

# ICD NEWS

## LAW FOR DEVELOPMENT

INTERNATIONAL COOPERATION DEPARTMENT  
RESEARCH AND TRAINING INSTITUTE  
MINISTRY OF JUSTICE, JAPAN

March 2020

### ~Features~

#### Eulogy

##### IN MEMORY OF PROFESSOR TAKESHITA

UEHARA Toshio

Professor, Meiji University, Professor Emeritus, Hitotsubashi University

#### Contribution

##### ACCESS TO JUSTICE: TO PROTECT EVERY AND EACH PERSON'S RIGHTS

KOMATSU Kenta

ARAI Makiko

Japan International Cooperation Agency (JICA)

#### Introduction to Foreign Laws and Legal Practices

##### NEW ADMINISTRATIVE LAW REFORMS IN THE UZBEKISTAN: IN EXAMPLE OF APPLICATION OF NEW PRINCIPLES OF ADMINISTRATIVE PROCEDURE LAW

NEMATOV Jurabek

Doctor of Laws, Associate Professor at Tashkent State University of Law

##### OUTLINE OF THE LAO CIVIL CODE

IRIE Katsunori

JICA Long-term Expert in Lao P.D.R. and Attorney at Law

# Contents

## I. Introduction

SOME CLUES TO A JAPANESE VERSION OF A CULTURE OF LAWFULNESS	1
<i>MORINAGA Taro</i> <i>Director, International Cooperation Department</i>	

## II. Eulogy

IN MEMORY OF PROFESSOR TAKESHITA	4
<i>UEHARA Toshio</i> <i>Professor, Meiji University, Professor Emeritus, Hitotsubashi University</i>	
FROM CAMBODIA WITH GRATITUDE	10
<i>FUKUOKA Fumie</i> <i>JICA Long-term Expert in Cambodia</i>	

## III. Contributions

ACCESS TO JUSTICE: TO PROTECT EVERY AND EACH PERSON'S RIGHTS	12
<i>KOMATSU Kenta</i> <i>ARAI Makiko</i> <i>Japan International Cooperation Agency (JICA)</i>	
ON ACTIVITIES IN THE FIELD OF CORRECTIONS IN TIMOR-LESTE	26
<i>YAMAMOTO Mana</i> <i>Professor, UNAFEI</i>	
A CONSIDERATION ON DEVELOPMENT PARTNER COORDINATION AND COOPERATION IN THE LEGAL EDUCATION AND TRAINING FIELD IN LAO P.D.R.	35
<i>ITO Atsushi</i> <i>JICA Long-term Expert in Lao P.D.R.</i>	

## IV. Introduction to Foreign Laws and Legal Practices

NEW ADMINISTRATIVE LAW REFORMS IN THE UZBEKISTAN: IN EXAMPLE OF APPLICATION OF NEW PRINCIPLES OF ADMINISTRATIVE PROCEDURE LAW	42
<i>NEMATOV Jurabek</i> <i>Doctor of Laws, Associate Professor at Tashkent State University of Law</i>	

OUTLINE OF THE LAO CIVIL CODE	-----	52
-------------------------------	-------	----

*IRIE Katsunori*

*JICA Long-term Expert in Lao P.D.R. and Attorney at Law*

<b>V. Chronology of Legal Technical Assistance</b>	-----	82
--	-------	----

---

Please note that some of the articles contained in this book were originally written for ICD NEWS NO. 79 through No. 81 (Japanese version) published in June, September and December 2019. Therefore, some of the future dates and times referred to in the articles may now be in the past. Please also note that the titles of some individuals may have changed.

## ***- I. Introduction -***

### **SOME CLUES TO A JAPANESE VERSION OF A CULTURE OF LAWFULNESS**

**MORINAGA Taro**

*Director, International Cooperation Department*

It may be quite laughable if I, being just an average criminal law practitioner in Japan, start talking about a topic that is surely something to be discussed by scholars of legal history or philosophy. Still, the topic “culture of lawfulness” is quite an interesting one to me, since I have been engaged in international technical cooperation in the field of law with a number of developing countries, and have frequently come across issues in relation of which the notion of culture of lawfulness might be at stake along with other closely related concepts such as “rule of law”, “*Rechtsstaat*”, “good governance” and “justice for all”.

I may be easily proven wrong (and I was indeed told by some scholars that I was), but it is my belief so far that the notion of culture of lawfulness might have existed separately from the concept of “rule of law”, insofar as this concept is used with its classic definition, the so-called “thin definition”. Like many countries in the Asian region, I do not think that Japan was truly aware of the concept or notion of “rule of law” up until the end of the Second World War in 1945. “Rule of law” was something very foreign, remote, which existed on the other side of the globe, but not here. However, the sense or notion that can be categorized as a “culture of lawfulness” - a sense or perception, or an attitude, among people that law is something to be respected and followed - seems to have already existed in Japan even if obscurely, before we, the Japanese, came into contact with the rather Anglo-American concept of “rule of law”. And the interesting thing is that we can find evidence of its existence even in the feudal era before 1868, where people did not know anything about human rights or democracy (the Japanese word for “right” - “*kenri*” - was a coined word, a neologism, made in the Meiji era (1868-1912) due to the necessity to translate foreign concepts when trying to import western laws). You can search for such clues not only in many old official documents, but also in classic Japanese literature. I am fond of “*rakugo*”, a classic story-telling art which is still very popular in Japan having a history of many centuries. And among those classic stories which tell about almost everything - fairy tales, ghost stories, heroes, husbands and wives, parents and children, rich and poor, good luck and bad luck - sometimes the issue of law and justice appears. Here,

I would like to briefly introduce a story that may be a clue to discover the perceptions the people in the feudal era had with respect to law. It is titled “*Daiku-Shirabe*” (A Carpenter’s Trial).

A carpenter living with his old mother did not appear at work one day, because he could not afford to pay his rent for four months and his landlord took away his toolbox as collateral. The rent due was 1 *ryo* and 800 *mon* (for the sake of better understanding, let’s say this amount is equivalent to 1,080 dollars; 1 *ryo* = \$ 1,000 and 800 *mon* = \$ 80). The carpenter’s boss heard about it and lent him 1 *ryo* and told him to pay the rent and get the toolbox back from the landlord. The landlord took the 1 *ryo*, but did not give back the toolbox, saying that there is still 800 *mon* remaining. The boss attempted to negotiate with the landlord, but the landlord would not compromise. Thinking that it is unfair to keep the valuable toolbox which is the “life” of a carpenter for just 800 *mon*, the boss wrote a formal complaint (because the carpenter was illiterate) and submitted it to the *Minaminachi-Bugyosho* (Southern City Court<sup>1</sup>).

Reading the complaint that said the carpenter’s mother would be unable to afford even her food the next day because the carpenter could not work, the *Bugyo* (the judge) took the matter seriously, and immediately decided to hold a trial. At the trial, the judge suggested a compromise between the parties and asked the landlord whether he could wait for the remaining 800 *mon*, but the landlord did not agree. So, the judge had no other choice than to order immediate payment of the 800 *mon*, since the jurisprudence at that time said that “there shall be no grace for payment of rent for a house which protects a human being from wind and rain”, and suggested that the boss might lend the carpenter 800 *mon* if possible. The boss did so, and it was paid to the landlord. In exchange, the toolbox was returned to the carpenter. But here, the judge inquired whether the landlord possessed a license for a pawnbroker. Hearing a negative answer, the judge ruled that since the keeping of another’s movable property as collateral without a valid pawnbroker’s license was clearly against the law, damages caused by such illegal act should be compensated. Since the toolbox was kept for 20 days by the landlord during which period the carpenter was hindered from earning his daily remuneration, the judge ordered the landlord to pay the carpenter compensation that was far more than the rent in question.

---

<sup>1</sup> In the feudal era, the city of Edo, now Tokyo, had only two courts, the Southern City Court and the Northern City Court, both headed by one *bugyo* (judge/governor). At that time there was no notion of an independent judiciary, and the *bugyo* was a position appointed by the Shogunate, and its function was something like a mixture of the Tokyo Metropolitan Governor, the Tokyo Police Superintendent General and the Chief Justice. The Southern City Court and the Northern City Court had the same territorial and in rem jurisdiction and discharged their duties in monthly turns. Almost all the cases brought to these courts were handled not by the *bugyo* by himself, but by his subordinates. Only very important cases were put on formal trial and handled directly by the *bugyo*. For samurai and monks, the City Courts did not have jurisdiction. There were separate courts for them.

The whole story is, of course, much longer when told by a skillful *rakugo* artist and with great excitement, compassion and much laughter. After all, it is nothing but amusement. But what I think is noteworthy is that, even in the feudal era, where it is generally perceived that governance was extremely authoritarian and the rulers could do anything they want in their own way and common people were just subordinates, this story shows that there was a certain level of lawfulness on the side of the government and on the side of the people, too. The carpenter's boss does not get into a fistfight nor does he try to take the toolbox back by force or threat. Instead, he files a formal complaint; he knows how to act in such cases and even knows how to write a formal complaint. Although it seems there is a strong influence of Confucianism shown in the attitude of the judge to consider such a civil case as being a serious one having priority because of the existence and suffering of the old mother of the carpenter, and the judge is inclined to reject the assertion of the greedy landlord, the judge stays calm and does not immediately do so, because there is firm jurisprudence. But he applies another rule as to the custody of the collateral and with a clear legal logic, orders the compensation, which makes the outcome of the case as a whole quite fair in the eyes of ordinary people.

In the world of *rakugo* and other story-telling arts in Japan, there are many similar stories of good judges, who diligently apply the rather strict statutes and jurisprudence at that time but do not forget to make best efforts to reach a fair conclusion. Of course, these are just stories and tales for amusement and may be far from the truth. They might have merely expressed hopes and ideals, while the reality might have been much worse than that. Still, the underlying notion and sense of justice and fairness seems to be undeniable. This sort of culture, I believe, is relevant to the eventual development of the Japanese law and justice system. Seeing how swiftly the Japanese in the Meiji era could absorb the essence of the then developed continental and Anglo-American laws, and how skillfully they could adapt themselves to the new system and concepts therein after democratization in the post-war era, makes me always think that our society was lucky and blessed to have had such a foundation or at least a “sprout” of a Japanese version of culture of lawfulness which later seems to have served as a vehicle to carry forward the once foreign, but now universal, concept of “rule of law”.

## **- II. Eulogy -**

### **IN MEMORY OF PROFESSOR TAKESHITA**

**UEHARA Toshio**

*Professor, Meiji University*

*Professor Emeritus, Hitotsubashi University*

Professor Morio Takeshita (Member of the Japan Academy, Professor Emeritus of Hitotsubashi University, Special Advisor to the Ministry of Justice, Advisor of Cabinet Legislation Bureau) passed away on October 2, 2019 at a hospital in Tokyo surrounded by his family members (age at death 87). On behalf of the people who were fortunate enough to have received direct guidance from him over many years, I would like to express my deepest condolences.

Ever since the time when I was a third-year student at Hitotsubashi University and taught by him the Code of Civil Procedure through his lectures and seminars, I have received his close guidance both in public and in private for almost fifty years. I was engaged in the legal technical assistance for the Kingdom of Cambodia from the beginning as a member of the working group (WG) and have attended all meetings. After Prof. Takeshita resigned from the position of the leader of the WG in March 2017, I succeeded that position in the Project in the 5<sup>th</sup> Phase. The last time I saw him was July this year, when he was still in good health; he was saying that he hoped to finish the book on Justice System he was working on by the end of the year. It is my regret that I had no other opportunity to have direct contact with him after that. I was taken by sheer surprise to be informed of his sudden passing.

Prof. Takeshita was born on May 18<sup>th</sup> 1932 in Ebara Province (present-day Ota-ward), Tokyo. After graduating from Hibiya Senior High School and the Law Department of the University of Tokyo, he went on to the master's program at the Graduate School of the University of Tokyo and judicial apprenticeship (11<sup>th</sup> Class), before he taught at Rikkyo University for ten years. After moving to Hitotsubashi University, he taught/engaged in research there for twenty-six years until March 1996 upon his retirement and continued to teach at Surugadai University until March 2010. During all of these years, he served a number of important roles as Councilor, the Dean of Students and the Dean of the Faculty of Law at Hitotsubashi University; Vice-Chancellor and Chancellor at Surugadai University, having made remarkable contributions not only in education, research but also in administration of the universities.

In the academic community, he served as the President of the Japan Association of the Law of Civil Procedure and played a core role in inviting professors from Germany to hold international conferences as well as welcoming researchers and practitioners from the Asian region including Korea, China, Taiwan etc. as visiting researchers to Hitotsubashi University and contributed to the international academic exchanges. His research ranges widely in the fields from judgment procedure, execution procedure, bankruptcy procedure to the trial law and judicial system. His writings absorb all deliverables of the existing researches regarding the theme, which develop convincing and scrutinized arguments persistently. In particular, he published many important writings on basic issues of compulsory execution procedure based on the research on the German execution system on the immovable, which he began when he was invited to Germany for overseas research by the Humboldt Foundation (“Study on the Law of Immovable Execution”, “Substantive Law and Procedural Law in the Law of Civil Execution”, “Security Interest and Civil Execution/Bankruptcy Procedure”). These researches were highly evaluated; and he was selected as a member of the Japan Academy.

Based on his profound academic knowledge, Prof. Takeshita also made great contributions to Japan’s legislative work including the Civil Execution Act, Code of Civil Procedure, laws related to the bankruptcy procedure etc. and served as Chairperson of the Legislative Council, Special Advisor to the Ministry of Justice (MOJ), member of the Advisory Committee on the Establishment of Civil Rules of the Supreme Court, Advisor to the Cabinet Legislation Bureau, etc. With regard to the justice system reform in recent years, he attended every single meeting held intensively within a short period of time, as Deputy Chairperson of the Justice System Reform Council. He compiled a number of important recommendations on not only civil procedure but also overall justice system. As you know, many of those recommendations have been realized. Some of them included promotion of legal technical assistance. In this relation, Prof. Takeshita also served one role after another as Academic Councilor, Councilor and Advisor to the International Civil and Commercial Law Centre Foundation (ICCLC).

As mentioned in the above, he never begrudged anything he had in order to dedicate to many works including research/education of the law of civil procedure, administration of the universities, legislation of civil procedure, justice system reform, international academic exchange etc. until right before his passing. His great achievements ranged in so many and various fields that it is not easy to mention them all in this article; however, I would like to express our utmost appreciation to his great achievements by looking back on the activities of the WG of the Code of Civil Procedure on legal technical assistance to the Kingdom of Cambodia, of which he was the leader for many years. He was awarded the Medal of Friendship by the Kingdom of Cambodia for his remarkable achievements in this field, as well as the 3<sup>rd</sup> JICA Presidential Award as an individual, and his WG of the Code of Civil Procedure was awarded the 8<sup>th</sup> Appreciation Award for International Cooperation. Upon his



passing, many Cambodian people concerned including the MOJ have sent their condolences and words of gratitude.

The ICD NEWS also has had his articles (“Assistance in Drafting the Code of Civil Procedure of the Kingdom of Cambodia” No.2 (March 2002), “Outline of the New ODA Charter and Legal Technical Assistance” No.12 (November 2003), “Progress of Legal Technical Assistance and Expectation for the Annual Conference” No.31 (June 2007) and his keynote speech at the Annual Conference (“Experience of Assistance in Drafting the Code of Civil Procedure of Cambodia and Future Challenges in the Legal Technical Assistance” No.9 (May 2003, “Challenges of Cooperation among Donors in Cambodia” No.14 (March 2004). In these articles, he clarified the basic policy in drafting the Code of Civil Procedure of Cambodia: (i) List the basic principles of the guarantee of rights to a trial, to request examination, trial examination and open trials, so it will not be something to ratify the existing practice but so it will be a Code based on the litigation principles of the democratic nation which is ruled by the law; (ii) Complete the bill as joint work of Japan and Cambodia; and (iii) Foster capable legal professionals along with the drafting assistance. While reporting the updates of the drafting, he pointed out the challenges which had been made clear in the process, such as the necessity to clarify the responsibility in assistance of the country, necessity to also obtain capable legal professionals with not only expert knowledge but also sense of responsibility and high morals, importance of the staff who support the works, necessity of adjusting/negotiating with other donor countries and organs (donors), assistance from other countries besides Japan, etc.

Prof. Takeshita, upon request by JICA, collected widely from the academic society the middle-ranked researchers with experience of legislation at the Legislative Council and good grounding in comparative law research of the US, Germany, France, etc. disregarding which university they had graduated from, to establish a WG by also entrusting a judge who had been in charge of the full-fledged amendment of the Code of Civil Procedure as Councilor of the MOJ. It was probably due to the referral from late Prof. Akira Mikazuki that Prof. Takeshita accepted the role as leader of the WG of the Code of Civil Procedure. We could tell, from the message of condolences sent from Mrs. Mitsuko Mikazuki, that Prof. Mikazuki trusted Prof. Takeshita most of all of his junior researchers. Prof. Mikazuki taught over and over the importance of Japan’s legal technical assistance to Asian countries as its international contribution, because Japan owes its modernization history since Meiji era to having succeeded the European and American laws. Prof. Takeshita, upon taking that role, said with a bitter smile, that “Prof. Mikazuki reminded me to never have an imposing attitude.” It is unthinkable that Prof. Takeshita would have such an attitude to anybody, as he was always caring and respectful to everybody’s position. I imagined the reason why Prof. Mikazuki reminded him of that was not out of the necessity, but rather, he expressed in a frank manner

the basic attitude Japan should have with its legal technical assistance; Japan should not impose its own ideas but rather collaborate jointly in building a legal system appropriate to the recipient countries through having enough discussions with the people of the recipient countries.

Prof. Takeshita faithfully kept this attitude. Immediately after it began, many questions were brought by the Cambodian people, some of which were rather strange to be asking for legal experts. Still, I am remember that Prof. Takeshita always offered thorough explanation patiently to any kind of questions over and over. He also advised the WG members and experts dispatched to Cambodia, who tended to express their high-level opinions in details based on Japan's current legal theories and practices, to try to offer easy-to-understand explanations focusing on the basic points, and consider the aspect of education, as it was also Cambodia's important challenge to raise capable legal professionals toward their future.

The WG of the Code of Civil Procedure was held 112 times over eighteen years since its 1<sup>st</sup> meeting on Jan. 9, 1999 under Prof. Takeshita's leadership. During these years, 18 local workshops were held which the WG members visited Phnom Penh and exchanged opinions with the officials in charge of drafting and practitioners in Cambodia, as well as almost every year's training in Japan inviting the officials in charge of drafting from Cambodia, where members of the WG served as lecturers. In the 1<sup>st</sup> Phase of the JICA legal technical assistance (March 1999 to March 2003), the draft of articles of the Code of Civil Procedure (judgment procedure and execution procedure) was made, as well as "Introduction to the Code of Civil Procedure of Cambodia" to make the systematic understanding of the Code easier. In the 2<sup>nd</sup> (April 2004 to April 2008) and 3<sup>rd</sup> (April 2008 to March 2012) Phases, the articles of the Personal Status Litigation Procedure Act, Civil Non-Penal Fine Procedure Law, and Civil Non-Litigation Procedure Law were drafted, which had been completed and enacted/applied as laws in Cambodia. As for the Trial Deposit Law, which was also drafted, its contents on stipulation became ordinances of the MOJ of Cambodia. Later on, the MOJ of Cambodia began legislation of the Deposit Law combining Trial Deposit and Deposit of the Civil Code, therefore, unlike before, the WG of the Code of Civil Procedure engaged by giving advice to the works by the Cambodian side in the 4<sup>th</sup> Phase (April 2012 to March 2017). Drafting of the Bailiff Law has also been completed.

The WG usually spent four to five hours on Saturday afternoons in the meeting room of the Research and Training Institute in the red brick building at Kasumigaseki. In summer, they sometimes worked intensively from morning to late afternoon. It was difficult to adjust availability of the researchers, as many of them were busy with their jobs e.g. to establish the newly introduced law schools, etc.; however, the rule to call attendance of all the members

to the WG meeting and to be punctual was kept throughout the end. (Usually, at meetings, the head would sit only after all other members are already present, but since the head, Prof. Takeshita was always there before the meeting began, we could never afford to be late). It was due to Prof. Takeshita's personal policy to emphasize gathering wisdom from people to discuss the points at issue intensively and obtain resolution without delay and move on to the next step. He also made sure that several WG members always attended the abovementioned local workshops to provide proper answers/responses to various questions/opinions raised there. Prof. Takeshita himself wrote the drafts of the purpose and intent of the law, and articles which proclaimed the most important basic principles of the Code of Civil Procedure etc. and also attended the 1<sup>st</sup> local workshop in 1999 and many other workshops.

In retrospect, I am once again impressed how all the members could persevere such intensive work requiring enormous amount of time for so many years. It was Prof. Takeshita's such attitude that inspired all of them through leading by example, strong sense of responsibility, promotion of works thorough preparations/plans toward achieving the goal, in all of which his experience as the Chairperson of the Legislative Council was fully utilized; it resulted in uniting all of their capacity. When the work initially began, there were situations where communication was not sufficient between the JICA's administrative staff, who had almost no experience in the soft power aspects of legal technical assistance and the WG composed mainly of researchers. However, Prof. Takeshita looked at the situation in a straightforward manner and paid due care by directly making necessary requests to JICA's responsible person, so everyone could concentrate on their jobs comfortably. At one table of the WG meetings, Prof. Takeshita said, in front of the JICA staff, "I take full responsibility for the WG members as their leader. I am very proud of this WG, as members all unite and give their all for cooperation without begrudging anything." It impressed me as it was rather rare for him, who is usually gentle, to say something like that in such a strong tone. It goes without saying that this remark further inspired the members.

On the other hand, the abovementioned attitude of Prof. Takeshita, I think, was not only based on his sense of duty. He seemed to enjoy having deep discussions with his juniors regarding various issues of the Code of Civil Procedure from the aspects of both theory and practice, as he had to leave his position of Vice-Chancellor and Chancellor from universities' educational stage. Prof. Takeshita was good at making adjustments and influencing organizations; however, I believe he was always conscious about the importance of complete studies of the law and theory as a researcher even when he was located at the practical scene of the project. He was also very fond of talking with young people over food and drink; in spite of his busy schedule, he always tried to create opportunities where everyone could freely discuss in a relaxed atmosphere. These were part of the reason why the WG could continue to share its unity and oneness in such a harmonious atmosphere for so many years.

Prof. Takeshita, we would sincerely like to express our deepest gratitude for your guidance over so many years; we hope you will continue to watch over further development of Japan's legal technical assistance and the people who engage in it somewhere, as you always have.

November 10, 2019

## FROM CAMBODIA WITH GRATITUDE

**FUKUOKA Fumie**

*JICA Long-term Expert in Cambodia*

Prof. Morio TAKESHITA, the special advisor to the Ministry of Justice passed away on October 2, 2019. Ever since the working group on drafting the Code of Civil Procedure was established in 1998 and until March 2017, he took the leadership as the working group director in the drafting of the Code of Civil Procedure, capacity-building of those who operate the laws, dissemination of the Code of Civil Procedure, etc.

I cannot forget the reaction of H.E. Chan Sotheavy, Secretary of State, Ministry of Justice when I told her this sad news. Her face immediately turned pale and she could not even utter words. In tears, she finally uttered, “I liked Prof. Takeshita very very much.”

On the following day, H.E. Ang Vong Vathana, Minister of Justice, H.E. You Bunleng, President, Appeal Court and H.E. Hy Sophea, Judge, Constitutional Council (former Chief Secretary of State) sent their messages of condolences, all of which praised Prof. Takeshita’s great achievements and were full of sincere and tremendous gratitude for him. H.E. Hy Sophea sent a heartfelt handwritten message. Members of each Working Group were also sharing their words of condolences through an instant messaging system (which can be compared to Group LINE).

It was after Prof. Takeshita had already resigned his position as the director of the working group on drafting the Code of Civil Procedure when I started working at the International Cooperation Department, Research and Training Institute of the Ministry of Justice of Japan to be involved in the legal technical assistance for Cambodia. Therefore, unfortunately, I did not have an opportunity to ever meet him in person. However, I could strongly feel, through the reaction of the people in the judicial field of Cambodia, how much he was loved and admired by the people in Cambodia and how so great his achievements were.

At the 8<sup>th</sup> Annual Conference which was held in January 2007, Prof. Takeshita, following H.E. Ang Vong Vathana, Minister of Justice, delivered the keynote speech titled “Drafting the Code of Civil Procedure of Cambodia and Japanese legal technical assistance<sup>1</sup>”, in which he mentioned the future challenges of having the deliverables of legal technical assistance rooted in the recipient countries, and continued dissemination of the laws, after establishing them, among the lawyers and ordinary citizens in those countries was necessary.

JICA’s Legal and Judicial Development Project (Phase 1) was launched in 1999 in Cambodia; thanks to the dedication and hard work by Prof. Takeshita and other professors of the working

---

<sup>1</sup> Morio Takeshita “Establishment of the Code of Civil Procedure in Cambodia and Japan’s Legal Technical Assistance” No.31 ICD NEWS (June 2007) p.14 [www.moj.go.jp/content/000010317.pdf](http://www.moj.go.jp/content/000010317.pdf)

group on drafting the Code of Civil Procedure and the working group on drafting the Civil Code, the Code of Civil Procedure and the Civil Code were completed in 2006 and 2007 respectively. Assistance in drafting the civil-related laws and capacity-building of personnel as well as dissemination of the Civil Code/the Code of Civil Procedure were followed with advancement. Since April 2017, the Legal and Judicial Development Project (Phase 5) has been conducted. The goal of the current Project is “The foundation of the proper practice according to the Civil Code and the Code of Civil Procedure is established”; WGs for drafting of civil-related laws, preparing the format samples including the petition etc. and disclosure of court decisions are implemented on a weekly basis and seminars for judges in all First Instance Courts in Cambodia are also held on a regular basis.

This year marks the 20<sup>th</sup> anniversary of the launch of JICA’s Legal and Judicial Development Project for Cambodia. We owe it to the dedication and efforts of Prof. Takeshita and many other professors, JICA experts in the past twenty years, JICA headquarters, JICA local offices, the ICD, RTI, MOJ of Japan, etc. that we can today engage in legal technical assistance in Cambodia. It makes me realize the weight of the twenty-year history of legal technical assistance in Cambodia. At the same time, I feel awed to be part of the implementation of the continued assistance, which Prof. Takeshita once mentioned as a future challenge.

In closing, I would like to express my resolve to grow day by day and continue to do my best to extend the steady operation of the Civil Code/the Code of Civil Procedure in Cambodia for its further improved judicial system.

Once again, I offer my deepest condolences to Prof. Takeshita.

### **- III. Contributions -**

## **ACCESS TO JUSTICE: TO PROTECT EVERY AND EACH PERSON'S RIGHTS — LESSONS AND INSIGHTS GAINED THROUGH IMPLEMENTING THE JICA'S KNOWLEDGE CO-CREATION PROGRAM ON ACCESS TO JUSTICE—**

**KOMATSU Kenta<sup>1</sup>**

**ARAI Makiko<sup>2</sup>**

*Japan International Cooperation Agency (JICA)*

### **1. Introduction – Inclusiveness and Access to Justice**

To “provide Access to Justice to all the people” (Goal 16) is one of the 17 goals of the Sustainable Development Goals (SDGs) adopted by the UN in September 2015. The SDGs proclaim the underlying principle of “No one will be left behind,” and it is embodied in Goal 16 from the viewpoint of protecting every and each person’s rights. Thus, the significance of “Access to Justice” is widely recognized in the international community.

There are many definitions of “Access to Justice”; however, at least, we can say that it is a measure or system to provide citizens with affordable mechanisms to resolve disputes (such as court proceedings) in a fair and reasonable manner<sup>3</sup>. Yet, in many developing countries, as we will be mentioning later in this article, many people are facing the obstacles to “Access to Justice” and thus disputes are not resolved appropriately, which will eventually leave them behind with realization or protection of their rights.

With such backgrounds, JICA decided to conduct a Knowledge Co-Creation Program (*Kadaibetsu Kenshu*, a KCCP) on Access to Justice from 2018, and conducted the first training with the cooperation of the Japan Federation of Bar Associations (JFBA) in November 2018, inviting nine participants with judicial or legal professional backgrounds<sup>4</sup> from six countries.

In this article, the authors aim to first introduce the detailed programs of this JICA’s very

---

<sup>1</sup> As of March 2019. Senior Advisor at Japan International Cooperation Agency (JICA) and Attorney-at-Law. Komatsu came to the current position in June 2017, after working as a long-term advisor for JICA’s legal technical assistance in Myanmar.

<sup>2</sup> As of March 2019. Deputy Director of Law and Justice Team, Governance Group, Industrial Development and Public Policy Department, JICA. Arai joined JICA in October 2016 after engaging in Access to Justice assistance for foreign citizens and refugees/asylum seekers at an NGO and a law firm in Japan.

<sup>3</sup> For the definitions of Access to Justice, see 2.(3) (a).

<sup>4</sup> Two participants from Kazakhstan, Nepal, Timor-Leste and one from Mali, Laos and Cambodia.



first KCCP on Access to Justice (the A2J KCCP), and also review and analyze the outcome of this first program from the planning phase to the implementation. Reflecting upon the circumstances of many developing countries that JICA has come across with, we also intend to explain why JICA should address the issues regarding Access to Justice, what points should be taken into careful consideration when JICA extends its assistance in this field, and finally, in which direction and to what extent JICA should expand its activities in the future cooperation.

Please note that the opinions expressed in this article are personal views of the authors, and do not represent those of the organizations that authors belong to.

## **2. Overview of the A2J KCCP**

### **(1) Access to Justice Training as a KCCP**

JICA's KCCPs are the training programs conducted in Japan on specific issues selected upon JICA's proposal to developing countries. In principle, Japanese ODA programs including JICA's projects are initiated upon receiving the requests from the developing countries. On the other hand, since KCCPs are proposed in reverse by JICA to the developing countries, they can be utilized as an effective tool in proactively sharing Japan's knowledge and experiences with developing countries.

Given such general characteristics of KCCP scheme, the A2J KCCP is intended to share with developing countries the trials and errors which Japan has been going through in promoting Access to Justice in its own society. The main purpose of the A2J KCCP was to share with the participants the meaning and significance of Access to Justice as a basic social infrastructure to protect everyone's rights as well as to introduce the viewpoints essential for establishing effective systems for promoting Access to Justice in each country.

### **(2) The Outline of the Program**

As the schedule of the program on Attachment 1 shows, the training included: (i) Explanation on how the systems to improve Access to Justice developed in Japan, referring to the development of Japan Legal Aid Association (JLAA), the initial legal aid provider for civil cases, the bar associations' initiatives to establish Duty Attorney System (*Toban Bengoshi*)<sup>5</sup>, and the establishment of the Japan Legal Support Center (JLSC, or so-called *Ho Terasu*), (ii) Observation on how such systems are operated through site visits to the call center of JLSC, a regional office of JLSC (Miyagi Prefecture), a local bar association (Miyagi Prefecture), and a bar-funded law office in remote area with limited access to legal professionals (Soma city), (iii) Introduction of initiatives to improve Access to Justice for vulnerable groups with

---

<sup>5</sup> <https://www.nichibenren.or.jp/en/legalinfo/arrest.html>



special needs such as women, victims of crime, foreign nationals, disasters victims and others; (iv) Introduction of information that can provide insights for building the systems on such topics as recent international trends regarding Access to Justice and JICA's past undertaking in promoting Access to Justice in Cote d'Ivoire<sup>6</sup>; and (v) Presentation by participants on the current situation of Access to Justice in their own countries and on the action plans to improve Access to Justice in near future.

### **(3) Characteristics of the Program**

A project team was formed in the JFBA, the implementing body of the A2J KCCP to prepare for the training. Since it was the very first time for both JFBA and JICA to conduct a KCCP on Access to Justice, JICA officers including the authors also joined the team. The project team regularly met and prepared thoroughly through intensive discussions. Since the duration of the training was limited to two weeks, the program was designed carefully to cover all the relevant topics to introduce Japan's past and present efforts to improve Access to Justice, to deepen participants' understanding of the significance of Access to Justice, and to encourage the participants to plan and consider relevant policies in their own countries. After such wholistic and detailed planning, the first program was completed in success with many participants' positive feedbacks, and two more KCCPs on Access to Justice are scheduled to be conducted in the same framework in the coming years. Reviewing the first training, we observe that this A2J KCCP has the following characteristics:

#### **(a) Consideration for the Broad Definition of the Concept of Access to Justice**

The narrow definition of Access to Justice refers only to the remedies by courts, emphasizing mainly the representations by legal professionals at court procedures. However, considering the existing issues and challenges for Access to Justice in developing countries, boarder meaning should be given to the concept when extending assistance to address such issues on the ground. Apparently, the ex-post remedy by courts plays the key role for Access to Justice in any circumstances. Many developing countries, however, have only insufficient numbers of courts and judges, have poor transportation infrastructure or services that prevent people from physically accessing to court, or fail to provide fair and reasonable dispute resolutions at courts due to the rampant corruption. Therefore, in the contexts of development assistance, Access to Justice should be interpreted broadly as the concept to provide the people with the sufficient means to prevent and resolve disputes, and thus with access to the protection and realization of their rights. Naturally, Access to Justice for developing countries may include preventive measures of disputes, or out-of-court dispute resolution mechanisms such as ADR or negotiation<sup>7</sup>.

---

<sup>6</sup> Wakaba Hara (2017) "Legal technical assistance and activities of a legal advisor in West Africa/Cote d'Ivoire" (ICD News) No.72 pg.7-17

<sup>7</sup> Apparently, such solution must be fair and appropriate, conforming literally to Justice. We referred to "Points at issue on access to justice" (Rikkyo Univ. Legal Study) No.98 pg.177-228 by Ryo Hamano (2018) for the concept of access to justice.

If Access to Justice is interpreted to have such broad scope, institutions for the people to contact at the very initial stage (so-called “the first access point”) when they face or are likely to face a dispute, would play extremely important roles in protecting their rights. The A2J KCCP shared sufficient knowledge and lessons accumulated in a long Japanese history of improving Access to Justice on this point. The participants visited the example of institutions and organizations that function as the first access points. They include the Call Center of JLSC, Miyagi Regional Office of JLSC, Sendai Bar Association, Soma Bar-Funded Law Office, Tokyo Public Law Office and Tokyo Women’s Plaza, where the participants learned how these first access points respond to the accessors. Through the site visits, participants observed how the first in-takers reacted, how legal information was provided, and how legal consultation was conducted. They also learned how JICA assisted the establishment and operation of the Call Center in Cote d’Ivoire, such as by developing FAQs for telephone operators and the advocacy materials for the public. At the first access points, various types of inquiries and requests are made, and sometimes they do not contain any legal issues. Therefore, such organizations play an important role as a navigator by streamlining the traffic of inquiries and requests by grouping the inquiries depending on their issues and demands. Some accessors may be satisfied with specific legal information while others may require further steps or intervention such as legal consultation, representation or referral to other appropriate organizations and institutions. The participants were typically interested in the first access points and actively asked insightful questions on necessary infrastructure for call centers, regulating framework on provision of legal information and consultation and so on.

In the program, the participants were given the opportunities to discuss “What is Access to Justice” or “What is Justice” and exchanged their views on “justice” based on their countries’ specific context as the starting point of the discussion and training to lay down the foundation. With such discussion, the participants were expected to revisit the meaning of Access to Justice and taking it to themselves throughout the training process. Moreover, in a lecture session, United Nations Principle and Guidelines on Access to Legal Aid in Criminal Justice Systems<sup>8</sup> adopted by the UN general assembly in 2012 were introduced, and the lecturer shared the views of broader definition of “legal aid” to include not only legal advice, aid or proxy to the people with financial difficulties but also legal education, access to legal information and service for alternative dispute resolutions.

The program also introduced the issues called “vicious cycle of vulnerability,” where one problem leads to another and the situation becomes more serious and complex as it develops. For example, individuals suffering from debt issues may develop difficulties

---

<sup>8</sup> [https://www.unodc.org/documents/justice-and-prison-reform/UN\\_principles\\_and\\_guidelines\\_on\\_access\\_to\\_legal\\_aid.pdf](https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf)

in paying their rents and may have to vacate their houses, and eventually develop health problems under unstable living conditions. Then the deterioration of their health conditions may cause them to leave jobs, and unemployment will make the debt issues even worse, resulting in the never-ending vicious cycle. In order to overcome such complex social issues, it is not sufficient if each relevant organization handles them separately or receptively, but rather, it is essential that such organizations make necessary arrangements and coordination with other related stakeholders such as welfare office to provide appropriate administrative services in a timely manner. It is also important that such organizations actually visit the communities on site and meet with the people in need and provide appropriate support to them. This initiative is called “outreach” activity, and it is a newly introduced approach in Japan<sup>9</sup>. These complex social issues still remain unsolved even in developed countries including Japan. Although it must be difficult for developing countries to initiate such efforts all at once, discussions are still meaningful for the program participants to realize that Access to Justice is directly related to everyone’s day-to-day life in every aspect.

(b) Consideration for the Development Stage in each Developing Country

As mentioned above, JICA’s KCCPs in general are designed for specific themes of development, and they invite participants to come from several different countries interested in the proposed topics. Therefore, in their nature, KCCPs are topic-oriented programs for multiple countries with diverse backgrounds, and unlike country-specific programs, they are not designed to address particular problems in a specific country. As a result, KCCPs’ participants come from different countries at different development stage. Consequently, in the A2J KCCP, some participants came from the countries with no specific government policy on Access to Justice where only CSOs or international donors are providing legal aid services while other participants came from countries with established public organizations with certain budgets to provide legal aid. For the former group of countries, the program should provide opportunities to raise awareness on the government’s role to develop a fundamental policy on Access to Justice and to implement such policy whereas, for the latter group of countries, the program should focus more specific and practical guidance to introduce how the public legal aid providers should collaborate with other organizations such as a local government and bar associations.

To respond to the diverse needs of the participating countries with diverse developmental backgrounds, the A2J KCCP focused on providing opportunities with each participant to find small “discoveries” in diverse topics ranging from the meaning of Access to Justice to the guidance for actual implementation of certain policies and systems. Such strategic

---

<sup>9</sup> Refer to the website below for collaboration of welfare and legal aid at JLSC.  
<https://www.houterasu.or.jp/hukushitoshihou/index.html>

efforts to emphasize awareness raising and discoveries in wide-ranging topics are the significant characteristics of this A2J KCCP.

For example, in particular, introduction of Japan's history of developing systems to meet legal needs in its society provided useful reference for the participants (e.g. Civil legal aid was extended in response to the increase of traffic accidents in 1960s, and of bankruptcy cases in the 1980s. Duty Attorney System was established with increased awareness of the role of defense activities for suspects in criminal cases. The establishment of Duty Attorney System even inspired the Japanese government to decide to provide public funds for defending not only accused in the criminal court but also suspects who have not been indicted yet.). The lectures on civil legal aid provided by the JLAA and on Duty Attorney System established by the bar associations were typically lively, practical and inspiring as they were delivered by the attorneys who had actually been taking leading roles in developing each system in Japan. Participants showed particular interests on these issues and asked many insightful questions, expressed their opinion, and had active discussions. In addition, the Ministry of Justice (MOJ) and the JLSC explained about the structure and operation of the JLSC, which plays a major role in promoting Access to Justice in Japan. Since many participants are public officials coming from each country's MOJ or corresponding institutions, they were highly interested in the legal status of JLSC, its relationship with the government, and the budget allocation policy. We believe these lectures provided important implication and useful guidance for each participant's home country to establish Access to Justice in future.

(c) Consideration for Inclusiveness – Focusing on the Vulnerable People

In this program, the participants also visited Tokyo Women's Plaza, Tokyo Public Law Office, Sendai Bar Association, and Soma Bar-Funded Law Office. They learned how these organizations provide assistance to those who have particular difficulties to Access Justice due to their particular circumstances and challenges resulting from gender, nationalities and languages, disasters and geographical distance from urban areas.

For instance, at Tokyo Women's Plaza, which is a related organization of the Tokyo Metropolitan Government<sup>10</sup>, the participants were provided with the opportunity to learn about the efforts and initiatives to address challenges that are particular to women, who are both physically and socially vulnerable in the male dominant community in Japan. The participants also learned Tokyo Women's Plaza was providing necessary protection and support specific to women, such as provision of legal information and consultation on domestic violence and other particular issues. The participants were introduced with the

---

<sup>10</sup> Organization established by an ordinance in order to promote enhancement/participation of women's social status/participation, and to contribute to gender equality in the community. It provides consultation/awareness activities for gender equality. <http://www1.tokyo-womens-plaza.metro.tokyo.jp/>

consultation facilities equipped with emergency exits for those who come to consult DV issues, and they learned about the telephone consultation service where female operators are arranged to receive calls. Tokyo Women's Plaza is an example of a first access point that provides women with consultation service and, if further support is necessary, it also makes referrals to other appropriate organizations including other government services, police and lawyers, and it also provides shelters for the women in urgent needs.

The participants also visited Tokyo Public Law Office, a private law firm that provides unique service to support the vulnerable people. The law office has a special team named Foreigners and International Service Section (FISS) for securing Access to Justice for foreign residents, who are often marginalized in Japanese society due to the limited access to information. FISS provides legal information and consultation in various foreign languages and handles legal issues that are particular to foreigners to reduce their various burdens resulting from differences in languages, cultures and customs which are all serious obstacles for foreigners' Access to Justice. FISS is consisted of a team of multilingual lawyers and staff who are experienced in issues particular to foreign residents in Japan. The participants also learned FISS's efforts to overcome language issue by even developing the list of external interpreters for minor languages.

The Sendai Bar Association and Soma Bar-Funded Law Office explained about the countermeasures for solving obstacles that disaster victims and residents in remote area are facing in terms of Access to Justice. The participants learned the role of a bar association in providing supports including financial assistance to such initiatives as well as the function of bar-funded law offices in particular areas such as for Access to Justice for disaster victims.

As described above, the socially vulnerable people often face difficulties in access to the fair and reasonable dispute resolution systems due to various social obstacles each one of them faces, and this issue is widely recognized and attracting much attention internationally<sup>11</sup>. It is essential to ensure Access to Justice for such vulnerable segments of people in order to realize the inclusiveness under the fundamental principle of the SDGs "No one will be left behind".

### **3. Lessons for Future Assistance to Developing Countries**

Through its very first KCCP on Access to Justice, the authors believe that JICA obtained much knowledge and learned insightful lessons for its future engagement in Access to Justice.

---

<sup>11</sup> For instance "Keynote Speech at Taiwan International Conference on Legal Aid" (Legal access/Review No.20 (Legal Access Promotion Association (*shiho akusesu suishin kyokai*)) pg.12)

In this chapter, we will discuss and analyze the implications for JICA to extend further assistance by referring to the current situation and specific issues of developing countries.

## **(1) Complex Contexts in Developing Countries and Necessity of Comprehensive Assistance**

### **(a) Challenges of Developing Countries — Complex and Multiplex Obstacles**

In this program, it was observed that the participants were typically interested in the financial support provided by JLSC for those who have financial difficulty to afford a legal consultation or to retain lawyers to represent them in the court procedures. However, on the other hand, some participants pointed out the severe and complex reality of their countries; many people are not even aware that they have legal problems, and even after they come to realize that they do, they often do not know where to go for appropriate information or sufficient protection. This implies the very complex situations that developing countries are facing with respect to Access to Justice. In developing countries, there are people left out from Access to Justice at its very early stage.

Some surveys conducted in developing countries provide similar implications. For instance, according to a report of the survey conducted in Bangladesh by an international NGO, to the question “Why did you not seek legal information or advice (even though you have had legal problems)?,” as many as 48% of the respondents answered that because they “did not believe advice would help me”, followed by “did not have time” (30%) and “did not know where to look for advice” (24%). It is notable that only 11% of the respondents answered that they “did not have enough money”<sup>12</sup>. This clearly shows that financial difficulty is not the only major obstacle for Access to Justice.

When people have legal problems, they need to go through several steps until solving those problems. They include (i) Realize that it is actually a “problem”, (ii) Recognize that the problem is “legal”, (iii) Decide they should consult with someone, (iv) Contact the first access point such as administrative organizations or lawyers, (v) Receive appropriate legal support at such the first access points, and finally, (vi) Dispute resolution institutions such as courts solve the problem in appropriate manner. However, in developing countries, at each step in this path to realizing justice, many people often fail to climb up to the next step and get left behind due to various factors, resulting in the failure to access to justice for their problems.

Developing countries have various problems in legal and judicial sectors such as shortage of judges and other legal professionals, lack of tangible infrastructure of dispute resolution institutions such as court buildings, and lack of relevant statutes. In addition, there are serious and deep-rooted social and economic problems such as poverty, low literacy

---

<sup>12</sup> “Justice Needs and Satisfaction in Bangladesh 2018: Legal problems in daily life” pg. 70  
<https://www.hiil.org/wp-content/uploads/2018/07/HiiL-Bangladesh-JNS-report-web.pdf>



and insufficient transportation infrastructures, which are direct or indirect obstacles for Access to Justice. These complicated problems are intertwined with each other and create multiplex obstacles for Access to Justice.

(b) **Necessity for Comprehensive Assistance**

The results of the survey in Bangladesh suggest that financial support for those who are actually knocking on the door to seek legal advice is not the only solution to improve access to justice. Assistance should be provided to reduce the number of people who cannot even reach the first access points as well as to resolve disputes appropriately at courts and other institutions. Therefore, in order to provide effective assistance to improve Access to Justice in developing countries, it is essential that the programs should be planned and implemented from a comprehensive point of view with the whole picture on Access to Justice, imaging the steps people take to resolve their issues.

**(2) Identifying Needs in Developing Countries – Necessity and Support for Conducting Legal Needs Survey**

As mentioned above, developing countries often have complex and diverse social issues. Therefore, when a country is to introduce or implement a policy to improve Access to Justice, it is essential to conduct legal needs survey to identify the issues and needs in that certain country.

In Japan, a needs survey was conducted in 1994 by the Study Group on Legal Aid System established by the MOJ to prepare for a policy for improving civil legal aid. After JLSC was established, JLSC also conducted the needs survey together with JFBA<sup>13</sup>. JLSC conducted another needs survey in 2006, a year before it opened its call center, through two-week pilot operation of the call center to identify the needs of people seeking legal information at the call center<sup>14</sup>. These are the examples of needs surveys conducted in Japan as the preparation for introducing new systems. The initial step a country should take in the course of its efforts to improve Access to Justice is to identify the issues surrounding its people and to understand their exact needs through such surveys. If this first step is skipped or misconducted, the system will not be able to reach the right targets and will not be able to function effectively.

Therefore, upon assisting to implement specific measures for improvement of Access to Justice in developing countries, assistance for the needs survey should be an important element to be considered at the early stage of the assistance<sup>15</sup>. In the A2J KCCP, participants from countries with no existing government policy on Access to Justice may also attend.

---

<sup>13</sup> “Attempts to Identify Legal Needs in Japan (1)” (Legal access Review No.19 (Legal Access Promotion Association pg. 16)

<sup>14</sup> “Preparation for Tokyo Office and future challenges” (LIBRA Vol.6 No. 4 (Tokyo Bar Association) pg.11 [https://www.toben.or.jp/message/libra/pdf/2006\\_04/libra0604\\_p10\\_p12.pdf](https://www.toben.or.jp/message/libra/pdf/2006_04/libra0604_p10_p12.pdf))

<sup>15</sup> At the international conference on access to justice one of the authors attended (World Justice Forum IV <https://worldjusticeproject.org/world-justice-forum-vi>), participants from South Africa and Indonesia also reported on implementation of survey on needs to design the system of legal access.

Therefore, emphasis should be put on awareness raising on the role of such needs surveys. On the other hand, when implementing country-focused projects designed specifically for a certain developing country, it is suggested that trainings to share specific knowledge and technical advice on needs surveys be included in the projects. Knowledge sharing on survey methodologies and technical assistance for development of questionnaires and sampling should be effective. Developing countries have budgetary and technical constraints and such constraints differ from one country to another. Instead of jumping to a large-scale complex survey immediately, assistance projects should propose to design a survey within the feasible and affordable scope for each developing country.

### **(3) Towards Further Assistance – Components for each Assistance Modality**

#### **(a) Aims of KCCP and its Institutional Limitation**

As the main objective of JICA's KCCP is to promote a recognition or awareness on certain issues on Access to Justice, the program focuses on providing each participant with opportunities to reflect on the situations of Access to Justice in their own country. Accordingly, participants are expected to become the advocates or promoters for building or improving the systems which contributes to Access to Justice in their own countries, and further in the longer term, to suggest specific policies, and establish and implement the relevant systems.

However, establishing a full-fledged system for Access to Justice requires a clear policy backed up by sufficient budget to support it. It is evident in Japan's case, where JLSC was established after elaborated preparations including related legislation as a part of the justice reform, and it has been operated with large-scale government budget. In developing countries, on the other hand, awareness for the necessity of policies and systems is often lacking. Even if they become fully aware of the necessity, their budget is often not sufficient, hindering their ways forward. In many developing countries, many obstacles exist to introduce or reform the specific systems for promoting Access to Justice.

Accordingly, if JICA intends to extend assistance in actual policy making or system building process, such assistance will be difficult to be realized within the KCCP framework due to its institutional limitations. Such types of assistance can be provided only in the framework of country-specific programs.

#### **(b) Towards Country-Specific Assistance**

As mentioned above, through the A2J KCCP, JICA gained important insights for the direction for future country-specific assistance. The country-specific projects should be designed and implemented from a comprehensive point of view with a big picture of Access to Justice as a whole, imaging each step people take to resolve their issues. Given such insights, the following should be considered as the potential components to be included in JICA's future country-specific projects: (i) Empowerment of the people



to promote awareness on their fundamental rights, (ii) Improvement of mechanisms to provide legal information such as call centers, (iii) Provision of legal service such as legal consultation by the governmental organizations, bar associations and CSOs, (iv) Enhancement of the functional capacity of dispute resolution institutions such as courts and (v) Coordination of these components to function in an efficient and effective way. Apparently, contents and methodology of each project will differ depending on the social situation and the existing issues in each country, but in any case, it is necessary to design the projects in the following flow; identify the existing issues and urgent needs through a survey, set the feasible timeframe of the program for both short-term and long-term, and finally implement the programs corresponding to the needs and challenges which became evident at earlier stage. Some projects may not be able to cover all those components to be implemented for various reasons and constraints. Even in such cases, however, it is essential that the abovementioned steps for Access to Justice be considered and examined to make the program effective.

Moreover, empowerment of the people is remarkably important. In many developing countries, people are left behind from Access to Justice as they often fail to realize legal information or advice is helpful for their problems (and thus say that they do “not think advice would help me” or that they do “not have time” for it as indicated in the survey in Bangladesh), or do not know where to go even after recognizing that their problems are legal. Under such circumstances, the basic legal education is crucial for the people to become aware that they have fundamental rights that are protected under law, and that they are entitled to appropriate remedies when such fundamental rights are infringed. For that sake, outreaching to a certain community and raising awareness on laws and rights in plain and easy language will be an effective activity for JICA to conduct in the future<sup>16</sup>. When conducting these activities, it is recommended to seek advice from the relevant local and international CSOs which have rooted in the target communities since they are often well familiar with the community member’s lifestyle, issues and challenges, typical day-to-day disputes, and their first access points when a dispute occurs<sup>17</sup>. Advice from these organizations for designing and implementing projects, and determining the target groups of the project will be helpful for JICA to conduct effective and appropriate assistance. Furthermore, as it is more effective to start such basic legal education at an earlier age, it is preferable to collaborate with education sector, engaging in, for instance, assistance in social studies at primary or middle schools.

---

<sup>16</sup> Mobile Training by the Rule of Law Centre which the authors observed in December 2018 in Myanmar is a similar useful example as reference. <https://www.rolcmyanmar.org/en/mobile-training>

<sup>17</sup> Ain O Salish Kendra, one the most prominent local CSOs, to whom the authors interviewed in March 2019 in Bangladesh provides legal consultation and mediation for the vulnerable group including women; it is one of the groups well aware of the issues/legal needs of the people of the community. <http://www.askbd.org/ask/>

#### 4. Conclusion

JICA has been cooperating with developing countries in legal and judicial areas since late 1990s for over 20 years. JICA has been focusing on establishing systems and institutions to promote rule of law mainly through assistance for legal drafting and legislation as well as capacity development of officers of relevant institutions. While this approach for assistance still plays significant role, assuring ways for the people to access to these systems and institutions is equally important. Unless the systems or institutions are made to be accessible for ordinary people in the society, needless to say, they will be of no practical use. In other words, extending assistance to improve Access to Justice gives us the chance to revisit our past approach and achievements from the viewpoints of the end-users of such systems or institutions. Development organizations like JICA are expected to put themselves into users' shoes and examine whether the institutions are accessible and user friendly, and whether they can provide appropriate and satisfactory solutions to the users<sup>18</sup>. In that regard, it can be said that establishing relevant systems and institutions and promoting Access to Justice are the two indispensable and inter-related components to consist cooperation in legal and judicial field. SDGs also include promoting rule of law and providing Access to Justice in the same target of 16.3, indicating that it pursues substantial rule of law to protect people's rights.

In light of the significance of Access to Justice, and with the knowledge, lessons and networks obtained through the first A2J KCCP, JICA is expected to extend further assistance to improve Access to Justice in developing countries and contribute to global access to justice. The authors believe that JICA is expected to take an initiative to pursue better cooperation in Access to Justice, collaborating with such professional and experienced organizations like JFBA, MOJ, and JLSC in Japan.

---

<sup>18</sup> This type of approach centering the human being can overlap with "human security" (<https://www.mofa.go.jp/mofaj/gaiko/oda/bunya/security/index.html>). Task Force on Justice (2019) "Justice for all" is also the approach centering the human beings regarding Access to Justice as well. (<https://www.justice.sdg16.plus/report>)

Training Period: November 5 to 16, 2018

Number of Participants: Nine (Two from Kazakhstan, Nepal and Timor-Leste; One from Mali, Laos and Cambodia)

Schedule

Date	Time	Contents of Training
5 Nov (Mon)	10:00-12:30	JICA Briefing
	14:00-17:00	Course Orientation Summary of Japan's Justice System
6 Nov (Tue)	9:00-12:00	Presentation of Country Reports
	14:00-17:00	Overview of Access to Justice "Significance of Access to Justice" / "International Trend and Challenges"
7 Nov (Wed)	9:00-12:00	Access to Justice in Japan I "History of Access to Justice: Civil Legal Aid"
	12:00-12:30	Courtesy Call to (JFBA President)
	13:30-14:00	Visit to Office of JFBA
	14:00-17:00	Access to Justice in Japan II "History of Access to Justice: Legal Aid in Criminal Field (Public Defender System and Duty Attorney System)"
8 Nov (Thu)	9:30-10:00	Courtesy Call to Director-General of the Judicial System Department of Ministry of Justice
	10:00-12:00	Access to Justice in Japan III "Roles of the Government for ensuring Access to Justice"
	14:00-17:00	Access to Justice for Those with Special Needs I "Support for Women" (Visit to Tokyo Women's Plaza)
9 Nov (Fri)	9:00-12:00	Introduction of Access to Justice System "JICA's Assistance for Access to Justice in Cote d'Ivoire"
	14:00-17:00	Access to Justice in Japan IV "JLSC (Ho Terasu) and its Business Operation" (Visit to JLSC)
10 Nov (Sat)		Day-Off
11 Nov (Sun)		Travel (Tokyo → Sendai)

12 Nov (Mon)	9:30-12:00	Visit to Sendai Bar Association
	14:00-17:00	Visit to JLSC Call Center
13 Nov (Tue)	9:30-11:30	Visit to JLSC Miyagi Prefecture
	13:00-14:30	Travel (Sendai → Soma)
	14:30-17:00	Visit to Bar-Funded Law Office in Souma
	17:00-18:30	Travel (Souma → Sendai)
14 Nov (Wed)	9:00-12:00	Visit to Sendai District Court
	16:00-18:00	Travel (Sendai → Tokyo)
15 Nov (Thu)	9:30-12:00	Access to Justice for Those with Special Needs II “Foreigners” (Visit to Tokyo Public Law Office)
	14:00-17:00	Preparation for Presentation
16 Nov (Fri)	9:30-12:00	Presentation of Action Plan
	14:00-15:30	Evaluation /Closing Ceremony

# **ON ACTIVITIES IN THE FIELD OF CORRECTIONS IN TIMOR-LESTE**

**YAMAMOTO Mana**

*Professor, UNAFEI*

“Prison officers who work in prisons must confront with how to treat inmates not just as offenders, how to change their feelings, mentality and actions before sending them back to the community after release, and lead them to the condition where they can strongly believe they desist from offending after getting reintegrated into the community. I am sure there are many challenges in this kind of endeavors. I hope this training will be helpful for your daily operations at prisons through provision of some skills/knowledge/exchange of experience/human resource and an opportunity to think what can be done at your harsh workplace through obtaining new mentality; because, I believe, our new mentality will surely lead to the new mentality and unity of prisoners.”

This is an excerpt of the opening remarks by the Justice Minister of Timor-Leste, Dr. Manuel Cárceres da Costa in the training held from July 16 to 19, 2019 in Dili, the capital of Timor-Leste, about which I will write in detail later. In 2018, we, the UNAFEI joined the ICD, which had at that time already been providing legal technical assistance to Timor-Leste, and began our activities in the field of corrections under the same spirit. The history of our activities is still new, and the information on the corrections and actual situation of Timor-Leste are not yet certain and sufficient and not many trainings have been conducted yet; since there is not much information on their corrections field in the world, I would like to write this article in order to compile information obtained so far and summarize the points at issue which became clear through our training courses etc. for future reference.

All opinions expressed in this article are of my personal ones.

## **1 Current Situation of the Legal System in Timor-Leste**

Since its independence in 2002, Timor-Leste, with assistance from foreign countries (Portugal, the former suzerain etc.) and international organs (UNMIT, UNDP etc.), is currently building their country, developing the legal/justice system and fostering capable professionals based on the “Timor-Leste Strategic Plan in the Judicial Field 2011-2030” (hereinafter referred to as the “Strategic Plan”). The Strategic Plan analyses the five fields: system development, legal framework and reform, capacity-building, infrastructure and information technology, and access to justice, and sets forth the plans, goals, implementation strategy, evaluation

index etc. However, Timor-Leste still lacks the foundation of its system, human resources, information, experience etc., and largely depends on the assistance by foreign countries and international organs, e.g. legislation works assisted by foreign advisers, training of legal professionals through foreign experts' lectures, litigation procedure with the assistance from foreign countries and international organs, etc.

## **2 Japan's Legal Technical Assistance**

Japan began researches in 2008 based on the request from Timor-Leste government in 2009; it has been conducting assistance using the materials on drafting of each law with the high-level goal of strengthening their bill-drafting capacity. Specific history is as below:

\*2009-2010 Training in Japan (Process of establishing the laws/ordinances etc. Narcotics Control Act, Extradition Act, Mediation Act, etc.) (JICA)

\*2011-2012 Field survey/Seminar/Joint study on legal system (Extradition Act, Mediation/ Arbitration Act, Narcotics Control Act, drafting the bills, etc.) (The Ministry of Justice (MOJ))

\*2013-2014 Field survey/Seminar (Mediation Act etc.) (JICA legal system advisor)

\*2014- Field survey/Seminar/Joint Study on legal system (Mediation Act/ADR, international law/international economic law, juvenile law etc. marriage law/family-related laws, nationality law, civil registry law, land-related laws, etc.) (MOJ)

Furthermore, as mentioned at the opening of this article, the new activities began in the field of corrections since 2018.

## **3 History of Activities in the Field of Corrections**

The National Director of the National Directorate of Prison Services and Social Reintegration (DNSPRS), MOJ of Timor-Lest participated in the 167<sup>th</sup> International Training “Rehabilitation and Social Reintegration of Members of Organized Crimes and Terrorists”<sup>1</sup>, which was held from August to September 2017 at UNAFEI. On this occasion, he mentioned that in Timor-Leste, there are only three prisons; no classification exists other than a rough framework such as gender etc., and it is difficult to appropriately assess the substance and degree of problems of each individual, not limited to organized crime offenders nor terrorists but also inmates in general, to classify and accommodate them appropriately to implement

---

<sup>1</sup> Please refer to [https://www.unafei.or.jp/activities/pdf/kensyu/No167\\_Online\\_J.pdf](https://www.unafei.or.jp/activities/pdf/kensyu/No167_Online_J.pdf) for the summary of this training. Other information can be seen at “International seminar and high-level official seminar” website [https://www.unafei.or.jp/activities/katsudo\\_1.html](https://www.unafei.or.jp/activities/katsudo_1.html) for the 167<sup>th</sup> International Training as well.

appropriate interventions and treatments, which were the shared knowledge in this training. He requested for our visit/observation and advice based on it, which led to the launch of the needs assessment of their system<sup>2</sup>. I visited all of the three prisons in March, July and November 2018 respectively, and conducted a seminar in November 2018 for 30 participants including staff members of DNSPRS and prison officers, to understand the current situation/needs of their prisons, and selected Timor-Leste as one of the recipient countries for FY 2019 assistance, whereas it was decided that UNAFEI and UNODC jointly conduct the prison reform support project, utilizing the fund provided from the Japanese Ministry of Foreign Affairs to the UNODC Regional Office for Southeast Asia and the Pacific. The details of the joint project with UNODC will be mentioned in 5 below.

#### **4 Current Situation of Corrections in Timor-Leste**

Next, I would like to summarize information I have gathered from the abovementioned needs assessment and two seminars held so far (in November 2018 and July 2019). However, most of the information was explained orally from several persons; please note that the accuracy of the information is not guaranteed as of this point.

The prisons are currently located in Becora, Gleno and Suai. As for where detainees (detainees pending trial and prisoners) are located, it is automatically divided in response to the jurisdiction of the court. (However, the prison in Baucau no longer exists, therefore, they are put into Becora prison instead.) Almost 600 inmates are detained for the capacity of 250 persons at Becora Prison in the capital city of Dili (as of November 2018). Its overcapacity had lasted for many years, and a new prison was established in Suai (It was reformed. It was originally built in the late 1990s under the Indonesian rule), which started accommodation in May 2017.

In Becora, youth detainees of age 16 to 21 are also detained (the design was made in 2014 to establish a facility exclusively for youth offenders, however, they could not get the budget.). In Gleno, females are also incarcerated (it used to be for females only, but due to the overcapacity of Becora, they began incarcerating males as well), with distinction from other detainees in different compartments. The Strategic Plan stipulates prisons for youth and female offenders should be built separately, however, the budget is not gained. Detainees

---

<sup>2</sup> Actually, many countries make such request through their participation in the international training course. The reason why this activity for Timor-Leste was decided to conduct was because the author was touched by the attitude of the director of DNSPRS at that time (he was trying to digest the contents of the int'l training despite the language barrier to take back as much as he could to his country with the specific idea to apply them at home and his directions were quite to the point.), as well as it was Mr. Taro Morinaga who was the deputy director of UNAFEI at the time of this training, who is the current ICD director (since Oct.2017) and who launched on the assistance to Timor-Leste in 2009. Therefore, I the author consulted with him on the activities.

pending trial and prisoners are not separated, either.

The Suai prison, which started accommodation recently, has problem in terms of security, no external walls, etc., it has 40 selected prisoners from Becora Prison (those from Suai jurisdiction) in good conditions and with low risk of escaping. They are planning to increase the number of detainees there, however, its realization is difficult unless the security is strengthened, and other physical restrictions, including shortage of refrigerators and cells, are resolved.

Rehabilitation programmes are basically conducted by external related organizations (e.g. other ministries, NGOs etc.). Since Becora Prison is located in the capital which has many outside related organizations involved, many programmes are conducted as well as active prison work (woodwork or dressmaking. However, the tools are old, provided from international organs immediately after the independence; many of them are either broken or almost broken). In Gleno, they make bricks, build street *kobans* and market. On the other hand, Suai Prison does not have any programmes nor prison work; inmates have nothing to do in the day, so, they can only clean up the prison or engage in the farming.

Assessment is conducted upon arrival, and the detainee database to input their criminal history, life history, medical history and family information (hereinafter “DB”) exists (it was created in 2010 with the aid from Justice Facility Australia). The DB must be connected to the internet as it is managed at the head quarters, but due to such problems as shortage of computers or connection to the internet at prisons, they are far from properly functioning. There is no reassessment after the assessment upon arrival is conducted (although it is required by law). Even when detailed assessment is conducted, it does not lead to classification. Due to shortage of physical environment for classification (cells or blocks to separate the cells), only rough classification is made e.g. by years of incarceration, type of crime, etc.

Inmates are not given uniforms due to the budget problem; prison staff who were hired in and after 2010 are not given uniforms either for the same reason. At Suai, 34 new prison officers have been hired and trained through OJT. There is only one psychologist for the entire DNSPRS (the psychiatrist is basically stationed at Becora, conducting interviews/screening for possible early release).

In 2014, a law equivalent to Japan’s Act on Penal Detention Facilities and the Treatment of Inmates and Detainees was enacted, of which the contents are adequate based on the Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules); yet, it is not truly implemented in terms of system/operation. (The prison staff members are aware of the law and had the opportunity to attend a training on the Mandela Rules; therefore the contents of the rules are known.) The law presumes parole and probation as a system, but its actual operation is insufficient (prisoners with good behavior get their sentence reduced by 50% at maximum. Application for it is made by the prison and the decision is made by the court.).



They also receive support from external organizations such as the Ministry of Social Solidarity (ministry which provide protection and support (food, medicine, etc.) to the socially vulnerable (elderly, disabled, etc.). It provides support to prisons training of the staff, treatment of detainees, support upon release, etc.), the NGO, such as PRADET (it offers counseling to the youth (age 18 to 25) and females as a prison programme since 2004).

## **5 Joint Project with UNODC**

### **(1) Outline**

The project for FY2019 consists of two seminars for officers of DNSPRS and prison officers which were held in Dili. During four days from July 16 and 19, 2019, the first seminar was held with participants of approximately 30 staff members who are involved in treatment of offenders (Staff from DNSPRS, MOJ, warden and prison officers)<sup>3</sup>. This project aims to improve the assessment format used at prisons in Timor-Leste and to enhance the assessment capacity of prison officers. In this seminar, I delivered a lecture on “Assessment and Classification (including the viewpoint of securities)” “Multi-Agency Coordination” and “Effective Treatment for Rehabilitation” grasping the current situation in Timor-Leste. Throughout the period, we asked the director of the abovementioned NGO PRADET to participate in this seminar aimed at strengthening the cooperation with the DNSPRS toward future.

During the latter two days of the four-day seminar, they were divided into two groups: (i) high-level executives (Director of DNSPRS, Warden of prison etc.) and (ii) Other staff of DNSPRS and prison officers to exchange opinions. In group (i), with lecturers from overseas (Dr. Celso José das Neves Manata, Grande Oficial da Ordem de Mérito, Magistrado, from Portugal and ICD director, Mr. Taro Morinaga), referring to overseas practices, they discussed how the leadership should be, and in (ii), participants were split into three groups for group work; they considered, based on the lectures, the measures to improve the assessment format appropriate to their culture and system, and to enhance assessment capacity, followed by discussions on future activities.

In February 2020, a seminar is scheduled to be held in Dili for the same participants with the theme of improvement of the assessment format and the training for effective interviews using the assessment format.

---

<sup>3</sup> The article is on the UNODC website.

<https://www.unodc.org/southeastasiaandpacific/en/2019/07/prison-assessment-systems/story.html>

The seminar was broadcast on GMN TV of Timor-Leste.

[https://www.youtube.com/watch?v=TlDyaGq4jJ8&feature=player\\_embedded&app=desktop](https://www.youtube.com/watch?v=TlDyaGq4jJ8&feature=player_embedded&app=desktop) (from the point of 34 min. 35 seconds) (as of Aug.10, 2019)

## (2) My Views

In this seminar, the Justice Minister of Timor-Leste participated on the first day at the opening to give his opening remarks in his own words. Excerpts of the remarks are the words are as quoted at the beginning of this article. It began with the words of gratitude to participants: “I try every day, as the Justice Minister, to understand what kind of conditions you are in, and the difficulty of your work. You have to treat the person who have committed crime, that is, you confront the people who are not in the community but people who violated the law in the community. You meet those people every single day; you don’t just meet them, you think about how you can change their mentality, behaviors and habits during their time in prison. When I think about your tough work, I cannot help showing my sincere respect to all of you” and went on to the consideration of legislating a special law concerning operation of prisons, and mentioned the solution for lack of logistical aspects (uniforms, prison vans, food, gas provision, etc.) etc., with acknowledgment on specific lack for operation and his awareness for solution clearly. His remarks closed with: “Though I cannot visit your prisons frequently, I will continue to do my job with my position, just like you are doing your jobs, and stand by you.” I feel, as part of the correctional officer, that in each country, prisons have a “wall” from the community as its name suggests, and their activities are difficult to see the light of the day. Day-to-day efforts by prison officers are also hard to be understood, with the public opinion tending to be, “Prisoners should be kept inside the walls (prison)”. Amid such circumstance, the Minister’s warm words must have been extremely empowering to them; I felt that the words of a leader would function sufficiently in order to encourage the staff even when physical solution of problems may take time.

Throughout the seminar, participants kept asking one question after another from the practitioners’ viewpoint; the questions were conscious of the international rules and to the point, asked from the viewpoints how they could “reflect them on their daily operation from tomorrow.” I am always touched and impressed by their sincere attitude to try to digest the good practices/theories and put them into their own contexts for improvement with a realistic and steady approach. As for the improvement of the assessment format, which is the target of this FY as mentioned, I feel their strong spirits and pride to have won independence and go on to develop as a new country with their own efforts, as they show their voluntariness to want to come up with the draft ideas by themselves because they are the ones who will be using them, even though they are well aware that assistance from Japan is also necessary.

Furthermore, what impresses me most is, as the Justice Minister put in his words, that the principle of treating inmates not just as “offenders” in prison and treating them not only by punishing but also with the viewpoint of rehabilitation is firmly rooted in the frontline prison officers. In the treatment of offenders, the study and practice in advanced countries show that punishing alone is not effective to prevent re-offending; intervention for improvement/

rehabilitation is necessary, in which, we need to follow the “Risk/Needs/Responsivity Principle<sup>4</sup>” and focus directly on the problems that are linked to the criminal acts. In recent years, in addition, it is said that the “strength-based approach”, that is, focusing on motivation, human capital (what is inside an individual), and social capital (human relationships surrounding an individual) of the offender, is also important. For that sake, it is necessary to create a rehabilitative environment inside prisons to support rehabilitation; and the staff in its operation must treat the prisoners with respect<sup>5</sup>. They did not seem to be aware of such advanced knowledge, however, they were already implementing it in a natural way, which deeply impressed me.



(Group Photo)

<sup>4</sup> “Risk principle” is to match the density of treatment with the reoffending risk of the offender. “Needs principle” is to assess and focus the criminogenic needs. “Responsivity principle” is to focus the learning effect of the offender’s treatment for social reintegration. It is embodied by execution of treatment in response to the cognitive behavioral therapy and the offender’s learning style/motivation/capacity/strengths. (Andrews, D.A., Bonta, J., & Hoge, R.D. (1990). Classification for effective rehabilitation: Rediscovering psychology. *Criminal Justice and Behavior*, 17, 19-52.)

<sup>5</sup> At Kyoto Congress to be held in April 2020, UNAFEI is in charge of the planning and operation of the Workshop 2 on the topic of “Reducing reoffending: identifying risks and developing solutions”, and UNAFEI will be handling such matters. Please refer to “2020 Kyoto Congress Workshop: UNAFEI’s practice” in “October issue of *Keisei*” for more details.



(Remarks by the Justice Minister)



(My lecture)



(Lecture by ICD Director Morinaga)

## 6 Closing

With regard to bilateral assistance for a specific country, I feel it is necessary to understand the system/situation of that country as accurately as possible, while grasping levels/needs of various aspects of their system/situation objectively, deepening the understanding of their culture, customs, characteristics of the people which lie behind them, and from time to time subjectively stand by them. On the other hand, there is a risk of losing sight of certain things if involvement gets deeper. Therefore, with my position, I struggle very much to seek the appropriateness of what, how much and how I should be involving in. It is not, of course, something that the “result” can be reached quickly; we have no choice but keep advancing even in a situation where we are not convinced that it is the “appropriate” way for the recipient country in various ways. Their needs which they present and our assumption of their



needs may not sometimes match; yet, we should not present them unilaterally. As long as an activity is conducted within the framework of “assistance”, it is important that we provide some sort of guidance from our side; still I struggle for each country over what is the “right attitude”. As a correctional officer, I think, it is the same with treatment of offenders, in which offenders do not necessarily have motivation to change; there is no clearly correct answer as to how to rehabilitate offenders. Moreover, even when the offender desist from offending, we do not know what factors have contributed to it; in which sense we do not get a “reward” either. Still, I feel, in order to contribute to the offender’s rehabilitation toward the social/ethical goal, it is important to closely stand by him/her, without haste, arrogance and with a cool head but in a friendly way; those aspects are common to bilateral assistance to treatment of offenders, I think.

Also, even though it is within the framework of “assistance”, as I introduce our system/operation and receive questions/explanations on the intent of those questions during needs assessment and seminars, it gives me some opportunities to raise my consciousness again as a correctional officer, and makes me learn many things which are helpful to improve Japan’s operation as well. In that regard, I feel that the correctional officer of Timor-Leste, while having a pure principle of “people (prison officers) will change people (offenders)”, never dissatisfied with the inconveniences e.g. shortage of human resource/resources material, they possess noble spirit to realize the principle with their own efforts and want to absorb as much wisdom and knowledge as possible for that sake; it makes me I feel refreshed as a correctional officer.

As I have stated in this article, the activities in the field of corrections in Timor-Leste have just been launched; development of the activities will not be easy due to the language barrier<sup>6</sup> as well. I will try to my best to go on to have a seamless relationship with them, just like ICD is doing.

---

<sup>6</sup> The official language is Tetum. Our interpreter helps us very much not only in understanding the language, but also the contexts wherein it is used.

# **A CONSIDERATION ON DEVELOPMENT PARTNER COORDINATION AND COOPERATION IN THE LEGAL EDUCATION AND TRAINING FIELD IN LAO P.D.R.**

**ITO Atsushi**

*JICA Long-term Expert in Lao P.D.R.*

## **I. Introduction**

In Laos, one of JICA's technical cooperation projects, "The Project for promoting development and strengthening of the Rule of Law in the Legal Sector of Lao P.D.R." (Hereinafter referred to as "the Project") is implemented from July 2018 to 2023, composed of four counterpart organizations: the Ministry of Justice (MOJ), the Office of Supreme People's Prosecutor (OSPP), the People's Supreme Court (PSC) and the National University of Laos (NUOL)<sup>1</sup>. The purpose of the Project is: to have the core human resources of legal/judicial sector acquire abilities to study the legal theory; to implement/enforce basic laws based on the legal theory; to improve laws and practices, to share the outcomes of the study with relevant officials of the sector; to plan sustainable structures to continue these activities by themselves; and for trainers/lecturers of legal education/training sector to acquire abilities to train high-quality legal practitioners. In order to achieve this goal, the Project has launched on three activities as below:

- (i) Research on legal theories concerning civil laws and civil procedure laws and the results of the research are compiled to documents/materials and shared among legal practitioners/researchers
- (ii) Research on legal theories and analysis on issues concerning the criminal laws. Reference materials based on the research and analysis are prepared and utilized for proper implementation of criminal procedure and for further understanding of the law by practitioners.
- (iii) Legal education training for prospective legal professionals<sup>2</sup> and continued training, which is properly coordinated to develop/utilize consistent curricula, effective teaching materials and methods.

The members, who are selected mainly from the four organizations (counterpart organizations) are divided into three Sub Working Groups (SWGs): SWG on the Civil Law, SWG on the

---

<sup>1</sup> The project has worked with not only four counterpart organizations but also other organizations, Laos Bar Association (LBA), the Ministry of Public Security (MPS), the Prime Minister's Office (PMO), the National Assembly (NA) and so on.

<sup>2</sup> The term "legal professional" may usually include a person who performs specialized business using the law, such as notary public, registrar officer, and executive officer. In this article, however, unless otherwise specified, it only means judge, prosecutor and lawyer.

Criminal Law and SWG for Improvement of Education/Training. Each SWG is in charge of the above three activities ((i) (ii) (iii)) with supervision of the members of the Joint Coordination Committee (JCC), managed by the members of the Management Committee (MC) and supported by the Japanese Advisory Group (AG) /long-term experts<sup>3,4</sup>.

In June 2019, approximately one year after the Project began, the Project discussed with Japanese involved parties<sup>5</sup> to pursue ideal legal education/training for legal professionals in Laos (Please refer to Annex 2). At the same time, the Project decided on the direction of the future Project activities. To put it simply, “an ideal image of legal education and training for legal professionals in Laos” means, at the first step at a university faculty of law level, those who want to become legal professionals must study “Introduction to Lao Law (What is law in Laos?)” and “Basic Law Theory”. At the second step at National Institute of Justice of MOJ of Laos (NIJ)<sup>6</sup> level, they must study “Legal Ethics”, “Procedure Law”, “Evidence Law” and “Fact finding” as well as the basic law theory. At the final third step at law practical training institute<sup>7</sup> level, junior legal professionals must study and improve knowledge and ability of legal theory and practice through OJT. To realize such an ideal, the SWG for Improvement of Education/Training (hereinafter referred to as “the SWG”) proposes amendment of the curriculum reflected in the ideal image of legal education/training for legal professionals in Laos and develops effective model teaching materials of civil/criminal fact-finding, which never existed in Laos, and disseminates them through the training of trainers (hereinafter referred to as “TOT”) at legal education/training institutes<sup>8</sup>. The SWG on Criminal Law continues to analyze and research the theory of criminal laws (the Criminal Procedure Law and the Penal Code) and prepares a textbook on criminal laws for university students based on their research. The SWG on Civil Law continues research on the civil code theory, finalizes the research paper and prepares a textbook on the Civil Code based on their research for university students. The Project recognizes that each of the above activities is very important to establish the rule of law in Laos and it is necessary for the Project to cooperate with not only the relevant Japanese organizations but also with international development partners in Laos (hereinafter referred to as “DPs”).

Please note that opinions expressed in this article are of my personal ones; they do not

---

<sup>3</sup> For details of the Project, please refer to ICD NEWS(March 2019), Laos “The project for promoting development and strengthening of the rule of law in the legal sector of Lao P.D.R.” started!~Capacity-building of core human resources to diverse human resources~.

<sup>4</sup> The implementation structure of the Project is referred to Annex1.

<sup>5</sup> AG, JICA headquarter, International Cooperation Department of Research and Training Institute of MOJ of Japan (ICD).

<sup>6</sup> For details of the NIJ, please refer to ICD NEWS (March 2018), “Reform of the legal profession capacity-building system of Laos”

<sup>7</sup> The Office of Supreme People’s Prosecutors (OSPP) Training Institute, The People’s Supreme Court (PSC) Training Institute.

<sup>8</sup> In this article, the term “legal education institute” means an institute that prefers legal education for not only students who want to become legal professionals but also other students. And the term “legal training institute” means an institute that prefers training course for legal professionals (or who wants to become legal professionals). e.g. NIJ, the OSPP Training Institute, the (PSC) Training Institute.

represent opinions of the Ministry of Justice of Japan nor JICA.

## **II. Outline of the Activities of the Project in Legal Education and Training Field in Lao P.D.R.**

I would like to briefly introduce the activities of the Project first.

As I have mentioned, the SWG is in charge of activities in the legal education field; The SWG is expected to implement the following activities according to their expected output, that is, the legal education, training for perspective legal professionals and continuous training are properly coordinated to develop consistent curriculum, effective teaching materials and teaching method are developed and utilized as follows:

- (i) The SWG conducts research on current state of the curriculum and education/training activities, while considering collaboration and division of roles among legal education, training for prospective legal professionals and continued training. It also clarifies the purpose and improvement points of each subject.
- (ii) Based on the results of activity (i), the SWG develops effective model teaching materials in collaboration with activities of the SWG on Civil Laws and SWG on Criminal Laws, based on the research on legal theories and analysis of practice.
- (iii) The SWG prepares instruction guidelines for model teaching materials developed in activity (ii).
- (iv) The SWG distributes the teaching materials/instruction guidelines to the relevant and/or local organizations and conducts TOT based on the teaching materials.
- (v) Based on the activities (i) to (iv), the curriculum of each educational/training institute is revised annually and amended as necessary.
- (vi) The SWG considers building a structure for sustainable implementation of the Project activities.

Since the Project launched in July 2018 up to the present<sup>9</sup>, the SWG has engaged in preparing the textbook and gathering questions on civil/criminal fact-finding in Laos in order to establish the theory and teaching method of civil/criminal fact-finding. In addition, the SWG improves the curriculum and instruction guidelines for legal education/training institutes for capable legal professionals to use materials of criminal law and civil law which are developed by the SWG on Criminal Law and the SWG on Civil Law e.g. Handbook on Criminal Procedure Law, Q&A on Criminal Procedure Law, Textbook and Q&A on Civil Law, Handbook on Civil Procedure Law, Research Paper on Civil Code .The SWG on Criminal Law plans to prepare a textbook on the Penal Code of Laos in the near future, but they have not started

---

<sup>9</sup> as of January 2020.



any specific activities e.g. survey or data collection for drafting textbook on the Penal Code, yet<sup>10</sup>. On the other hand, NIJ and the Research Training Institute of MOJ of Japan (RTI) have already started to work together to prepare the textbook on the Penal Code of Laos in the near future; they held “the 1<sup>st</sup> Japan-Laos Penal Code Seminar” on October 24<sup>th</sup> and 25<sup>th</sup> at the NIJ headquarters in Vientiane based on the Memorandum of Cooperation (MOC) concluded between NIJ and RTI on December 2018, where they had fruitful discussions concerning the issues of the Penal code comparing their penal codes. Another seminar for further discussions on the Penal code is being planned. The SWG on the Criminal Law participated in this seminar; they will join the next seminar to cooperate with them for the textbook on the Penal Code. The SWG is expected to use the results obtained by the SWG on Criminal Law and from joint activities between NIJ and RTI (e.g. the abovementioned seminar) to improve the curriculum and develop instruction guidelines for legal education/training institutes.

### **III. Outline of Activities by DPs in Legal Education and Training Field in Lao P.D.R.**

Next, I would like to introduce the activities by other DPs in the legal education and training field in Laos.

Based on the legal surveys conducted by the Project so far, the Project understands that some DPs e.g. the United Nations Development Program (UNDP), the Luxembourg Development Agency (LUX), the German Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), the Asian Foundation (TAF) and the French Development Agency (AFD) have interest in activities of legal education and training field. However, the Project also recognizes that currently<sup>11</sup> only LUX and GIZ have activity plans, as follows:

#### **(1) Luxembourg Development Cooperation Agency (LUX)**

LUX does not have activity plans for legal training institutes e.g. NIJ, OSPP training institute, PSC training institute, but they have one for legal education institutes, e.g. NUOL and Champasak University (These universities are LUX’s counterpart organizations)<sup>12</sup>. LUX has already implemented some specific activities: developing the instruction guidelines and the curriculum of the two universities according to the ASEAN standard; translation of some English textbooks for legal education into Lao (but they are not drafting a new textbook for legal education e.g. textbook on the Penal/Civil Code of Laos); and law dissemination to rural citizens by students, etc. Regarding development of the instruction guidelines and the curriculum for NUOL, there are some

---

<sup>10</sup> as of January 2020

<sup>11</sup> As of January 2020

<sup>12</sup> Lux supports for not only students who want to become legal professional but also students who want to become diplomat, government officer and also business person of private company.

overlapping points between the Project and LUX. But the Project consulted with LUX several times and shared its recognition on those overlapping points, which are not grave, and confirmed we are able to coordinate/cooperate with each other though sharing information of current status of each project activity. We have already started to have discussions for future cooperate activity, that is, upon completion of the textbook on the Civil/Penal code of Laos for university students by the Project, LUX would like to use the textbook in their project activity for NUOL and Chanpasac University.

(2) Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)

GIZ does not have an activity plan for legal education institutes, but they have one for legal training institutes. GIZ has already started to make specific future activity plans for legal training institutes. Regarding assistance for legal training institutes, there may be some overlapping points between the Project and GIZ, which can be more serious than those with LUX. The Project will implement activities based on the Japanese legal education/training system, while GIZ will operate activities based on the German or French legal education/training system (cf. they are both civil-law countries), which are different. If the Project and GIZ will implement their activities separately, inconsistencies and duplication may occur. Thus, the Project has consulted with GIZ several times to share this recognition and agreed we should frequently share information on our current status to avoid such overlaps before making future cooperative activity plans.

(3) Others

TAF is preparing a scholarship for NIJ trainees and young legal professionals. However, no DPs is so far interested in developing the curriculum or making textbooks for legal education/training institutes.

#### **IV. My Consideration on DP Coordination and Cooperation in Legal Education and Training Field in Lao P.D.R.**

In closing, I would like to express my personal opinions on the future activities of the Project in legal education and training field in Laos.

Two DPs meetings were held in Laos in 2019, one of which was hosted by the MOJ and UNDP at the end of July, and the other by TAF in mid-August. In these meetings, the activities of each DP were introduced for information sharing. The Project presented our activities (activities in the legal education and training field) and saw each DPs activities, and finally understood that the biggest concern of almost all DPs is Access to Justice (A2J)<sup>13</sup>. In the meetings, we spent many hours for discussions on matters of “legal aid”, “mediation (Village

---

<sup>13</sup> SDG’s target16.3 “Promote the rule of law at the national and international levels and ensure equal access to justice.

Mediation Center)” and “law dissemination” related to A2J. Through the discussions, the Project understood that in the law dissemination field, the Project could cooperate with other DPs in specific activities such as civil code dissemination<sup>14</sup>. In the meantime, in the legal education and training field, as mentioned in the above, there is a possibility for cooperation with other DPs, but it is not specific activities but abstract ones only from the perspective of the Project purpose (or overall goal). However, the Project believes that our activities in the legal education and training field, e.g. developing the basic law theory (preparing the textbook on the Civil Code and the Penal Code), establishing fact-finding theory and the teaching method (preparing the textbook and gathering questions on civil and criminal fact-finding), amending the curriculum of legal education/training institutes, would be the core activities of A2J that other DPs pay attention to. In fact, as introduced in this article, the Project received a proposal from LUX that they would like to use the textbook developed by the Project and other DPs are also interested in using the materials developed by the Project in their training programs for mediators and legal aid officers. This is why the Project thinks we can also cooperate with other DPs in the legal education and training field, as they could in the law dissemination field.

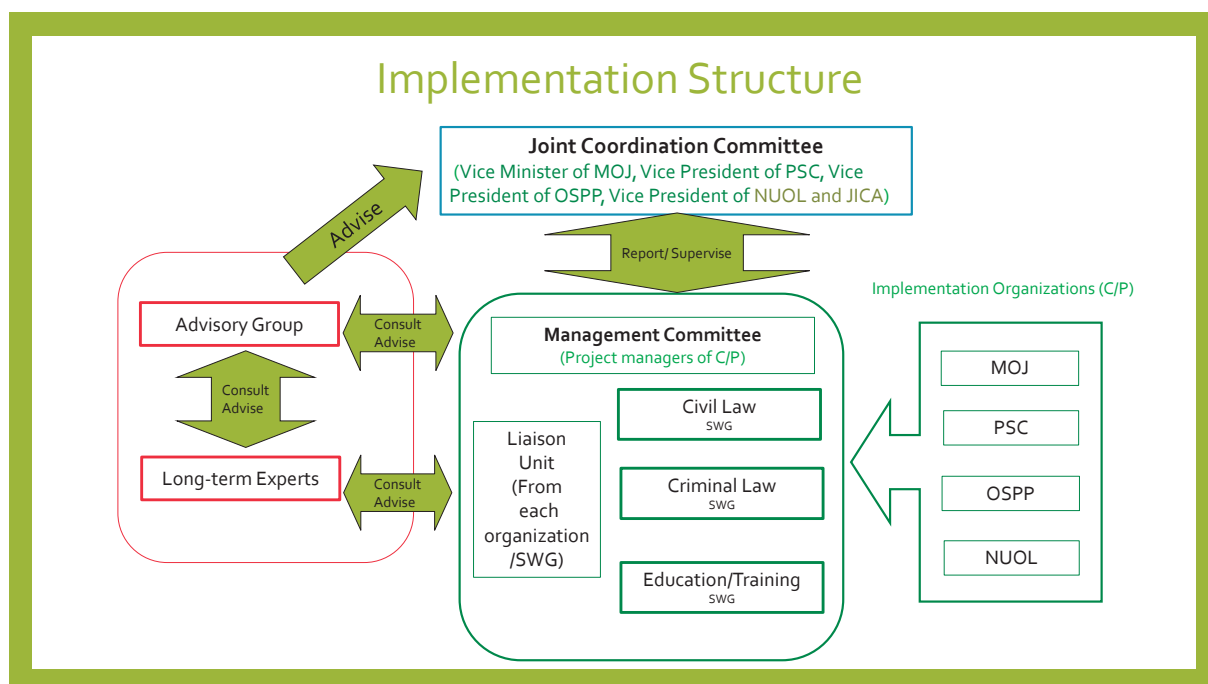
The Project activities in the legal and training field are surely time-consuming, but also very meaningful, as we can develop capable human resources who understand the law theory, operate practices adequately and take charge of A2J activities appropriately. I would like to share this awareness with other DPs not only on an abstract activity level but also on a specific activity level to work together smoothly.

I would definitely like to take on this meaningful challenge and hope to accomplish it in the near future.

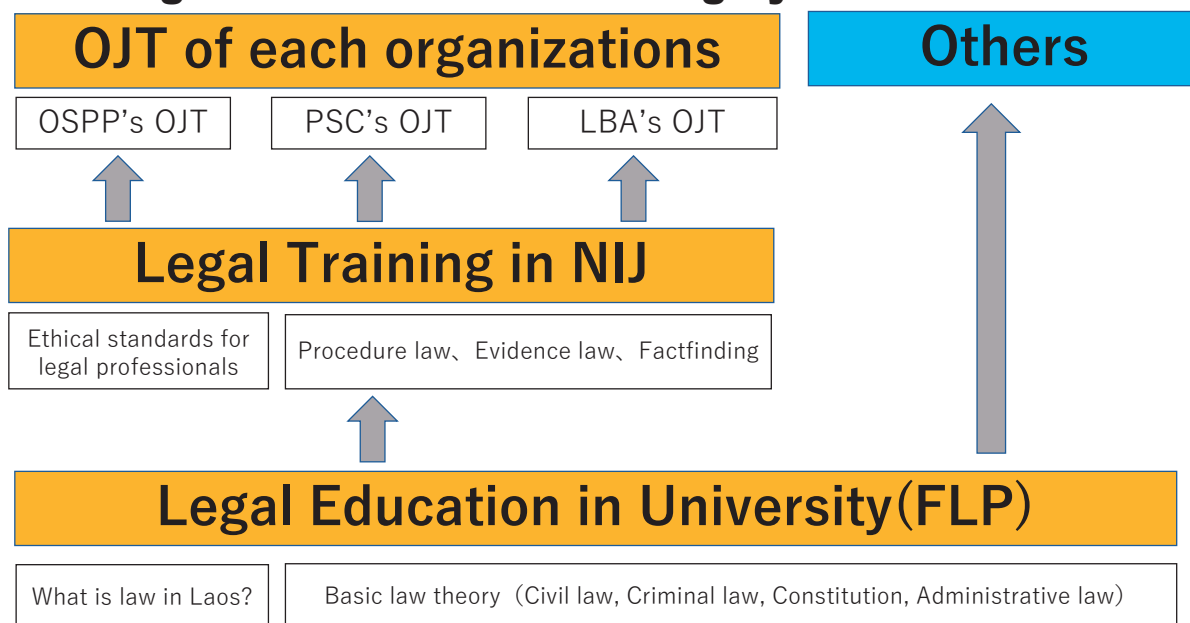
END

---

<sup>14</sup> For details of civil code dissemination, please refer to ICD NEWS (March 2019), “A CONSIDERATION ON DONOR COOPERATION IN LAO PDR~THROUGH DISSEMINATION ACTIVITIES OF THE CIVIL CODE ON LAOS~.”



## Ideal Legal Education and Training System in Lao P.D.R.



## ***- IV. Introduction to Foreign Laws and Legal Practices -***

### **NEW ADMINISTRATIVE LAW REFORMS IN THE UZBEKISTAN: IN EXAMPLE OF APPLICATION OF NEW PRINCIPLES OF ADMINISTRATIVE PROCEDURE LAW**

**NEMATOV Jurabek**

*Doctor of Laws, Associate Professor at Tashkent State University of Law*

Newly elected President of the Uzbekistan Sh.Mirziyoyev started to build New Uzbekistan and introduced several administrative law reforms according to the Strategy Action 2017-2021[1]. As a result of this, there were introduced administrative court system [2], adopted Concept of administrative reforms [3], adopted Law on administrative procedure (hereafter “the APL”) [4] and the Code of administrative litigation (hereafter “the CAL”) [5]. Accordingly, Uzbekistan achieved enormous progress in the field of administrative law reform due to adopting administrative court system, adopting Law on administrative procedure and the Code of administrative litigation.

This article will give brief analysis on how this reform was accepted in practice, what the difficulties were in introducing new administrative law reforms in example of principles of administrative procedure.

The above reforms and legislative changes created the basis for a major breakthrough in administrative law in the Republic of Uzbekistan. Many scientific discussions and proposals on the development of administrative law have not yet seen their practical implementation [6]. The legislative reforms carried out over a short period of time brought these long-awaited ideas to life. But it must be borne in mind that with the adoption of the relevant laws, it is impossible to achieve a major breakthrough in the development of modern administrative law in the Republic of Uzbekistan. In this article, we will try to conduct a brief scientific analysis of the problems of administrative law using the example of the problem of applying the principles of administrative procedures in light of the new stage in the development of administrative law in the Republic of Uzbekistan.

The basic principles of the APL are legality; proportionality; reliability; the opportunity to be heard; openness, transparency and clarity of administrative procedures; priority rights of interested parties; inadmissibility of bureaucratic formalism; meaningful absorption; implementation of administrative proceedings in a “single window”; equality; protection of trust; the legality of administrative discretion (discretion); and research.

Article 19 of the APL establishes that administrative acts and administrative actions must comply with the principles of administrative procedures. Non-compliance with the principles of administrative procedures entails the revocation or revision of administrative acts and administrative actions.

In the course of questioning the employees of the relevant ministries and departments within the framework of scientific work, it was revealed that many of the above principles are incomprehensible to them. In particular, principles such as proportionality, meaningful absorption, protection of trust, legitimacy of administrative discretion (discretion), the principle of research, raise many questions not only in the sense of these principles, but also related to their practical implementation.

Based on the above, there is a need to disclose the essence and rules for the application in practice of the principles of administrative procedures.

Here is an analysis based on the principle of protection of trust.

### **Legislative Framework and Interpretation**

#### **Article 16. Principle of the protection of trust**

The trust of bona fide interested parties in an administrative act is protected by law.

Administrative authorities are required to respect the legitimate expectations of interested parties arising from established administrative practices. A change in established administrative practice should be justified by the public interest, be general in nature and be sustainable. (Article 16 of the APL)

This principle is introduced in the legislation of the Republic of Uzbekistan for the first time. Article 16 of the the APL consists of two parts.

In the first part, the following terms (phrases) are given: an interested person, acting in good faith, trust in an administrative act, and protection by law.

It is necessary to disclose the meaning of these terms.

Interested party: a person to whom the adopted administrative act or administrative action is addressed, as well as whose rights and legal interests are affected or may be affected by the administrative act or administrative action (Article 4 of the APL)

Acting in good faith: It means that there are no signs of dishonesty, namely,

The trust of the interested person is not subject to protection if:

the person concerned has not fulfilled additional obligations related to the administrative act;

the person concerned did not use for the intended purpose the funds, thing or right provided to him on the basis of an administrative act;

the person concerned knew about the illegality of the administrative act or did not know about it through his own fault;  
an administrative act was adopted as a result of fraud, threats or other unlawful influence on an administrative authority;  
the law requires the abolition of an administrative act without taking into account the protection of the trust of interested parties. (Part 7 of Article 59 of the APL)

This means that signs of bad faith are grounds for refusing implementation of the principle of protection of trust.

Also in the application of the principle of protection of trust, it is necessary to take into account the public interest.

Part 9 of Article 59 of the APL establishes, “Regardless of the trust of the person concerned, an administrative act recognized as not complying with the law may be repealed by the administrative body if its preservation poses a threat to the public interest”.

Confidence in an administrative act means that the interested person trusts the validity of this act and believes that it is legal and acts in accordance with this act.

Protection by law: It means that if there are any inconsistencies and grounds for the illegality of an administrative act, then the law primarily protects the bona fide trust of a person who relied on the legal force of an administrative act.

In cases where the public interest exceeds the interest of the addressee and the preservation of the administrative act harms the public interest, then the administrative act is canceled and the damage is compensated to the addressee. Accordingly, fair compensation for the consequences of canceling the administrative act is carried out.

These rules are established in Part 10-11 of Article 59 of the APL. In particular, it is said “*The interested person shall be compensated for property damage that has arisen or has become inevitable due to trust in the legal force of an administrative act. Compensation for property damage should not exceed the amount of the benefit that was due to the person concerned in the content of the administrative act. A claim for compensation for property damage may be filed within one year from the moment the interested person is notified of the cancellation of the administrative act*”.

However, if the public interest does not exceed the interest of the addressee and the preservation of the administrative act does not harm the public interest, then the administrative act can be preserved and there is no need for compensation.



## II. Case study

### Case № 1[7].

*The plaintiff farmer “E” appealed to the regional economic court with a claim to invalidate the decision of the Sharof-Rashidovsky district municipality No. 340 dated 02.21.2017. From the materials of the case it turns out that the plaintiff farmer “E”, on the basis of the relevant decisions of the khokimiyat of the Sharof-Rashidovsky district (formerly Jizzakh district) No. 92 dated January 30, 2014 and No. 532 dated March 18, 2015 acquired 114.1 hectares of land for livestock production. Based on the instructions of the Jizzakh region’s prosecutor’s office, the Office of Land Resources and the State Cadastre of Jizzakh region submitted to the khokimiyat of the Sharof-Rashidovsky district (formerly Jizzakh region) submission No. H / 71 dated 03.11.2016 on bringing the above decision in line with the legislation of the Republic of Uzbekistan. On 03/03/2016, this idea was discussed at the general meeting of the district hokimiyat and on the basis of the idea considered, the decision of the hokim No. 340 of 02.21.2017 on canceling the decision No. 532 of 03/18/2015, respectively, 114.1 hectares of land was returned to the district land fund.*

*In accordance with the Regulation “On the procedure for granting land plots for long-term lease to farmers”, approved by the Decree of the Cabinet of Ministers of the Republic of Uzbekistan No. 476 dated 10.30.2003, an application for the provision of land plots with an appendix of a business plan or program of activity of the farm being created, as well as an appendix of the relevant documents are submitted to the hokim of the district within a month from the date of the announcement of the competition. Statements of citizens are subject to registration in a special journal. Although the farmer “E” argued that he had submitted all the relevant documents, there was no supporting document in the special journal.*

*In addition, in accordance with paragraph 10 of the Regulation “On the procedure for determining the winner of the tender for the allocation of land for farming,” approved by the Order of the Minister of Agriculture and Water Resources of the Republic of Uzbekistan (registered by the Ministry of Justice on November 19, 2005, reg. No. 1523), it was established the procedure for the provision of land for farming. In particular, the relevant commission should organize a competition and draw up its decision with the protocol of the commission. In addition, in accordance with paragraph 36 of the Regulation, in the case of the participation of a single applicant, it is necessary to conduct a second competition after the expiration of the competition. But the above requirement of paragraph 36 of the Regulations of the district hokimiyat (district hall) was not fulfilled.*

*And also, in accordance with paragraph 6 of the Regulation “On the procedure for optimizing the size of the land plot of a farm and its liquidation”, approved by the Decree of the Cabinet of Ministers of the Republic of Uzbekistan No. 22 of 01/31/2013, it is necessary to conclude a*

*district commission when making a decision on the allocation of land by the hokim (mayor). This requirement of the Regulation was not complied with either.*

*In accordance with Art. 38 of the Land Code of the Republic of Uzbekistan in violation of land legislation provides for the seizure of land. In particular, Article 38 of the Land Code establishes that in the cases provided for in clauses 6-11 of the first part of Art. 36 of the Land Code, as well as in other cases of violation of land legislation, the body exercising state control over the use and protection of land, after warning the landowner or land user, submits to the body that provided the land plot, an idea about the seizure of the land plot. The body that provided the land, on the basis of the submission, within one month makes a decision on its seizure.*

*In accordance with Art. 12 of the (former) Economic Procedural Code of the Republic of Uzbekistan, the economic court, having established during the consideration of the case the discrepancy of an act of a state or other body with the law, including its publication in excess of authority, takes a decision in accordance with the law. And also in accordance with Art. 55 of the (former) Economic Procedural Code, when considering disputes on invalidating acts of state and other bodies, the obligation to prove the circumstances that served as the basis for the adoption of these acts is assigned to the authority that adopted the act.*

*Based on the foregoing, the regional economic court dismissed the claim for invalidating the decision of the Sharof-Rashidovsky district hokimiyat No. 340 of 02.21.2017.*

A lot of different questions for reflection would naturally arise in this case. But let us dwell only on the question concerning the principle of trust protection. Of course, it is difficult to imagine all the circumstances of this case, but suppose that the plaintiff farmer “E” acted in good faith and by mistake of the hokimiyat, as can be seen from the above circumstances of the case, violated several norms of land legislation. Based on the principle of protecting trust, the interests of the farmer “E” should be respected and protected; accordingly, he should not be deprived of bona fide land.

Here is another example from judicial practice.

#### **Case № 2[8].**

*The applicant of the ANOR LLC JV appealed to the court with the defendant in the Tashkent city hokimiyat on invalidating the decision of the Tashkent city hokim dated May 27, 2019 No. 763 to cancel paragraph 8 of the appendix to the decision of the Tashkent city hokim for No. 85 dated January 18, 2018 and assign the responsibility to the hokim of the city of Tashkent to make a decision to cancel the decision No. 763 dated May 27, 2019 and uphold the decision of the hokim of Tashkent city No. 85 dated January 18, 2018 in the previous edition.*

*As seen from the case materials, the decision of the hokim of the city of Tashkent dated*

January 18, 2018 for No. 85 of SAVDO LLC allocated a building located next to the non-residential premises at the address: Tashkent city, Mirabad district, Mirabad str., 27/10, with adjoining territory (Liter 0001, 0002) as compensation for a building demolished for state and public needs.

Based on agreement No. 427 of February 15, 2018 between “SAVDO” LLC and the Department for the use of buildings and structures of the Tashkent city hokimiyat, as well as the above-mentioned decision of the Tashkent city hokim, buildings located near house No. 27/10 along Mirabadskaya street on an area of 0.3000 hectares under a single cadastral number 101101020205900001-letter 0001 is a one-story building with a total area of 342 sq.m., and letter 0002 is a one-story building with a total area 91.0 sq.m. transferred to the ownership of SAVDO LLC, about which a certificate was issued for TS 0351191.

According to the contract of sale dated June 11, 2018, concluded between LLC SAVDO and JV LLC ANOR, the specified object was sold to JV LLC ANOR.

Further, on May 15, 2019, the Tashkent city prosecutor’s office protested the cancellation of paragraph 8 of the decision of the Tashkent city governor No. 85 of January 18, 2018, regarding the allocation of the building located next to the non-residential premises at the address: Tashkent city, Mirabad district, Mirabad street, 27/10, with an adjacent territory (Liter 0001, 0002).

In pursuance of this protest, on May 27, 2019, the hokim of the city of Tashkent adopted decision No. 763 to satisfy the protest of the prosecutor of the city of Tashkent and the cancellation of paragraph 8 of the annex to the decision of the hokim of Tashkent city No. 85 dated January 18, 2018.

As seen from the case materials, by the decision of the Tashkent city hokim No. 763 dated May 27, 2019, the protest of the Tashkent city prosecutor on the cancellation of paragraph 8 of the appendix to the decision of the Tashkent city hokim No. 85 dated January 18, 2018 was satisfied.

The reason for the cancellation of paragraph 8 of the appendix to the decision of the hokim of Tashkent city No. 85 dated January 18, 2018 indicated that the area of the building located next to the non-residential premises at the address: Tashkent city, Mirabad district, Mirabad street, house No. 27/10 is 440 sq.m., which did not pass state registration in the State Enterprise “Land Management and Real Estate Cadaster Services” of Tashkent. In addition, the allocated building did not have an adjacent territory. When allocating the building with the adjacent territory, it was not taken into account that there was no adjacent plot to the building in the given territory, the area of the allocated land plot was not indicated, and the underground facility “bomb shelter” was located on the border of the building. Thus, when allocating a building with an adjacent territory, the requirements of the Regulation “On the procedure for the provision of land in settlements for urban planning, design and registration

*of construction projects, as well as acceptance for operation of objects”, approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan, were violated dated February 25, 2013 No. 54 and Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated August 22, 2008 No. 189 “On measures for further improving the procedure for the provision of land in the city of Tashkent and their intended use.”*

*Disagreeing with the above decision of the hokim of the city of Tashkent, the applicant appealed to the court with this statement.*

*During court litigation. it was stated that, in accordance with the letter of the Emergency Management Department of the city of Tashkent dated April 8, 2018 No. 730, SAVDO LLC is forbidden to dismantle buildings located above the bomb shelter due to the fact that construction work can lead to the destruction of the integrity of the bomb shelter.*

*According to the Consolidated Expert Opinion of the Tashkent City Branch of the State Unitary Enterprise “Urban Planning Expertise” under the Ministry of Construction of the Republic of Uzbekistan dated May 1, 2019 No. 311, the location near the bomb shelter being built does not create any obstacles for construction that does not touch the borders of the shelter.*

In the above-mentioned example, you can also consider applying the principle of trust protection. The public interest is not to erect a building near the bomb shelter. The interest of the addressee is to maintain the validity of the administrative act and to obtain fair compensation in case of cancellation of the administrative act.

However, from the above, it can be stated that “the location next to the bomb shelter under construction is not creating any obstacles to construction that does not touch the borders of the bomb shelter”.

Consequently, the question of the application of Part 9 of Article 59 of the APL may not be considered.

The next issue is the issue of bad faith, in which case, it can be stated that there are no signs of dishonesty.

Therefore, it can be assumed that the preservation of an administrative act that does not contradict the public interest that did not entail the fault of the addressee complies with the rules of article 59 of the APL.

### **III. Conclusion**

Undoubtedly, one can argue for a long time and give various interpretations of the principles of the APL. But in the course of a survey of employees of the relevant ministries and departments as part of the scientific work on the above examples, several problems arose.

Firstly, to what extent are government officials competent in interpreting the APL norms and its principles. Secondly, there were many discussions on issues such as “Are there any standards for interpretation?”, “How can we unify the different interpretations of the norms and principles of the APL?”, “Will not the general norms and principles of the APL be interpreted in the dishonest interests of or persons? ”

The question of the interpretation of the APL is really very relevant. Unfortunately, the doctrinal foundations of the APL in Uzbekistan have not been developed so far.

This was, of course, hindered by the lack of law and specialized administrative courts. But today, these problems are absent. Therefore, it is necessary to develop evidence-based foundations of issues related to the norms of the APL [9].

Let us return to the question of the principles of administrative procedures. It should be noted that in countries with developed administrative law, there is a generally accepted procedure for interpreting the provisions of the APL. That is, employees of state bodies interpret and apply the norms and principles of the APL on a concrete example. Then, if there is a dispute about the meaning or lawful application of these norms and principles, a private person files a lawsuit (complaint) (sometimes after applying to a higher administrative authority) in court. The court considers the case and makes a decision on the legality of the decision, in which an employee of the state body gave an interpretation of the norms and principles of the APL [10]. Further, after a certain period, judicial practice is unified by the Supreme Court [11], in which whole process, the science of administrative law develops scientifically based theories, arguments for the interpretation of various norms and principles of the APL. All this shows that a lot of time is required to establish certain values of the norms and principles of the APL [12]. Since it is impossible to blindly copy interpretation models from other countries, each country should develop its own model of understanding administrative law [13], in particular, the APL [14].

### **List of References:**

1. Указ Президента Республики Узбекистан от 07.02.2017 № УП-4947 «О Стратегии действий по дальнейшему развитию Республики Узбекистан» (Национальная база данных законодательства, 16.10.2017. № 06/17/5204/0114).
2. Указ Президента Республики Узбекистан от 21.02.2017 № УП-4966 «О мерах по коренному совершенствованию структуры и повышению эффективности деятельности судебной системы Республики Узбекистан» (Национальная база данных законодательства, 29.09.2017. № 06/17/5195/0033).
3. Указ Президента Республики Узбекистан от 08.09.2017 № УП-5185 «Об утверждении концепции административной реформы в Республики Узбекистан» (Национальная база данных законодательства, 11.12.2019 г., № 06/19/5892/4134).



4. Закон Республики Узбекистан от 08.01.2018 № ЗРУ-457 «Об административных процедурах». Дата вступления в силу 10.01.2019 (Национальная база данных законодательства, 09.01.2018. № 03/18/457/0525).
5. Закон Республики Узбекистан от 25.01.2018 № ЗРУ-462 «Об утверждении Кодекса Республики Узбекистан об административном судопроизводстве». Дата вступления в силу 01.04.2018 (Национальная база данных законодательства, 26.01.2018. № 03/18/462/0626).
6. See.: Shigeru Kodama. Reform of Administrative Procedure in Uzbekistan and Japanese Legal Assistance.// Administrative law reform in Uzbekistan experiences and problems from the legal viewpoint. Collection of seminar papers. Nagoya, 2008. P. 5; Katsuya Ichihashi. Japanese approach to legal assistance to administrative procedure law in Uzbekistan// Administrative law reform in Uzbekistan experiences and problems from the legal viewpoint. Collection of seminar papers. Nagoya, 2008. P 35; Hiroto Tokuda. Cooperation between Japan and Uzbekistan in the sphere of implementation of administrative procedure law// Administrative law reform in Uzbekistan experiences and problems from the legal viewpoint. Collection of seminar papers. Nagoya, 2008. P 47; Muzraf Ikramov. Administrative procedures in Japan: opportunities for implementation into the legislation of Uzbekistan// Administrative law reform in Uzbekistan experiences and problems from the legal viewpoint. Collection of seminar papers. Nagoya, 2008. P 81.
- См.: Пуделька Й., Денне Й. Общее административное право в государствах Центральной Азии-краткий обзор современного состояния. Ежегодник публичного права-2014: Административное право: сравнительно-правовые подходы. М.: Инфотропик Медиа, 2014. С. 4; *Хамедов И.А., Цай И.М.* Институт административных процедур в свете реформирования административно-процессуального права в Узбекистане. Ежегодник публичного права-2014: Административное право: сравнительно-правовые подходы. М.: Инфотропик Медиа, 2014. С. 395.
7. Решение Хозяйственного суда Джизакской области Республики Узбекистан от 24.05.2017 (Извлечение).
8. Постановление апелляционной инстанции Ташкентского городского административного суда от 06.11.2019 (Извлечение).
9. See.: Bernardo Sordi. Revolution, Rechtsstaat, and the Rule of Law: historical reflections on the emergence of administrative law in Europe. Susan Rose-Ackerman, Peter L.Lindseth. Comparative administrative law: an introduction.// Comparative Administrative Law. Susan Rose-Ackerman, Peter L.Lindseth. Edward Elgar 2010. P 28.; Пуделька Й. Право административных процедур и административно-процессуальное право в государствах Центральной Азии-краткий обзор современного состояния. Ежегодник публичного права-2015: Административный процесс. М.: Инфотропик Медиа, 2015. Стр. 41.; Пуделька Й., Денне Й. Общее административное право в государствах Центральной Азии-краткий обзор современного состояния. Ежегодник публичного права-2014: Административное право: сравнительно-правовые подходы. М.: Инфотропик Медиа, 2014. С. 3.
10. Articles 220 and 244 of the CAL establish that one of the grounds for changing or canceling a decision of a court of first instance is a misinterpretation of the law or other legislative act.
11. Article 158 of the CAL establishes that the reasoning part of the decision may contain references to the decisions of the Plenum of the Supreme Court of the Republic of Uzbekistan.
12. Пуделька Й. Право административных процедур и административно-процессуальное право в государствах Центральной Азии-краткий обзор современного состояния. Ежегодник публичного права-2015: Административный процесс. М.: Инфотропик Медиа, 2015. С. 53.
13. See.: Tom Ginsburg. Written constitutions and the administrative state: on the constitutional character

of administrative law. Susan Rose-Ackerman, Peter L.Lindseth. Comparative administrative law: an introduction.// Comparative Administrative Law. Susan Rose-Ackerman, Peter L.Lindseth. Edward Elgar 2010. P 117.

**14.** Unfortunately, the courts do not always refer or are based on the basic principles of not only administrative law, but also on the norms of the Constitution in the consideration of public law disputes when making its decision. Most often, the courts only state the existence of certain norms and principles and do not apply them in their interpretation. См.: Постановление Пленума Высшего хозяйственного суда Республики Узбекистан от 17.06.2016 № 298 «О некоторых вопросах применения актов законодательства при разрешении споров о признании недействительными актов государственных органов и органов самоуправления граждан, незаконными действий (бездействия) их должностных лиц, не соответствующих законодательству, нарушающих права и охраняемые законом интересы организаций и граждан».



# OUTLINE OF THE LAO CIVIL CODE<sup>1</sup>

**IRIE Katsunori**

*JICA Long-term Expert in Lao P.D.R. and Attorney at Law*

The first Civil Code in the history of Lao P.D.R. was approved by the sixth ordinary session of the eighth National Assembly in 2018 which marked the 20th anniversary of legal cooperation between Lao P.D.R. and Japan<sup>2</sup>.

Firstly, this article introduces the background and the significance of the Lao Civil Code, including the process of drafting, the main characteristics, its historical importance and the issues to be dealt with.

Next, this article describes the summary of each part of the Lao Civil Code, including overviews, characteristic provisions, remaining challenges to be tackled in the future. Please refer the Table of Contents of the Civil Code as attached.

## **I Background and Significance of the Lao Civil Code**

### **I.1. Process of Drafting**

#### **(1) Method for Drafting and Drafting Support**

From June 2012, drafting of the Lao Civil Code was conducted by the Civil Code Drafting Committee (hereinafter referred to as “the Drafting Committee”), which comprises total 49 members from the Ministry of Justice, the People’s Supreme Court, the Office of Supreme People’s Prosecutor, National University of Laos, the National Assembly, the Ministry of Foreign Affairs and the Ministry of Commerce and Industry<sup>3</sup>. The Drafting Committee was divided into (i) the Drafting Advisory Group, which consisted of senior lawyers and officers, giving advice for drafting, and (ii) the Drafting Technical Group, which mainly comprised

---

<sup>1</sup> This article is based on the contents of the Lao Civil Code enacted on December 6, 2018. As described below (I.1(2) (v)), the contents may be revised through the discussions with the National Assembly until the enforcement of the Civil Code as of this writing (December 2019).

<sup>2</sup> The civil code was compiled under the French rule, consisting of 27 Parts and 345 Articles, but with the establishment of the People’s Democratic Republic (1975), it was not formally inherited due to the abolition of the laws of the monarchy. Refer to Hiroshi Matsuo, ICD NEWS Vol.30, March 2017; p.41

<sup>3</sup> At the beginning of drafting in 2012, the Committee had only 25 members.

junior members who actually prepared drafts<sup>4</sup>. The Drafting Technical Group was composed of (a) the Group One for drafting the part of “General Provisions” and “Persons and Juridical Persons”, (b) the Group Two for the part of “Contractual Obligations”, “Non-Contractual Obligations” and “Security”, (c) the Group Three for drafting the part of “Thing, Ownership and Other Rights to Thing” and (d) Group Four for drafting the part of “Family” and “Inheritance”. The Drafting Advisory Group gave comments to the drafts made by Group One to Four. Also, at the National Assembly session in December 2018, the Defense Committee was established, which gave the detailed explanations to the members of the National Assembly<sup>5</sup>.

The Japanese government has dispatched long-term experts to Lao PDR through JICA’s framework of technical assistance, promoting the drafting of the Civil Code and providing advice from the academic perspective through Civil Code Advisory Group (hereinafter referred to as “AG”). The members of AG as of March 2019 are Mr. Hiroshi Matsuo (Professor, Law School, Keio University, participated since 2010), Mr. Masamichi Nozawa (Professor, Law School, Rikkyo University, participated since 2011), Mr. Satoshi Minamikata (Professor, Soka University, participated since 2014), Ms. Yachiko Yamada (Professor, Law School, Chuo University, participated since 2014), Mr. Kenzo Okawa (Lecturer, Setsunan University, participated since 2014), Mr. Hiroyuki Seto (Associate Professor, Niigata University of the International and Information Studies, participated since 2010) and Ms. Sumiko Maeda (ICD professors including Ms. Maeda participated since 2010.).

## **(2) Background of Drafting Support**

### **(i) Preparatory Stage<sup>6</sup>**

The Japanese government initiated supporting the development of human resource for drafting the Civil Code in the early 2000s through the JICA’s framework. Since ICD was established inside the Research Training Institute of the Ministry of Justice of Japan in 2001, seminars on civil and commercial laws were held in Laos, which focused mainly on the contract law and the property law from the view of comparative laws.

---

<sup>4</sup> 49 members of the Drafting Committees consist of (i) as the Drafting Advisory Group, three Ministers of Justice (including the former and the current), three Vice Ministers of Justice (including the former and the current), a former Chairperson of the Law Committee of the National Assembly, a Deputy Chairperson of the committee, a Deputy Chief Judge of the People’s Supreme Court, and a Deputy Prosecutor General of the Office People’s Prosecutor’s Office and three Directors General of the Ministry of Justice, (ii) as the Drafting Technical Group, 13 officials from the Ministry of Justice, 9 members from the People’s Supreme Court, 6 members from the Office of Supreme People’s Prosecutor’s, 3 lecturers from National University of Laos, 2 secretaries from the National Assembly, 2 members from the Ministry of Foreign Affairs and a member from the Ministry of Commerce and Industry.

<sup>5</sup> The draft defense committee is stipulated in Articles 45 and 46 of the Law on Making Legislation (2012). The Civil Code Draft Defense Committee is composed of two Vice Ministers of Justice (including the former and the current), a former Chairperson of the Law Committee of the National Assembly, and a Deputy Chief Judge of the People’s Supreme Court, a Deputy Secretary of the Office of Supreme People’s Prosecutor’s, and four officials of Ministry of Justice.

<sup>6</sup> Hiroshi Matsuo, Refer to the above footnote 2; Hiroshi Matsuo, Shota Matsumura & Ayako Sugita, ICD NEWS Vol.49, December 2011, p.97

As JICA's "Project for Legal Technical Assistance"<sup>7</sup> was launched in 2003, "Civil Law Textbook" was created through the activity of the Project. The Textbook comprises (a) general provision, (b) property rights, (c) claims and (d) security, and makes careful explanations on basic concepts and definitions. Also, "Civil Law Q&A book" (total 226 pages) which was issued in 2012 includes the case study of (a) transaction on immovable properties, (b) transaction on movable properties, (c) secured transaction, (d) liability on contract, (e) tort and (f) family and inheritance law with the explanation based on the Lao laws in addition to examples of applications of the Japanese laws. Furthermore, the JICA's Project supported making "Handbook on Contractual Obligations" (total 67 pages) and "Handbook on Non-Contractual Obligations" (total 26 pages) in 2014 as reference materials for Lao actual practice.

## **(ii) Drafting Stage**

The drafting activity was embarked with full satisfaction at the starting ceremony of the Civil Code drafting, on June 8 and 9, 2012. Firstly, the Drafting committee discussed the overall structure of the Civil Code and determined that the part of general provisions would be established, the place where the part of family and inheritance would be specified, the relationship and the order between the part of properties and obligations. Next, the specific drafting work started separately by Group One to Four.

The Drafting Committee decided that they would create the Civil Code by their own hands. The Japanese government respected their ownership, providing a wide range of supports from encouraging them to consider how the provisions should be provided for, offering foreign legal information to solving the questions from the Committee. In order to realize "the Lao Civil Code by the people, of the people, for the people", the Japanese government boosted their contribution to drafting<sup>8</sup>.

The Lao government has highly evaluated the Japanese support method. Mr. Bounsavath Boubpha, Vice Minister of Justice of Lao PDR described in an interview with the Japanese media that "Japanese support is different from other countries in that other countries dispatch experts only for a short period of time, but Japan does for a long term to Vientiane capital, giving advice with a deep understanding of the situation in Laos. The Lao Civil Code is regarded as a work created both by Laos and Japan."<sup>9</sup> Additionally, Ms. Douangmany Laomao, the director of the Economic Dispute Resolution Center, the Ministry of Justice of Lao PDR mentioned that "the method of Japan's assistance is to provide basic knowledge through considering issues together, encouraging Lao people to finally think by themselves. Lao people could gain confidence in this way of support. This confidence led to the first Civil

---

<sup>7</sup> This Project finished in 2008, but JICA's "Project for the Human Resource Development in the Legal Sector" was embarked in 2010 (the first phase finished in 2014 and the second phase finished in 2018). Since 2018 "The Project for Promoting Development and Strengthening of the Rule of Law in the Legal Sector" has been conducted.

<sup>8</sup> Hiroshi Matsuo, at the Law Forum held on February 26, 2018, described the phrase "Lao Civil Code by the People, of the People, for the People".

<sup>9</sup> This comment was originally mentioned in Lao; Megumi Nishikawa, "Kingon", Mainichi Shimbun, December 14, 2018

Code in Lao PDR.<sup>10</sup>”

Drafting work accelerated further from the end of 2014 to the beginning of 2015 so that the Civil Code initially aimed at enactment in 2015 in accordance with the legislative plan. Large numbers of discussions and meetings were conducted such as seminars in Lao PDR with the participation of AG (August 2012, March, August and November 2013, August 2014), training programs in Japan (February 2013, February and November 2014, March 2015), video conferences with AG (five times in FY2013, seven times in FY2014, four times in FY2015).

### **(iii) Opinion Hearings, Revision Works and First Deliberation of the National Assembly**

Since the first draft with about 650 articles was created from 2014 to 2015, opinion hearing workshops were held in Pakse (November 2014, March 2016), in Talaat (near the capital, January 2015) and in Luang Prabang (March 2015) with practitioners including judges, public prosecutors, officials of the Ministry of Justice, and attorneys. The Drafting Committee improved the draft by reflecting the opinions through the seminar in Vanvieng (August 2015) and the training program for three weeks in Japan (February 2016).

Although the deliberation until 2015, the target year was not realized due to the delay in drafting work and the legislative schedule, through hearing workshops with members of the National Assembly twice in Vientiane capital (February 2017) and in Pakse (March 2017), the Civil Code was deliberated at the National Assembly for the first time (May 15 and 16, 2017). Nevertheless, the Civil Code was not approved due to the insufficient explanation for the National Assembly and the citizens.

### **(iv) Further Hearings, Donor Coordination and Second Deliberation**

Subsequently, the Drafting Committee held further briefing sessions for members of the National Assembly in Attapue (November 2017), in Saiyabuli (February 2018) and in Vientiane Capital with a former Vice Minister of Justice of Vietnam and Vietnamese experts (June 2017, February 2018). In addition, the Drafting Committee held opinion exchange meetings at the district level and at Lao National University respectively in the Vientiane Capital (April, May 2018), trying to reflect the voices of citizens into the Civil Code.

Also, from around October 2017, the International Finance Corporation (hereinafter referred to as “IFC”) of the World Bank Group began to take off to make comments for the revision of the Civil Code. IFC proposed that the security system for movable properties used by unified registration system be introduced to activate security transactions and to enhance its effectiveness. The Drafting Committee decided that the Civil Code would have little

---

<sup>10</sup> This comment was originally mentioned in Lao; Atsushi Ito, Katsunori Irie, Nalonglith Norasing & Douangmany Laomao, *Laos ni okeru nihon no houseibishen no genjyo to kadai* Japan-mimpoutenkisoushie wo tsuujite-(Current Status and Issues of Japan's Legal Technical Assistance in Lao PDR-Through Support for Drafting the Civil Code), Houritsu no hiroba Vol. 72, No. 3, March 2019, p.37

acceptance of the IFC's proposal as of that time. That is because this proposal seemed not to carefully consider the actual situation and convenience of use in Laos, though the Committee recognized the usefulness and convenience of the registered security system for movables.

In the wake of the above, the Civil Code was resubmitted to the Cabinet in June 2018 and to the National Assembly in August 2018. As a result of the re-deliberation at the National Assembly, on December 5 and 6, 2018, the Civil Code was agreed by the majority (108 in favor, 10 opposed) and was approved.

#### **(v) After the Approval of the Civil Code**

The Civil Code sets one-year awareness period after the issuance of the Presidential Decree and the promulgation in the gazette. After this period, it is set to come into effect (Article 630).

However, even after the enactment, the National Assembly has continuously considered the provisions as of this writing (December 2019). According to the Drafting Committee, although modifying the composition of the Code would be difficult, the detailed contents would be revised mainly based on the comments provided during the National Assembly session.

## **I.2. Features of the Lao Civil Code**

### **(1) Composition**

The Civil Code consists of nine parts and 630 articles. Please see the Table of Contents of the Civil Code as attached.

### **(2) Features of Contents**

#### **(i) Succession of Individual Laws Based on Legal Custom Particular to Laos**

In Lao PDR, the substantive civil law existed in the form of individual laws such as the Law on Contractual and Non-Contractual Obligations, the Law on Ownership, the Law on Family. These individual laws were continuously created mainly in the 1990s, on the basis of the Socialist Economic Management Mechanism by the New Thought (*Chin ta na karn mai*) established in 1986, with the support of the World Bank and other donors. For instance, (a) in 1990, the Law on Ownership, the Law on Contract, the Law on Inheritance (revised in 2008), the Law on Family (revised in 2008) and the Law on Non-Contractual Obligations (the Law on Contractual and Non-Contractual Obligations was enacted in 2008 in conjunction with the Law on Contract), (b) in 1994, the Law on Secured Transaction (revised in 2005), (c) in 1997, the Law on Land (revised in 2003) were enacted respectively<sup>11</sup>.

---

<sup>11</sup> Hiroshi Matsuo & Kenzo Okawa, *Laos ni okeru minjikankeihousei ni kamsuru chousa kenkyu (Survey and Research on Civil Laws in Lao P.D.R.)*, March 2015, p.11, See: <http://www.moj.go.jp/content/001147824.pdf>

In principle, the Civil Code was compiled by inheriting the individual laws. That is because the rules by the individual laws should not be modified by the Civil Code unexpectedly. Also, the continuity in contents facilitates the penetration of the Civil Code into the civil society.

In particular, regarding Part 3 “Family” and Part 8 “Inheritance”, many provisions based on the legal customs particular to Laos are inherited from the Law on Family and the Law on Inheritance, such as engagement system (*karn mun mai*) (Article 145), wedding ceremony (Article 148), substantive and procedural requirements for judicial divorce (Articles 176 and 177), and inheritance to monks and other religions (Article 584). As for these two parts of the Civil Code, the Drafting Committee attempted to revise provisions which were unclear under individual laws, but some senior lawyers pushed forward to maintain them. As a result, many articles were prescribed in the Civil Code as the Law on Family and the Law on Inheritance provided. For the future revision, reconsidering this issue would be indispensable.

## **(ii) Introduction of New Concepts and Provisions<sup>12</sup>**

The Civil Code was compiled in principle by inheriting individual laws, while new concepts and provisions that did not exist in the individual laws were introduced.

- (a) Firstly, from the viewpoint of systematic arrangement, “General provisions” (Part 1), “Juristic Act” (Article 15), “Agency” (Chapter 4 of Part 1), “Juridical person” (Part 2) and “Possession” (Chapter 2 of Part 4) are specified. More specifically, among the articles stipulated in the Law on Contractual and Non-Contractual Obligations (2008), those that can be applied throughout the Civil Code are stipulated in the “General Provisions”. Many provisions of “Juridical person” stem from the Law on Enterprises and the Prime Minister’s Decree. Furthermore, “Possession” (Chapter 2 of Part 4) is specified as an independent chapter as the Vietnamese Civil Code (2015) and is distinguished from “right to possess” (Article 251 and below) defined as a form of ownership.
- (b) Secondly, from the viewpoint of promoting land use, new systems of superficies and servitudes are introduced. The Drafting Committee repeatedly discussed the relevance of the introduction because understanding the necessity and the differences from land leasing and right-of-way was not easy for them. The issue is how to operate a smooth land registration system based on lessons learned from the Vietnamese Civil Code (2015) as described below.
- (c) Thirdly, from the viewpoint of promoting transactions in response to economic changes, the systems of unauthorized agency and apparent authority (Article 40, Article 41) are established. Also, the system for multiple security interests on one land (Article 524<sup>13</sup>) is specified to utilize the value of land to the maximum, but nonetheless the issue on the

---

<sup>12</sup> Hiroshi Matsuo, the presentation titled “Characteristics of the Lao Civil Code from the perspective of comparative law and the historical significance” at the 5th Law Forum in Lao PDR, August 28, 2017

<sup>13</sup> It will become Article 523 due to the arrangement by the National Assembly (as of December 2019).



practice remains that setting a second security interest is difficult because the land title is obtained and retained by the creditor with first security interest. Furthermore, preparing a registration system is also necessary for newly arranged mortgages and pledges as well as superficies and servitudes.

- (d) Fourthly, from the viewpoint of introducing foreign systems (international standards), provisions are made in accordance with the Civil Codes of Japan, France, Germany, Vietnam, Thailand, Cambodia and so on. In addition to the provisions of juristic act, agency, juridical person, superficies and servitudes mentioned above, the provision of the interpretation of contracts (Article 374) is set forth in accordance with the Civil and Commercial Code of Thailand. Also, the provision of effect of contracts (Article 375) is made in accordance with the French Civil Code, and the provision of right to demand the rescission of fraudulent act (Article 397) is also provided in accordance with Thailand and Japan.

### **(iii) Provisions Not Included in the Civil Code**

The following points are provisions not included in the Civil Code or provisions of unclear treatment in implementing the Civil Code, some of which should be revised in the future:

- (a) Uncertainty of Distinction between Discretionary Provisions and Mandatory Provisions, and of Priority Order of Juristic Act and Custom in Interpretation

The Civil Code prescribes that “In case of no provision in the Civil Code and no agreement made by parties, practical custom (*pa phe y ni pa ti bud*) shall be applied, however this must not conflict with the Constitution and the laws.” (Paragraph 2 of Article 6). This article is not clear whether agreements different from the provisions of the Civil Code are possible or not, what the meaning of practical custom is<sup>14</sup>, and whether the provisions of the Civil Code always take precedence over practical customs.

- (b) No Provision for Quasi-Co-Ownership

Since no provision exists for quasi-co-ownership on claims, this is expected to be handled by interpreting the provision of co-ownership on things (Article 280 and below).

- (c) No Part of General Provisions of Claims

The part of general provisions of claims, which generally provides for the effect, transfer, and extinction of claims, does not exist in the structure of the Civil Code. Such provisions specify in the part of “Contractual Obligations” (Part 5), including payment (Article 382), offset (Article 385), assignment of claims (Article 401) and right to demand the rescission of fraudulent act (Article 397).

---

<sup>14</sup> The definition of “practical custom” is specified in Article 6 (paragraph 1), but the implementation will depend on its interpretation.



(d) No System Based on Bilateral Contracts<sup>15</sup>

No provision is set regarding the right of defense of simultaneous performance which is the effect of the bilateral contracts. In addition, though the termination of the contract by the impossibility of performance is provided for (Article 400), how to understand the risk of loss is unclear.

(e) No Provision for Claims and Obligations of Multiple Parties

No provision is stipulated, except for the provisions of guarantees prescribed in Part 7 of “Security” (Articles 556-561), for claims and obligations of multiple parties such as indivisible claims and obligations, and joint and several obligations.

(f) Security Execution System Not Fully Established Yet

The procedures for executing security including auction system have not been fully established in Lao PDR. Thus, the Civil Code stipulates the substantive provisions premised on private execution (Article 531, 539, 551 and 555). The substantive provisions will be necessarily revised in accordance with the development of the procedure regulations.

(g) No Exemption Rule for the Liability of Person Obligated to Supervise Minors

The Civil Code provides that parents, guardians or managers shall be liable for tort as supervisors of minors (Article 487), but no exemption rule. The Drafting Committee decided not to prescribe this provision because if this had been provided for, the decision of exemptions would have differed from judge to judge. For this matter, further discussions would be needed in the future.

### **(3) Features of Comparative Law**

#### **(i) Features of Comparative Law of Individual Laws<sup>16</sup>**

As mentioned above, the Civil Code is, in principle, inherited from the individual laws, such as the Law on Ownership, the Law on Contractual Obligations and Non-Contractual Obligations and the Law on Family. Then, the individual laws have a mixed character of the elements of various laws including the French law, socialist law, Anglo-Saxon law, international trade law, in accordance with the process of establishment.

The current legal system has been cut off from the rule under France, but Lao officials of the Ministry of Justice who were trained on French laws were involved in drafting laws, so the influence of French law on the individual laws is evident, particularly in Part 5 “Contractual Obligations” and Part 6 “Non-Contractual Obligations”. For instance, the provision for

---

<sup>15</sup> The characteristics of bilateral contracts are not fully understood in Lao P.D.R.; Masamichi Nozawa, “*Keiyaku oyobi keiyakugaisaimu, jintekitanpo-Laos ni okeru minpouten hensan to houseibishien*” (*Contracts and Non-Contractual Obligations-Compiling the Civil Code and Legal Technical Assistance in Lao P.D.R.*), Hikakuhou Kenkyu (Comparative Law Study) No. 77, Yuhikaku (2015), p.144.

<sup>16</sup> Hiroshi Matsuo & Kenzo Okawa; Refer to the above footnote 11, p.11

motives (similar to “causes” of the French law) as a requirement of contract (Item 4 of Article 10 and Article 14, the Law on Contractual Obligations and Non-Contractual Obligations [corresponding to Paragraph 2 of Articles 362 of the Civil Code]), absolute nullity and relative nullity (Article 18 to Article 20, the Law on Contractual Obligations and Non-Contractual Obligations [corresponding to Articles 22 to 24 of the Civil Code]) were prescribed<sup>17</sup>.

Additionally, at the time of the enactment of individual laws, with the support of the World Bank, the experts of Soviet Union (at that time) and Vietnam were visiting Laos as advisors, supporting the drafting of laws with reference to the Soviet law and the Vietnamese law. Therefore, the influence of socialist countries could not be ignored.

Furthermore, IFC supported drafting the Law on Secured Transactions (1994), but revisions were made in 2005 based on the draft prepared by the Asia Development Bank (ADB). The revised Law on Secured Transaction (2005) was believed to be highly influenced by Uniform Commercial Code (UCC)<sup>18</sup>.

Many disciplines rely on the rules of international contracts in the Law on Contractual Obligations and Non-Contractual Obligations (2008). For example, the provision regarding the liability for quality assurance was introduced in accordance with the United Nations Convention on Contracts for the International Sale of Goods (CISG) (Paragraph 1 of Article 25 of the Law on Contractual Obligations and Non-Contractual Obligations [corresponding to Article 407 of the Civil Code])<sup>19</sup>.

## **(ii) Features of Comparative Law of the Civil Code<sup>20</sup>**

Compared to the Civil Codes of Japan, Germany, France, Cambodia, Vietnam and so on, the Lao Civil Code has a simple structure of 630 articles.

Also, the Civil Code has the characteristics of “Institutiones” system which provides for subject, object, change of rights, typically like the French Civil Code, due to Part 3 “Family” following Part 2 “Person and Juridical Person”. On the other hand, the Civil Code has the characteristics of “Pandekten” system as well, typically like the Germany Civil Code, due to the establishment of “General Provisions” including “Juristic Act”, and the distinction between properties (Part 4) and obligations (Part 5 and Part 6). Therefore, both systems are believed to have been integrated into the Civil Code.

Compared to the Vietnamese Civil Code (2015), “General Provisions” (Part 1) prescribe in a compact way, and the Law on Family is incorporated into the Civil Code. Also, “Family” (Part 3) and “Inheritance” (Part 8) are arranged separately. It is probably because “Family” is placed next to “Person and Juridical Person” (Part 2) as a sign of public awareness of the

---

<sup>17</sup> Masamichi Nozawa; Refer to the above footnote 15, p.138

<sup>18</sup> Kenzaburo Koseki, ICD NEWS Vol.30, March 2007, p.67

<sup>19</sup> Masamichi Nozawa; Refer to the above footnote 15, p.142

<sup>20</sup> Hiroshi Matsuo “*Josetsu-Laos ni okeru minpouten hensen to houseibishien*” (Introduction-Compiling the Civil Code and Legal Technical Assistance in Lao P.D.R.), Hikakuhou Kenkyu (Comparative Law Study) No. 77, Yuhikaku (2015), p.109.

importance of the family in Lao PDR, while “Inheritance” is also the cause of the acquisition of ownership, so it needs to be set after the part of ownership (Part 4).

#### **(4) Characteristics of the Process of Drafting**

Much Importance was put on the process of drafting the Civil Code.

In Lao PDR, it took a longer time for developing human resources at the core of drafting the Civil Code, through making textbooks and casebooks at the preparation stage, compared to the drafting process of the Vietnamese Civil Code and the Cambodian Civil Code<sup>21</sup>.

Additionally, drafting was conducted with careful consideration of various opinions from the National Assembly members to legal practitioners. The process also took a long time, more than three years, so the Civil Code would be evaluated to have been drafted in a democratic methodology<sup>22</sup>.

### **I.3. Historical Significance of Enactment of the Lao Civil Code<sup>23</sup>**

#### **(1) Systematization of Individual Laws**

The substantive civil law in Lao PDR was formed with individual laws, but the systematic arrangement was required because of the rapid establishment of laws in response to the market economy<sup>24</sup>. For example, Article 58 of the Law on Ownership (corresponding to Article 243 of the Lao Civil Code [Returning Things Possessed without Authority]) and Article 42 of the Law on Contractual Obligations and Non-Contractual Obligations (corresponding to Article 409 of the Lao Civil Code [Sales of Movable Properties Acquired without Authority]) were almost overlapped. While drafting the Civil Code, contents and placements of two articles were carefully considered. As a result, the former article is prescribed in Part 4 of “Thing and Ownership”, while the latter is placed in Part 5 of “Contractual Obligations” as a special provision of sale contracts.

#### **(2) Secure Protection and Realization of Rights, Promotion of Transactions, and Contribution to Stable Economic Growth**

The Lao Civil Code serves as a norm for conflict prevention and resolution through clear and consistent rules, ensuring the protection and the realization of the rights and interests of the general public. It will contribute to the progress of the rule of law. Transparency of rules not only promotes trade and revitalizes internal economic activities, but also builds trust in the

---

<sup>21</sup> Hiroshi Matsuo, “Houseibishien ni okeru minpouten seibi no igi to kadai” (*The significance and Issues of Compiling the Civil Code in Legal Technical Assistance*) Keio Hougaku, Vol. 4, 2006, p.40

<sup>22</sup> Hiroshi Matsuo, ICD NEWS vol.79, June 2019, p.26

<sup>23</sup> Refer to the above footnote 12.

<sup>24</sup> Yuka Kaneko, “Laos no keizaikanrenhousei no genjyo to kyouryoku no shouten” (*Focus on the Current Situation and the Cooperation of Lao Economic Related Legislation*) , International Cooperation Training Institute, JICA, 2001.

international community and encourages the entry of foreign capital.

### **(3) Harmony between Lao Culture and Globalization**

The Lao Civil Code has the significance in ensuring the compatibility with the Lao society and culture as well as responding to the demands of modern rapid globalization. In the future, examining any parts of the Code that are missing in perspective of need of society is necessary to supplement them with other laws and regulations and to prepare for the revision of the Civil Code. For example, although a considerable number of practices for assigning rights to use land for security purposes are likely to occur, the Civil Code has no provision on such a way for security. In addition, the issue how the laws protect consumers as well as facilitates business operators should be considered in the future<sup>25</sup>.

### **(4) Contribution to the Development of Legal Theory in Laos**

The enactment of the Lao Civil Code can accelerate the study of the Civil Code and develop Lao's own legal theory. For example, "Juristic Act" was a concept born in Germany, but was also introduced in Articles 1100, 1100, and 1100-1 of the French Civil Code (2016 revision). Then, it was also introduced in the Lao Civil Code. Therefore, from a perspective of comparative law, analyzing juristic act in Lao PDR is believed to contribute to the development of Lao legal theory.

## **I.4. Issues after the Enactment of the Lao Civil Code**

It is expected that the Civil Code will become available to the civil society, Lao legal theory of the Civil Code will be developed, and Lao lawyers will be trained through the Civil Code.

### **(1) Penetration of the Civil Code into Civil Society**

It is quite important that the Civil Code is recognized by the civil society and contributes to the realization of civil rights. Therefore, in order to make the legal practitioners (judges, prosecutors, attorneys, Justice officials and so on) who are the leaders in realizing citizen's rights capable of using the Lao Civil Code as a tool for conflict prevention and resolution, and to make educational and research institutions (universities, National Institute of Justice) capable of studying the Lao Civil code and teach the Civil Code to students; dissemination of the Lao Civil Code for them should be focused. It should be disseminated to the general public in parallel. Using various methods including magazines, TV and the Internet would be

---

<sup>25</sup> Masamichi Nozawa, the presentation titled "The revision of the Japanese Civil Code and the indication to the Lao Civil Code" at the 5th Law Forum in Lao P.D.R., August 28, 2017, and the presentation titled "The significance and issues of Compiling the Civil Code" at Ceremony of the Lao Civil Code enactment at National University of Laos, February 20, 2019

effective.

## **(2) Completion of the Commentary of the Civil Code**

The commentary of the Lao Civil Code has been drafted by the Drafting Committee, being supported through the framework of JICA's technical assistance. It is important to contain not only information gained through drafting process for over six years, but also as much discussion process and issues as possible. Such descriptions are thought to promote research and be useful in the subsequent revision of the Lao Civil Code.

## **(3) Compilation of the History of the Establishment of the Civil Code and Accumulation of Lessons on Legislative Work**

Improving legislative work is one of the major challenges of the Lao judicial sector, ranging from grasping legislative facts, making policies to eliminating the conflict between unclear laws and regulations. In the drafting process of the Lao Civil Code, which lasted for more than six years, much knowledge, experience and lessons from legislative work were obtained. Therefore, it is important to keep these together to utilize them in drafting other laws. The first step will be to summarize and keep objective facts by compiling the history of the Civil Code, and the second step will be to extract the lessons from the legislative process.

## **(4) Implementation of Land Registration System**

The Lao Civil Code has a new system to promote land use including servitudes and superficies; and new security systems for land are organized in the form of pledge for immovables and mortgages for immovables. All of these systems are required to set registration (Paragraph 1 of Article 341, Paragraph 1 of Article 352, Item 6 of Article 536, Item 5 of Article 549). Therefore, improving the operation of the registration for land is indispensable so that new systems of the Civil Code will effectively be utilized.

In this regard, the Vietnamese Civil Code (2015) established the system to use land as the Lao Civil Code including servitudes and superficies. Nevertheless, even since the Vietnamese Civil Code was enforced on January 1, 2017, the newly established system has been left unable to register the rights, due to the issue of the arrangements between the Ministry of Justice which governs the Vietnamese Civil Code and the Ministry of Natural Resources and Environment which governs land registration<sup>26</sup>. That is why, in Lao PDR, the lessons learned from Vietnam should be utilized. Consultation with the Ministry of Natural Resources and Environment which oversees land registration before the Civil Code is enforced should be

---

<sup>26</sup> Hiroshi Matsuo, the presentation titled "the establishment of the land registration system of the Lao Civil Code based on the experience of the Vietnamese Civil Code-Providing a Specific Registry Model" at the seminar in Lao P.D.R. on February 21, 2019.

carried out so that land registration can be operated without delay.

## **II Summary of Each Part of the Lao Civil Code**

### **II.1 General Provisions (Part 1)**

#### **(1) Overview**

Part 1 “General Provisions” describes the terminology (Article 3), practical customs (Article 6), the scope of the Civil Code (Articles 5 and 7) in “Purpose of Scope of the Civil Code” (Chapter 1), and “Good Will and Conscience” (Article 11) in “Basic Principles of Lao Civil Code” (Chapter 2). In addition, “Juristic Act” (Chapter 3), “Agency” (Chapter 4) and “Period” (Chapter 5) were also newly introduced, and then “Prescription” (Chapter 6) was rearranged as a concept of substantive law.

“General Provisions” (Part 1) was separately provided for from “Person and Juristic Person” (Part 2), so it has a relatively lighter structure of approximately 60 articles than other foreign Civil Codes.

#### **(2) Juristic Act (Chapter 3, Article 15 and below)**

The Civil Code prescribes, in Article 15, that “Juristic Act is voluntary intentions of persons, juridical persons and organizations, is for creating, changing or terminating civil rights and obligations.”. Also, Article 16 “Types of Juristic Act” explains that there are three types of juristic acts including unilateral juristic act, mutual juristic act and multilateral juristic act<sup>27</sup>.

In Article 17, (i) “Purpose”, (ii) “Voluntariness”, (iii) “Capacity to Act”, and (iv) “Form” are required as “Requirements for Juristic Act”, and in the (i) “Purpose”, feasibility is required in addition to clarity, existence and legality (Paragraph 2 of Article 18). Furthermore, the (iv) “Form” of the juristic act shall be done in writing, orally or otherwise (Article 21), and the form of writing is required in specific provisions such as loan for consumption contract (Paragraph 4 of Article 430) and lease contract (Paragraph 6 of Article 434). In practice, even if the form of writing is required, the juristic act is actually performed verbally, and the juristic act seems to have been treated as valid. Therefore, provisions requiring writing are assumed to merely encourage the creation of documents in case of a dispute<sup>28</sup>.

“*Ni ti kum*”, which means “law” in Lao language, is a term used in the Lao Constitution

---

<sup>27</sup> Specific examples are also stipulated in the article, exemptions and wills for unilateral juristic act, sales and leases for and mutual juristic act, partnerships and the establishment of associations for multilateral juristic act.

<sup>28</sup> Kenzo Okawa “*Sousoku, hito, houjin-Laos ni okeru minpouten hensan to houseibishien*” (*General Provisions, Person and Juridical Person-Compiling the Civil Code and Legal Technical Assistance in Lao P.D.R.*), Hikakuhou Kenkyu (*Comparative Law Study*) No. 77, Yuhikaku (2015), p. 117



(Item 20 of Article 53), the Law on making legislation (Item 11 of Article 77) and the like. Therefore, some government officials expressed strong concerns that “*ni ti kum*” would be used as “juristic act” and suggested that “*ni ti kum*” should be modified to “*ni ti kum thang pheang*” (“civil juristic act”) instead. However, Articles 1100, 1100 and 1100-1 of the French Civil Code (revised 2016) use the term “*juridique acte*”, and the “*acte*” has the meaning of “certificate” and “law” as well as “act”, so JICA’s experts along with AG supported the explanation that “*ni ti kum*” would be the suitable term for juristic act. As a result, “*ni ti kum*” was finally adopted by the National Assembly<sup>29</sup>.

As for the validity and nullity of juristic act (Articles 22-28), many provisions were prescribed since the Law on Contractual and Non-Contractual Obligations (2008) which was affected by the French Civil Code. Conditions (Article 29) and the time limit (Article 30) were newly introduced with reference to the Japanese Civil Code and the like.

### **(3) Agency (Chapter 4, Article 31 and below)**

There used to be no individual provision except for agency for litigation prescribed in Article 88 of the Law on Civil Procedure (2012). In the Civil Code, the system of unauthorized agency and apparent authority are introduced (Article 40, Article 41) with reference to the Japanese Civil Code, but theoretical arrangement and practical use are for further study.

Though a provision on “Defect in Act of Agent” (see Article 101 of the Japanese Civil Code) was prescribed at the first deliberation May 2017, the Civil Code does not provide for this.

### **(4) Prescription (Chapter 6, Article 49 and below)**

Acquisitive prescription only applies to persons in good faith, requiring 20-year-possession for immovables and 5 years for movables (Article 51).

Extinctive Prescription was prescribed as a time limit of litigation in the Law on Contractual and Non-Contractual Obligations (2008) but is reorganized in a substantive provision in the Civil Code. Unless otherwise required by law, extinctive prescription shall expire after 10 years for claims of construction contracts and after 3 years for other claims (Article 52).

## **II.2. Person and Juridical Person (Part 2)**

### **(1) Overview**

Chapter 1 of “Person” prescribes capacity to have rights, moral rights, capacity to act, guardianship, address and disappearances and the like. Chapter 2 of “Juridical Person” provides for, in addition to general principles, associations and foundations.

---

<sup>29</sup> However, in consideration of the assertion that “*ni ti kum*” should be modified to “*ni ti kum thang pheang*”, Article 3 (item 3) prescribes “Juristic act (*ni ti kum*) means civil juristic act (*ni ti kum thang pheang*)”.



“Capacity to have rights” and “moral rights” are new concepts introduced in the Civil Code. Many of provisions are newly prescribed on “Capacity to act” based on Article 93 in the Law on Contractual and Non-contractual Obligations (2008) and Article 331-336 on the judgment of persons with limited or lost capacity of the Law on Civil Procedure (2012). “Disappearance” was stipulated in Article 337 to 342 of the Law on Civil Procedure (2012) and Article 20 of the Law on Family (2008), and then the Civil Code organized them.

“Juridical Person” is a concept organized as the subject of capacity to have rights, based on the Law on Enterprise, the Prime Minister’s Decree on Associations and the Prime Minister’s Decree on Foundations, with reference to the Vietnamese Civil Code.

## **(2) Capacity to Act**

There are provisions regarding persons who have “limited” capacity to act (Article 70) and persons who have “lost” capacity to act (Article 71). In addition, for Juridical Persons, there are also provisions regarding the capacity to act (Article 104) as well as the capacity to have rights (Article 103).

According to discussions within the Drafting Committee, the difference between “limited” and “lost” is determined by whether the lack of capacity is temporary or permanent, not by the level of capacity. The case of drunkenness is said to be included in “limited” capacity.

If it is determined that the person has the “limited” or “lost” capacity (Articles 76 and 77), the juristic acts without the consent of the guardian or without agency may be rescinded as relative nullity (Articles 24 and 27). However, in actual practice, there is no system that the court decision is registered, and only has the village grasped and managed the information of the judgement.

## **(3) Disappearance Declaration and Death Declaration**

Disappearance declaration (Article 92 and below) has only effects including the appointment of a property manager (Article 95). On the other hand, Death declaration (Article 97 and below) is subject to the requirement for longer periods of disappearance than Disappearance declaration, having the effects of commencement of inheritance (Article 100).

## **(4) One-Person Company**

The Drafting committee again and again discussed an issue that incorporated associations seem contradictive to limited liability companies with only one person prescribed under Article 175 and below of the Law on Enterprise (2013). At the stage of finalizing the draft, a new paragraph was added (Paragraph 2 of Article 105), which prescribed that “Juridical person may be established by one person. This is called one-person company.”. JICA’s experts with AG pointed out that this article would be consistent with the provisions of the

Law on Enterprise as a special law. Rather, the new paragraph would not be appropriate because it could be read that not only companies but also all kinds of juridical persons might be established by one person. However, the new paragraph above has been maintained in the Civil Code. It needs to be reconsidered in the next revision.

## **II.3. Family (Part 3)**

### **(1) Overview**

Chapter 1 “General Principles” stipulates freedom of marriage (Article 141), monogamy (Article 142), followed by Chapter 2 “Engagement and Marriage Application” mentioned below. Chapter 3 “Marriage” prescribes, in addition to marriage requirements (Article 150), marriage registration (Article 152), voluntariness and savings on weddings (Article 153). Chapter 4 “Marital Relations” includes rights and obligations of married couples (Articles 161 and 162) and selective separate surname system (Article 163). Chapter 5 “Marital Property” stipulates sharing of marital properties (Article 168 and 169). Chapter 6 “Termination of Marriage” stipulates divorce requirements and procedures (Articles 173-177) and property distribution (Article 181). Chapter 7 “Relations between Parents and Children” provides for the establishment of the parent-child relations (Article 194) and the acknowledgment of paternity by fathers of extramarital children (Article 197), and newly introduces the system for denial of a parent-child relation (Article 198)<sup>30</sup>. With regard to adoptive parent-child relations, it is stipulated that one of the requirements for adoption is minors to be adopted (Article 200 and 201), and that the kinship with the parent is terminated as an effect of adoption (Article 205). Although requirements are listed for dissolution of adoptive relations (Article 206), there are no provisions on the dissolution of adoptive relations by agreement. Chapter 8 “Parents and Children’s Rights and Obligations of” prescribes parents’ statutory agency (Article 215) and parents’ obligations to support children (Article 217), and the child’s obligations to support parents (Article 218) and deprivation of parental authority (Article 220). Chapter 9 “Appointment of Guardians for Minors” describes the ways to select guardians (Article 222), and guardians’ rights and obligations (Article 223).

Part 3 “Family” is based on the Law on Family (2008), the Law on Family Registration (2018) and the Prime Minister’s Decree, and few new provisions are stipulated. It is characteristic to be separated from “Inheritance” (Part 8) and be specified before the part of property (Part 4) and the part of obligations (Part 5 and 6).

---

<sup>30</sup> This system has not yet fully understood as of this writing. Confusion with deprivation of parental authority can be seen.

## **(2) Role of Village Chiefs and Family Law<sup>31</sup>**

Adopted by the Law on Family (2008), the system based on the existence of the villages that are not formal governing bodies is maintained in the Civil Code. For example, men and women are required to submit a marriage application through the village when registering the marriage (Article 152). In case of divorce by agreement, the couple submits a divorce application to the village chief, but the chief has an obligation to urge and persuade them to make up with each other (Article 174). When a child is born, the couple is required to report it to the village chief, and the chief is obliged to issue a birth certificate (Article 195). Village chiefs have obligations to appoint and monitor the guardians for minors (Paragraph 1 of Article 222).

## **(3) Coordination between Lao Traditions, Actual Situation and International Norms**

The Civil Code respects the spirit of the Law on Family (2008), including protection for Lao traditions and customs, while requiring the coordination with the social situation and international norms. Regarding the age of marriage (18 years old and older) prescribed in item 1 of Article 150, *de facto* marriages in less than age 18 have been acknowledged especially in rural areas among ethnic minorities. The Law on Family (1990) had an exception clause of marriage age, but it was deleted in the 2008 revision, and the Civil Code has no exception either. In addition, there are also unique traditions in ethnic minorities with regard to monogamy (Article 142) and restrictions on marriage between close relatives (Article 151), but the Civil Code does not set the exception as well. They were decided based on global standards and international norms.

Generally, engagement (*karn mun mai*) (Article 145) is carried out when marriage requirements are not met, while marriage application (*karn su khor*) (Article 147) is made when the requirements for marriage are met. For both, the male side visits the female side to award items and apply for it. Visit from the female side has not been performed in fact. There were various opinions on both systems at the local hearing meeting. For example, some said engagement was an old practice and not necessary anymore because engagements and marriage applications were not distinguished in the perspective of the actual situation. On the other hand, others said the necessity still remained because engagement was newly added in the 2008 revision of the Law on Family in terms of reflecting Lao legal tradition. Eventually, it was decided to keep almost the same contents as the Law on Family (2008) of both systems.

---

<sup>31</sup> Kiyoko Nishi “*Kazoku, Souzoku-Laos ni okeru minpouten hensan to houseibishien*” (*Family, Inheritance-Compiling the Civil Code and Legal Technical Assistance in Lao P.D.R.*), Hikakuhou Kenkyu (*Comparative Law Study*) No. 77, Yuhikaku (2015), p. 125

## II.4. Things, Ownership and other Rights to the Thing (Part 4)

### (1) Overview

Part 4 “Things, Ownership and other Rights to the Thing” consists of “Things” (Chapter 1) which defines the definition of things, “Possession” (Chapter 2) which were controversial as mentioned below, “Ownership” (Chapter 3) and “Type of Ownership” (Chapter 4) based on the Law on Ownership (1990) affected by former Soviet Laws and Vietnamese laws, “Co-Ownership” (Chapter 5) newly established with reference to Vietnamese law and German law, “Acquisition of Ownership” (Chapter 6) including the new provisions of “Attachment” (Article 300 and below) with reference to Japanese law, “Termination of Ownership” (Chapter 7) stipulating the cause of loss of ownership as “Termination”, “Scope of Use of Ownership” (Chapter 8) providing for neighboring relationships, “Protection of Ownership” (Chapter 9) including claims for protection of ownership, “Servitudes” (Chapter 10) and “Superficies” (Chapter 11) which have been newly created with reference to Japanese law.

The Lao Civil Code has the characteristics of “Pandekten” system in terms of distinction between properties (Part 4) and obligations (Part 5 and Part 6).

Regarding land, the Law on Land (2003) covers the powers and duties of the nations, the rights and obligations of the people concerning land management and use, and the procedures for resolving land disputes<sup>32</sup>.

### (2) Concept of Thing and Ownership<sup>33</sup>

Under Article 1 of the Law on Ownership (1990), ownership is defined as a comprehensive and absolute right to occupy and use property (*sup sing khorng*) and make profit through property. Property (*sup sing khorng*) means a tangible thing, so the object of ownership was the tangible one.

On the other hand, during the discussions for drafting, some insisted that the Civil Code should state that things (*sup*) consist of the tangible and the intangible, and the object of ownership should be things (*sup*) including intangible ones. However, if so, the scope of ownership becomes unclear, and judgment of infringement of ownership becomes difficult. Eventually, whereas the Civil Code includes that the thing (*sup*) is either the tangible and the intangible (Paragraph 1 of Article 227), property (*sup sing khorng*), that is, only tangible thing is set as object of ownership (Paragraph 2 of Article 227, Article 249).

<sup>32</sup> The revised bill of the Law on Land passed the seventh ordinary session of eighth National Assembly (June 2019).

<sup>33</sup> Hiroshi Matsuo “*Zai oyobi shoyuiken, buttekitanpo-Laos ni okeru minpouten hensan to houseibishien*” (*Property and Ownership, Security by property-Compiling the Civil Code and Legal Technical Assistance in Lao P.D.R.*), Hikakuhou Kenkyu (*Comparative Law Study*) No. 77, Yuhikaku (2015), p.128

### **(3) Possession**

Under Article 1 of the Law on Ownership (1990), the right to possess had been defined as a content of ownership, so it was not considered as an independent right<sup>34</sup>. In contrast, during the discussions for drafting of the Civil Code, some commented that the right to possess should be institutionalized as a right independent from ownership. However, this opinion was not accepted because it may lead actual practice to confusion according to the ideas of some senior lawyers. Eventually, “Possession” is set forth as an independent chapter (Chapter 2), distinguished from “right to possess” (Article 251 and below) as a form of ownership, similar to the Vietnamese Civil Code.

In addition to those stipulated in the Law on Ownership (1990), some concepts of possession, such as possession in good faith and in bad faith, direct possession and indirect possession, are organized (Article 235). Additionally, the presumptive provisions are newly introduced regarding possession with peace, openness, continuation and good faith (Article 237 and 239).

### **(4) Servitudes and Superficies**

During drafting process, a series of discussions about whether to introduce the servitudes and superficies were repeated from the viewpoint of promoting land use. It is indispensable to promote further understanding of the government agencies including the Office of Natural Resources and Environment and the citizens utilizing the system.

Firstly, the term “*thard sa pharp*” which means servitudes, is the combination of “*thart*” meaning “slave” and “*sa pharp*” meaning “situation”. So, “*thard sa pharp*” means a situation that must be met and does not literally mean a right. Paragraph 1 of article 339 which defines the servitudes, does not clarify that the servitudes (*thard sa pharp*) is a right either. In the future, being aware of its use as a right is important so that land users will utilize the servitude to make effective use of the land and government agencies will promote this.

Secondly, during the drafting process, superficies was needed to be sorted out from the land lease agreement (Article 434) and from the land concession contract (Article 439). Examples of how to utilize superficies were discussed such as setting a right of site corresponding to a condominium unit or setting rights in the sky or underground when expressways or subways are established in the future. Additionally, an example of land registration description of Japan was introduced. Superficies would be beneficial for those who hope to use all or part of the land for certain period but not acquire it.

---

<sup>34</sup> However, article 68 of the Law on ownership (1990) stipulated that possessors who are not owners of properties may claim for the protection of the properties.

## **II.5. Contractual Obligations (Part 5)**

### **(1) Overview**

“Contractual Obligations” (Part 5) can be divided into the general section of Chapters 1 to 9 and the detailed section of Chapter 10.

In the general section (Chapters 1 to 9), many provisions are inherited from the concept of the Law on Contractual and Non-contractual Obligations (2018), but some provisions are newly introduced such as exemptions (Article 384) and offsets (Article 385), earnest money (Article 389), right to demand the rescission of fraudulent act (Article 397), transfer of contractual status (Article 403: Transfer of all rights and obligations).

In the detailed section (Chapter 10), 18 typical contracts are prescribed despite only 13 types prescribed in the Law on Contractual and Non-contractual Obligations (2018). For instance, hire-purchase (*sao sue*) contract (Article 414), concession contract (Article 439), insurance contract (Article 465) are added.

### **(2) General Section (Chapter 1 to Chapter 9)<sup>35</sup>**

#### **(i) International Rules**

The Civil Code includes the provisions with French legal features followed from the Law on Contractual and Non-contractual Obligations (2018), in addition to the provisions of international transaction law, provisions affected by the Japanese law, the Thai law and so on. Those with French legal features are about absolute nullity and relative nullity (Articles 22-24), motivation for requirements of contracts (Paragraph 2 of Article 366), effect of contracts (Article 375), relative effect of contracts (Article 404) and the like.

Those having the characteristics of international trade laws are concerning liability for quality assurance of the objects of the contracts (Article 407), determination of price for contracts (Paragraph 2 of Article 379), suspension of performance of contracts (Article 387). The United Nations Convention on Contracts for the International Sale of Goods (CISG, Articles 45, 46-52, 55, 71, 74-77 etc.) are in reference.

In addition, similar to Thai laws, new provisions concerning the interpretation of contracts (Article 374), earnest money (Article 389), right to demand the rescission of fraudulent act (Article 397) are added.

#### **(ii) Assignment of Claims**

Assignment of Claims, titled “Change of Creditor”, is provided for in Article 401 of the Civil Code. First paragraph stipulates that “creditors may assign their rights to the new creditors; however, this shall not apply to the case where the assignment is prohibited by laws or

---

<sup>35</sup> Masamichi Nozawa; Refer to above footnote 15, p.137



contracts.”. Then, second paragraph stipulates that “creditors shall assign the documents regarding the claims. If the claim assigned to the person [new creditor] does not exist, the creditor shall take responsibility for the person [new creditor]”. In the Law on Contractual and Non-Contractual Obligations (2008), assignment of claims was stipulated in the same article along with the assumption of obligation, but the Civil Code prescribes them separately. In addition to that, the provision relating to the agreement on prohibition of assignment is added in accordance with Japanese law.

The Lao Civil Code demands certainty of the assignment through writing, while it does not stipulate any requirements for perfection, not considering the existence of third parties for the same claim. This shows the Lao economy, at this time, does not demand frequent assignment of claims as a financial measure. In light of future economic development in Laos and the needs to secure financial properties and to vitalize financial transactions, the mechanism of assignment of claims should be reviewed in the future revision.

Regarding the agreement on prohibition of assignment, based on the Japanese proposal, the Drafting Committee considered whether one sentence “If the new creditor does not know that the assignment of the claim has been prohibited, the assignment shall be valid and the debtor may not refuse to perform the obligation” should be added or not. Nevertheless, this sentence was not adopted because it was assumed to be difficult to understand. Therefore, the point on fluidity of claims remains as an issue of future revision of the Civil Code.

### **(3) Detailed Section (Chapter 10)**

As mentioned, the Civil Code includes 18 typical contracts. (See the attached).

The characteristic of hire-purchase (*sao sue*) contract (Article 414) is to acquire the ownership after a certain number of payments for the use of the thing.

The relationship between mandate contracts (Article 446), service contracts (Article 449) and construction contracts (Article 445) is that, according to the discussions in the Drafting Committee, the mandate contracts refer only to contracts pertaining to the grant of authority of agency, and construction contracts are literally contracts for building construction. Service contracts includes all mandates (including quasi-mandates) and all works which are not included in mandate contracts and construction contracts.

In deposit contracts, a new rule has been established that the owner of the hotel or guesthouse take (“receptum”) responsibility for customers’ vehicles or valuables (Article 445) in accordance with the Thai law. Also, transportation contracts (Article 460) include transportation for both goods and passenger.



## II.6. Non-Contractual Obligations (Part 6)

### (1) Overview

Part 6 “Non-Contractual Obligations” starts from General Principles (Chapter 1), followed by Tort (Chapter 2), Management of Business (Chapter 3) and Unjust Enrichment (Chapter 4). The basic concepts are inherited from the provisions of the Law on Contractual and Non-Contractual Obligations (2008), but some new rules are added.

Tort (Chapter 2) is reorganized as a general concept though it was recognized as separate two concepts in the Law on Contractual and Non-Contractual Obligations (2008). In addition, some new articles are introduced such as types of damages, calculation of damages (Article 475 and below).

As for Management of Business (Chapter 3), the detailed rules concerning the rights and obligations of managers are newly established such as duty of care of managers (Article 498), manager’s claims for reimbursement of cost (Article 499).

About Unjust Enrichment (Chapter 4), some provisions are organized such as performance before due date (Article 505), performance knowing the absence of obligations (Article 507), performance for illegal causes (Article 509).

### (2) Damages

#### (i) Organizing Concepts

Although the Civil Code specifies the types of damages (Article 475 and below), the concepts seem not to be organized. One of the reasons is the variety of the term “damage” in Lao language and inconsistency in understanding it. The terms indicating “damage” in the Civil Code are various such as “*kha sia hai*” (Item 4 of Article 3) and “*kha thum khouan*” (Article 149), and the difference between them is not clear. Also, “*kha pua pang jit jai*” (Item 7 of Article 3) still has some debates whether it only applies to case where the victim died, and how it is different from “*kha sia hai thang darn jit jai*” (Article 479). Therefore, the understanding of specific terms and concepts needs to be unified.

#### (ii) Calculation of Damages (Article 481)

According to the Drafting Committee, there is a problem on how to calculate the amount of damages in Lao court practice. While the occurrence of damages has diversified with the development of society, establishing the method for calculation is one of the future tasks.

#### (iii) Right to Demand Compensation for Fetus’s Damages

The Lao Civil Code does not have a clear provision that recognizes the right to demand compensation for a fetus’s damages, unlike the Japanese Civil Code<sup>36</sup>. According to the

---

<sup>36</sup> As a provision on the right of the fetus in the Lao Civil Code, item 1 of article 574 recognizes the right to inherit.

Drafting Committee, cases where pregnant women are involved in traffic accidents and the fetuses are also damaged occur nowadays. The new provisions to tackle this issue needs to be considered in the future revision of the Civil Code.

## **II.7. Security (Part 7)**

### **(1) Overview**

Part 7 “Security” also starts from “General Principles” (Chapter 1), and then provides for “Security by Law” (Chapter 2) including the priority of lien in only two articles. “Security by Contract” (Chapter 3) prescribes (i) security by properties including pledge and mortgage and (ii) security by persons (“guarantee”). Finally, “Secured Registration” (Chapter 4) stipulates the registration of pledge and mortgages.

In the Civil Code, there is neither provision of right of retention<sup>37</sup>, nor provision of security by assignment. IFC gave comments to the Civil Code from around October 2017, so one of the most controversial parts was Part 7 of Security before (even after) the enactment.

### **(2) Security by Property**

#### **(i) Organized in the Form of Pledge and Mortgage**

Under the Law on Secured Transactions (2005), the system of security by properties was designed as (a) pledge (*souad jum*) only available for movables and (b) security for land. On the other hand, in the Civil Code, it is reorganized by (A) pledge (*jum num*) (Article 526-545) available for movables, immovables and claims, and (B) mortgage (*jum nong*) (Articles 546-555) available for movables and immovables.

As for immovable properties, there were discussions several times whether pledge for immovables should be introduced or not, until just before the enactment. Eventually, the Drafting Committee decided that pledge for immovables should be provided for because it may be used for farmland (Article 535 and below). Land registration of pledge or mortgage is implemented by the land management offices under the jurisdiction of the Ministry of Natural Resources and Environment (Article 562).

As for movable properties, mortgage for movables requires the movables with the registration of ownership (Item 5 of Article 553), so is expected to be used in cars and motorcycles. Registration of the mortgage for movables will be carried out at the office under the jurisdiction of the Ministry of Finance (Article 562).

---

<sup>37</sup> Article 23 of the Prime Minister’s Decree on the implementation of the Law on Secured Transaction (2011) stipulates the right of retention.

## **(ii) Multiple Security Interests for One Thing**

Article 524<sup>38</sup> admits establishing multiple security interests for one thing, provided that the value of the thing at the time when establishing security is higher than the total amount of all secured receivables.

Issues including the coordination with actual security practice and the evaluation of the thing still remain.

## **(iii) System Design of Security for Movable Property**

The Prime Minister's Decree on the Implementation of the Law on Security Transaction (2011) enacted by IFC's drafting support was designed based on the system of security registration for movables. The system has been launched on the website of the Ministry of Finance since 2013<sup>39</sup>. However, as the system can be viewed only by registered members with ID and password, the publicity is still poor. Also, the Ministry of Finance requires to have registration at the office even for those who have already registered it through the system. The improvement of the utilization of the system is still ongoing.

The Civil Code, in order to respect the social status of secured transactions of movables, prescribes pledge for movables (Article 528) and "Pledge by Documents" (Article 533) which acknowledges the same effect as a pledge by delivering a document instead of a property. On the other hand, the Lao government seems to have a desire to utilize the improved system of secured registration for movables. Therefore, in the future, due to the revision of the Civil Code or the Prime Minister's Decree (2011), the utilization of the system may be promoted. Even in that case, much care should be given to ensure that the revision is in line with the actual situation of the security transaction at that time.

## **II.8. Inheritance (Part 8)**

### **(1) Overview**

In Part 8 "Inheritance", "Principles of Inheritance" (Chapter 1) states that the rights and obligations belonging to the decedent are defined as "Inherited Property" (Article 565), and that there are two types of inheritance: inheritance by law and inheritance by will (Article 571). "Inheritance by Law" (Chapter 2) stipulates that stepchildren and fetuses are regarded as heir (Item 1 of Article 574), that the principle of distribution by inheritance is different between pre-marital properties and marital properties (Articles 576-578, 580), and that the inheritance of patriarchs and housekeepers may occur (Paragraph 1 and 2 of Article 583). "Inheritance by will" (Chapter 3) prescribes that there are two types of wills: documentary will and emergent will (Articles 593, 594, 596), and that property disposal by will is restricted

---

<sup>38</sup> Refer to the above footnote 13.

<sup>39</sup> See: [https://www.mof.gov.la/str/en\\_index.html](https://www.mof.gov.la/str/en_index.html)

(Article 592). “Succession and Renouncement of Inherited Property, Forfeiture of Heir’s Rights” (Chapter 4) provides for the division of inherited properties (Article 606), heirs’ rights regarding succession and renouncement of inherited properties (Articles 608-614), and forfeiture of heir’s rights by court decisions, laws or wills (Article 615 and below). “Administration of Inherited Properties and Heir’s Responsibility for Debts of Decedent” stipulates the administrator of inherited properties (Article 620-624), and the case where a court divides inherited properties (Article 628).

Under the Law on Inheritance (2008), as mentioned below, there was confusion of the basic concepts such as commencement of inheritance, acceptance of inheritance, and applying for the division of inherited properties. Also, the attribution of the inherited properties from the death of the decedent to their division was unclear. Nevertheless, the Drafting Committee could not reach the agreement on these issues, so eventually many of the provisions of the Law on Inheritance (2008) have been followed in the Civil Code.

## **(2) Attribution of Inherited Properties from the Death of the Decedent to Their Division**

The Civil Code stipulates that commencement of inheritance begins “from the date and time of death” of the decedent (Article 568, same as Article 7 of the Law on Inheritance Law [2008]). For this Article, many of Lao law practitioners within the Drafting Committee interprets that the succession of specific properties is “inheritance” and the procedure for succession begins “from the date and time of death”. The possible cause of this understanding is that no provision is set on attribution of inherited properties from death of the decedent to the division of the properties (See Article 898 of the Japanese Civil Code).

In addition, the Civil Code stipulates that the debts of inheritance shall be borne within the scope of properties obtained by inheritance (Paragraph 1 of Article 625). It seems as “qualified acceptance” in the Japanese Civil Code, but while the provision is also specified on division of the inherited properties after the settlement of the debts of the inheritance (Article 570). The relationship between these two articles is not clear. The issue on approval of inheritance may be mixed up with the issue on division and succession of inherited properties.

Given the confusion in understanding the above concepts, theoretical research and unified understandings of the Civil Code need to be prepared for the future revision.

## **(3) Uncertainty of the Terminology Representing Decedent**

The terminology of the decedent in the Civil Code, same as in the Law on Inheritance (2008), refers to the “*jao khorng sub*” (“owner of thing”) before the death of the decedent. After the death, the “*jao moun mor ra dok*” (“owner of inherited property”) is used. According to the Drafting Committee, the reasons why the two terms are used separately are that inheritance

could not be imagined before the death, so “inherited property” is not suitable in the case, and that two terms are properly and continuously understood in Laos. However, it seems to lack clarity. For at least foreign people, understanding the distinction between these terms is difficult.

## **II.9. Final Provisions (Part 9)**

Part 9 “Final Provision” consists of only two articles: “Execution Organizations” (Article 629) and “Effect” (Article 630).

The first paragraph of Article 629 provides that the government, courts and prosecutors’ office shall execute the Civil Code. It was considered to add that these agencies would “supervise” execution, but this was not adopted because it is unsuitable to the Civil Code as a private law.

The first paragraph of Article 630 states that the Civil Code comes into effect one year (365 days) after the issuance of the Presidential Decree and the Promulgation. The second paragraph prescribes that before the Civil Code comes into effect, unless otherwise provided for, the relevant laws at the time when the juristic act was established shall apply. The third paragraph states that the Civil Code shall replace the Law on Contractual and Non-Contractual Obligations, the Law on Family, the Law on Ownership, the Law on Secured Transaction, the Law on Inheritance and other relevant civil provisions of other laws. It is assumed that “other relevant civil provisions of other laws” include, for example, under the Law on Civil Procedure (2012), the provision on persons who have limited capacity or lost their capacity to act (Article 334 and below) and disappearance and death declarations (Article 337 and below).

**TABLE OF CONTENTS - the Lao Civil Code (enacted December 6, 2018)**

**Part 1. General Provisions**

- Chapter 1. Purpose and Scope of the Civil Code (Articles 1-7)
- Chapter 2. Basic Principles in the Civil Code (Articles 8-14)
- Chapter 3. Juristic Act (Articles 15-30)
- Chapter 4. Agency (Articles 31-42)
- Chapter 5. Period (Articles 43-48)
- Chapter 6. Prescription
  - A. Prescription (Articles 49-56)
  - B. Calculation of Prescription (Articles 57-58)
  - C. Suspension, Interruption and Termination of Prescription (Articles 59-62)

**Part 2. Person and Juridical Person**

- Chapter 1. Person
  - A. Person's Capacity to Have Rights (Articles 63-64)
  - B. Moral Rights (Articles 65-66)
  - C. Person's Capacity to Act (Articles 67-77)
  - D. Guardianship of the Persons with Limited or Lost Capacity to Act (Articles 78-84)
  - E. Address (Article 85-91)
  - F. Disappearance and Death Declaration (Articles 92-101)
- Chapter 2. Juridical Person
  - A. General Principles (Articles 102-120)
  - B. Associations (Articles 121-129)
  - C. Foundations (Articles 130-136)

**Part 3. Family**

- Chapter 1. General Principles (Articles 137-144)
- Chapter 2. Engagement and Marriage Application (Articles 145-149)
- Chapter 3. Marriage
  - A. Requirements and Rules of Marriage (Articles 150-153)
  - B. Marriage related to Foreign Countries (Articles 154-157)
  - C. Null Marriage (Articles 158-160)
- Chapter 4. Marital Relations (Articles 161-165)
- Chapter 5. Marital Property (Articles 166-169)
- Chapter 6. Termination of Marriage (Articles 170-193)
  - A. Divorce (Articles 171-182)
  - B. Divorce related to Foreign Countries (Articles 183-187)

C. Death (Articles 188-190)

D. Effect of Termination of Marital Relations and Remarriage (Articles 191-193)

Chapter 7. Relations between Parents and Children

A. Child (Articles 194-198)

B. Adopted Child (Articles 199-206)

C. Adoption by Foreign Nationals (Articles 207-212)

D. Stepchild (Articles 213-214)

Chapter 8. Parents and Children's Rights and Obligations (Articles 215-221)

Chapter 9. Appointment of Guardians for Minors (Articles 222-226)

#### **Part 4. Thing, Ownership and Other Rights to Thing**

Chapter 1. Thing (Articles 227-234)

Chapter 2. Possession (Articles 235-248)

Chapter 3. Ownership (Articles 249-260)

A. Right to Possess (Articles 251 to 253)

B. Right to Use (Articles 254 to 256)

C. Right to Make Benefit (Article 257)

D. Right to Dispose (Articles 258-260)

Chapter 4. Types of Ownership (Articles 261-279)

A. State Ownership (Articles 262-267)

B. Collective Ownership (Articles 268-271)

C. Individual Ownership (Articles 272-273)

D. Private Ownership (Articles 274-279)

Chapter 5. Co-Ownership (Articles 280-291)

Chapter 6. Acquisition of Ownership (Articles 292-314)

Chapter 7. Termination of Ownership (Articles 315-319)

Chapter 8. Scope of Use of Ownership (Articles 320-332)

Chapter 9. Protection of Ownership (Articles 333-338)

Chapter 10. Servitudes (Articles 339-349)

Chapter 11. Superficies (Articles 350-361)

#### **Part 5. Contractual Obligations**

Chapter 1. General Principles (Articles 362-363)

Chapter 2. Conclusion of Contract (Articles 364-375)

Chapter 3. Null Contracts (Articles 376-377)

Chapter 4. Performance of Contracts (Articles 378-387)

Chapter 5. Measures to Ensure Performance of Contracts (Articles 388-390)

Chapter 6. Default (Articles 391-397)



Chapter 7. Amendment, Cancellation and Termination of Contracts (Articles 398-400)

Chapter 8. Change of Creditors and Debtors (Articles 401-403)

Chapter 9. Effect of Contracts with Third Parties (Articles 404-405)

Chapter 10. Types of Contracts

A. Sale Contracts (Articles 406-410)

B. Exchange Contracts (Articles 411-413)

C. Hire-Purchase Contracts (Articles 414-417)

D. Gift Contracts (Articles 418-423)

E. Gift Contracts with Burden (Articles 424-426)

F. Sale Contracts with Special Agreement on Redemption (Articles 427-429)

G. Loan for Consumption Contracts (Articles 430-431)

H. Loan for Use Contracts (Articles 432-433)

I. Lease Contracts (Articles 434-438)

J. Concession Contracts (Articles 439-440)

K. Deposit Contracts (Articles 441-445)

L. Mandate Contracts (Articles 446-448)

M. Service Contracts (Articles 449-452)

N. Construction Contracts (Article 453-456)

O. Employment Contracts (Articles 457-459)

P. Transportation Contracts (Articles 460-464)

Q. Insurance Contracts (Articles 465-466)

R. Partnership Contracts (Articles 467-469)

## **Part 6. Non-Contractual Obligations**

Chapter 1. General Principles (Articles 470-471)

Chapter 2. Tort (Articles 472-495)

A. Liability for Tort by Own Act (Articles 482-485)

B. Liability for Tort by Another Person, Animal or Thing under Own Control (Articles 486-495)

Chapter 3. Management of Business (Articles 496-500)

Chapter 4. Unjust Enrichment (Articles 501-509)

## **Part 7. Security**

Chapter 1. General Principles (Articles 510-517)

Chapter 2. Security by Law (Articles 518-519)

Chapter 3. Security by Contract (Articles 520-561)

A. Pledge (Articles 526-545)

A1. Pledge by Movable Property (Articles 528-534)

A2. Pledge by Immovable Property (Articles 535-539)

- A3. Pledge by Right (Articles 540-545)
- B. Mortgage (Articles 546-555)
  - B1. Mortgage by Immovable Property (Articles 548-551)
  - B2. Mortgage by Movable Property (Articles 552-555)
- C. Security by Person or Juridical Person (Guarantee) (Articles 556-561)
- Chapter 4. Secured Registration (Articles 562-564)

**Part 8. Inheritance**

- Chapter 1. Principles of Inheritance (Articles 565-571)
- Chapter 2. Inheritance by Law (Articles 572-589)
- Chapter 3. Inheritance by Will (Articles 590-605)
- Chapter 4. Succession and Abandonment of Inherited Property, Loss of Right of Inheritance
  - A. Succession, Abandonment of Inherited Property (Articles 606-614)
  - B. Loss of Right of Inheritance (Articles 615-619)
- Chapter 5. Administration of Inherited Property and Heir's Responsibility for Debts of Decedent
  - A. Administration of Inherited Property (Articles 620-624)
  - B. Heir's Responsibility for the Debts of Decedent (Articles 625-628)

**Part 9. Final Provisions (Articles 629-630)**

## ***- V. Chronology of Legal Technical Assistance -***

### Chronology of Legal Technical Assistance (Main Chronology Known to RTI)

As of January 31, 2020

FY	Vietnam
1991	・The Minister of Justice of Vietnam requested assistance from the Ministry of Justice of Japan
1992	
1993	・Prof. Akio Morishima of Nagoya Univ. (then) visited Vietnam to introduce Civil Code (CC) of Japan through cultural exchange project
1994	・Training course in Japan for officials of Ministry of Justice (MOJ) of Vietnam (held annually until 1996)
1995	・“Survey on development policy to assist transition to market economy” (so-called Ishikawa Project)(Aug. 1995 - Mar. 2001)
1996	・Cooperation Program in Legal Field, Phase I began (Dec. 1996 - Nov. 1999) ・Long-term expert (private attorney) was dispatched
1997	・Phase 1 of above Project continued - Training course in Japan (twice) - Local seminar (four times)
1998	・Same as previous year
1999	・Japan-Vietnam Civil and Commercial Law Seminar ・Cooperation Project in Legal Field, Phase II began (Dec. 1999 - Nov. 2002) - Joint study to amend Civil Code (CC) of Vietnam - Formulation of a bird's-eye view of laws - Human resource development ・Supreme People's Court (SPC) and Supreme People's Procuracy (SPP) were added as counterpart organizations ・Long-term expert (program coordinator) was dispatched

2000	<ul style="list-style-type: none"> <li>•Phase II of above Project continued (until 2002)</li> <li>- Training course in Japan (four times)</li> <li>- Local seminar (eight times)</li> <li>•Three long-term experts (public prosecutor, former judge and private attorney) were dispatched</li> <li>•Joint study group to amend CC began</li> </ul>
2001	<ul style="list-style-type: none"> <li>•Phase II of above Project continued</li> <li>•Two long-term experts (public prosecutor and private attorney) were dispatched</li> <li>•Phase II of above Project was extended until Mar. 2003</li> </ul>
2002	<ul style="list-style-type: none"> <li>• Same as previous year</li> <li>•Former Minister of Justice of Vietnam was invited to Japan by JICA</li> <li>•Long-term expert (former judge) was dispatched</li> </ul>
2003	<ul style="list-style-type: none"> <li>•Phase III of above Project began (Jul. 2003 - Jun. 2006)</li> <li>- Joint study group to amend CC continued</li> <li>- Joint study group on Civil Procedure Code (CPC) began</li> <li>- Joint study group on legal training began (composed of MOJ, Supreme Court [SC] and Japan Federation of Bar Associations [JFBA])</li> <li>- Joint study group (composed of MOJ, SC and JFBA) began to establish judgment-writing and judicial precedents</li> <li>•Seminar to assist amendment of Bankruptcy Law</li> <li>•Long-term expert (public prosecutor) was dispatched</li> <li>•Local seminar (on CC, CPC, legal training)</li> <li>•Minister of Justice and other delegates were invited to Japan by Research and Training Institute (RTI) and JICA</li> <li>•Training course in Japan (on legal training)</li> </ul>
2004	<ul style="list-style-type: none"> <li>•Phase III of above Project continued</li> <li>•Course on Japanese law at Vietnam National University began</li> <li>•Four long-term experts (public prosecutor, former judge, private attorney and program coordinator) were dispatched</li> <li>•Local seminar (on CC, CPC, legal training, judgment-writing/judicial precedents)</li> <li>•CPC was enacted (Jun. 15)</li> <li>•Amended Bankruptcy Law was enacted (Jun. 15)</li> <li>•Training course in Japan (Jan., Feb.) (on legal training and joint study to amend CC)</li> </ul>
2005	<ul style="list-style-type: none"> <li>•Phase III of Above Project continued</li> <li>•Long-term expert (former judge) was dispatched</li> <li>•Course on Japanese law at Vietnam National Univ. continued</li> <li>•Local seminar (on judgment-writing/judicial precedent, Judgment Execution Law, legal training)</li> <li>•Amended CC was enacted (Jun. 14)</li> <li>•Training course in Japan (Sep., Feb.) (on standardization of judgment-writing, legal training)</li> </ul>
2006	<ul style="list-style-type: none"> <li>•Phase III of Above Project was extended until Mar. 2007</li> <li>•Long-term expert (program coordinator) was dispatched</li> <li>•Course on Japanese law at Vietnam National Univ. continued</li> <li>•Local seminar (on judgment-writing/ judicial precedents)</li> <li>•Training course and joint study on Japan-Vietnam judicial systems (on judgment-writing/ judicial precedent, inviting four justices from SPC to Japan in Oct.)</li> </ul>
2007	<ul style="list-style-type: none"> <li>•Project for Legal and Judicial Reform began (Apr. 2007 - Mar. 2011)</li> <li>•Joint study group on CC began</li> <li>•Study group to improve court practices began</li> <li>•Four long-term experts (public prosecutor, former judge, private attorney, program coordinator) were dispatched</li> <li>•Course on Japanese law at Vietnam National Univ. continued</li> <li>•Research and Education Center for Japanese Law was established at Hanoi Univ. of Law by Nagoya Univ.</li> <li>•Local seminar (on State Compensation Law in Sep.)</li> <li>•Training course in Japan (on drafting State Compensation Law in Nov.)</li> </ul>
2008	<ul style="list-style-type: none"> <li>•Above Project continued</li> <li>•Joint study group on CC and study group to improve court practices continued</li> <li>•Dispatch of four long-term experts (public prosecutor, former judge, private attorney, program coordinator) continued</li> <li>•Course on Japanese law at Vietnam National Univ. continued</li> <li>•Training course in Japan (on criminology in Jun.; improvement of court practices and measures for providing information of judicial precedent, etc. in Aug.; amendment of Criminal Procedure Code [CRPC] in Mar. )</li> <li>•Civil Judgment Execution Law was enacted (Nov. 14)</li> </ul>

2009	<ul style="list-style-type: none"> <li>•Above Project continued</li> <li>•Joint study group on CC, study group to improve court practices continued</li> <li>•Dispatch of four long-term experts (public prosecutor, former judge, private attorney, program coordinator) continued</li> <li>•Course on Japanese law at Vietnam National Univ. continued</li> <li>•Training course in Japan (on drafting Immovable Property Registration Law and Secured Transaction Registration Law in Aug.; organization and activities of JFBA in Oct.; drafting amended CRPC and guidance on operation of Civil Judgment Execution Law in Dec.; drafting Administrative Procedure Law in Feb.)</li> <li>•State Compensation Law was enacted (Jun.)</li> <li>•Local seminar (on Administrative Procedure Law, organization and management of bar federation, etc.)</li> </ul>
2010	<ul style="list-style-type: none"> <li>•Above Project continued</li> <li>•JICA Survey Team was dispatched for project-end evaluation and project detailed planning survey</li> <li>•Joint study group on CC and study group to improve court practices continued</li> <li>•Dispatch of four long-term experts (prosecutor, former judge, private attorney, program coordinator) continued</li> <li>•Course on Japanese law at Vietnam National Univ. continued</li> <li>•Joint study on Japan-Vietnam judicial systems (Jun.)</li> <li>•Local seminar (Aug.)</li> <li>•Vice-Minister of Justice was invited to Japan (Oct.)</li> <li>•Training course in Japan (on attorney's business basic rules, roles of each bar association, etc. in Sep., drafting Family Registration Law in Nov., drafting amended CRPC in Dec., drafting amended CPC in Jan. )</li> <li>•Administrative Procedure Law was enacted (Nov.)</li> <li>•Amended CPC was enacted (Mar.)</li> </ul>
2011	<ul style="list-style-type: none"> <li>•Phase II of above Project (Apr. 2011 - Mar. 2015) began</li> <li>•Joint study group on CC and study group to improve court practices continued</li> <li>•Dispatch of four long-term experts (prosecutor, judge, private attorney and program coordinator) continued</li> <li>•Course on Japanese law at Vietnam National Univ. continued</li> <li>•Joint study on Japan-Vietnam judicial systems (Jun.)</li> <li>•Training course in Japan (on organization of bar associations, strengthening capacity of attorneys, and countermeasures against depopulation of attorneys in Feb., amendment of CC in Feb., amendment of Court Organization Law in Mar.)</li> </ul>
2012	<ul style="list-style-type: none"> <li>•Phase II of above Project (Apr. 2011 - Mar. 2015) continued</li> <li>•Joint study group on CC, and study group to improve court practices continued</li> <li>•Dispatch of four long-term experts (prosecutor, former judge, private attorney and program coordinator) continued</li> <li>•Course on Japanese law at Vietnam National Univ. continued</li> <li>•Joint study on Japan-Vietnam judicial systems (Jun.)</li> <li>•Training course in Japan (on establishment of rights of defense counsel in criminal justice, amendment of CC in Feb., amendment of Court Organization Law in Mar.)</li> <li>•JICA Survey Team was dispatched (survey for guidance on project management)</li> </ul>
2013	<ul style="list-style-type: none"> <li>•Phase II of above Project continued (Apr. 2011 - Mar. 2015)</li> <li>•Joint study group on CC, and study group to improve court practices continued</li> <li>•Dispatch of four long-term experts (prosecutor, former judge, private attorney and program coordinator) continued</li> <li>•Course on Japanese law at Vietnam National Univ. continued</li> <li>•Joint study on Japan-Vietnam judicial systems (in Aug. Prosecutor General of SPP was invited to Japan at the same time)</li> <li>•Training course in Japan (on Bankruptcy Law in Oct.; organization and management of bar associations and law firms in the province, and autonomy of private attorneys in Oct.; amendment of CC - amendment of international-private related law in Mar.)</li> <li>• JICA Survey Team (mid-term evaluation in May, Joint Coordination Committee [JCC] in Feb.) continued</li> <li>•Field survey by ICD (preliminary survey to assist in amendment of Penal Code in Mar.)</li> </ul>
2014	<ul style="list-style-type: none"> <li>•Above Project, Phase II continued (Apr. 2011 - Mar. 2015)</li> <li>•Joint study group on CC, and study group to improve court practices continued</li> <li>•Dispatch of four long-term experts (prosecutor, judge, private attorney and program coordinator) continued</li> <li>•Joint study on Japan-Vietnam judicial systems (Jun.: amendment of CC; Jul.: training of prosecutors)</li> <li>•Training course in Japan (training of prosecutors in Dec.; amendment of CC in Mar.)</li> <li>•Local seminar (on summary procedure, appeal system, amendment of CPC, etc. )</li> <li>•JICA survey team was dispatched (for project-end evaluation in Aug., pre-project detailed planning survey in Sep., project detailed planning survey in Nov., 3rd project detailed planning survey in Dec., participating in JCC in Jan.)</li> </ul>
2015	<ul style="list-style-type: none"> <li>•Project for Harmonized, Practical Legislation and Uniform Application of Law Targeting Year 2020 began (Apr. 2015 - Mar. 2020)</li> <li>•The Office of the Government (OOG) was added as a new counterpart in this project in addition to pre-existing four counterparts</li> <li>•Additional long-term expert (prosecutor) was dispatched in addition to pre-existing four long-term experts</li> <li>•Joint study group on CC, and study group to improve court practices continued</li> <li>•Joint study on Japan-Vietnam judicial systems (on criminal policy, etc., in Jun.)</li> <li>•Training course in Japan (on enhancing consistency of legal normative documents in Sep. and Nov.; training of prosecutors in Dec.)</li> <li>•JICA Survey Team was dispatched (for participating in JCC in Oct.)</li> </ul>
2016	<ul style="list-style-type: none"> <li>•Above Project continued</li> <li>•Dispatch of five long-term experts (2 prosecutors, judge, private attorney and program coordinator) continued</li> <li>•JICA survey team was dispatched (for participating in JCC in Apr.; survey for property registration act in Nov.)</li> <li>•Training course in Japan (on enhancing consistency of legal normative documents and training of prosecutors in Jul.; property registration act in Sep.; training of judges in Nov.)</li> <li>•Local survey (on Property Registration Act in Nov.)</li> <li>•Local seminar (on Property Registration Act, etc., in Feb.)</li> </ul>

2017	<ul style="list-style-type: none"> <li>• Above Project continued</li> <li>• Dispatch of five long-term experts (2 prosecutors, judge, private attorney and program coordinator) continued</li> <li>• JICA survey team was dispatched (for Mid-term Review in Jan.)</li> <li>• Training course in Japan (judicial precedent in May; Property Registration Act in Jul.; civil execution system and registration system in Nov.)</li> <li>• Local survey (on Property Registration Act in Apr.)</li> <li>• Local seminar (on judicial precedent in Sep.; family court in Oct.)</li> </ul>
2018	<ul style="list-style-type: none"> <li>• Above Project continued</li> <li>• Dispatch of five long-term experts (2 prosecutors, judge, private attorney and program coordinator) continued</li> <li>• JICA survey team was dispatched (for participating in JCC in May and Jan.)</li> <li>• Training course in Japan (on settlement and conciliation in Jun.; enhancing consistency of legal normative documents in Oct.)</li> <li>• Local seminar (on training of mediators in Dec.; training of family court investigating officers in Feb.)</li> </ul>
2019	<ul style="list-style-type: none"> <li>• Above Project continued</li> <li>• Dispatch of long-term experts continued</li> <li>• Training courses in Japan (on adversarial principle in the criminal court practices in Oct.; enhancing consistency of legal normative documents in Feb.)</li> <li>• Local seminar (on hearing from women and children victims in Aug.)</li> <li>• Local workshop (on forensic interviews in Aug.)</li> <li>• JICA survey team was dispatched (Apr. and Sep.)</li> </ul>
FY	Cambodia
1993	
1994	• Seminar "Actual Situation of, and Challenges for Judicial System in Cambodia" by JFBA
1995	
1996	• Joint organization of training course in Japan by MOJ, SC and JFBA (annually)
1997	• Above training course continued
1998	<ul style="list-style-type: none"> <li>• Above training course continued</li> <li>• Survey team was dispatched to JICA Office in Cambodia</li> <li>• Agreement on assistance in drafting Civil Code (CC) and Code of Civil Procedure (CCP)</li> </ul>
1999	<ul style="list-style-type: none"> <li>• JICA Legal and Judicial Development Project, Phase I began</li> <li>• Two long-term experts (including a private attorney) were dispatched to MOJ of Cambodia</li> <li>• Workshops held by CC and CPC working groups in Japan and in Cambodia to assist drafting of the two codes</li> </ul>
2000	<ul style="list-style-type: none"> <li>• Phase I of above JICA Project continued</li> <li>• Training course in Japan for assistance in legislative drafting, mainly through discussions with working groups (twice)</li> <li>• Judicial survey team was dispatched by JFBA</li> <li>• Friendship agreement between JFBA and Cambodian Bar Association (CBA)</li> <li>• Seminar held by JFBA for CBA</li> </ul>
2001	<ul style="list-style-type: none"> <li>• Phase I of above JICA Project continued</li> <li>• Judicial assistance project for CBA by JFBA (JICA small-scale development partnership project) began</li> <li>• Seminar on continuous education of attorneys (1st to 4th) organized by JFBA (joint project with Canadian Bar Association [which held seminar three times] and Lyon Bar Association [which held seminar once], and seminars were held eight times in total)</li> </ul>
2002	<ul style="list-style-type: none"> <li>• Phase I of above JICA Project continued (until Mar. 2003)</li> <li>• Commemorative seminar on completion of draft CC and CCP (speech given by Prime Minister Samdech Hun Sen)</li> <li>• Draft CC and CCP were completed</li> <li>• Judicial assistance project for CBA by JFBA (JICA Development Partnership Program) began (for three years)</li> <li>• Training course in Japan (assistance in legislative drafting, legislative assistance)</li> </ul>
2003	<ul style="list-style-type: none"> <li>• Training seminar in Japan (legislative assistance)</li> <li>• JICA survey team was dispatched</li> <li>• Working groups on CC and CCP continued</li> <li>• JICA Development Partnership Program by JFBA continued</li> <li>• JICA short-term expert was dispatched by MOJ of Japan to Royal School for Judges and Prosecutors (RSJP) of Cambodia</li> </ul>

2004	<ul style="list-style-type: none"> <li>•Phase II of above JICA Project began (until Apr. 2007) <ul style="list-style-type: none"> <li>- Legislative assistance</li> <li>- Drafting ancillary laws</li> </ul> </li> <li>•Working groups on CC and CCP continued</li> <li>•Two long-term experts (including one private attorney) were dispatched to MOJ of Cambodia</li> <li>•JICA Development Partnership Program by JFBA continued</li> <li>•Training course on legal training for counterpart organizations</li> <li>•JICA short-term expert (public prosecutor) was dispatched to RSJP</li> <li>•Training course in Japan (on CC and CCP in Feb.)</li> </ul>
2005	<ul style="list-style-type: none"> <li>•Phase II of above JICA Project continued <ul style="list-style-type: none"> <li>- Legislative assistance</li> <li>- Drafting ancillary laws</li> </ul> </li> <li>•Working groups on CC and CCP continued</li> <li>•Two long-term experts (including one private attorney) were dispatched to MOJ of Cambodia</li> <li>•Local seminar (mock trial)</li> <li>•Training course in Japan (on CC and CCP in Feb.)</li> <li>•Study group on legal training was established</li> <li>•JICA Project for Improvement of Training on Civil Matters at RSJP (RSJP Project) began (until Mar. 2008)</li> <li>•Two long-term experts (including public prosecutor) were dispatched to RSJP</li> <li>•Training course in Japan (on legal training in Oct.)</li> <li>•Judicial assistance project for CBA by JFBA (JICA Development Partnership Program) ended</li> </ul>
2006	<ul style="list-style-type: none"> <li>•JICA Legal and Judicial Development Project (Legal Development Project), Phase II continued <ul style="list-style-type: none"> <li>- Legislative assistance</li> <li>- Drafting ancillary laws</li> </ul> </li> <li>•Working groups on CC and CCP continued</li> <li>•Two long-term experts (including private attorney) were dispatched to MOJ of Cambodia</li> <li>•CPC was enacted (promulgation on Jul. 6)</li> <li>•Short-term experts were dispatched (Aug.)</li> <li>•Local seminar (special lecture on CC in Aug., CCP in Mar.)</li> <li>•Remote seminar (Dec.)</li> <li>•Minister of Justice of Cambodia and other delegates were invited to Japan by RTI and International Civil and Commercial Law Centre Foundation (ICCLC)</li> <li>•JICA Legal Development Project, Phase II was extended (until Apr. 2008)</li> <li>•JICA RSJP Project continued</li> <li>•Study group on legal training continued</li> <li>•Dispatch of two long-term experts to RSJP continued</li> <li>•Local seminar (on judgment-writing in Aug.)</li> <li>•JICA-Net seminar (Apr. and Dec.)</li> <li>•Training course in Japan (on legal training in Feb.)</li> </ul>
2007	<ul style="list-style-type: none"> <li>•JICA Legal Development Project, Phase II continued <ul style="list-style-type: none"> <li>- Legislative assistance</li> <li>- Drafting ancillary laws</li> </ul> </li> <li>•Working groups on CC and CCP continued</li> <li>•Additional long-term expert (private attorney) was dispatched to MOJ (three long-term experts in total)</li> <li>•Application of CCP began (Jul.)</li> <li>•CC was promulgated (Dec.)</li> <li>•Remote seminar (on CCP in Aug.)</li> <li>•Local seminar (on CCP in Jan.)</li> <li>•JICA survey team was dispatched</li> <li>•JICA RSJP Project continued</li> <li>•Study group on legal training continued</li> <li>•Dispatch of two long-term experts to RSJP continued</li> <li>•JICA-Net seminar (May and Sep.)</li> <li>•Training course in Japan (on legal training and CCP in Jul.)</li> <li>•Local seminar (on CC in Nov., civil mock trial in Dec.)</li> <li>•JICA survey team was dispatched</li> <li>•JICA Judicial Assistance Project for CBA began (Jun.)</li> </ul>
2008	<ul style="list-style-type: none"> <li>•JICA Legal Development Project, Phase III began <ul style="list-style-type: none"> <li>- Drafting ancillary laws</li> </ul> </li> <li>•Working groups on CC and CCP continued</li> <li>•Dispatch of three long-term experts to MOJ continued</li> <li>•Remote seminar (on CCP in Dec.)</li> <li>•Local seminar (on CC in Dec.)</li> <li>•Training course in Japan (on Immovable Property Registration Law in Feb.)</li> <li>•JICA survey team was dispatched</li> <li>•JICA RSJP Project, Phase II began</li> <li>•Advisory group on legal training was established</li> <li>•Dispatch of two long-term experts to RSJP continued</li> <li>•JICA-Net seminar (Sep.)</li> <li>•Training course in Japan (Oct. and Mar.)</li> <li>•Local seminar (Dec. and Feb.)</li> <li>•JICA Judicial Assistance Project for CBA continued</li> </ul>



2009	<ul style="list-style-type: none"> <li>• JICA Legal Development Project, Phase III continued <ul style="list-style-type: none"> <li>- Drafting ancillary laws</li> </ul> </li> <li>• Working groups on CC and CCP continued</li> <li>• Dispatch of three long-term experts to MOJ continued</li> <li>• Local seminar (on CCP in Dec.)</li> <li>• JICA RSJP Project, Phase II continued</li> <li>• Advisory group on legal training continued</li> <li>• Dispatch of two long-term experts to RSJP continued</li> <li>• JICA-Net seminar (May)</li> <li>• Training course in Japan (Oct. and Nov.)</li> <li>• Local seminar (Jun., Aug., Dec.)</li> <li>• JICA Judicial Assistance Project for CBA continued</li> </ul>
2010	<ul style="list-style-type: none"> <li>• JICA Legal Development Project, Phase III continued <ul style="list-style-type: none"> <li>- Drafting ancillary laws</li> </ul> </li> <li>• Working groups on CC and CCP continued</li> <li>• Dispatch of three long-term experts to MOJ continued</li> <li>• JICA-Net seminar (on corporate registration in Dec.)</li> <li>• Training course in Japan (on immovable property registration in Feb.)</li> <li>• JICA RSJP Project, Phase II continued</li> <li>• Advisory group on legal training continued</li> <li>• Dispatch of two long-term experts to RSJP continued, one long-term expert was added (two of total three were from MOJ)</li> <li>• JICA-Net seminar (on CCP in May)</li> <li>• Local seminar (on CC in Sep.)</li> <li>• Training course in Japan (on legal training in Oct.)</li> <li>• Local seminar (on CC in Mar.)</li> <li>• JICA Judicial Assistance Project for CPA ended (May)</li> <li>• Field survey by RTI (needs assessment in May)</li> </ul>
2011	<ul style="list-style-type: none"> <li>• JICA Legal Development Project, Phase III continued (ended in Mar.) <ul style="list-style-type: none"> <li>- Drafting ancillary laws</li> </ul> </li> <li>• Working groups on CC and CCP continued</li> <li>• Dispatch of three long-term experts to MOJ continued</li> <li>• Civil Code Application Law was promulgated (Jun.)</li> <li>• Local seminar (on CC in Aug., Sep., Nov.)</li> <li>• JICA survey team was dispatched (for project-end evaluation in Sep.)</li> <li>• Application of CC began; commemorative ceremony in Dec.</li> <li>• Local seminar (on dissemination of CC in Dec.)</li> <li>• Training course in Japan (on corporate registration in Feb.)</li> <li>• JICA RSJP Project, Phase II continued (ended in Mar.)</li> <li>• Advisory group on legal training continued</li> <li>• Dispatch of three long-term experts to RSJP continued</li> <li>• Training course in Japan (on legal training in Jun. and Oct.)</li> <li>• JICA survey team was dispatched in Sep. (for project-end evaluation)</li> <li>• Local seminar (on CC in Jan.)</li> <li>• JICA survey team was dispatched in Oct. (for project detailed planning)</li> </ul>
2012	<ul style="list-style-type: none"> <li>• JICA Legal Development Project, Phase III ended (Mar.)</li> <li>• JICA RSJP Project, Phase II ended (Mar.)</li> <li>• JICA Project for Dissemination of CC and CCP began (Apr.) <ul style="list-style-type: none"> <li>- Assistance in drafting Joint Ministerial Ordinance on Immovable Property Registration</li> <li>- Personnel capacity-building of MOJ, RSJP, CBA, and National University of Law and Economics</li> </ul> </li> <li>• Working groups on CC and CCP continued</li> <li>• Dispatch of four long-term experts continued</li> <li>• Local seminar (on immovable property registration in Sep. and Dec.)</li> <li>• Local seminar (on Family Inheritance Law in Feb.)</li> <li>• Training course in Japan (on human resource development in Feb.)</li> <li>• JICA survey team was dispatched (to participate in Joint Coordinating Committee [JCC] in Nov.)</li> </ul>
2013	<ul style="list-style-type: none"> <li>• JICA Project for Dissemination of CC and CCP continued (until Mar. 2017) <ul style="list-style-type: none"> <li>- Assistance in legislative drafting ended (Mar.)</li> <li>- Assistance in personnel capacity-building of MOJ, RSJP, CBA, and National University of Law and Economics continued</li> </ul> </li> <li>• Working groups on CC and CCP continued</li> <li>• Dispatch of three long-term experts continued, dispatch of an expert (private attorney) ended</li> <li>• Local seminar (on CCP in Sep. and Dec., on CC in Mar.)</li> <li>• Training course in Japan (on human resource development in Oct. and Feb.)</li> <li>• JICA survey team was dispatched (for guidance on project management in Sep., for participation in JCC in Dec.)</li> </ul>

2014	<ul style="list-style-type: none"> <li>• Above JICA Project continued</li> <li>- Assistance in personnel capacity-building of MOJ, RSJP, CBA, and National University of Law and Economics continued</li> <li>• Working groups on CC and CCP continued</li> <li>• Training courses in Japan (Jun., Oct., Feb.)</li> <li>• Long-term expert (prosecutor) was dispatched, dispatch of an expert ended (Sep.)</li> <li>• JICA survey team was dispatched (for mid-term review in Aug., to participate in JCC in Dec.)</li> <li>• Local seminar (on publication of judgments in Dec., Joint Prakas on Registration of Immovables in Mar.)</li> </ul>
2015	<ul style="list-style-type: none"> <li>• Above JICA Project continued</li> <li>- Assistance in personnel capacity-building of MOJ, RSJP, CBA, and National University of Law and Economics continued</li> <li>• Working groups on CC and CCP continued</li> <li>• Dispatch of three long-term experts continued</li> <li>• Training courses in Japan (Sep., Mar.)</li> <li>• Local seminar (Joint Prakas on Registration of Immovables in Jul., Civil Provisional Remedies in Jan.)</li> <li>• JICA survey team was dispatched (to participate in JCC in Dec.)</li> </ul>
2016	<ul style="list-style-type: none"> <li>• Above JICA Project continued (ended in Mar. of 2017)</li> <li>- Assistance in personnel capacity-building of MOJ, RSJP, CBA, and National University of Law and Economics continued</li> <li>• Working groups on CC and CCP continued</li> <li>• Dispatch of two long-term experts (public prosecutor, private attorney) continued</li> <li>• Dispatch of a short-term expert (public prosecutor) from Oct. to Mar.</li> <li>• Training courses in Japan (Oct.)</li> <li>• Local seminar (Problems in practice in Aug. and Jan., Compulsory execution in Feb.)</li> <li>• JICA survey team was dispatched (for project-end evaluation in Aug., for project detailed planning in Sep. to participate in JCC in Dec.)</li> </ul>
2017	<ul style="list-style-type: none"> <li>• JICA Legal and Judicial Project Phase V began (Apr.)</li> <li>• Working groups on CC ended (Aug.), that on CCP continued, Advisory group on Immovable Registration was formed</li> <li>• Dispatch of three long-term experts (public prosecutor, judge, private attorney) continued</li> <li>• Local seminar (Problems in practice in Aug.)</li> <li>• Japan Federation of Bar Association (JFBA) • Bar Association of Kingdom of Cambodia (BAKC) • ICD seminar (Division of Inheritance in Jan., Divorce in Mar.)</li> <li>• RULE • ICD seminar (on Divorce in Mar.)</li> </ul>
2018	<ul style="list-style-type: none"> <li>• Above JICA Project continued</li> <li>• Working groups on CCP and Advisory group on Immovable Registration continued</li> <li>• Dispatch of three long-term experts (public prosecutor, judge, private attorney) continued</li> <li>• JFBA • BAKC • ICD seminar (Compulsory execution of Real Property in Aug., Civil Provisional Remedies in Mar.)</li> <li>• JICA survey team was dispatched (to participate in JCC in Jan.)</li> <li>• Training courses in Japan (Feb.)</li> <li>• Workshop in Cambodia (Immovable Registration Act in Feb.)</li> </ul>
2019	<ul style="list-style-type: none"> <li>• Above JICA Project continued</li> <li>• Working groups on CCP and Advisory group on Immovable Registration continued</li> <li>• Dispatch of long-term experts continued</li> <li>• JFBA • BAKC • ICD seminar (Civil procedure in Mar.)</li> <li>• JICA survey team was dispatched (to participate in JCC in Jan.)</li> <li>• Training course in Japan (Jan.)</li> <li>• Workshop in Cambodia (Immovable Registration in Oct., Court Enforcement Officer Act in Jan.)</li> </ul>
FY	Laos
1995	
1996	• Minister of Justice of Laos requested assistance during his visit to Japan
1997	
1998	<ul style="list-style-type: none"> <li>• Training course held in Japan by Nagoya Univ. and RTI as commissioned organizations</li> <li>• Local seminar &amp; survey (Dec.), training course in Japan (Feb.)</li> </ul>
1999	• Training course in Japan (Nov.), local seminar (Feb.)

2000	<ul style="list-style-type: none"> <li>• Same as previous year</li> <li>• Field survey on local judicial system (for 3 months)</li> <li>• Local seminar (Jun.), training course in Japan (Nov.)</li> <li>• JICA survey team was dispatched for project formulation (Dec.)</li> <li>• Judicial system survey team was dispatched by JFBA (Apr.)</li> </ul>
2001	<ul style="list-style-type: none"> <li>• Judicial advisor-style short-term expert was dispatched (8 months in total)</li> <li>• Training course in Japan (Oct. and Mar.)</li> <li>• Local seminar (twice)</li> </ul>
2002	<ul style="list-style-type: none"> <li>• Long-term expert (public prosecutor) was dispatched</li> <li>• Local seminar (four times)</li> <li>• Training course in Japan (Oct. and Mar.)</li> </ul>
2003	<ul style="list-style-type: none"> <li>• JICA Project began (until May 2005) <ul style="list-style-type: none"> <li>- Creation of law database</li> <li>- Assistance in publication of statute book</li> <li>- Assistance in drafting of law textbooks and dictionary</li> <li>- Assistance in drafting of prosecutor's manual</li> <li>- Training of trainers</li> </ul> </li> <li>• Long-term expert (public prosecutor) was dispatched</li> <li>• Training course in Japan (Nov. and Feb.)</li> </ul>
2004	<ul style="list-style-type: none"> <li>• Above Project continued</li> <li>• Two long-term experts (public prosecutor, private attorney) were dispatched</li> <li>• Training course in Japan (twice)</li> <li>• Local seminar</li> </ul>
2005	<ul style="list-style-type: none"> <li>• Above Project continued</li> <li>• Two long-term experts (public prosecutor, private attorney) were dispatched</li> <li>• Training course in Japan (twice)</li> <li>• Local seminar (on civil law textbook, judgment-writing manual, prosecutor's manual)</li> <li>• Prosecutor's manual and judgment-writing manual completed</li> </ul>
2006	<ul style="list-style-type: none"> <li>• Above Project was extended until May 2007</li> <li>• Local dissemination seminar (on judgment-writing manual, prosecutor's manual, civil and commercial law textbook)</li> <li>• Training course in Japan (Nov.) (on project wrap-up, distribution of deliverables, new judicial reform master plan)</li> </ul>
2007	<ul style="list-style-type: none"> <li>• Extension of project ended in May 2007.</li> <li>• Follow-up dissemination <ul style="list-style-type: none"> <li>- workshop by each local counterpart organization, monitoring by JICA local office (from May to Dec.)</li> </ul> </li> </ul>
2008	<ul style="list-style-type: none"> <li>• Legal technical assistance simulation workshop held jointly with Nagoya Univ. (Sep., Nov., Dec.)</li> <li>• Local survey (Jan.)</li> </ul>
2009	<ul style="list-style-type: none"> <li>• Legal technical assistance simulation workshop held jointly with Nagoya Univ. (May, Jun., Nov., Feb.)</li> <li>• Field survey (May, Sep., Mar.)</li> <li>• Local seminar (Sep.)</li> </ul>
2010	<ul style="list-style-type: none"> <li>• Field survey by RTI (on judicial system in Jul. and Aug.)</li> <li>• JICA-Net seminar (on CC in May, Jul, Oct., Dec.)</li> <li>• Project for Human Resource Development in Legal Sector began</li> <li>• Three long-term experts (prosecutor, private attorney, program coordinator) were dispatched (in Jul.)</li> <li>• Advisory groups were formed in Japan (on CC, CPC, CRPC)</li> <li>• Local seminar (Feb.)</li> <li>• Training course in Japan (on CC in Mar.)</li> </ul>
2011	<ul style="list-style-type: none"> <li>• Above Project continued</li> <li>• Dispatch of three long-term experts (prosecutor, private attorney, program coordinator) continued</li> <li>• JICA-Net seminar (on CRPC in Jun., CC and CPC in Jul.)</li> <li>• Local seminar (on CC in Aug., CPC in Sep., CRPC in Mar.)</li> <li>• Training course in Japan (on CRPC in Oct., CPC in Jan.)</li> <li>• Vice-minister level officials from each counterpart organization (MOJ, People's Supreme Court, Supreme People's Prosecutor Office, National Univ. of Laos) were invited to Japan by JICA</li> </ul>

2012	<ul style="list-style-type: none"> <li>• Above Project continued</li> <li>• Dispatch of three long-term experts (prosecutor, private attorney, program coordinator) continued</li> <li>• JICA-Net seminar (on CRPC in Oct.)</li> <li>• Local seminar (on CC in Jun., Aug., Mar., on CPC and CRPC in Feb.)</li> <li>• Training course in Japan (on CRPC in Oct., CPC in Nov., CC in Feb. and Mar.)</li> <li>• JICA survey team was dispatched (for mid-term evaluation in Jul.)</li> <li>• * Assistance in drafting CC was added to project</li> </ul>
2013	<ul style="list-style-type: none"> <li>• Above Project continued</li> <li>• Additional long-term expert (prosecutor) was dispatched (four experts in total: two prosecutors, private attorney, program coordinator)</li> <li>• JICA-Net seminar (on CRPC in Apr., Jul, Nov., Mar., on CC in May, Jul, Oct., Nov., Dec. Jan. )</li> <li>• Local seminar (on CC in Aug., Nov., CRPC, etc. in Dec., CCP in Mar.)</li> <li>• Training course in Japan (on CRPC in Jul, CCP in Oct., CC in Feb. and Mar.)</li> <li>• JICA survey team was dispatched (for guidance on project management in May, project-end evaluation in Feb.)</li> <li>• Project detailed planning survey in Mar.</li> </ul>
2014	<ul style="list-style-type: none"> <li>• Above Project continued (until Jul.)</li> <li>• Dispatch of four long-term experts (two prosecutors (until Jul), a private attorney, a program coordinator) continued</li> <li>• JICA-Net seminar (on CC in Apr., May, Jun.)</li> <li>• Above Project, Phase II began (Jul.)</li> <li>• Dispatch of three long-term experts (one prosecutor, a private attorney, a program coordinator) continued, additional private attorney was dispatched in Oct.</li> <li>• JICA-Net seminar (on CC in Jul., Sep., Oct.)</li> <li>• Local seminar (on human resource development in Jul., on CC in Aug. on CRPC in Mar.)</li> <li>• Training course in Japan (on Nov. and Feb. on CC)</li> <li>• JICA survey team was dispatched (in Oct. to participate in 1st JCC)</li> </ul>
2015	<ul style="list-style-type: none"> <li>• Above Project, Phase II continued</li> <li>• Dispatch of four long-term experts (prosecutor, two private attorneys, program coordinator) continued</li> <li>• JICA-Net seminar (on CC in Apr.)</li> <li>• Training course in Japan (on human resource development in Sep., CRPC in Nov., Civil and Economic Law in Dec.)</li> <li>• Minister of Justice was invited to Japan (Aug.)</li> <li>• Local seminar (on human resource development in Mar., on CRPC in Feb.)</li> </ul>
2016	<ul style="list-style-type: none"> <li>• Above Project, Phase II continued</li> <li>• Dispatch of four long-term experts (prosecutor, two private attorneys, a program coordinator) continued</li> <li>• JICA survey team was dispatched (in May, to participate in 1st JCC, in Nov. to participate in 2nd JCC)</li> <li>• Training course in Japan (on Civil and Economic Law in Sep., on CRPC in Nov., on human resource development in Feb.)</li> <li>• Local seminar (on human resource development in Dec., CRPC in Feb., Civil and Economic Law in Mar.)</li> <li>• Japan-Laos joint study (CC), Symposium "Enactment of Civil Code of Laos and Challenges in Practice" held (Feb.)</li> </ul>
2017	<ul style="list-style-type: none"> <li>• Above Project, Phase II continued</li> <li>• Dispatch of four long-term experts (two prosecutors, two private attorneys [dispatch of an expert ended in Oct.], a program coordinator) continued.</li> <li>• JICA survey team was dispatched (in May, to participate in JCC, in Nov. and Jan. project detailed planning survey)</li> <li>• Training course in Japan (on Civil and Economic Law in Aug., on human resource development in Dec., on CC in Mar.)</li> <li>• Local seminar (on human resource development in Jun., on CC in Aug., on CRPC in Feb.)</li> <li>• Advisor for Law Committee, National Assembly and the other two people were invited to Japan, Symposium "New Civil Code of Laos and Legislation Procedure" held (Mar.)</li> </ul>
2018	<ul style="list-style-type: none"> <li>• Above Project Phase II continued (until Jul.)</li> <li>• The project for promoting development and strengthening of the rule of law in the legal sector of Lao P.D.R began (Jul.)</li> <li>• Dispatch of four long-term experts (a prosecutor, two private attorneys, a program coordinator) continued</li> <li>• JICA survey team was dispatched (in Jul. to participate in JCC)</li> <li>• Local seminar (on human resource development in Jun. and Nov., on CC in Aug.)</li> <li>• Local survey and Local seminar on legislation procedure and real property registration (Aug.)</li> <li>• Training course in Japan (on human resource development in Dec., on CC in Mar.)</li> <li>• Civil Code was approved at the 6th Lao National Assembly consideration (Dec.)</li> <li>• RTI and NIJ exchanged a memorandum of cooperation in the field of legal and judicial training (Dec.)</li> </ul>
2019	<ul style="list-style-type: none"> <li>• The project for promoting development and strengthening of the rule of law in the legal sector of Lao P.D.R continued</li> <li>• Dispatch of long-term experts continued</li> <li>• Training courses in Japan (on CRPC in May., on human resource development in Dec., on CC in Mar.)</li> <li>• Local survey (May to Jul.)</li> <li>• Criminal Law Forum with Vietnam and Japan (Sep.)</li> <li>• Criminal Code Joint Seminar with NIJ (Oct.)</li> <li>• Joint Seminar with the Prime Minister's Office (Jan.)</li> <li>• Local seminars (on CC in Aug., on Civil Judgment in Jun., on CC and Civil Related Law in Feb., and on CRPC in Feb.)</li> </ul>

FY	Indonesia
1997	
1998	•Seminar on Economic Law
1999	
2000	•Study group on Antimonopoly Law of Indonesia organized by Japan External Trade Organization (JETRO) •Symposium on APEC Economic Law System held by JETRO, etc.
2001	•JICA Survey Team was dispatched
2002	•Training course in Japan (Jul.) •Local seminar (annually) •Symposium on APEC Economic Law System held by JETRO, etc. •JICA Survey Team was dispatched •Chief Justice of Supreme Court of Indonesia was invited to Japan by Ministry of Foreign Affairs and JICA
2003	•Training course in Japan (Jun.) •JICA long-term planning researcher was dispatched (private attorney) •Japan-Indonesia ADR Comparative Study Seminar (training course in Japan)
2004	•Training course in Japan (Jun.) •Project on competition policy and deregulation in Indonesia began (by Fair Trade Commission, until Jul. 2006) •JICA planning researcher was dispatched
2005	•Training course in Japan (Dec.) •ADR local seminar in Aceh (by JICA and JFBA)
2006	•Remote seminar on ADR in Aceh (five times in total) (by JICA and JFBA) •Training course in Japan (Jul.) •JICA Survey Team was dispatched and Minutes of Meeting was signed (Sep.) •JICA Project on Improvement of Mediation System began, long-term expert (private attorney) was dispatched (Mar.)
2007	•Advisory group was formed in Japan (Jun.) •Local seminar (Aug., Mar.) •Training course in Japan (Oct.)
2008	•Advisory group meeting continued •2nd training course in Japan (Jul.) •Amended regulation of Supreme Court of Indonesia, PERMA No.1, 2008 was enforced (on court-annexed mediation and rules on mediation procedure) (Jul.) •Local seminar (Nov.) •JICA Survey Team was dispatched for project-end evaluation (Nov.)
2009	•Advisory group meeting continued •Field survey (Sep.) •JICA Country-focused training course (on court-annexed mediation) (Nov.) •Discussion meeting with Supreme Court of Indonesia on future cooperation (Mar. 2010)
2010	•Field survey by RTI (Aug.) •Judges of Supreme Court were invited to Japan by RTI (Nov.) •Deputy Chief Justice and others of Supreme Court were invited to Japan by RTI (Dec.) •RTI cooperated in JICA Project on Intellectual Property Rights
2011	•Field survey on dissemination of mediation system and actual judicial system (Aug.) •Joint study in Japan for strengthening judicial training in Indonesia (Nov.)
2012	•Field survey (Aug.) •2nd joint study in Japan for strengthening judicial training system in Indonesia (Nov.)
2013	•Field survey (May) •JICA survey for information collection and confirmation in legal and judicial field (Nov.) •3rd joint study in Japan for strengthening judicial training in Indonesia (Feb.)
2014	•Local survey (Apr.) •Project-end evaluation survey of JICA Project on Intellectual Property Rights (Oct.) •Study on small-claims system with Supreme Court of Indonesia (Dec.) •JICA survey team was dispatched (Feb.) •4th joint study in Japan for strengthening judicial training in Indonesia (Feb.)

2015	<ul style="list-style-type: none"> <li>• JICA signed memorandum on cooperation with the Supreme Court in Indonesia (Jul.) and the Ministry of Justice and Human Rights (Aug.)</li> <li>• JICA Project on Intellectual Property Rights Protection and Consistency for Improving Business Environment began (Dec. 2015 - Dec. 2022)</li> <li>• JICA survey team was dispatched (Aug., Oct., Dec.)</li> <li>• two long-term experts (prosecutor, judge) was dispatched</li> <li>• Local survey (Mar.)</li> </ul>
2016	<ul style="list-style-type: none"> <li>• Above Project continued</li> <li>• Dispatch of two long-term experts (prosecutor, judge) continued</li> <li>• Local survey (Apr. to May)</li> <li>• Minister of Justice of Japan visited Indonesia for the Ceremony held in May</li> <li>• Joint study with the Ministry of Justice and the Human Rights (May)</li> <li>• Advisory group meeting (Jun., Oct., Feb)</li> <li>• Training courses in Japan (Jul., Oct., Feb)</li> <li>• JICA survey team was dispatched (in Jun. to participate in the International Conference in Aug., to participate in JCC in Sep.)</li> <li>• Local seminar (Mar.)</li> </ul>
2017	<ul style="list-style-type: none"> <li>• Above Project continued</li> <li>• Dispatch of two long-term experts (public prosecutor, Judge) continued</li> <li>• JICA survey team was dispatched (in Apr., to participate in JCC in May, in Aug.)</li> <li>• Minister of Justice of Japan visited Indonesia (Sep.)</li> <li>• Training courses in Japan (Jul., Nov., Feb.)</li> <li>• Local seminar (Jun., Jan.)</li> <li>• Advisory group meeting (Nov.)</li> </ul>
2018	<ul style="list-style-type: none"> <li>• Above Project continued</li> <li>• Dispatch of two long-term experts (public prosecutor, judge) continued</li> <li>• JICA survey team was dispatched (to attend the JCC in May, to attend the International Conference in Aug. in Feb.)</li> <li>• Training courses in Japan (Oct, Jan., Feb.)</li> <li>• Local seminar (Jul., Jan.)</li> <li>• Advisory group meeting (Dec.)</li> </ul>
2019	<ul style="list-style-type: none"> <li>• Above Project continued</li> <li>• Dispatch of long-term experts continued</li> <li>• JICA survey teams were dispatched (to attend the JCC in May, to attend the International Conference in Aug., Feb.)</li> <li>• Training courses in Japan (Oct., Jan., Feb.)</li> <li>• Local seminars (Jul., Jan.)</li> <li>• Advisory group meeting (Dec.)</li> </ul>
FY	Mongolia
1993	
1994	• Prof. Akio Morishima was dispatched as JICA short-term expert to give advice on amendment of Civil Code
1995	
1996	• Assistance regarding registration system by Japan Federation of Shiho-Shoshi Lawyer's Associations
1997	
1998	• Seminar on registration for registrars of Immovable Property Registration Agency of Mongolia (held by judicial scriveners as JICA short-term experts)
1999	• Same as previous year
2000	
2001	<ul style="list-style-type: none"> <li>• Preliminary survey on legal technical assistance to Mongolia</li> <li>• Seminar on Japan-Mongolia comparative judicial systems held in Japan by RTI</li> <li>• Assistance regarding registration system in Mongolia by Japan Federation of Shiho-Shoshi Lawyer's Associations</li> </ul>
2002	• Training course for Mongolia held in Japan by Nagoya Univ.
2003	• Long-term experts were dispatched to Mongolia (from Nagoya Univ., private attorney)
2004	<ul style="list-style-type: none"> <li>• Long-term expert (private attorney) was dispatched to Ministry of Justice and Home Affairs of Mongolia</li> <li>• International symposium held in Mongolia by Nagoya Univ.</li> </ul>



2005	<ul style="list-style-type: none"> <li>• International symposium held in Mongolia by Nagoya Univ.</li> <li>• Sociology of law study project on land law system in Mongolia began (by Nagoya Univ.)</li> </ul>
2006	<ul style="list-style-type: none"> <li>• Project for Strengthening Mongolian Advocates Association began (Sep. 2006 - Nov. 2008)</li> <li>• Long-term expert (private attorney) was dispatched (from JFBA)</li> <li>• Research and Education Center for Japanese Law was established at National Univ. of Mongolia by Nagoya Univ.</li> </ul>
2007	• Above Project continued
2008	• Above Project ended (Nov.)
2009	<ul style="list-style-type: none"> <li>• Survey team was dispatched for project detailed planning for strengthening mediation system in Mongolia</li> <li>• 3rd-year Celebration Event of Research and Education Center for Japanese Law in Mongolia by Nagoya Univ.</li> </ul>
2010	<ul style="list-style-type: none"> <li>• Project for Strengthening Mediation System began (May 2010 - Nov. 2012)</li> <li>• Long-term expert (private attorney) was dispatched from JFBA</li> </ul>
2011	• Above Project continued
2012	<ul style="list-style-type: none"> <li>• Above Project ended (Nov.)</li> <li>• Survey team was dispatched for detailed planning of Above Project, Phase II</li> </ul>
2013	<ul style="list-style-type: none"> <li>• Above Project, Phase II began (Jan. 2013 - Jul. 2015)</li> <li>• Long-term expert (private attorney) was dispatched (from JFBA)</li> </ul>
2014	• Above Project, Phase II continued
2015	• Above Project completed (Dec.)
2016	• Field survey (Mar.)
2017	• Field survey (Sep.)
2018	<ul style="list-style-type: none"> <li>• Field survey (Aug.)</li> <li>• Joint study (in Aug., on Trade Laws)</li> </ul>
2019	<ul style="list-style-type: none"> <li>• Field survey (Jun. and Sep.)</li> <li>• Joint study (Oct, on Trade Laws 2nd)</li> </ul>
FY	Central Asia
1999	
2000	<ul style="list-style-type: none"> <li>[Uzbekistan]</li> <li>• Academic exchange agreement was signed between Nagoya Univ. and three univ. in Uzbekistan</li> <li>• Local seminar held by Cabinet Legislation Bureau</li> </ul>
2001	<ul style="list-style-type: none"> <li>[Uzbekistan]</li> <li>• JICA Survey Team was dispatched</li> </ul>
2002	<ul style="list-style-type: none"> <li>[Uzbekistan]</li> <li>• Training course in Japan</li> <li>• Symposium held by Nagoya Univ. inviting legal experts from three Central Asian countries</li> <li>• Expert was dispatched to Tashkent State Institute of Law by Nagoya Univ.</li> <li>• JICA Survey Team was dispatched</li> <li>• Local symposium by Nagoya Univ.</li> <li>• Local survey by JFBA</li> <li>• Local seminar (by RTI and Nagoya Univ.)</li> </ul>
2003	<ul style="list-style-type: none"> <li>• JICA Survey Team was dispatched</li> <li>• Field survey and local symposium (by Nagoya Univ.)</li> <li>• Expert was dispatched (by Hokkai Gakuen Univ.)</li> <li>• Training course in Japan</li> <li>• Minister of Justice of Uzbekistan was invited to Japan by MOJ and Nagoya Univ. and symposium was held by Nagoya Univ.</li> <li>• Two experts were dispatched (from MOJ and Waseda Univ.) to hold local follow-up seminar of training course held in Japan</li> </ul>
2004	<ul style="list-style-type: none"> <li>• JICA Survey Team was dispatched</li> <li>• Minutes of Meeting was signed (on assistance in drafting commentary on Bankruptcy Law)</li> <li>• Training course in Japan (on commentary on Bankruptcy Law)</li> <li>• Assistance in drafting Civil and Commercial Code continued (by Nagoya Univ.)</li> <li>• Expert was dispatched to MOJ of Uzbekistan (by Mie Univ.)</li> <li>• Deputy Chief Justice of Supreme Economic Court was invited to Japan (by MOJ)</li> <li>• Local symposium (by Nagoya Univ.)</li> <li>• Local follow-up seminar (by MOJ)</li> </ul>

2005	<ul style="list-style-type: none"> <li>• Training course in Japan (May and Nov. on commentary on Bankruptcy Law)</li> <li>• Short-term experts were dispatched (from MOJ, Osaka Univ., etc.) (Aug., Mar.)</li> <li>• Project for Drafting Commentary on Bankruptcy Law began (by MOJ, until Sep. 2007)</li> <li>• Legal Development Project for MOJ of Uzbekistan began (by Nagoya Univ., until 2008)(on SME promotion, mortgage law system reform, law database)</li> <li>• Long-term expert was dispatched (by Nagoya Univ.)</li> <li>• Research and Education Center for Japanese Law was established at Tashkent State Institute of Law (by Nagoya Univ.)</li> <li>• Local symposium (by Nagoya Univ.)</li> <li>• Comparative Study Project on Constitutional Courts in Central Asia began (by Nagoya Univ.)</li> </ul>
2006	<ul style="list-style-type: none"> <li>• Project for Drafting Commentary on Bankruptcy Law continued (by MOJ until Sep. 2007)</li> <li>• Long-term expert (private attorney) was dispatched through Above Project (by MOJ, until Sep. 2007)</li> <li>• Training course in Japan on commentary on Bankruptcy Law (May, Aug., Sep., Nov.)</li> <li>• Short-term experts (MOJ official, private attorney) were dispatched (Jun., Feb.)</li> <li>• Commentary on Bankruptcy Law, Russian version was published (Mar.)</li> <li>• Additional long-term expert was dispatched (by Nagoya Univ.)</li> </ul>
2007	<ul style="list-style-type: none"> <li>• Presentation ceremony to commemorate publication of commentary in Uzbekistan (Jun.)</li> <li>• Seminar on dissemination of commentary in Uzbekistan (Jul., Dec.)</li> <li>• Workshop to promote use of commentary (Sep.)</li> <li>• Commentary, Japanese and Uzbek versions were published (Sep.)</li> <li>• Project for Drafting Commentary ended (Sep.)</li> <li>• Commentary, English version was published (Mar.)</li> </ul> <p>[Others]</p> <ul style="list-style-type: none"> <li>• Steering committee for "Seminar on Central Asia Comparative Legal System Study" was established</li> </ul>
2008	<ul style="list-style-type: none"> <li>• Project to improve civil-related and administrative-related laws for development of corporate activities ended (by Nagoya Univ. in Dec.)</li> <li>• Seminar on Central Asia Comparative Legal System Study (Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan) (in Dec.)</li> </ul>
2009	<ul style="list-style-type: none"> <li>• Cooperation preliminary survey team was dispatched for Project to Improve Civil-related and Administrative-related Laws for Development of Corporate Activities (Phase II) (Nov.)</li> <li>• Seminar on Central Asia Comparative Legal System Study (Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan)</li> </ul>
2010	• Seminar on Central Asia Comparative Legal System Study (Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan) (Dec.)
2011	• Seminar on Central Asia Comparative Legal System Study (Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan) (Dec.)
2012	• Seminar on Central Asia Comparative Legal System Study (Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan) (Nov.)
2013	• Seminar on Central Asia Comparative Legal System Study (Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan) (Nov.)
2017	• Japan-Uzbekistan Joint Study in Tokyo (Mar.)
2018	<p>[Uzbekistan]</p> <ul style="list-style-type: none"> <li>• Japan-Uzbekistan Joint Study in Tokyo (Mar.)</li> <li>• Seminar on Administrative Laws in Tashkent (Sep.)</li> <li>• Seminar on Administrative Laws in Tashkent (Feb.)</li> </ul>
2019	<p>[Uzbekistan]</p> <ul style="list-style-type: none"> <li>• Signing MOC between the Academy of the General Prosecutor's Office of Uzbekistan and Research and Training Institute (Jul.)</li> <li>• Seminar on Administrative Laws in Tashkent (Jul.)</li> <li>• Japan-Uzbekistan Joint Study in Tokyo (Mar.)</li> </ul>
FY	China
1995	
1996	• Japan-China Civil and Commercial Law Seminar held by ICCLC (annually)
1997	• Japan-China Civil and Commercial Law Seminar held by ICCLC (annually)
1998	• Japan-China Civil and Commercial Law Seminar held by ICCLC (annually)
1999	• Japan-China Civil and Commercial Law Seminar held by ICCLC (annually)
2000	• Japan-China Civil and Commercial Law Seminar held by ICCLC (annually)
2001	• Japan-China Civil and Commercial Law Seminar held by ICCLC (annually)
2002	• Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC (annually)
2003	• Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC (annually)

2004	<ul style="list-style-type: none"> <li>• Legal technical assistance to China on Economic Law by Ministry of Economy, Trade and Industry (METI), etc.</li> <li>• Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC</li> <li>• Lecture presentation on Japan-China intellectual property legal systems held in Tokyo and Osaka by RTI and ICCLC</li> </ul>
2005	<ul style="list-style-type: none"> <li>• Japan-China Civil and Commercial Law Seminar held by RTI, ICCLC and Japan External Trade Organization (JETRO) (annually)</li> </ul>
2006	<ul style="list-style-type: none"> <li>• Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC (annually)</li> </ul>
2007	<ul style="list-style-type: none"> <li>• JICA Survey Team was dispatched (Jun.)</li> <li>• Record of Discussions (R/R) was signed on JICA Project for Improving Civil Procedure Law (CPL) and Arbitration Law of China (Nov.)</li> <li>• Training course in Japan (Nov.)</li> <li>• Study group was established in Japan (Nov.)</li> <li>• Local seminar (Mar.)</li> <li>• Japan-China Civil and Commercial Law Seminar held by RTI, ICCLC and JETRO</li> </ul>
2008	<ul style="list-style-type: none"> <li>• Long-term expert (private attorney) was dispatched by JICA (for two years)</li> <li>• Training course in Japan (May, Nov.)</li> <li>• Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC</li> </ul>
2009	<ul style="list-style-type: none"> <li>• Local seminar (May, Jul., Mar.)</li> <li>• Lecture on International Private Law and International CPL of China (inviting prof. from Tsinghua University)</li> <li>• Training course in Japan (Nov.)</li> <li>• Tort Law was enacted (Dec.)</li> <li>• Japan-China Civil and Commercial Law Seminar held by RTI, ICCLC and JETRO</li> </ul>
2010	<ul style="list-style-type: none"> <li>• Project-end evaluation of Project for Improving CPL and Arbitration Law (May)</li> <li>• Country-focused training course in Japan on "CPL and Civil-related Laws" (Jul.)</li> <li>• Country-focused training course in Japan on "Judicial personnel training" (Jul.)</li> <li>• Training course in Japan on Project for Improving CPL and Arbitration Law (Oct.)</li> <li>• Law on Application of International Private Law was enacted (Oct.)</li> <li>• Local seminar on Administrative Procedure Law in China (Nov.)</li> <li>• Long-term expert (private attorney) was dispatched</li> <li>• Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC (Mar.)</li> </ul>
2011	<ul style="list-style-type: none"> <li>• Training course in Japan (on judicial personnel training in Nov.)</li> <li>• Local seminar (on CPL in Nov.)</li> <li>• Training course in Japan (on CPL and civil-related laws in Jan.)</li> <li>• Japan-China Civil and Commercial Law Seminar held by RTI, ICCLC and JETRO.</li> </ul>
2012	<ul style="list-style-type: none"> <li>• Local seminar on Inheritance Law in China (Jun.)</li> <li>• Country-focused Training Program on "Administrative Procedure Law and administrative-related laws" (Jul.)</li> <li>• Training course in Japan (on Administrative Procedure Law and administrative-related laws in Jul., CPL and civil-related laws in Jan. (Consumer Rights Protection Law))</li> <li>• CPL was amended (Aug.)</li> <li>• Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC (Oct.)</li> </ul>
2013	<ul style="list-style-type: none"> <li>• Training course in Japan (on CPL and civil-related laws [Consumer Rights Protection Law] in May, [Copyright Law] in Oct.)</li> <li>• Local seminar on Inheritance Law in China (Aug.)</li> <li>• Country-focused training program on "CPL and civil-related laws" ended (Oct.)</li> <li>• Consumer Rights Protection Law was amended (Oct.)</li> <li>• Japan-China Civil and Commercial Law Seminar held by RTI, ICCLC and JETRO (Dec.)</li> <li>• JICA Survey Team was dispatched in Dec. for project detailed project planning.</li> </ul>
2014	<ul style="list-style-type: none"> <li>• Project for Legal Development for Improvement of Market Economy and People's Wellbeing began (Jun.)</li> <li>• Long-term expert (private attorney) was dispatched (from JFBA)</li> <li>• JICA survey team was dispatched to participate in JCC (May)</li> <li>• Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC (Jan.)</li> </ul>
2015	<ul style="list-style-type: none"> <li>• Above Project continued</li> <li>• Dispatch of a long-term expert (private attorney) continued</li> <li>• Training course in Japan (on Crime Victim's Rights Protection Act in Oct. and Nov., on Industrial Accident Compensation Insurance Act etc. in Jun.)</li> <li>• JICA survey team was dispatched to participate in JCC (Oct.)</li> <li>• Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC (Feb.)</li> </ul>
2016	<ul style="list-style-type: none"> <li>• Above Project continued</li> <li>• Dispatch of long-term expert (private attorney) continued</li> <li>• JICA survey team was dispatched to participate in JCC (Apr.)</li> <li>• Training course in Japan (on Patent Act in Sep., on CC in Sep. on Administrative Procedure Act in Nov.)</li> <li>• Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC (Nov.)</li> </ul>
2017	<ul style="list-style-type: none"> <li>• Above Project was extended until Jun. 2020</li> <li>• Dispatch of long-term expert (private attorney) continued</li> <li>• JICA survey team was dispatched to participate in JCC (Jun.)</li> <li>• Local seminar on CC (Nov.)</li> </ul>

2018	<ul style="list-style-type: none"> <li>•Above Project continued</li> <li>•Dispatch of long-term expert (private attorney) continued</li> <li>•JCC held in May</li> <li>•Training course in Japan (on CC in Apr., on Patent act in Sep.)</li> <li>•Local seminar on CC (Jan.)</li> <li>•Japan-China Civil and Commercial Law Seminar held by RTI, ICCLC and Japan-China Economic Association (Jul. and Nov.)</li> </ul>
2019	<ul style="list-style-type: none"> <li>•Above Project continued</li> <li>•Dispatch of long-term experts continued</li> <li>•Training courses in Japan (on CC in Jun., on Patent act in Nov.)</li> <li>•Local seminar on CC in Sep.</li> <li>•Japan-China Civil and Commercial Law Seminar held by RTI, ICCLC and Japan-China Economic Association (Nov.)</li> <li>•JCC held in May.</li> </ul>
FY	Nepal
2007	
2008	<ul style="list-style-type: none"> <li>•Local seminar on criminal-related law comparative study (twice)</li> </ul>
2009	
2010	<ul style="list-style-type: none"> <li>•Country-focused training course in Japan on "Comparative Study of Criminal Justice System and Criminal Procedure" (Jul.)</li> <li>•Legal technical assistance advisory long-term expert (private attorney) was dispatched (Jul.)</li> <li>•Country-focused training course in Japan on "CC and related laws" (Aug.)</li> <li>•Field survey (Feb.)</li> </ul>
2011	<ul style="list-style-type: none"> <li>•Japan-Nepal joint study of investigation and prosecution practice (Sep.)</li> <li>•Field survey in Nepal (Nov.)</li> </ul>
2012	<ul style="list-style-type: none"> <li>•Japan-Nepal joint study on criminal justice (Jul.)</li> <li>•Dispatched of a long-term expert (private attorney) continued (Jul.)</li> <li>•Training course in Japan (on drafting of commentary on CC in Aug., case management in Sep.)</li> <li>•Field survey in Nepal (Nov.)</li> </ul>
2013	<ul style="list-style-type: none"> <li>•Dispatch of long-term expert (private attorney) continued</li> <li>•Japan-Nepal joint comparative study on judicial system (Aug.)</li> <li>•Long-term expert (private attorney) was dispatched (Sep.)</li> <li>•Project for Court Capacity-building for Expeditious and Fair Dispute Resolution in Nepal began (Sep.)</li> <li>•Long-term expert (private attorney) was dispatched for above Project (Sep.)</li> <li>•1st Training Course in Japan for above Project (Dec.)</li> <li>•Field survey (Mar.)</li> </ul>
2014	<ul style="list-style-type: none"> <li>•Above Project continued</li> <li>•JICA survey team was dispatched (survey for guidance on project management) (Jun.)</li> <li>•Japan-Nepal joint comparative study on judicial system (Sep.)</li> <li>•2nd training course in Japan for above Project (on "mediation" in Sep.)</li> <li>•Local survey &amp; seminar (Nov.)</li> <li>•3rd training course in Japan for above Project (on "case management" in Dec.)</li> </ul>
2015	<ul style="list-style-type: none"> <li>•Above Project continued</li> <li>•Dispatched of a long-term expert (private attorney) continued (Sep.)</li> <li>•Local seminar (Oct.)</li> <li>•4th training course in Japan for above Project (Dec.)</li> <li>•Local survey (Nov. and Feb.)</li> <li>•Japan-Nepal joint comparative study on judicial system (Mar.)</li> </ul>
2016	<ul style="list-style-type: none"> <li>•Above Project continued</li> <li>•Invitation to support for enacting, spreading and enforcing civil code</li> <li>•5th and 6th training course in Japan for above Project (Jul. and Nov.)</li> <li>•JICA survey team was dispatched (for project-end evaluation) (Sep.)</li> <li>•Local survey (Dec.)</li> <li>•Japan-Nepal joint comparative study on judicial system (Mar.)</li> </ul>
2017	<ul style="list-style-type: none"> <li>•Local survey (Nov.)</li> <li>•Wrap-up seminar on Court Capacity-building for Expeditious and Fair Dispute Resolution seminar (Feb.)</li> <li>•Japan-Nepal joint comparative study on judicial system (Mar.)</li> <li>•Project for Court Capacity-building for Expeditious and Fair Dispute Resolution end (Mar.)</li> </ul>
2018	<ul style="list-style-type: none"> <li>•Local seminar on Code of Criminal Procedure (May and August)</li> <li>•Local seminar on Civil Code (Aug.)</li> <li>•Local survey (Mar.)</li> <li>•Japan-Nepal joint comparative study on judicial system (Mar.)</li> </ul>

2019	<ul style="list-style-type: none"> <li>• Local Seminars on Contract Law, Tort Law, International Private Law and Pre-Trial Conference (Aug.)</li> <li>• Local Seminar on Property Law, Tort Law and International Private Law (Dec.)</li> <li>• Civil Mock Trial at College (Dec.)</li> <li>• Seminar with Nepal Law Society on Property Law and Tort Law (Dec.)</li> <li>• Local Survey (Nov.)</li> <li>• Japan-Nepal Joint Comparative Study on Judicial System (Feb.)</li> </ul>
FY	Timor-Leste
2008	
2009	<ul style="list-style-type: none"> <li>• Training course in Japan for legislative drafting capacity-building (Jul.)</li> </ul>
2010	<ul style="list-style-type: none"> <li>• Training course in Japan for legislative drafting capacity-building (Phase 2) (Aug.)</li> <li>• Field survey in Timor-Leste (Mar.)</li> </ul>
2011	<ul style="list-style-type: none"> <li>• Field survey in Timor-Leste (Mar.)</li> </ul>
2012	<ul style="list-style-type: none"> <li>• Joint study on legal system of Timor-Leste (Sep.)</li> <li>• Local seminar and field survey in Timor-Leste (Dec.)</li> </ul>
2013	<ul style="list-style-type: none"> <li>• Advice on legal system of Timor-Leste (for legislative-drafting capacity-building) (Apr. 2013 - Mar. 2014)</li> <li>• Field survey and local seminar in Timor-Leste (on mediation law in Jun.)</li> <li>• Local seminar in Timor-Leste (on mediation law in Sep. and Mar.)</li> <li>• JICA-Net seminar (on mediation law in Dec.)</li> </ul>
2014	<ul style="list-style-type: none"> <li>• Field survey in Timor-Leste (Jul.)</li> <li>• Joint study on legal system of Timor-Leste (on juvenile law in Dec.)</li> <li>• Local seminar and field survey in Timor-Leste (on juvenile law in Mar.)</li> </ul>
2015	<ul style="list-style-type: none"> <li>• Joint study on legal system of Timor-Leste (on mediation law and marriage law in Sep.)</li> <li>• Local seminar and field survey in Timor-Leste (on mediation law in Dec.)</li> <li>• Joint study on legal system of Timor-Leste (on mediation law and nationality law in Mar.)</li> </ul>
2016	<ul style="list-style-type: none"> <li>• Field survey in Timor-Leste (Aug.)</li> <li>• Joint study on legal system of Timor-Leste (on civil registration law and marriage law in Feb.)</li> <li>• Local seminar and field survey in Timor-Leste (on juvenile law in Mar.)</li> </ul>
2017	<ul style="list-style-type: none"> <li>• Field survey in Timor-Leste (Aug.)</li> <li>• Local seminar and field survey in Timor-Leste (on immovable property registration law in Nov.)</li> <li>• Joint study on legal system of Timor-Leste (on land related law in Jan.)</li> <li>• Field survey in Timor-Leste (Mar.)</li> </ul>
2018	<ul style="list-style-type: none"> <li>• Local seminar and field survey in Timor-Leste (on immovable property registration law in Aug.)</li> <li>• Local seminar and field survey in Timor-Leste (on correction system in Nov.)</li> <li>• Joint study on legal system of Timor-Leste (on immovable property registration law in Dec.)</li> <li>• Local seminar in Timor-Leste (on judicial system in Mar.)</li> </ul>
2019	<ul style="list-style-type: none"> <li>• Local seminar and field survey in Timor-Leste (on immovable property registration law and judicial system in Jul.)</li> <li>• Field survey in Timor-Leste (on immovable property registration law in Nov.)</li> <li>• Joint study on legal system of Timor-Leste (on immovable property registration law and judicial system in Feb.)</li> </ul>
FY	Myanmar
2011	
2012	<ul style="list-style-type: none"> <li>• Joint comparative study of legal systems in Japan and in Myanmar (Jul.), inviting former Dean of Faculty of Law of Yangon Univ. and former Director of Research and International Relation Department of Supreme Court of Union (SC) (by RTI)</li> <li>• Policy Research Institute of Ministry of Finance and Central Bank of Myanmar signed memorandum on cooperation for development of capital market (Aug.)</li> <li>• Local seminar (by JICA and Union's Attorney General's Office [UAGO] on "Legal System of Public Companies and Corporate Governance Reform" in Aug.)</li> <li>• Joint comparative study of judicial systems in Japan and Myanmar (Nov.) inviting five judges including Chief Justice of SC (by RTI and Keio Univ.)</li> <li>• Local seminar (by JICA and UAGO on "legal aspects in privatizing state companies" Dec.)</li> <li>• Meetings with UAGO and SC (by RTI and JICA in Feb.)</li> </ul>

2013	<ul style="list-style-type: none"> <li>• Local seminar (by JICA and UAGO on "commercial arbitration" in Apr.)</li> <li>• Joint comparative study of legal systems in Japan and Myanmar (Jun.) inviting six officers including Attorney General and Chairman of Drafting Committee on Bills in Hluttaws (by RTI, JICA, ICCLC)</li> <li>• Small-scale local seminar (Jul. by RTI and JICA for UAGO and SC on "intellectual property law and legal training")</li> <li>• Securities Transaction Law of Myanmar was established with assistance from Policy Research Institute of Ministry of Finance (Jul.)</li> <li>• Agreement on "Project for Capacity-Development of Legal, Judicial and Relevant Sectors in Myanmar" was signed between JICA and UAGO and SC (Aug. 22)</li> <li>• Small-scale local seminar (Sep. by RTI and JICA for UAGO and SC on "intellectual property law, bankruptcy law and legal training")</li> <li>• Field survey (Oct. by RTI and JICA, visits to prison, juvenile training center, etc., and meeting with correction department)</li> <li>• Small-scale local seminar (Nov. by RTI, JICA and Patent Office, for UAGO and SC on "intellectual property law")</li> <li>• Above Project began on Nov. 20 (for three years)</li> <li>• Long-term expert (private attorney) was dispatched (Jan.)</li> <li>• Small-scale local seminar (several times in and after Feb. by long-term expert for UAGO and SC on "company law")</li> <li>• Small-scale local seminar (Feb. by long-term expert for UAGO and SC on "copyright law")</li> <li>• Local survey, small-scale local seminar (Mar. by RTI, for UAGO and SC on the "handling of electromagnetic records in criminal procedure" "investigation methods of intellectual property cases")</li> </ul>
2014	<ul style="list-style-type: none"> <li>• Above Project continued</li> <li>- Assistance to SC in legislative drafting/human resource development</li> <li>- Assistance to UAGO in legislative examination/human resource development</li> <li>• Small-scale local seminar (Apr. by long-term expert for UAGO and SC on the "handling of electromagnetic evidence in civil procedure")</li> <li>• Long-term expert (program coordinator) was dispatched (May)</li> <li>• Long-term expert (prosecutor) was dispatched (May)</li> <li>• Small-scale local seminar (May by Japan Securities Exchange for UAGO and SC on "outline of securities market and capital market, etc.")</li> <li>• 1st Study Tour in Japan</li> <li>• Working group activities (in and after June, held on an ad-hoc basis)</li> <li>• 1st JCC (Jul.)</li> <li>• Local seminar (Jul. by JICA and Patent Office for UAGO and SC on "intellectual property laws")</li> <li>• Local seminar (Aug., by JICA for UAGO and SC on "arbitration law")</li> <li>• Meeting of advisory group on company law (Oct.)</li> <li>• 2nd study tour in Japan (Nov.)</li> <li>• 2nd JCC (Feb.)</li> <li>• 3rd study tour in Japan (Mar.)</li> </ul>
2015	<ul style="list-style-type: none"> <li>• Above Project continued</li> <li>• Local seminar (on fact-finding for SC)</li> <li>• 4th study tour in Japan (June, on Companies Act)</li> <li>• Mid-term evaluation, JCC (Jul.)</li> <li>• 5th study tour in Japan (Nov., on techniques of training and intellectual property)</li> <li>• Local seminar (Nov. on intellectual property system)</li> <li>• Local seminar (Feb., jointly hosted by Japan Federal Bar Association and IP-Net, on intellectual property system)</li> <li>• 6th study tour in Japan (Feb. on intellectual property system, for SC, UAGO, MOST, Police Department, and Custom Office)</li> <li>• JCC (Mar.)</li> </ul>
2016	<ul style="list-style-type: none"> <li>• Above Project continued (extended until May 2018)</li> <li>• Small-scale seminar (May jointly hosted by IP-Net, on system of intellectual property)</li> <li>• 7th Study Tour in Japan (Jun. on Bankruptcy Code, for SC, UAGO, DICA and the Parliament members)</li> <li>• Local seminar (Jul. on dispute resolution including arbitration and mediation, for SC)</li> <li>• Local seminar (Aug. start drafting policy document of intellectual property system)</li> <li>• Survey of management &amp; instruction / Discussion on next project with JICA (Oct.)</li> <li>• Small-scales seminar (Nov. on Bankruptcy Code)</li> <li>• 8th Study Tour in Japan (Nov. on dispute resolution including arbitration and mediation)</li> <li>• Change of local expert (prosecutor) (Dec.)</li> <li>• Local seminar (Feb. on intellectual property system)</li> <li>• 9th Study Tour in Japan (Feb. for SC, UAGO, Central Bank, MOPF, Board of Audit on Bankruptcy law)</li> <li>• JCC (Mar.)</li> <li>• Local seminar (Mar. on mediation system)</li> </ul>
2017	<ul style="list-style-type: none"> <li>• Above Project continued</li> <li>• Change of local expert (private attorney) (May)</li> <li>• Field survey (Jun., on legal system of estate)</li> <li>• 10th Study Tour (Jun., on legislation and training system of legal professionals)</li> <li>• Joint study (Aug. on legal system of estate)</li> <li>• Local seminar (Oct. drafting textbook of intellectual property law for newly appointed judges, for SC)</li> <li>• 11th Study Tour (Oct. on system of intellectual property, for SC, UAGO, MOE)</li> <li>• Field survey (Feb. on legal system of estate)</li> <li>• Local seminar (Feb. on intellectual property system for SC, UAGO, MOE, Police Force, and Customs Office)</li> <li>• 12th Study Tour in Japan (Mar. on new types of evidences for SC, UAGO and Police Department)</li> </ul>

2018	<ul style="list-style-type: none"> <li>• Shift to new phase of the project "The Project for Capacity Development of Legal, Judicial and Relevant Sectors in Myanmar Phase 2" (Jun.).</li> <li>• 13th Study Tour (Jul. on efficient dispute resolutions)</li> <li>• Local Seminar (Aug. on IP law system)</li> <li>• 14th Study Tour (Nov. on improvement of training of legal professions)</li> <li>• Meeting on settlement of R/D between SC/UGO and JICA (Dec.)</li> <li>• Local Seminar (Jan. on textbook for judges on business related laws etc.)</li> </ul>
2019	<ul style="list-style-type: none"> <li>• Local Seminar (Jun. on IP law system)</li> <li>• 16th Study Tour (Jul. on legislative process)</li> <li>• Field Survey and Local Seminar (Sep. on immovable property registration-related legal system)</li> <li>• Local Seminar (Oct. on IP law system)</li> <li>• 17th Study Tour (Oct. on mediation system)</li> <li>• Joint study (Nov. on immovable property registration-related legal system)</li> <li>• Local Seminar (Dec. on textbook for judges on business related laws etc.)</li> <li>• Local Seminar (Dec. on IP law system)</li> <li>• 18th Study Tour (Mar. on IP)</li> </ul>
FY	Bangladesh
2015	<ul style="list-style-type: none"> <li>• Local survey (Jun., Dec.)</li> <li>• Joint study (Mar.)</li> </ul>
2016	<ul style="list-style-type: none"> <li>• Joint study (Oct.)</li> <li>• Minister of law, Justice and Parliamentary Affairs was invited by MOJ of Japan</li> </ul>
2017	• 1st study trip to Japan (mainly on ADR)
2018	<ul style="list-style-type: none"> <li>• Local seminar held in Dhaka</li> <li>• 2nd study trip to Japan (mainly on mediator training)</li> </ul>
2019	<ul style="list-style-type: none"> <li>• Local seminar in Dhaka (Jul.)</li> <li>• 3rd study trip to Japan (mainly on mediator training and case management)</li> </ul>
FY	Others
1995	
1996	<ul style="list-style-type: none"> <li>• International Civil and Commercial Law Centre Foundation (ICCLC) was established</li> <li>• International Civil and Commercial Law Symposium held by ICCLC (twice)</li> <li>• Region-focused training course held by RTI (with participation from Mongolia, Myanmar, Vietnam)</li> </ul>
1997	<ul style="list-style-type: none"> <li>• International Civil and Commercial Law Symposium (on bankruptcy law system) held by RTI, ICCLC and Study Group on Comparative Legal Systems in Asia-Pacific Region</li> <li>• Region-focused training course continued (with participation from Cambodia, China, Laos, Mongolia, Myanmar, Vietnam)</li> </ul>
1998	<ul style="list-style-type: none"> <li>• 2nd International Civil and Commercial Law Symposium (on corporate bankruptcy, mortgage law system)</li> <li>• Region-focused training course continued (with participation from same countries as in previous year)</li> </ul>
1999	<ul style="list-style-type: none"> <li>• Region-focused training course continued (with participation from same countries as in previous year)</li> <li>• Japan-Korea Partnership Program held by RTI (with focus on comparative study of registration system)</li> </ul>
2000	<ul style="list-style-type: none"> <li>• 1st and 2nd Annual Conference on Technical Assistance in Legal Field</li> <li>• Global Conference on Legal Technical Assistance held by World Bank</li> <li>• Region-focused training course continued (with participation from same countries as in previous year)</li> <li>• Region-focused training course held jointly by RTI and ADB</li> <li>• 2nd Japan-Korea Partnership Program held by RTI</li> </ul>
2001	<ul style="list-style-type: none"> <li>• International Cooperation Department (ICD) was established within RTI, and relocated to Osaka</li> <li>• Participation in ADB Conference (in the Philippines)</li> <li>• 3rd Annual Conference on Technical Assistance in Legal Field</li> <li>• 2nd Global Conference on Legal Technical Assistance by World Bank</li> <li>• 3rd International Civil and Commercial Law Symposium (on ADR)</li> <li>• Region-focused training course continued (with participation from same countries as in previous year)</li> <li>• 3rd Japan-Korea Partnership Program held by RTI</li> </ul>
2002	<ul style="list-style-type: none"> <li>• International workshop "Changes in Law, Development, Economy and Society in Asia" held by Institute of Developing Economies (IDE-JETRO)</li> <li>• 4th Annual Conference on Technical Assistance in Legal Field</li> <li>• Symposium on Legal Systems of Intellectual Property Rights in Asia</li> <li>• Region-focused training course continued (with participation from Cambodia, China, Kazakhstan, Laos, Mongolia, Myanmar, Thailand)</li> <li>• Training course for the Philippines held in Japan jointly by RTI and ADB</li> <li>• 4th Japan-Korea Partnership Program held by RTI</li> </ul>



2003	<ul style="list-style-type: none"> <li>•Lecture presentation on Japan-Korea Intellectual Property Rights lawsuit held by RTI and ICCLC (Tokyo and Osaka)</li> <li>•5th Annual Conference on Technical Assistance in Legal Field</li> <li>•General meeting on "legal technical assistance to Asia" held by Nagoya Univ.</li> <li>•4th International Civil and Commercial Law Symposium (on intellectual property rights) held by RTI, ICCLC and JETRO</li> <li>•Region-focused training course in Japan on international civil and commercial law (for Cambodia, Laos, Vietnam).</li> <li>•Study Council for Promoting Translation of Japanese Laws and Regulations into Foreign Languages</li> <li>•Legal technical assistance requested from Iran</li> <li>•5th Japan-Korea Partnership Program held by RTI</li> </ul>
2004	<ul style="list-style-type: none"> <li>•General meeting on "legal technical assistance to Asia" by Nagoya Univ.</li> <li>•6th Annual Conference on Technical Assistance in Legal Field</li> <li>•Region-focused training course in Japan on International Civil and Commercial Law (for Cambodia, Laos, Myanmar, Vietnam)</li> <li>•Legal technical assistance (training course in Japan) to Iran began by Nagoya Univ.</li> <li>•6th Japan-Korea Partnership Program held by RTI</li> </ul>
2005	<ul style="list-style-type: none"> <li>•General meeting on "Legal Technical Assistance to Asia" held by Nagoya Univ.</li> <li>•7th Annual Conference on Technical Assistance in Legal Field</li> <li>•Region-focused training course in Japan on International Civil and Commercial Law (for Cambodia, Laos, Myanmar, Vietnam)</li> <li>•5th International Symposium on Civil and Commercial Law (on international corporate law) held by RTI, ICCLC and JETRO</li> <li>•7th Japan-Korea Partnership Program held by RTI</li> </ul>
2006	<ul style="list-style-type: none"> <li>•General meeting on "Study of Legal Technical Assistance Strategies" held by Nagoya Univ.</li> <li>•8th Annual Conference on Technical Assistance in Legal Field</li> <li>•Region-focused training course in Japan on International Civil and Commercial Law (for Cambodia, Laos, Myanmar, Vietnam)</li> <li>•8th Japan-Korea Partnership Program held by RTI</li> </ul>
2007	<ul style="list-style-type: none"> <li>•9th Annual Conference on Technical Assistance in Legal Field</li> <li>•Region-focused training course in Japan on International Civil and Commercial Law (for Cambodia, Laos, Myanmar, Vietnam)</li> <li>•"Seminar on Derivative Action in Asia" held by RTI and ICCLC</li> <li>•"Kanazawa Seminar" held by Ishikawa International Civil and Commercial Law Center (in Feb.)</li> <li>•9th Japan-Korea Partnership Program held by RTI</li> </ul>
2008	<ul style="list-style-type: none"> <li>•General meeting on "Study of Legal Technical Assistance Strategies" held by Nagoya Univ.</li> <li>•10th Annual Conference on Technical Assistance in Legal Field.</li> <li>•6th International Civil and Commercial Law Symposium on Derivative Action in Asia held by RTI, ICCLC and JETRO</li> <li>•"Kanazawa Seminar" by Ishikawa International Civil and Commercial Law Center (Mar.)</li> <li>•10th Japan-Korea Partnership Program held by RTI</li> </ul>
2009	<ul style="list-style-type: none"> <li>•General meeting on "Study of Legal Technical Assistance Strategies" held by Nagoya Univ.</li> <li>•11th Annual Conference on Technical Assistance in Legal Field</li> <li>•Symposium, "Our Legal Technical Assistance - Let's Think Together about International Cooperation in Legal Field" held jointly by RTI, ICCLC and JICA</li> <li>•"Kanazawa Seminar" held by Ishikawa International Civil and Commercial Law Center (Mar.)</li> <li>•11th Japan-Korea Partnership Program held by RTI</li> </ul>
2010	<ul style="list-style-type: none"> <li>•Internship by MOJ (Aug.)</li> <li>•Seminar on "Audit System in Asia" held jointly by RTI and ICCLC (Aug.)</li> <li>•Summer Symposium "Our Legal Technical Assistance 2010" held jointly by RTI, ICCLC and Nagoya Univ. (Sep.)</li> <li>•12th Annual Conference on Technical Assistance in Legal Field.</li> <li>•Internship for law school students by National Personnel Authority (Mar.)</li> <li>•"Kanazawa Seminar" held by Ishikawa International Civil and Commercial Law Center (Mar.)</li> <li>•12th Japan-Korea Partnership Program held by RTI</li> <li>•Mini-symposium to study Japan-Korea cooperation in legal technical assistance (Mar.)</li> </ul>
2011	<ul style="list-style-type: none"> <li>•Internship by MOJ (Aug.)</li> <li>•Summer Symposium "Our Legal Technical Assistance 2011" held jointly by RTI, ICCLC, Nagoya Univ., Keio Univ., Kobe Univ. and ITP (Sep.)</li> <li>•7th International Civil and Commercial Law Symposium on "Audit System in Asia" held jointly by RTI and ICCLC (Sep.)</li> <li>•13th Annual Conference on Technical Assistance in Legal Field</li> <li>•Internship for law school students by National Personnel Authority (Mar.)</li> <li>•"Kanazawa Seminar" held by Ishikawa International Civil and Commercial Law Center (Mar.)</li> <li>•Mini-symposium to study Japan-Korea cooperation in legal technical assistance held by RTI (Mar.)</li> </ul>
2012	<ul style="list-style-type: none"> <li>•Internship by MOJ (Aug.)</li> <li>•"Our symposium 'Access to Justice in Asia'" held jointly by RTI, ICCLC, Nagoya Univ., Keio Univ., Kobe Univ. and others (Nov.)</li> <li>•14th Annual Conference on Technical Assistance in Legal Field.</li> <li>•Internship for law school students by National Personnel Authority (Feb.)</li> <li>•"Kanazawa Seminar" by Ishikawa International Civil and Commercial Law Center (Mar.)</li> <li>•13th Japan-Korea Partnership Program held by RTI (Jun. and Oct.)</li> </ul>

2013	<ul style="list-style-type: none"> <li>• "Collaborative Project 'International Cooperation for Asia in the Legal Field'" held jointly by RTI, ICCLC, Nagoya Univ., Keio Univ. and others (Nov.)</li> <li>• 15th Annual Conference on Technical Assistance in Legal Field.</li> <li>• Internship for law school students by National Personnel Authority (Feb.)</li> <li>• "Kanazawa Seminar" held by Ishikawa International Civil and Commercial Law Center (Mar.)</li> <li>• 14th Japan-Korea Partnership Program held by RTI (Jun. and Oct.)</li> </ul>
2014	<ul style="list-style-type: none"> <li>• "Collaborative Project 'International Cooperation for Asia in the Legal Field'" held jointly by RTI, ICCLC, Nagoya Univ. and Keio Univ. (Nov.)</li> <li>• 8th International Civil and Commercial Law Symposium on "Information providing system" held jointly by RTI and ICCLC (Sep.)</li> <li>• 16th Annual Conference on Technical Assistance in Legal Field (Jan.)</li> <li>• Internship for law school students by National Personnel Authority (Feb.)</li> <li>• "Kanazawa Seminar" held by Ishikawa International Civil and Commercial Law Center (Mar.)</li> <li>• 15th Japan-Korea Partnership Program held by RTI (Jun. and Oct.)</li> </ul>
2015	<ul style="list-style-type: none"> <li>• "Collaborative Project 'International Cooperation for Asia in the Legal Field'" held jointly by RTI, ICCLC, Nagoya Univ. and Keio Univ. (May, Aug. and Nov.)</li> <li>• 17th Annual Conference on Technical Assistance in Legal Field (Jan.)</li> <li>• "Kanazawa Seminar" held by Ishikawa International Civil and Commercial Law Center (Mar.)</li> <li>• 16th Japan-Korea Partnership Program held by RTI (Sep. and Oct.)</li> </ul>
2016	<ul style="list-style-type: none"> <li>• "Collaborative Project 'International Cooperation for Asia in the Legal Field'" held jointly by RTI, ICCLC, Nagoya Univ. and Keio Univ. (Jun., Aug., Dec.)</li> <li>• 18th Annual Conference on Technical Assistance in Legal Field (Jan.)</li> <li>• 17th Japan-Korea Partnership Program held by RTI (Jun. and Oct.)</li> </ul>
2017	<ul style="list-style-type: none"> <li>• "Collaborative Project 'International Cooperation for Asia in the Legal Field'" held jointly by RTI, ICCLC, Nagoya Univ. and Keio Univ. (Jun., Aug., Dec.)</li> <li>• 19th Annual Conference on Technical Assistance in Legal Field (Jan.)</li> <li>• "Kanazawa Seminar" held jointly by Ishikawa International Civil and Commercial Law Center (Jun.)</li> <li>• 18th Japan-Korea Partnership Program held by RTI (Jun. and Nov.)</li> <li>• Internship for law school students by National Personnel Authority (Aug.)</li> <li>• 9th International Civil and Commercial Law Symposium on "Corporate-Governance in Four Southeast Asian Countries" held jointly by RTI and ICCLC (Sep.)</li> <li>• "Japan-Korean Judicial Partnership / Immovable Property Registration Seminar" held by RTI and ICCLC (Nov.)</li> <li>• Judicial Symposium Property on Intellectual Property 2017 ~IP Dispute Resolution in ASEAN+3 (Japan-China-Republic of Korea)~ (Oct.)</li> </ul>
2018	<ul style="list-style-type: none"> <li>• "Collaborative Project 'International Cooperation for Asia in the Legal Field'" held jointly by RTI, ICCLC, Nagoya Univ. and Keio Univ. (Jun., Aug., Dec.)</li> <li>• 20th Annual Conference on Technical Assistance in Legal Field (Feb.)</li> <li>• 19th Japan-Korea Partnership Program held by RTI (Jun. and Oct.)</li> <li>• "Kanazawa Seminar" held jointly by Ishikawa International Civil and Commercial Law Center (Jul.)</li> <li>• Judicial Symposium Property on Intellectual Property Advanced Seminar for ASEAN+3 2018(Nov.)</li> </ul>
2019	<ul style="list-style-type: none"> <li>• "Collaborative Project 'International Cooperation for Asia in the Legal Field'" held jointly by RTI, ICCLC, Nagoya Univ. and Keio Univ. (Jun., Aug., Dec.)</li> <li>• 20th Japan-Korea Partnership Program held by RTI (Jun. and Oct.)</li> <li>• "Japan-Korean Judicial Partnership 20th Memorial International Academic Conference" held by KTICO and RTI (Jun.)</li> <li>• Local Seminar in Colombo, Sri Lanka (Aug., Jan.)</li> <li>• "Kanazawa Seminar" held jointly by Ishikawa International Civil and Commercial Law Center (Aug.)</li> <li>• Internship for law school students by National Personnel Authority (Aug.)</li> <li>• Judicial Symposium Property on Intellectual Property 2019 (Sep.)</li> <li>• Study trip to Japan from Sri Lanka on criminal procedure (Jan.)</li> <li>• 21st Annual Conference on Technical Assistance in Legal Field (Feb.)</li> </ul>

**INTERNATIONAL COOPERATION DEPARTMENT  
RESEARCH AND TRAINING INSTITUTE  
MINISTRY OF JUSTICE, JAPAN**

Address : 2-1-18 Mokuseinomori, Akishima-shi, Tokyo 196-8570 Japan

Tel : +81-42-500-5150

E-mail : [icdmoj@i.moj.go.jp](mailto:icdmoj@i.moj.go.jp)

Web-site : [http://www.moj.go.jp/ENGLISH/m\\_housouken05\\_00001.html](http://www.moj.go.jp/ENGLISH/m_housouken05_00001.html)

Edited by the International Cooperation Department

Research and Training Institute

Ministry of Justice, Japan

Published in March 2020

