

- **International Studies** -

- **INVITATION OF THE MINISTER OF JUSTICE  
OF THE LAO PEOPLE'S REPUBLIC TO JAPAN**

**Masaaki TSUTSUMI**

*Former Professor and Government Attorney  
International Cooperation Department*

**I. BACKGROUND**

1. The Research and Training Institute (RTI) has extended legal cooperation to Laos since 1998, by conducting local surveys on the actual situation in the legal and judicial fields. It has also cooperated in the organization of study trips to Japan and local seminars by short-term experts. After the launch of a JICA Project for Technical Cooperation on the Legal and Judicial Development in 2003 (hereinafter "JICA Project"), the RTI continued its assistance, primarily through the JICA Project. This project continued until 2012. Thereafter, through a preparation period with local surveys, a new project began in July 2014: "JICA Project of Human Resource Development in the Legal Sector." Currently Phase 2 of this project is underway and is scheduled to be completed in July 2018.
2. The Ministry of Justice (MOJ) of Laos, which roughly corresponds to the MOJ in Japan, is primarily engaged in legislative drafting, vetting of laws drafted by other ministries and agencies, dissemination of laws, training of legal professionals and judicial officers and other activities. It has consistently been involved in the RTI's cooperation activities as a major counterpart organization from the commencement of Japanese cooperation. The Ministry has also proactively cooperated with the JICA Projects, based on a deep understanding of the significance of the projects, by encouraging its highly capable officials to participate in project activities. In this manner, it has served as the principal partner leading other counterpart organizations in Laos.
3. The MOJs of both countries have built and maintained close relationships through the mutual visits of officials. From Laos, high-ranking officers have participated in JICA project study trips to Japan. From Japan, MOJ officers in leadership roles (the Minister of Justice, Parliamentary Vice Minister of Justice, Vice-Minister of Justice, Director-General of the RTI, etc.) have visited the Laotian MOJ to pay courtesy calls on, and conduct discussions with the Minister of Justice.

Along with the steadfast advance of bilateral legal cooperative relationships, we were informed (through the Embassy of Japan in Laos) that H.E. Mr. Bounkeut SANGSOMSAK, (then) Minister of Justice of Laos<sup>1</sup> wished to visit Japan. His purposes were, on the occasion of the 60<sup>th</sup> anniversary of the establishment of Laos-Japan diplomatic relations, to:

- express appreciation toward the long-standing Japanese assistance;
- deepen the existing friendly cooperative relationship with the MOJ of Japan, in the capacity of the leader of the MOJ of Laos; and
- become acquainted with efforts being made to improve legal training -- one of the pillars of project activities.

---

<sup>1</sup> Please note that the titles of some individuals may have changed.

4. In response to this request, it was deemed extremely meaningful for Japan to invite the Minister of Justice of Laos, in consideration that:
- As explained above, the year 2015, being the milestone year celebrating the 60<sup>th</sup> anniversary of the establishment of diplomatic relations between Laos and Japan, was the best occasion to deepen personnel exchanges in the legal and judicial fields;
  - Inviting Mr. Bounkeut SANGSOMSAK, one of the highest officials in the government of Laos, to have direct dialogue with Japanese government officers (including the Minister of Justice), would lead to: 1) further enhancements to the bilateral friendly relationship; and 2) extended opportunities to directly discuss mid-/long-term legal cooperation activities, with the head of the principal counterpart, a key organization to the success of the JICA project.

Accordingly, it was decided to officially invite the Minister of Justice of Laos, jointly by the MOJ of Japan and Japan International Cooperation Agency<sup>2</sup>.

## **II. SCHEDULE AND OUTLINE OF THE INVITATION PROGRAM**

### **1. Schedule**

From Sunday, August 30 – Saturday, September 5, 2015 (including travel days)<sup>3</sup>

### **2. Invitees**

H.E. Bounkeut SANGSOMSAK, Minister of Justice, and five other officials<sup>4</sup>

### **3. Outline of the invitation program**

The program was divided into the following parts: MOJ-related program, court-related program, bar-associations-related program, program by the Ministry of Foreign Affairs (MOFA) - JICA program, and the symposium. The outlines of the principal programs are as follows.

#### **1) MOJ-related program**

In relation to the MOJ, the Minister paid a courtesy call on his Japanese counterpart, Ms. Yoko KAMIKAWA (then Minister of Justice of Japan) and Ms. Tomoko AKANE, the Director General of the RTI. The delegation also observed the MOJ museum, and held discussions with JICA and the RTI.

During the courtesy call, Minister of Justice KAMIKAWA referred to the history of bilateral legal cooperation: since the first study trip to Japan for Laotian judicial officers in 1998, both countries have extended cooperation for approximately 17 years, through organization of seminars, dispatch of legal experts, etc. The Minister also emphasized the importance of creating and observing rules in tandem with social development; and hoped for continual and strengthened cooperative relationships between the two countries for the future. Minister Bounkeut responded by mentioning that Laos and Japan had deepened their mutual understanding and built an extremely favorable relationship of trust. The Minister also hoped for a further profound bilateral relationship. By referring to the significance of Japanese assistance in various fields (including judicial and economic), he expressed his intent of supporting Japan's activities in the international community. In this

---

<sup>2</sup> Part of the invitation program was shared with the study trip program in Japan for strengthening legal training (in relation to the JICA Project, Phase 2),

<sup>3</sup> See the attachment 1: Schedule.

<sup>4</sup> See the attachment 2: List of the invitees. Mr. Chomkham BOUPHALIVANH, Director General of the National Judicial Training Institute, joined the invitation program, after participating in the study trip in supra note 1.

manner, both Ministers assured further strengthening of bilateral friendly cooperative relationship.



Ministers of Justice of Japan and Laos

On the occasion of the courtesy call on the Director-General of the RTI, Minister Bounkeut requested assistance in training highly-qualified legal professionals in Laos, through continued development of the cooperative relationship, which had been firmly established between both countries through accumulated efforts of cooperation precursors. In response to this request, Director-General AKANE expressed her intention of extending further active cooperation through local seminars and other activities within the framework of the current JICA project.

During the discussion held between the Laotian delegation and JICA and the RTI on the last day of the invitation program, candid opinions were exchanged on the manner of advancing future cooperation. Through this discussion, both parties shared common understanding of cooperation procedures according to priorities to be reviewed.

## 2) Court-related program

The delegation paid a courtesy call on Justice Takehiko OTANI of the Supreme Court and observed the court facility. The delegation also visited the Legal Training and Research Institute (LTRI), and the Civil Execution Center of the Tokyo District Court<sup>5</sup>.

The delegation exchanged opinions with Justice Otani concerning legal training in Laos. The group actively questioned the justice following his explanation on the actual situation of the Supreme Court and the court system in Japan.

During the visit to the LTRI, the Laotian officers paid a courtesy call on President Hirotsugu KOIZUMI and were provided with an explanation on the Institute's position, purposes, and the outline of its curriculum. The group also observed a lecture in the auditorium of the Institute. During the exchange of opinions with professors, the delegates asked questions on the methods of sharing information and takeover of teaching methods among professors in each training area, etc.

---

<sup>5</sup> In preparation for the visit to the Civil Execution Center, ICD Professor Yuji KAI provided an explanation on the outline of the execution system in Japan.

At the Civil Execution Center of the Tokyo District Court, the delegates received an explanation on the outline of the status quo of civil execution, and observed the property description reference room, judges' chambers, etc.

During the Q&A session, questions were asked on the execution procedure of movables, the enforcement power of ADR settlement, roles of court clerks in civil execution, etc.

### 3) Bar-associations-related program

The delegates paid a courtesy call on President Susumu MURAKOSHI of the Japan Federation of Bar Associations (JFBA) to reaffirm the plan of further deepening exchanges between Japanese and Laotian bar associations, and of building a cooperative relationship toward the reform of the Laotian bar association.

The group received an explanation on the outline of approaches for ADR by the JFBA, including the outline and sample cases of the international economic conflict resolution system, outline of the arbitration law, structure of the conflict resolution organizations in Japan, etc. During the Q&A session, questions were asked on legal development for economic conflict resolutions, approaches aimed at increasing the international trust toward conflict resolution organizations, etc.

The delegates also visited the Conflict Resolution Center of the Tokyo Bar Association to hear explanations on the outline of the Center, nature of cases handled by the Center, etc.

### 4) Ministry of Foreign Affairs (MOFA)/JICA-related program

On the occasion of a meeting with Mr. Kazuyuki NAKANE, Parliamentary Vice-Minister for Foreign Affairs, Minister Bounkeut expressed his expectations for continued assistance from Japan, based on the high marks given to the Japanese legal technical assistance to date. In response, in reference to the bilateral "Strategic-Partnership" relation, Mr. NAKANE spoke on Japan's intention of contributing to the success of a series of ASEAN-related conferences scheduled, in close cooperation with Laos, the ASEAN Chair in 2016.

With regards to JICA, in addition to holding the above-mentioned discussion with JICA and the RTI, the delegates paid a courtesy call on JICA Vice President Hideaki DODO to confirm further development of the cooperative relationship, based on the trust accumulated between the two countries.

### 5) Symposium

A symposium, composed of a keynote speech and a panel discussion, was held under the title: "The Status Quo of Legal Development in Laos and Economic Dispute Resolutions in Asia." It was co-sponsored by the International Civil and Commercial Law Center Foundation (ICCLC), the Law Association for Asia and the Pacific (LAWAISA), and JICA<sup>6</sup>.

In the first session, Minister Bounkeut delivered a keynote speech (under the title: "Update on the Laotian Legal System") on the legal development process to date and approaches being taken for further legal development in Laos.

---

<sup>6</sup> For details on this symposium, see the ICCLC website at <http://www.icclc.or.jp>

In the second session, a panel discussion was held on the topics: “Efforts for Legal Development in Laos – Compilation of the Civil Code” and “Economic Dispute Resolution in Asia.” The panelists listed below, chaired by Attorney Suzuki ISOMI, discussed the status quo of the compilation of the Civil Code, outline of the economic dispute resolution procedure, and means for dispute resolution in Asia:

- Two Laotian delegates: Mr. Nalonglith NORASING, Acting Director General of the Department of Planning and Cooperation; and Mr. Phayvy SYBOUALYPHA, Director General of the Economic Dispute Resolution Center;
- Professor Hiroshi MATSUO of Keio University Law School;
- Attorney Takuro AWAZU; and
- JICA long-term expert Hiroshi SUDA in Laos (public prosecutor).



A scene of the symposium

### III. CONCLUSION

This invitation program was extremely meaningful, in this truly significant year (for both countries) - the 60<sup>th</sup> anniversary of the establishment of Laos-Japan diplomatic relations. The program helped deepen mutual understanding, and promoted the discussion of the direction of future legal technical cooperation. Through this program, we reaffirmed that:

- The delegation led by Minister Bounkeut proactively intends to absorb and acquire the Japanese knowledge and experience in this field, in order to overcome the challenges Laos is facing and thereby to further develop the Laotian legal system;
- Japanese assistance activities to date has been highly appreciated and trusted.

Through this occasion we have affirmed a further commitment to full-fledged legal development support to Laos.

Last but not least, we would like to express our sincere gratitude to many institutions and individuals who extended great support to us in organizing this invitation program, including: the Supreme Court, LTRI, the Civil Execution Support Center of the Tokyo District Court, MOFA, JICA, JFBA, ICCLC, Friends of LAWASIA Association in Japan and others.



Commemorative Picture in Sunkun Plaza

## Schedule for the Minister of Justice of Laos in Japan 2015

Date		AM	Noon	PM		
8 /	Sun 30	18:40 Leave Vientiane (QV445) -19:40 Arrive at Bangkok 22:45 Leave Bangkok (TG682)				
8 /	Mon 31	6:55 Arrive at Haneda				
9 /	Tue 1	10:00  Observation of Ministry of Justice Museum	11:00  Lunch	13:30  Visit to Legal Training and Research Institute (LTRI), exchange of opinions with LTRI professors		
9 /	Wed 2	9:30  Explanation on civil execution	11:15  Courtesy call on RTI <sup>*1</sup> Director General	12:00~13:00  Luncheon hosted by RTI Director General	13:30  Visit to Japan Federation of Bar Associations and exchange of opinions	17:00  Courtesy call on Justice Minister and exchange of opinions
9 /	Thu 3	10:00  Visit to Supreme Court, exchange of opinions with justices	Lunch	14:30  Visit to Civil Execution Center of Tokyo District Court, exchange of opinions with judges	17:00  Courtesy call on JICA senior officials at JICA HQs	
9 /	Fri 4	10:00  Discussions with JICA and RTI	11:30  Courtesy call on senior officials of MOFA <sup>*2</sup>	13:00  Preliminary meeting for Symposium	14:00~17:40  Symposium and presentation by Minister of Justice of Laos	
				13:30  Courtesy call on ICCLC <sup>*3</sup> Chairman	Tokai University	
9 /	Sat 5	10:35 Leave Haneda (TG683) - 15:05 Arrive at Bangkok 19:35 Leave Bangkok (TG574) - 20:45 Arrive at Vientiane				

\*1 RTI: Research and Training Institute, \*2 MOFA: Ministry of Foreign Affairs,

\*3 ICCLC: International Civil and Commercial Law Centre Foundation