

At Part One of this workshop in 2009, African and Asian parliamentarians pointed out that ODA assistance eventually goes back to the donor nations through consulting firms and developing countries continue to suffer from debt after the process. Meticulous law governing and the compliance issue have a lot to do with this situation. Consultants in developed countries will be most useful in order to clear the conditions requested by international agencies such as business plans, reporting and accounting systems. The fees for these consulting firms, however, will become enormously expensive. Let us say, for example, that in order to execute US\$100,000 worth of business, if the indirect expenses are US\$80,000, the voters in the developed countries believe that, "yes, we gave US\$100,000" even though the developing country only really received US\$20,000. This is happening far too frequently. Laws are supposed to protect people's lives; it is

contradictory that compliance can be interpreted by only the legal experts.

Having previously worked in finance, I know that meticulous governing by law does not always ensure transparency. Micromanagement of the law does not help and experts can easily hide information in some void of a system to gain profit. As a result, the poor are left behind and unable to exit the cycle of poverty. Revising laws to govern meticulously or micromanagement, as compliance continues to be strengthened, will require enormous amount of money; therefore, cost effectiveness should be rigorously examined.

It is strange that laws exist that can only be interpreted by legal specialists. We are parliamentarians and should legislate laws

that enable the execution of what is right. To ensure transparency, cost-effectiveness and accountability, we should gather our wisdom as to how this is possible by considering reasonable criteria. I believe that if parliamentarians are able to address this issue by exercising ownership of these issues, excellent governance will come into play and will provide a foundation on which we can join hands in order to execute our initiatives.

In order to expand ODA, parliamentarians, as legislators, should ensure transparency. I would like to work closely with you in order to achieve good governance on the outcome. Please join me in this initiative and in its thinking process.

Thank you.

Thursday, September 16, 2010

SESSION 10

Presentations of the Outcomes of the Break-away Discussions

At the beginning of Session 10, African and Asian delegates formed two separate groups to engage in discussion; one African, one Asian. Discussions were based on the proposed Plan of Action draft, some of which was a follow-up on the “Issues and Recommendations” that were put forth and adopted at the 2009 Workshop.

One representative of the African group and one representative of the Asian group then presented their discussion outcomes with proposed items to incorporate into the Plan of Action before unanimous adoption of the document.

SESSION 10

Presentations of the Outcomes of the Break-away Discussions

On behalf of the African Delegation,

Hon. Lombani Msichili

MP, Zambia

Curriculum Vitae:

Hon. Lombani Msichili was first elected to the Parliament of Zambia in 2006, and is the MP for the urban Kabushi Constituency.

He is an accountant by profession and a member of the Public Accounts Committee, as well as a member of the Zambia All Party Parliamentary Group on Population and Development (ZAPPD).

Distinguished Ladies and Gentlemen,

I shall begin with the paper that was presented to us and start with the issues under “The facts are that we must”. We agree with point number one, which is “Share common goals of addressing population issues in accordance with the ICPD PoA in order to advance people’s welfare, protect their dignity, and achieve sustainable development”, although we would like to add that this issue is different per region. There are various differing issues within the different regions; for example, poverty levels, diseases, cultures, economic statuses, and political will. All of this must be taken into account as we arrive at the decision on this first point.

The second point reads, “Urgently respond to the needs to attain MDG5 – which is aimed at improving maternal health but is lagging behind – before the internationally-agreed 2015 deadline”. We totally agree with this point but think that MDG3, which is “Promote gender equality and empower women”, should also be

included. Whilst many African countries are trying to ensure that we attain gender equality, we find that some Asian and European countries are not as proactive in trying to achieve this; it is our sincere hope that our colleagues will not lag behind on MDG3.

Point number three is “Promote international cooperation in order for each country to do its utmost to address population issues, which are fundamental to solve imminent global issues”. We do not have any additions or subtractions for this recommendation.

We agree with the fourth point which is “Promote the involvement of parliamentarians – the representatives of the population – in order to expand international cooperation in the field of population issues, since we cannot force these issues on the population”. MPs, therefore, need capacity building and a special fund should be set up so that MPs have access to ensuring they participate in their respective areas; most MPs are incapacitated due to lack of funds. A fund

would help MPs to access, reach and achieve all the intended areas and goals.

“Share good practices and achievements of ODA with developed countries in order for these countries to justify international cooperation to the population” is point number five. We agree that the only way to achieve this goal is through visit-exchanges with MPs of both donor and recipient countries to learn about good practices and achievements.

When we looked at point six, “Examine effectiveness, cost-performance and cost-efficiency of ODA projects and demonstrate to donor countries”, we decided that a proper mechanism should be put into place to access information regarding the ODA projects in order to examine the effectiveness, the cost-performance, and cost-efficiency. As we have been discussing, the problem is that we lack information; issues are difficult to examine because we do not have information. It is only once information is available that we will be able to compare projects.

The seventh point is to “Strengthen parliamentarians’ networking among national committees and regional fora, which will be a global networking tool for population and development”. In addition to strengthening the network, we wish to emphasise that we want to establish an Network on Population. Once we do this, we will be able to meet more often and will be able to address most of these issues.

We are in agreement with the other points, though believe that points 9 and 10 have been addressed in points 1, 3, and 5.

Then we move on to the “Actions” in the document with, number one, “Improve in-

ternal-external cooperation and coordination for the implementation of ODA by improving transparency and accountability as appropriate for the people”. This is correct but the first step we must take to do this is to create awareness among the MPs by conducting workshops. MPs should be given the opportunities to attend these workshops so that they are able to understand the concepts; through this, it will be easier for them to formulate criteria for measuring this process of the ODA-related programmes, while at the same time improving parliamentarian capacity to take a proactive role in ODA processes. It is best that donors are present at these workshops so they can give us the guidelines and information on all the issues in which we are lacking.

We fully agree with points 2, 3, 4, 5, and 6. Coming to point seven, “Examine effectiveness, cost-performance and cost-efficiency of ODA projects and demonstrate to donor countries”, we believe that four years would be adequate to for a programme, under the sub-clause.

On point eight, “Ensuring donor countries’ commitment”, we have failed to come to a conclusion. We believe the suggestion of enforcing penalties if commitments are broken, such as no trade benefits from the donor country if projects are not completed, is beyond the capacity of Members of Parliament. This needs to be handled at the government-level.

Policies are in place for point nine: “Ensure simple, but proper, standards for oversight – and adherence to them – through ensuring that legislation includes”. Now we need reinforcement to strengthen these policies which we already have in place, in order to achieve the intended goals.

Going to the tenth point regarding strengthening anti-corruption efforts, the issue of corruption still exists even in our countries today. Though we want to strengthen the efforts, we find that it normally takes two terms; thus sometimes when looking at the results of the evaluation, some of the projects being undertaken in our countries are by contractors from donor countries. How do we handle the corruption issue when most of the contractors come from the donor countries? This is why we are insisting that we show we are strengthening our policies, our laws, and that the law is applicable to anyone – even to those donor contractors who come and do shoddy work.

These are the recommendations from Africa for this Plan of Action.

I thank you very much.

Hon. Fredrick Outa MP (Kenya)

In addition, we would like to propose that elements from the “Issues and Recommendations” that were adopted at the 2009 workshop also be included in this year’s recommendations and priority of issues, so that they are implemented.

Thank you.

SESSION 10

Presentations of the Outcomes of the Break-away Discussions

On behalf of the Asian Delegation,

Cong. Jesus Crispin Remulla

MP, Philippines

Distinguished Ladies and Gentlemen,

On behalf of the Asian delegation, I would like to say that we want to produce a document that we can all agree upon together.

The preamble is something we believe to be correct and we would like to keep it as it is. But with reference to the second section, "The facts are that we must", we made it into more of a resolution form and put "Whereas there is a need to". We then turned the ten points of section two into seven points.

We agreed on points 1 through 4, and decided that 5 and 6 should be combined into one statement that would encompass the subject with brevity of words. We said: "Examine effectiveness, cost-performance and cost-efficiency of ODA projects and share good practices and achievements of ODA with developed countries to justify international cooperation to the population". This is meant to address the issues raised by the Japanese parliamentarians on the opening day, when they mentioned that constituents were questioning whether the ODA they are giving to the other countries is justifiable. This paragraph, therefore, has been added to make ODA justifiable to the people.

Points 10 and 7 have also been combined into: "Create channels and strengthen networking among parliamentarians in order to attain national, regional and global concerns that are common to all – especially on issues that are related to population, development and proper utilisation of ODA".

For us, the last point now summarises what we have been discussing all along and that is "To ensure transparency in the processes of planning, management, implementation and funding for ODA projects and programmes". There is a need to ensure transparency, so that we can all know and that information will be made available to all of us.

The last section can be put into three basic units of agreement. Instead of listing "Actions", we put "Wherefore, premises considered, we commit ourselves to:"

Number one, "Improve internal and external cooperation and coordination for the implementation of ODA by enhancing transparency and accountability, as appropriate for the people". For this purpose, we will consult with all stakeholders to define appropriate criteria for measuring and evaluating ODA-related programmes.

Number two, "Effectively monitor transparency and accountability by: a)

creating appropriate laws and regulations from the point of cost-effectiveness and public understanding; and b) conduct appropriate evaluation through close discussion among parliamentarians of donor and recipient countries”.

The third point is to summarise everything and, bearing the power of legislative oversight in mind, “Utilise the power of legislative oversight to ensure that all ODA projects and programmes are implemented with the utmost transparency,

clarity and accountability”. With this, there is the inclusion of the improvement of external cooperation and coordination; and then effectively monitoring transparency, accountability, and utilisation of legislative oversight.

We believe there is now a framework for action that we can all agree upon, with precision through brevity of words.

Thank you.

Thursday, September 16, 2010

SESSION 11
Discussion and Adoption of the Plan of Action

CHAIR:
Hon. Jenista Joakim Mhagama
MP, Tanzania

Curriculum Vitae:

Hon. Jenista Joakim Mhagama is the Chair of the Community Development Committee in the National Assembly of Tanzania, as well as the Presiding Officer of the Tanzanian National Assembly.

She is an international diploma holder in modern management and administration.

At the beginning of Session 10, African and Asian delegates formed two separate groups to engage in discussion; one African, one Asian. Discussions were based on the proposed Plan of Action draft, some of which was a follow-up on the “Issues and Recommendations” that were put forth and adopted at the 2009 Workshop.

One representative of the African group and one representative of the Asian group then presented their discussion outcomes with proposed items to incorporate into the Plan of Action before unanimous adoption of the document.

Under the Chairpersonship of Hon. Jenista Joakim Mhagama MP, Tanzania, various points of view were aired and debated to highlight the issues related to ODA accountability and transparency. The result of the session was the “Plan of Action”, which was unanimously adopted by the participants on 16 September 2010.

Thursday, September 16, 2010

CLOSING CEREMONY

Closing Address

Hon. Yasuo Fukuda

Chair,

The Asian Population and Development Association (APDA)
Chair of the Japan Parliamentarians Federation for Population (JPFP)

Distinguished Ladies and Gentlemen,

Thank you for your hard work over the past four days.

The programme was organized in response to the urgent recognition of issues such as what should be done to expand and maximise the effectiveness of ODA, and what should be done to be accountable to our people. We have invited you here to deal with this difficult issue to motivate action. You have been very enthusiastic in this discussion; therefore, I would like to extend my appreciation to you all for the great efforts you have put into this meeting.

Auditing standards are a valid concern of the citizens and I believe that what was discussed here is the very essence to each and every country. When you return to your countries, I would like you

to share what you have discussed here with you fellow peers: from the standpoint of your people, what kind of ODA is necessary, and what needs to be abided by in order to make the ODA effective. I also ask you to discuss the necessary requirements to utilise ODA in an effective manner with accountability and transparency, as well as appropriate auditing standards.

A reception will be held this evening, 16 September 2010, to celebrate AFPPD's receipt of the 2010 UN Population Award. This award has been given in recognition of parliamentarians', such as yourselves, hard work for contribution to population and development issues. I, therefore, welcome your presence at the reception.

With this I conclude the meeting and thank you again.

CLOSING CEREMONY

Closing Address

Hon. Prof. P.J. Kurien

MP, India

Vice-Chair of the Asian Forum of Parliamentarians on Population and Development (AFPPD)
Chair of the Indian Association of Parliamentarians on Population and Development (IAPPD)

Distinguished Ladies and Gentlemen,

It is my privilege to say a few words for the conclusion of this workshop. I wish to thank APDA and its Chair for conducting and organizing this seminar in such a wonderful way. Hon. Fukuda has always been at the forefront of population and development, and bringing this together for implementing these programmes. I also thank the Japan Parliamentarians Federation for Population (JPFP) for hosting this seminar. I can say, without a doubt, that we enjoyed this successful seminar very much and am sure that the other delegates agree with me.

This workshop is the second instalment of three; Part I was held in 2009, this is Part II, and plans are underway for Part III. During these seminars we deliberate, analyse, and expand on documents adopted at previous seminars. The discussions have been very useful and very informative, and I can assure the Chair that we are sensitised and made more conscious of responsibilities in ensuring accountability and transparency in ODA programmes.

I can assure the Chair that we will take the information to our countries and certainly share what we have gained from our fellow MPs. We will do our utmost to ensure that ODA programmes and projects are better implemented with

greater accountability and transparency. The ODA agreements and programmes are agreed upon between one government and another, while the bureaucrats mainly sign the agreements. Bureaucrats are the ones who actually implement the programmes; based upon this, parliamentarians do not have a role at all. In fact, most of the MPs do not know what kind of ODA programmes there are. In the Action Plan we have, therefore, included that all ODA programmes should be reflected and published on a website.

Knowledge is most important; once knowledge is made more accessible, I believe MPs will come forward to involve themselves in the implementation of ODA projects. What is needed for this is the ambition to do so. If they do not involve themselves in the implementation of the project, then we should also ensure people's participation – from the early planning stage to the end of the implementation – because they are the beneficiaries.

ODA projects and programmes should be supervised by MPs but that is not there now. The "supervision" is being done by the bureaucrats; therefore, most of the ODA programmes do not achieve their physical targets. Bureaucrats are satisfied by financial targets. They are occupied with saving money; thus a lot of

assistance has come in and been spent – but what about the physical targets; are they being achieved? This is what the MPs need to be able to find out and evaluate.

This conference is very useful and we will do our utmost to ensure that ODA projects are implemented with accountability and full transparency. In this connection, I would like to also say that I understand that there is a tendency by donor countries to reduce ODA. To my understanding, the ODA is in the interest of the donor as equally as in the interest of the recipient. We are all, ultimately, striving for a better world where people can live with dignity without poverty. Poverty and population are interconnected.

If we want to address population then we must first tackle poverty issues; a world without poverty is a world where everyone lives with dignity is in the interest of the developed world and also

the developing world. In my view, donor countries should not reduce the ODA. I am aware of the economic constraints but ODA should not be decreased; if anything, it should be increased.

Ultimately, the essence is good governance without corruption and with the involvement of the people. The involvement of the people means that MPs get involved in the preliminary project and bring people together for the project. If there is good governance and involvement of the people – without corruption – every project will be successful, whether it is ODA or otherwise.

I would like to conclude by reiterating the success of this conference. My thanks also go to the Chair, Hon. Yasuo Fukuda, and the secretariat for their excellent conduct of this seminar.

Thank you very much, and I wish you all the best.

“Parliamentarians’ Capacity Building Project on Accountability and Aid Implementation for Population and Development Issues – Part II”

Plan of Action

16 September 2010

Tokyo, Japan

1. Preamble

We, parliamentarians from 11 countries – as representatives of the Asian Forum of Parliamentarians on Population and Development (AFPPD) and the Forum of African and Arab Parliamentarians on Population and Development (FAAPPD) – attending the “Parliamentarians’ Capacity Building Project on Accountability and Aid Implementation for Population and Development Issues – Part II” seminar organized by the Asian Population and Development Association (APDA) and hosted by the Japan Parliamentarians Federation for Population (JFPF), in Tokyo, Japan, from 13-16 September 2010, adopt the following Plan of Action based on the “Identifying the Issues” and “Recommendations and Priority Issues” documents that were adopted at Part I of the Project.

2. Whereas, there is a need to:

- (1) Share common goals of addressing population issues in accordance with the ICPD PoA in order to advance people’s welfare, protect their dignity, and achieve sustainable development, considering special needs of the region in the light of the poverty levels, diseases, different cultures, and economic status.
- (2) Urgently respond to the needs to attain all MDGs, especially MDG3, MDG5 and MDG5b before the internationally-agreed 2015 deadline.
- (3) Promote international cooperation in order for each country to do its utmost to address population issues, which are fundamental to solve imminent global issues.
- (4) Promote the involvement of parliamentarians – the representatives of the people – and enhance their capacity in order to effectively fulfil their role in the population issues.
- (5) Ensure that all ODA-related information and projects should be made public (such as on government websites).
- (6) Examine effectiveness, cost-performance and cost-efficiency of ODA projects and share good practices and achievements of ODA with developed countries to justify international cooperation to their own population.
- (7) Create channels and strengthen networking among parliamentarians in order to put an end to national and regional concerns, and global concerns that are common to all; especially on issues related to population, development and the proper utilisation of ODA.
- (8) Ensure transparency in the process of planning, management, implementation, and funding of ODA projects and programmes.

3. Wherefore, premises considered, we commit ourselves to:

- (1) Improve internal-external cooperation and coordination for the implementation of ODA by enhancing transparency and accountability as appropriate for the people. For this purpose, we will consult with all stakeholders to define appropriate criteria for measuring and evaluating ODA-related programmes.
- (2) Effectively monitor transparency and accountability by:
 - a) Creating appropriate laws and regulations from the point of cost-effectiveness and public understanding.
 - b) Conduct appropriate evaluation through close discussion among the parliamentarians of donor and recipient countries.
- (3) Utilise the power of legislative oversight to ensure that all ODA projects and programmes are implemented with utmost transparency, clarity and accountability.

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*Please note: Names and titles are listed as applicable in September 2010.

Acronyms

AFPPD	.... Asian Forum of Parliamentarians on Population and Development
APDA	..... Asian Population and Development Association
CAPPD	... Cambodian Association of Parliamentarians on Population and Development
FAAPPD	.. Forum of African and Arab Parliamentarians on Population and Development
GRIPS	..... National Graduate Institute for Policy Studies
HOC	..... House of Councillors
IAPPD	..... Indian Association of Parliamentarians on Population and Development
ICPD	..... International Conference on Population and Development
JCAA	..... Japan Corporate Auditors Association
JICA	..... Japan International Cooperation Agency
JPPF	..... Japan Parliamentarians Federation for Population and Development
LAPPD	.... Lao Association of Parliamentarians on Population and Development
MCH	..... Maternal and Child Health
MDGs	..... Millennium Development Goals
MOFA	..... Ministry of Foreign Affairs
ODA	..... Official Development Assistance
PCM	..... Project Cycle Management
PLCPD	.... Philippine Legislators' Committee on Population and Development
PoA	..... Programme of Action
Q&A	..... Questions & Answers
TEPCO	.... Tokyo Electric Power Company, Inc.
UNFPA	.... United Nations Population Fund
VAPPD	.... Vietnamese Association of Parliamentarians on Population and Development
ZAPPD	.... Zambia All Party Parliamentary Group on Population and Development