

“Law” – Cornerstone of Development

JICA's Cooperation for Rule of Law Promotion



Vietnam
Cambodia
Laos
Myanmar
Mongolia
Nepal
China
Uzbekistan

Photos: Koji Sato (Top right, bottom left) / JICA



Rules make countries abundant and ensure the safety of the lives of people.

JICA is focusing on the development and establishment of legal systems in developing countries.

The development and functioning of legal and judicial systems are foundations for people to live abundantly with ease of mind, and also represent the core elements of nation-building.

In developing countries in particular, in order to realize economic growth, guarantee of human rights and poverty reduction, justifiable rules that reflect the will of the citizens must be executed, implemented and put into effect in a neutral and appropriate manner.

JICA supports developing countries' efforts toward the development and improvement of legal and judicial systems, and expands activities that center on the fostering of human resources involved in the development and implementation of rules, in accordance with the needs and challenges of each country.

Characteristics of JICA's Cooperation for Rule of Law Promotion

Respecting partner countries' ownership, and emphasis on capacity development

Based on dialogues and collaborative work that take culture, customs and existing systems into consideration, JICA is carrying out support that respects partner countries' ownership in cooperation with the Japanese Ministry of Justice, Supreme Court, Japan Federation of Bar Associations and universities (law scholars). In addition, JICA is also aiming for improved long-term capacity in order to enable for partner countries to autonomously carry out capacity development in legal and judicial sectors after JICA's support has ended.

Long-term advisors

Advisors (experienced judges, prosecutors, lawyers, researchers, etc.) are dispatched for long periods of time to partner countries. Together with comprehending the partner country's culture, customs and existing systems, daily collaborative work (joint implementation of group workshops and local surveys, co-hosting of training and seminars, etc.) is carried out, and knowledge and know-how is shared with competent persons in the partner country.

Establishment of advisory groups

Advisory groups (comprised of law scholars, practitioners with abundant experience, etc.) have been established in Japan, and knowledge and know-how collected from across the nation are shared by using methods such as training programs in Japan, TV conferences, seminars in each partner country, etc.

Cooperation of peers (Peer to Peer)

By having specialists in each sector be involved, such as "judges (ex-judges) are involved in cooperation with the partner country's courts," "prosecutors are involved in cooperation with the public prosecutor's office," "lawyers are involved in cooperation with bar associations," and "people experienced in drafting of Japanese laws and researchers are involved in joint work in drafting of bills," sharing of concerns and experience is carried out.

Use of Japan's own experience and knowledge on "capacity development" in legal and judicial sectors

Japan's past knowledge and experience on capacity development in legal and judicial sectors where foreign laws have been incorporated into Japan by customizing them so that they conform to Japan's society, culture and existing systems are utilized in capacity development in each partner country. Support that emphasizes the ownership of partner countries and capacity improvement is conducted.

History of JICA's Cooperation for Rule of Law Promotion

1960s	● Implementation of training in Japan in the criminal justice sector (to present day)	2005~	● Full-fledged initiation of cooperation in Uzbekistan
1966~	● Full-fledged initiation of cooperation in Vietnam (Initiation of support for the development of legal and judicial systems as a part of support for development of market-oriented economy)	2006~	● Full-fledged initiation of cooperation in Mongolia
1999~	● Full-fledged initiation of cooperation in Cambodia (Implementation of support for the development of legal and judicial systems for post-conflict countries/conflict affected countries)	2008~	● Full-fledged initiation of cooperation in East Timor
2003~	● Full-fledged initiation of cooperation in Laos	2009~	● Full-fledged initiation of cooperation in Nepal
2004~	● Full-fledged initiation of cooperation in China	2013~	● Full-fledged initiation of cooperation in Myanmar



Photo: Koji Sato/JICA

The Three Pillars of JICA's Cooperation for Rule of Law Promotion in Developing Countries

Supporting the improvement of the capacity of organizations responsible for law implementation

Support in the development of organizational capacity and the improvement of the professional practice

Supporting the development of rules and regulations

Support of drafting of laws and legislative activities

Supporting the legal empowerment of people and society

Supporting the dissemination of laws, people's access to legal and judicial systems, and the development of legal-aid systems

Supporting the development of human resources in legal and judicial sector

Supporting cultivation and training for legal professionals, judicial officials, legal organization members and others who are involved in the development of the above three pillars

Cooperation for Rule of Law Promotion as the Japanese Government's Priority Policy

— “Basic Policies on Legal Technical Assistance (Revised)” : May 2013 —

Basic concept of “Legal Technical Assistance” in developing countries

Legal technical assistance contributes to self-help efforts of developing countries toward good governance and building of integral foundations to attain sustainable growth.

Establishing the rule of law in developing countries through sharing universal values, including freedom, democracy and basic human rights

Improving the environment for sustainable growth and assuring compliance of global rules

Sharing Japan's experience and systems, strengthening their economic ties with Japan, and establishing a platform for regional cooperation and integration

Improving the trade and investment environment, which is beneficial for Japanese enterprises in expanding their businesses overseas, and assisting in the introduction of environmental and safety regulations

Enhancing the effectiveness of Japanese economic cooperation, and contributing to developing countries in achieving international development goals, through enhancement of governance

Target sectors

Japan will actively provide assistance for legal development and operation in the law fields relevant to basic and economic laws

Eight priority countries

Indonesia, Vietnam, Myanmar, Mongolia, Cambodia, Laos, Uzbekistan and Bangladesh



Realization of "Rule of Law" - Foundation of Good Governance. Projects Are Being Expanded Throughout the World.

Vietnam

Development of a Functional Cycle for Improvement of Legal and Judicial Systems Through Collaborative Works with Local Agencies

The Project for the Legal and Judicial Systems Reform Phase 2 / April 2010 to March 2015

- Vietnam has moved towards a market-oriented economy that was started by the introduction of the Doi Moi economic reforms in 1986, and the Vietnamese government has strengthened with the development of a legal system suitable for a market-oriented economy. JICA has regularly supported the Project in the Legal and Judicial Law in Vietnam in 1996, mainly providing cooperation with support for the drafting of legal materials documents in local and commercial law fields and their implementation, as well as with the training of legal professionals. JICA has also contributed to the completion of various legislative acts and development of practical manuals up to now.
- However, it was considered that some legal materials/documents were not being sufficiently understood (local level administrative agencies and judicial authorities), in the previous phase of the current project. JICA and the partner organizations conducted activities aiming to strengthen the capacity of institutions and human resources at the local level. In addition, a pilot district was selected, and the lessons learned from the analysis of judicial practices, such as court procedures, etc. in the same district, were analyzed as feedback to the central judicial authorities/organizations, and an aim was made to reflect those lessons in the improvement of sources for fostering legal professionals and training cases.
- As a result, the central judicial authorities/practices accumulated know-how on dealing with issues by taking the current local conditions and challenges into consideration. In the current phase, the central judicial authorities/practices are using this know-how and conducting activities to expand field-oriented approaches, toward capacity improvement at the local level at a nationwide scale. Through such activities, an aim is made to enhance institutional and human resource capacity to improve legal and judicial systems in Vietnam, by having the central judicial authorities/organizations create rules that take the challenges and needs of the country into consideration and establish a daily work flow consisting of a cycle where the issues that actually arise in implementation are linked to improvement of actual practice and reform of laws.

Partner Organizations:
Ministry of Justice, Supreme People's Court, Supreme People's Procuracy



Field Projects:
#111 Project for the Legal and Judicial Systems Reform Phase 1 & 2
#112 Project for the Legal and Judicial Systems Reform Phase 1 & 2
#113 Project for the Legal and Judicial Systems Reform Phase 1 & 2
#114 Project for the Legal and Judicial Systems Reform Phase 1 & 2

Laos

Improving Skills Necessary for Legal Development Based on Government-Academia Collaboration

The Project for Human Resource Development in the Legal Sector / April 2010 to December 2016

- Laos had undergone reform based on the pillars of economic liberalization and transition to a market-oriented economy. Laos is progressing towards participation in global frameworks. For instance, Laos acceded to the Association of Southeast Asian Nations (ASEAN) in 1997 and the World Trade Organization (WTO) in 2013. Legal and judicial development to promote the transition to a market-oriented economy also moved forward, and approximately 300 laws have been enacted up to now. However, the development of basic laws necessary for smooth and successful transition to a market-oriented economy is insufficient, and the laws that currently exist have not been implemented. In addition, the Lao government faces difficulties to implement laws in an efficient and unified manner.
- Thus, the Lao government requested Japan for support for the Ministry of Justice, Supreme People's Court and Supreme People's Procuracy Offices. Based on this, JICA has regularly started support for legal and judicial development in Laos in 2003, and developed reference materials for judicial practice in legal and judicial affairs, as well as practical manuals.
- That said, as the need of the challenge Laos is faced with is a lack of systematic understanding of laws and a lack of human resources who can carry out substitution work and legal training/education, we are now both theory and actual practice into consideration.
- In the project that is currently underway, relevant agencies bring their own knowledge and experience, and analysis of issues and joint work are implemented in a cross-organization manner, with the National University of Laos as a new partner. Through developing reference materials that link legal theories with issues in actual practice and through drafting a civil code, this project is aiming to have relevant agencies, their officials and general populace acquire the capacity to improve legal education and training, as well as actual practice.

Partner Organizations:
Ministry of Justice, Supreme People's Court, Supreme People's Procuracy



Field Projects:
#115 Project for the Legal and Judicial Systems Reform Phase 1 & 2
#116 Project for the Legal and Judicial Systems Reform Phase 1 & 2
#117 Project for the Legal and Judicial Systems Reform Phase 1 & 2

Mongolia

Promotion of the Development and Establishment of a Mediation System as a Means for Dispute Resolution

The Project for Strengthening Mediation System Phase 2 / April 2010 to December 2016

- In Mongolia, since the transition to a market-oriented economy in 1990, needs for diversifying means for dispute resolution and developing a legal system that guarantees the rights of citizens and corporations have increased in order to respond to troubles among citizens that had been increasing in number in association with the vitalization of economic activities. However, in Mongolia, a mediation system allowing for smooth dispute resolution of simple incidents that is economical and rational, where citizens can be satisfied after talking about the incident with each other, did not exist.
- As part of support for provision of high-quality legal services to citizens by lawyers, JICA that supported the establishment of the "Legal Consultation and Mediation Center" in the "The Association in 2004, and cooperated in the fostering of mediators, etc. Based on the results of this cooperation, Mongolia requested that a mediation system be introduced even in the courts of Mongolia. In 2008, JICA implemented support to root a mediation system within the legal and judicial system in Mongolia in May 2009. The Law on Mediation passed and the introduction of a national mediation system was finally decided.
- In the current project, which was initiated in April 2009, progress is being made with developing the rules, systems and facilities, and fostering the mediators necessary for introduction and operation of the national mediation system, in an aim for implementation of mediation in courts throughout the country, and its function as a means for dispute resolution. In addition, publicity campaigns of mediation system to citizens are conducted. The trials of implementation of the mediation system is monitored after it is introduced, and special improvements are made in order to establish the system.

Partner Organizations:
Supreme Court of Mongolia, Legal Reform



Field Projects:
#118 Project for the Legal and Judicial Systems Reform Phase 1 & 2
#119 Project for the Legal and Judicial Systems Reform Phase 1 & 2
#120 Project for the Legal and Judicial Systems Reform Phase 1 & 2

China

Backup for Legal and Judicial Development That Supports Rapid Economic Growth

Administrative Procedure Law and Other Administrative Law / July 2010 to June 2014

- In China, the number of cases associated with the rapid development of the economy and society has been increasing. In particular, new types of cases have been increasing, and as the court procedural law cannot keep up with the needs of the citizens, in the five-year plan (2009 to 2013) submitted at the 17th National People's Congress (NPC) session, revision of the three major court procedural laws for criminal procedure, civil procedure and administrative procedure is an issue to be addressed. In particular, administrative lawsuits in China have been on a significantly increasing trend in recent years and the cases are diversifying; however, more than 20 years have passed since the enforcement of the current Administrative Procedure Law, and needs for improvement have been arising in various points based on development of the economy and society.
- In 2010, Japan has provided support for the drafting of various laws based on requests by China, such as Law on Responsibility for Intimidation of Rights, Civil Procedure Code, Law on Protection of Consumer Interests, Intellectual Property Law and Copyright Law.
- In Administrative Procedure Law and Other Administrative Law ("Project") study tours in Japan and seminars in China on not only the Administrative Procedure Law but also other administrative laws (such as the Administrative Procedure Law and Other Administrative Law ("Project") study tours in Japan and seminars in China) are being conducted by taking the Chinese legislative plan into consideration and being implemented with the Department of Administrative Law, Legislative Affairs Commission, Standing Committee, the NPC as a partner organization. These laws are basic laws that form the important components of Chinese Socialist Legal System and since these laws are not applied to the large changes that occurred in China's economic society, the necessity of all-around changes in a coordinated manner has been pointed out. This project is aiming to share the knowledge and practices of legal systems in Japan, to utilize these in China's legislative works and to contribute to the resolution of issues that China faces.

Partner Organizations:
Legislative Affairs Commission, Standing Committee, National People's Congress



Field Projects:
#121 Project for the Legal and Judicial Systems Reform Phase 1 & 2
#122 Project for the Legal and Judicial Systems Reform Phase 1 & 2
#123 Project for the Legal and Judicial Systems Reform Phase 1 & 2

Cambodia

Enroting Basic Laws That are Cohesive to Livelihood

Legal and Judicial System Reform Phase 4 / April 2012 to March 2017

- Starting in the mid-1970s, the Pol Pot regime caused a complete abolition and collapse of Cambodia's laws and legal systems. Many intellectual figures were murdered, and it is believed that there were no more than 10 lawyers who survived at the time. Afterwards, the political situation stabilized and Cambodia became a democracy in 1993. However, it was not possible to reestablish a legal system on its own due to a lack of human resources.
- Thus, the Cambodian government requested Japan, which had been supporting capacity development of legal and judicial sectors in its neighboring country Vietnam, to support the development of a civil code and a code of civil procedure, that are most cohesive laws to civilian life. Based on this, JICA has regularly started support for the legal and judicial development in Cambodia in 1999. JICA has supported the drafting of legislative bills, starting with the civil code and the code of civil procedure, and approximately 20 laws related to the codes have been finally enacted. In addition, JICA has also simultaneously supported the strengthening of the capacity of the Ministry of Justice to promote activities to disseminate laws, and fostering of judges and lawyers, all of which are essential for each code-related laws to put into effect appropriately.
- As the project that is currently underway, support to promote understanding of the new civil code, the new code of civil procedure and other related laws, in order to enrich those basic laws in Cambodia is being carried out. Targeted private sector lawyers, who play an important role in fostering future lawyers, such as Ministry of Justice officials, judges and lawyers.

Partner Organizations:
Ministry of Justice, Royal Justice for Justice Professionals, Law Association of Cambodia



Field Projects:
#124 Project for the Legal and Judicial Systems Reform Phase 1 & 2
#125 Project for the Legal and Judicial Systems Reform Phase 1 & 2
#126 Project for the Legal and Judicial Systems Reform Phase 1 & 2

Myanmar

Support for Enhancement of Institutional and Human Resources Capacity for Law Reforms That Meet International Standards

Justice and Research Sector's / November 2010 to November 2016

- Myanmar also the inauguration of the new government in March 2011, reforms focused on the three pillars of "democracy", "economic reform", and "peace with minorities" have been moving forward. The establishment of Rule of Law is recognized as being an essential element to move forward with these reforms, and in particular, the development of a legal and judicial system for promoting the transition to a market-oriented economy and the development of an investment environment in an aim for accession of the ASEAN Economic Community in 2015 is a major issue.
- Current "Myanmar Law" consists greatly of just-in-time laws that do not correspond to the complex and advanced market-oriented economy of the present day. In addition, the legal system as a whole is not systematized, and conflict and duplication of laws can be seen in legal and judicial practices, there is a lack of staff members who possess legal qualities with respect to the drafting and implementation of laws, and opportunities for practical training are also extremely limited.
- Thus, in November 2010, JICA provided support, with the Union Attorney General's Office, which is in charge of coordinating work and advice related to the development and implementation of laws, and the Supreme Court of the Union, which holds jurisdiction over laws in the civil law field and is ultimately responsible for application of laws, as partner organizations. This project is aiming to improve institutional and human resources capacity in legal and judicial organizations so that they can develop and implement appropriately laws that follow socioeconomic and global standards.

Partner Organizations:
Union Attorney General's Office, Supreme Court of the Union


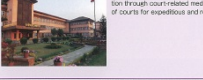
Field Projects:
#127 Project for the Legal and Judicial Systems Reform Phase 1 & 2
#128 Project for the Legal and Judicial Systems Reform Phase 1 & 2
#129 Project for the Legal and Judicial Systems Reform Phase 1 & 2

Nepal

Aim to Improve the Case Management System and Mediation System, and Strengthen Court Functions

The Project for Strengthening the Capacity of Courts for Expedient and Fair Dispute Settlement / September 2010 to March 2017

- In Nepal, the annual percentage of closed cases in relation to the number of cases received is about 40%, and the percentage of cases that require more than three years until completion is rising to 45%. The most issues in lawsuits cause the public's loss of faith in the courts. Even the court-related mediation system, for which there are expectations as a means for dispute resolution instead of the court procedures, is not being actively used due to a lack of understanding of the system, and there is a large discrepancy in case frequency among regions in Nepal. In addition, since the number of disputes that are resolved by court-related mediation is low due to a lack of capacity of mediators, the use of the court-related mediation system is not alleviating the burden on the courts.
- Thus, in this project, a proposal to improve the civil and criminal case management system will be created and trial operations at three district courts in Nepal will be carried out. In order to introduce and disseminate this improvement proposal to the nation, reference materials for judges, prosecutors and lawyers will be made, and training and seminars will be held. In addition, in order to promote dispute resolution through court-related mediation, reference materials for judges, lawyers and mediators will be created, and training and seminars will be held. Through these activities, the project aims to improve the case management system and to operate, promoting expeditious dispute resolution through court-related mediation, and improving the capacity of courts for expeditious and reliable dispute resolution.

Partner Organizations:
Supreme Court of Nepal (Sudhanu)


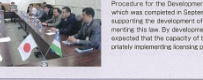
Field Projects:
#130 Project for the Legal and Judicial Systems Reform Phase 1 & 2
#131 Project for the Legal and Judicial Systems Reform Phase 1 & 2
#132 Project for the Legal and Judicial Systems Reform Phase 1 & 2

Uzbekistan

Contribution to the Improvement of the Business Environment Through Legal Development Support

Follow-up Cooperation for the Project for Improvement of Administrative Procedure for the Development of Private Sector Activities / April 2010 to March 2014

- Uzbekistan possesses the largest population within the central Asia region (approximately 28 million people), and has been striving to centralize the role of the former Soviet Union (USSR). Uzbekistan is blessed with natural resources, and based on resources developed by the government, and connected with the effects of an increase in export of natural gas, gold and cotton, which are major export goods, as well as private public investment, rapid economic growth has been continuing. However, to maintain the current level of high economic growth, problems such as a lack of human resources who have a leading role in the industrial sector after the transition to a market-oriented economy and the lack of development of legal systems are present obstacles.
- In 2010, JICA has supported legal and judicial development in Uzbekistan through the development of the Commentary of the Administrative Law and the Commentary of Law on Mortgage, establishment of a legal database, and development of a justice state on administrative procedure for administrative officials and employees, etc.
- In particular, JICA has focused on the development of a business environment. Past reports have contributed to the improvement of the business environment and the setting of Uzbekistan in "World Business", which is published by the World Bank International Finance Corporation, is rising.
- Currently, under the "Project for Improvement of Administrative Procedure for the Development of Private Sector Activities", which was completed in September 2010, was opened, JICA is supporting the development of a manual for effectively implementing the law. By development and effective the manual, it is expected that the capacity of the Ministry of Justice in appropriately implementing ongoing procedures be enhanced.

Partner Organizations:
Ministry of Justice (Sudhanu)

Field Projects:
#133 Project for the Legal and Judicial Systems Reform Phase 1 & 2
#134 Project for the Legal and Judicial Systems Reform Phase 1 & 2
#135 Project for the Legal and Judicial Systems Reform Phase 1 & 2

Realization of “Rule of Law”

Vietnam

Development of a Functional Cycle for Improvement of Legal and Judicial Systems Through Collaborative Works with Local Agencies

The Project for the Legal and Judicial System Reform (Phase 2) : April 2011 to March 2015

■ Vietnam has moved towards a market-oriented economy that was sparked by the introduction of the *Doi Moi* economic reforms in 1986, and the Vietnamese government has progressed with the development of a legal system suitable for a market-oriented economy. JICA full-fledgedly launched the Project in the Legal and Judicial Field in Vietnam in 1996, mainly providing cooperation with support for the drafting of legal normative documents in civil and commercial law fields and their implementation, as well as with the fostering of legal professionals. JICA has also contributed to the completion of various legislative bills and development of practical manuals up to now.

■ Since it was observed that some legal normative documents were not being sufficiently understood in local-level administrative agencies and judicial authorities, in the previous phase of the current project, JICA and the partner organizations conducted activities aiming to strengthen the capacity of institutions and human resources at the local level. In addition, a pilot district was selected, and the lessons learned from the analysis of actual practices, such as court procedures, etc. in the same district, were provided as feedback to the central judicial authorities/organizations, and an aim was made to reflect those lessons in the improvement of systems for fostering legal professionals and creating rules.

■ As a result, the central judicial authorities/organizations accumulated know-how on dealing with issues by taking the current local conditions and challenges into consideration. In the current phase, the central judicial authorities/organizations are using this know-how and conducting activities to expand field-oriented approaches toward capacity improvement at the local level on a nationwide scale. Through such activities, an aim is made to enhance institutional and human resource capacity to improve legal and judicial systems in Vietnam, by having the central judicial authorities/organizations create rules that take the challenges and needs of the country into consideration, and establishing a daily work flow consisting of a cycle where the issues that actually arise in implementation are linked to improvement of actual practices and revision of laws.



<Partner Organizations>

Ministry of Justice, Supreme People's Court,
Supreme People's Procuracy,
Vietnam Bar Federation (Hanoi)

<Past Projects>

- The Projects in the Legal and Judicial Field Phase 1 to 3
December 1996 to March 2007
- The Project for the Legal and Judicial System Reform
Phase 1
April 2007 to March 2011

Cambodia

Enrooting Basic Laws That are Cohesive to Livelihood

Legal and Judicial Development Project Phase 4 : April 2012 to March 2017

■ Starting in the mid-1970s, the Pol Pot regime caused a complete abolition and collapse of Cambodia's laws and legal systems. Many intellectual figures were murdered, and it is believed that there were no more than 10 lawyers who survived at the time.

Afterwards, the political situation stabilized and Cambodia became a democracy in 1993, however, it was not possible to reestablish a legal system on its own due to a lack of human resources.

■ Thus, the Cambodian government requested Japan, which had been supporting capacity development in legal and judicial sectors in its neighboring country Vietnam, to support the development of a civil code and a code of civil procedure, that are most cohesive laws to civilian life. Based on this, JICA full-fledgedly started supporting legal and judicial development in Cambodia in 1999. JICA supported the drafting of legislative bills, starting with the civil code and the code of civil procedure, and approximately 20 laws related to the codes have been newly enacted. In addition, JICA has also simultaneously supported the strengthening of the capacity of the Ministry of Justice to promote activities to disseminate laws, and fostering of judges and lawyers, all of which are essential for such civil-related laws to be put into effect appropriately.

■ In the project that is currently underway, support to promote understanding of the new civil code, the new code of civil procedure and other related laws, in order to enroot these basic laws in Cambodia is being carried out, targeting university lecturers, who play an important role in fostering future lawyers, along with Ministry of Justice officials, judges and lawyers.



<Partner Organizations>

Ministry of Justice, Royal Academy for
Judicial Professions, Bar Association
of the Kingdom of Cambodia,
Royal University of Law and Economics (Phnom Penh)

<Past Projects>

- Legal and Judicial Development Projects Phase 1 to 3
1999 to 2012
- The Projects for the Improvement of Training on
Civil Matters at the Royal School for Judges and
Prosecutors of the Royal Academy for Judicial
Professions Phase 1 to 2
2005 to 2012
- The Project for Legal and Judicial Cooperation
for the Bar Association of the Kingdom of Cambodia
2007 to 2010

Law” - Foundation of Good Gover

Laos

Improving Skills Necessary for Legal Development Based on Government-Academia Collaboration

Project for Human Resource Development in the Legal Sector : April 2010 to July 2014

■ Laos had undergone reform based on the pillars of economic liberalization and transition to a market-oriented economy. Laos is progressing towards participation in global frameworks, for instance, Laos acceded to the Association of Southeast Asian Nations (ASEAN) in 1997 and the World Trade Organization (WTO) in 2013. Legal and judicial development to promote the transition to a market-oriented economy also moved forward, and approximately 100 laws have been enacted up to now. However, the development of basic laws necessary for smooth and successful transition to a market-oriented economy is insufficient, and the laws that currently exist have not been systemized. In addition, the Lao government faces difficulties to implement laws in an efficient and unified manner.

■ Thus, the Lao government request Japan for support for the Ministry of Justice, People's Supreme Court and Supreme People's Prosecutor Office. Based on this, JICA full-fledgedly started support for legal and judicial development in Laos in 2003, and developed reference materials for officials involved in legal and judicial affairs, as well as practical manuals.

■ What lies at the root of the challenges that Laos is faced with is a lack of systematic understanding of laws and a lack of human resources who can carry out adjudication work and legal training/education while taking both theory and actual practice into consideration.



In the project that is currently underway, relevant agencies bring their own knowledge and experience, and analysis of issues and joint work are implemented in a cross-organization manner, with the National University of Laos as a new partner. Through developing reference materials that link legal theories with issues in actual practice and through drafting a civil code, this project is aiming to have relevant agencies, their officials and trainers/lecturers acquire the capacity to improve legal education and training, as well as actual practices.



<Partner Organizations>

Ministry of Justice, People's Supreme Court, Supreme People's Prosecutor Office, National University of Laos (Vientiane)

<Past Project>

● The Legal and Judicial Development Project May 2003 to March 2008

Myanmar

Support for Enhancement of Institutional and Human Resources Capacity for Law Reforms That Meet International Standards

The Project for Capacity Development of Legal, Judicial and Relevant Sectors in Myanmar : November 2013 to November 2016

■ In Myanmar, since the inauguration of the new government in March 2011, reforms founded on the three pillars of "democratization," "economic reform," and "peace with minorities" have been moving forward. The establishment of Rule of Law is recognized as being an essential element in moving forward with these reforms, and in particular, the development of a legal and judicial system for promoting the transition to a market-oriented economy and the development of an investment environment in an aim for accession of the ASEAN Economic Community in 2015 is a pressing issue.

■ Current "Myanmar Laws" consist greatly of out-of-date laws that do not correspond to the complex and advanced market-oriented economy of the present day. In addition, the legal system as a whole is not systemized, and conflict and duplication of laws can be seen. In legal and judicial agencies, there is a lack of staff members who possess legal qualities with regard to the drafting and implementing of laws, and opportunities for practical training are also extremely limited.

■ Thus, in November 2013, JICA initiated support, with the Union Attorney General's Office, which is in charge of scrutinizing work and advice related to the development and implementation of laws, and the Supreme Court of the Union, which holds jurisdiction over laws in the civil law field and is ultimately responsible for application of laws, as partner organizations. This project is aiming to improve institutional and human resources capacity in legal and judicial organizations so that they can develop and implement appropriately laws that follow socioeconomics and global standards.



<Partner Organizations>

Union Attorney General's Office, Supreme Court of the Union (Naypyidaw)

<Past Project>

None

nance. Projects Are Being Expar

Mongolia

Promotion of the Development and Establishment of a Mediation System as a Means for Dispute Resolution

The Project for Strengthening Mediation System Phase 2 : April 2013 to December 2015

■ In Mongolia, since the transition to a market-oriented economy in 1990, needs for diversifying means for dispute resolution and developing a legal system that guarantees the rights of citizens and corporations has increased, in order to respond to troubles among citizens that had been increasing in number in association with the vitalization of economic activities. However, in Mongolia, a mediation system allowing for smooth dispute resolution of simple incidents that is economical and rational, where citizens can be satisfied after talking about the incident with each other, did not exist.

■ As part of support for provision of high-quality legal services to citizens by lawyers, JICA first supported the establishment the "Legal Consultation and Mediation Center" in the Bar Association in 2004, and cooperated in the fostering of mediators, etc. Based on the results of this cooperation, Mongolia requested that a mediation system be introduced even in the courts of Mongolia; in 2009, JICA implemented support to root a mediation system within the legal and judicial system in Mongolia; in May 2012, the Law on Mediation passed and the introduction of a national mediation system was officially decided.

■ In the current project, which was initiated in April 2013, progress is being made with developing the rules, systems and facilities, and fostering the mediators necessary for introduction and operation of the national mediation system, in an aim for implementation of mediation in courts throughout the country, and its function as a means for dispute resolution. In addition, publicity campaigns of mediation system to citizens are conducted; the state of implementation of the mediation system is monitored after it is introduced; and operational improvements are made in order to establish the system.



<Partner Organization>
Supreme Court of Mongolia (Ulan Bator)

<Past Projects>

- Legal and Judicial Development Support Plan (Individual Expert) March 2004 to June 2006
- Legal Reform Support Project September 2006 to November 2008
- The Project for Strengthening Mediation System (Phase 1) October 2009 to October 2012

Nepal

Aim to Improve the Case Management System and Mediation System, and Strengthen Court Functions

The Project for Strengthening the Capacity of Court for Expeditious and Reliable Dispute Settlement : September 2013 to March 2017

■ In Nepal, the annual percentage of closed cases in relation to the number of cases received is about 40%, and the percentage of cases that require more than three years until conclusion is rising to 40%; the serious delays in lawsuits cause the public's loss of faith in the courts. Even the court-related mediation system, for which there are expectations as a simple means for dispute resolution instead of the court procedures, is not being actively used due to a lack of understanding of the system, and there is a large discrepancy in usage frequency among regions in Nepal. In addition, since the number of disputes that are resolved by court-related mediation is low due to a lack of capacity of mediators, the use of the court-related mediation system is not alleviating the burden on the courts.

■ Thus, in this project, a proposal to improve the civil and criminal case management system will be created, and trial operation at three district courts in Nepal will be carried out. In order to introduce and disseminate this improvement proposal to the nation, reference materials for judges, prosecutors and lawyers will be made, and training and seminars will be held. In addition, in order to promote dispute resolution through court-related mediation, reference materials for judges, lawyers and mediators will be created, and training and seminars will be held. Through these activities, this project aims at improving the case management system and its operation, promoting appropriate dispute resolution through court-related mediation, and improving the capacity of courts for expeditious and reliable dispute resolution.



<Partner Organization>
Supreme Court of Nepal (Kathmandu)

<Past Projects>

- Seminar on the Civil Code and Related Laws (Training) 2009 to 2011
- Legal Support Advisor (Individual Expert) July 2010 to September 2015
- Preparation of Explanatory Note on the Civil Code (Training) 2012
- Case Management Seminar (Training) 2012
- Civil Code and Related Laws (Training) 2013

ded Throughout the World.

China

Backup for Legal and Judicial Development That Supports Rapid Economic Growth

Administrative Procedure Law and Other Administrative Laws : July 2012 to June 2015

■ In China, the number of cases associated with the rapid development of the economy and society has been increasing; in particular, new types of cases have been increasing, and as the court procedural laws cannot keep up with the needs of the citizens, in the Five-Year Plan (2009 to 2013) submitted at the 11th National People's Congress (hereinafter "NPC") session, revision of the three major court procedural laws for criminal procedure, civil procedure and administrative procedure is an issue to be addressed. In particular, administrative lawsuits in China have been on a significantly increasing trend in recent years and the cases are diversifying; however, more than 20 years have passed since the enforcement of the current Administrative Procedure Law, and needs for improvement have been arising in various points based on development of the economic society.

■ Up to now, Japan has provided support for the drafting of various laws based on requests by China, such as Law on Responsibility for Infringement of Rights, Civil Procedure Code, Law on Protection of Consumers' Interests, Inheritance Law and Copyright Law.

In "Administrative Procedure Law and Other Administrative Laws (Training)," study tours in Japan and seminars in China on not only the Administrative Procedure Law but also other administrative laws (such as the Environmental Protection Law) that are selected by taking the Chinese legislative plan into consideration are

being implemented, with the Department of Administrative Law, Legislative Affairs Commission, Standing Committee, the NPC as a partner organization. These laws are basic rules that form the important components of "Chinese Distinctive Socialist Legal System;" and since these laws are not adapted to the large changes that occurred in China's economic society, the necessity of all-around changes in a prompt manner has been pointed out. This project is aiming to share the knowledge and practices of legal systems in Japan, to utilize these in China's legislative works and to contribute to the resolution of issues that China faces.



<Partner Organization>

National People's Congress
Department of Administrative Law,
Legislative Affairs Commission,
Standing Committee (Beijing)
*Training implementation location: Japan

<Past Projects>

- Improvement of Civil Procedure Law and Arbitration Law Project
2007 to 2010
- Civil Procedure Law and Other Relevant Laws (Individual Expert)
2011 to 2013
- Civil Procedure Law and Other Relevant Laws (Training)
2011 to 2013

Uzbekistan

Contribution to the Improvement of the Business Environment Through Legal Development Support

Follow-up Cooperation for the Project for Improvement of Administrative Procedure for the Development of Private Sector Activities : April 2013 to March 2014

■ Uzbekistan possesses the largest population within the central Asia region (approximately 28.64 million people), and has been playing a central role in this region since the days of the former Soviet Union. Uzbekistan is blessed with natural resources, and based on resources development led by the government, and combined with the effects of an increase in export of natural gas, gold and cotton, which are major exported goods, as well as ongoing public investment, robust economic growth has been continuing. However, in maintaining the current level of high economic growth, problems such as a lack of human resources who have a leading role in the industrial sector after the transition to a market-oriented economy, and the lack of development of legal systems, etc. present obstacles.

■ Up to now, JICA has supported legal and judicial development in Uzbekistan through the development of the Commentary of the Bankruptcy Law and the Commentary of Law on Mortgage, establishment of a legal database, and development of a practical guide on administrative procedures for administrative officials and entrepreneurs, etc.

In particular, JICA has focused on the development of a business environment. Past supports have contributed to the improvement of the business environment, and the ranking of Uzbekistan in "Doing Business," which is published by the World Bank (International Finance Corporation), is rising.

■ Currently, as the Licensing Law for which support was being provided in the "Project for Improvement of Administrative Procedure for the Development of Private Sector Activities," which was completed in September 2012, was passed, JICA is supporting the development of a manual for effectively implementing this law. By development and utilizing this manual, it is expected that the capacity of the Ministry of Justice in appropriately implementing licensing procedures be enhanced.



<Partner Organization>

Ministry of Justice (Tashkent)

<Past Projects>

- Commentary of Bankruptcy Law Project
November 2005 to September 2007
- The Project for Legal Assistance for Improvement of Conditions for Development of Private Enterprises
November 2005 to September 2008
- Follow-up Cooperation for Commentary of Bankruptcy Law Project
2010 to 2012
- The Project for Improvement of Administrative Procedures for the Development of Private Sector Activities
2010 to 2012



Cooperation for Rule of Law Promotion as Only Japan Could Conduct

-Think and endure together with the partner country-

Laws and the judicial system must be developed in such a way as to ensure harmonization with the culture, customs and existing systems of the respective country, while following international standards. This is where difficulties lie with developing countries. In Japan, since the Meiji Restoration, the laws and judicial systems of Europe and the United States have been customized and incorporated so that they harmonize with Japan's culture, customs and existing systems, enabling for the development of a legal foundation that is highly transparent and reliable, and for the realization of stable social development and economic progress. The process of trial and error that was carried out in this process is very instrumental in resolving the challenges that developing countries are faced with in the process of their own "Rule of Law Promotion" in an aim for peaceful and stable national development and sustained economic growth. JICA is meticulously implementing cooperation that is based on Japan's experience and that takes the current situations and needs of the partner country's society into consideration. The sharing of concerns that Japan itself is directly faced with and the approaches based on collaborative thinking, both of which are utilized in JICA's cooperation, have gathered empathy from many developing countries, and their recognition in donor communities is also increasing. In the future, JICA will continue to make efforts to implement more effective cooperation for "Rule of Promotion", based on dialogues with partner countries.



Photo: Mika Tanimoto/JICA

Support for various countries

JICA supports East Timor through the dispatch of advisors, and also implements supports based on training in Japan aimed at Iran, central Asian countries, and the African region.

Training on specific issues (criminal justice sector)

In addition to cooperation aimed at individual countries, JICA, in cooperation with other organization such as The United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), carried out support through training programs in Japan targeted at government and judicial officials of many countries from around the world, with a focus on the criminal justice sector in particular. In handling issues such as improved investigative abilities, prevention of corruption, improvement in treatment of criminals, and measures against transnational organized crime such as drugs, human trafficking and terrorism countermeasures, JICA's supports based on the framework of multiple nations contribute to spread out the effects of training programs.

Other Cooperation in legal sector

JICA also implements support that contributes to the development of legal systems in various law fields as listed on the right, such as in the economic law sector.

- Support of the development and administration of intellectual property law systems
- Support for the development and strengthening of capacity of implementation of competition laws that aim for fair trade
- Support for strengthening of capacity of implementation of tax laws and customs laws
- Support for the development of trade and investment laws for promoting foreign investments

New approaches

In addition to support based on cooperation with government and judiciary agencies, in recent years, JICA is conducting collaboration works with vibrant private corporations, such as surveys on legal systems that contribute to the development of a business environment in the Asian region, which are being implemented in coordination with think tanks and law firms.

Hosting of conferences/meetings related to Cooperation for Rule of Law Promotion within and outside of Japan

Once a year, JICA, jointly with the Ministry of Justice, hosts conferences on cooperation for Rule of Law promotion that bring together a range of people from Japan who are involved in the cooperation and is strengthening networks and information-sharing with relevant agencies and relevant persons in Japan. In addition, even at international conferences concerning "Rule of Law," JICA provides information on its project for cooperation for Rule of Law promotion, and facilitates information-sharing and promotes linkage with other donor institutions in order to maximize the effects of support.

■ For questions related to JICA's Cooperation for Rule of Law Promotion, please inquire below.

Japan International Cooperation Agency (JICA)
Law and Justice Division, Governance Group,
Industrial Development and Public Policy Department
Nibancho Center Building 5-25, Niban-cho, Chiyoda-ku, Tokyo 102-8012
TEL : 03-5226-6597 FAX : 03-5226-6332
E-mail : jicasd-gov-legal@jica.go.jp
<http://www.jica.go.jp/activities/issues/governance/index.html>

JICA

Search