

# ICD NEWS

## LAW FOR DEVELOPMENT

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### ~Features~

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—ICCLC IN THE NEW ERA—

Kotaro OHNO

International Civil and Commercial Law Centre Foundation

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Director of Legislation and Legal Advisory Department, Ministry of Justice

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

### **SOME UPDATES ABOUT THE ACTIVITIES OF THE ICD**

**Taro MORINAGA**

*Director, International Cooperation Department (ICD)*

2018 was again a quite hectic year for the International Cooperation Department, and for me personally. After the works accompanying the relocation of our offices from Osaka to suburban Tokyo had almost been completed by the end of 2017, the ICD came back on the track with its daily job, in a hustle and bustle as always.

The ICD, largely in collaboration with Japan International Cooperation Agency (JICA), conducts technical assistance activities such as study tours and training programs for our client countries here in Japan, seminars and workshops in capitals and local areas of our client countries and joint research programs here and there. This naturally brings a lot of work to us, and our professors and staff members whose duties range from the planning and logistic arrangement of those custom-made training courses, seminars and joint researches to the implementation of the substantial contents of those events, that are, lectures, presentations, discussions, observation visits, field trips, interviews and even more. Our professors and staff members are chosen from various fields of legal professions working within the Ministry of Justice and the judiciary, and are equipped with sufficient knowledge and experience as government lawyers or paralegals. Still, since the work at the ICD sometimes requires special skills unique to discharging duties in the field of international cooperation, professors, especially the newly assigned ones have a hard time.

In order to encourage and help our professors who newly joined the ICD, we planned and implemented a first-ever training course “for beginners” in April, composed of lectures by the ICD seniors and some outside experts including prominent university professors and JICA officers and some discussion sessions. Also we conducted a short version of that course for three judges assigned to the ICD in October who are expected to be dispatched to our client countries in spring 2019. More than ever, such trainings are very much needed in order to foster the personal capabilities of our members and those who will be stationed abroad and engage in practice of international cooperation in the area of law. Thus, it will surely continue such training courses in the coming years also.

In addition to our client countries, Vietnam, Cambodia, Laos, Myanmar, Indonesia, Timor-Leste, Nepal and Bangladesh for which we are continuing our technical assistance service, we restarted cooperation with Uzbekistan and Mongolia in 2018.

Japan's technical assistance in the legal field for Uzbekistan had been active for some time in the past, but due to some reasons, it discontinued and there was not much going on for a while, except for the ambitious works by Nagoya University with its Japanese Law Centre at Tashkent University. However, at the end of 2017, the long-awaited two important pieces of legislation, the administrative procedure law and the administrative litigation law were enacted, to the delight of the Japanese experts, especially the professors at Nagoya University who were actively involved at the early stages of drafting works.

Now, when statutes come into effect, there is an even bigger task awaiting relevant state authorities and other stakeholders – the proper implementation. As for the case of Uzbekistan, a very challenging work is predictable, since, as it may be the case in many post-Soviet jurisdictions, skills of judges and other legal professions to properly interpret legal provisions are limited due to the traditional socialist thought that the authority to interpret laws is not vested in the judiciary, but the national assembly or the standing committee thereof. But now, while Uzbekistan is in a process to discard the old socialist theory and the judges and lawyers are expected to duly interpret and apply the new set of laws which apparently require interpretation of newly introduced statutory concepts such as “administrative decisions” the meaning of which is expected to be ascertained by accumulation of court precedents – jurisprudence, the Uzbek judiciary as well as the other relevant institutions face challenges which they have never experienced before. The ICD and Nagoya University agreed to help our Uzbek counterpart with this quite important task, thinking that we may be able to utilize the experience gained so far in the course of rendering assistance to some other socialist countries, and Nagoya University's intensive academic knowledge, especially in the area of administrative law. We already organized one study tour to Japan for Uzbek experts from relevant authorities such as the research and training institutions of the judiciary and the prosecution and one seminar in Tashkent and are planning to do some more in 2019.

Mongolia is another old client for the ICD. Collaborating with JICA, the ICD was, in the past, involved in assistance activities for Mongolia, helping them to establish a court-annexed mediation system and assisting them for its proper practice. The JICA project for this came to an end sometime back, and we were wondering what to do next. A small research trip to Ulaanbaatar showed us that Mongolia is in dire need to reform its commercial law and the Mongolian authorities wished that Japan would help them with that. It seems that Mongolia does not have a commercial law separate from its civil code, and they wish at least to

streamline and supplement the provisions in the civil code related to commercial activities, or if feasible, draft a separate commercial code. OK, why not? The ICD has sufficient experience in supporting legislative drafting works in the area of civil and commercial law, so there was little reason to hesitate. After an additional research mission to Mongolia, we planned and organized a training course for the Mongolian authorities during which their experts had dense discussion with the Japanese experts on the topic of civil and commercial laws in a comparative way, which is almost always a good start for effective cooperation when legislative drafting is the main issue.

Now, with Uzbekistan and Mongolia coming back, the current number of our client countries with ongoing activities increased from eight to ten, and we expect some more coming in. The ICD is getting even busier. But it is, and I myself am, committed to exert every effort to deliver our best service to our client countries and to never diminish the quality of our legal technical assistance.

## **- II. Contributions -**

### **WHAT'S BEYOND THE LEGAL TECHNICAL ASSISTANCE —ICCLC IN THE NEW ERA—**

**Kotaro OHNO**

*International Civil and Commercial Law Centre Foundation*

#### **(Greetings)**

I was appointed as President of the International Civil and Commercial Law Centre, hereinafter referred to as “ICCLC” last year.

It was such great pain and loss that Mr. Akio HARADA, the former President of ICCLC passed away in April last year; amid that sorrow, I was unexpectedly appointed as succeeding President. I do not have as much international experience or great reputation as Mr. HARADA did, and am afraid I am not as knowledgeable, however, as long as I have already accepted the appointment, I am earnestly resolved and sincerely hope to use all my power to act my role to contribute to further development of Japan’s legal technical assistance and promotion of mutual understanding among Asian countries in the civil and commercial fields through ICCLC activities.

The International Cooperation Department, Research and Training Institute, Ministry of Justice of Japan has given me this opportunity to write this article, so, I would like to take this opportunity to review the history of ICCLC, which is deeply related to ICD, and express my views concerning the role of ICCLC in the new era.

#### **(History of ICCLC)**

ICCLC was founded in 1996; In January last year, we held a commemorative ceremony celebrating its 20<sup>th</sup> anniversary.

At the time of foundation, despite that Japan’s legal technical assistance for Vietnam had commenced by pioneers including Prof. Akio MORISHIMA (then professor at Nagoya University), there was no department in charge of legal technical assistance at Ministry of Justice yet. In such circumstance, ICCLC was founded as a private organization to support JICA’s legal technical assistance, entrusted as part of the Japanese government’s ODA, with contribution and support from many people.

Some of such people who were involved in the foundation of ICCLC e.g. Mr. Akira

MIKAZUKI(Former Justice Minister, Professor Emeritus of Tokyo University), Mr. Tadashi ITOH (Former Chairperson of Sumitomo Corp, First President of ICCLC), Mr. Hiroshi MAEDA (Former Attorney General, Former Councilor of ICCLC), Mr. Harada (then Deputy Vice Justice Minister) have already passed away.

Even today, the largest pillar of ICCLC's business operation is to offer support from the side to the legal technical assistance activities entrusted by JICA and conducted by the Ministry of Justice. The legal technical assistance Japan has accumulated all this time, as it is called "Standing-by style", collaborated with practitioners of the counterpart countries taking long time, with the viewpoint to respect the country's independence, and offered legal technical assistance which fit to the actual situation of each country, while also fostering legal practitioners and enhancing the practical operation.

Though I have never been directly engaged in legal technical assistance myself, while I was Justice Vice Minister, I made business trips to Vietnam and Cambodia, to see and hear about the noble dedications made by the Japanese long-term experts, which truly touched my heart. I was also very surprised to learn that many executives of the Vietnamese Ministry of Justice had studied at Nagoya University.

Currently, the countries targeted particularly for the assistance are: Vietnam, Cambodia, Mongol, Laos, Uzbekistan, Indonesia, Bangladesh, and Myanmar. The assistance shall also be extended as necessary to Nepal, East Timor and African countries etc.

ICCLC is entrusted by JICA the operation of committees and working groups; when the interested persons from these countries come to Japan, ICCLC would host opinion exchange meetings etc. to further promote the mutual understanding of one another.

The other pillar of ICCLC's business operation is to deepen the understanding of and enhance each other's legal system and operation between Japan and the counterpart countries through study meetings etc..

One of such operations, the Japan-China Civil and Commercial Law Seminar with the China State Council National Development and Reform Commission has been held for 20 years since 1996, with Japan and China taking turns to host the Seminar.

Along with China's growth of economy and development of systems over the years, the theme of the Seminar has become more of higher expertise; In 2016, "PFI and PPP" was chosen as theme of the Seminar.

Also, the Japan-Korea Partnership Collaborative Study is to conduct collaborative study among Ministry of Justice, Supreme Court of Japan and Supreme Court of South Korea regarding the system and operation of real estate property registration, commercial registration etc.; Since 1999, over 18 collaborative studies have been conducted with Japan and Korea visiting each other. It can be evaluated as pioneer work, as it enhances the legal system and

operation surrounding the basic laws.

In addition, the comparative study of Asia/Pacific civil and commercial laws which was advanced mainly by the scholars and practitioners in the *Kansai* area is an example of research/study of civil and commercial laws in Asian countries. This study selects an important theme mainly from the corporate law viewpoint and researches it; the deliverables of the comparative study are made public at the symposium and published as a feature in “ICCLC NEWS”. Last year, the outcome of the study was released with the theme “Corporate Governance in Four Southeastern Asian Countries: Vietnam, Cambodia, Myanmar and Indonesia”.

On the other hand, as ICCLC’s local activity effort, I would like to introduce the International Civil and Commercial Law Seminar in Kanazawa.

This Seminar has been hosted each year with extraordinary contributions from powerful local corporations including the Hokkoku Newspaper etc., marking its 22<sup>nd</sup> this year. In the Seminar, we request the companies, organizations and scholars who have deep relationships with the Asian economy to give lectures on the actual practice of international business deals or the legal challenges, followed by the panel discussion, etc. Globalization of the economy has now extended to all over Japan and extending to overseas is rather ordinary for companies based in local cities as well; This Seminar sends out information to people in local areas regarding legal technical assistance and Asian law, providing a precious opportunity to directly receive various issues and needs.

ICCLC received an award from Director of JICA in the year before last, and in July last year was awarded by the Foreign Affairs Minister. It means that the achievements ICCLC had accumulated over the years were highly evaluated, which contributed to the development of civil and commercial laws and their operation in Asian countries and has sought to improve legal frameworks of international economic deals and consequently contributed to the prosperity and stability in the international community, etc.

I would like to once again express my utmost respect and deepest appreciation to the foresight of those who were involved in the founding of ICCLC two decades ago, and to those who have steadily strived to make best efforts in the operation of ICCLC ever since.

#### **(Role etc. of ICCLC in the New Era)**

Compared to two decades ago, the time of ICCLC’s founding, there has been a significant change in the environment surrounding Asia’s civil and commercial laws. At the time of ICCLC’s foundation, the emphasis was on the importance of legal technical assistance to

transform what was once socialist economy into the market economy; ever since, Asian economy including China has made a remarkable growth, now almost catching up with advanced countries of the US and Europe. Rapid growth of IT has brought fundamental changes to the lives of people and socio-economy, and in this field, China etc. seems rather more advanced than and ahead of Japan.

Also, there may be some other countries, like Vietnam, to have to leave the scope of ODA, the framework that has supported the legal technical assistance to the countries, due to its growth. With these backgrounds, the contents of assistance the counterpart countries seek have also shifted in recent years from the development of basic laws, which had once been requested by Vietnam and Cambodia, to more practical, up-to-date themes e.g. development of intellectual property system requested by Indonesia and Myanmar.

Currently, as for the legal technical assistance, the competition among international donors has become more intense. Amid such circumstance, for Japan to play its role, it would be necessary to utilize the advantages of “Standing-by style” of assistance which has been highly evaluated, and at the same time, to respond to the specific needs of the counterpart countries and offer more flexible and speedy assistance.

Furthermore, I believe the method of legal technical assistance requested to Japan will gradually change from guiding the counterpart country based on the experience Japan once took after the legal system of US and Europe, to a more both-way type of assistance, e.g. collaborative study for countermeasures to deal with newly arising issues in the IT field etc., working together. Originally, the comparative law study does not only enhance the legal system or operation of the counterpart country, but also possesses an opportunity to obtain profitable knowledge to review one’s own legal system and practice and also enhances them; I believe the recent advancement of socio-economy transcending national borders will further increase the importance of collaborative study of legal system and its operation to respond to them.

With such backgrounds, Japan-China Civil and Commercial Law Seminar, as I have mentioned, deals with the topics of mutual interest, which is high-level and up to date, showing future direction of collaborative study and international cooperation. ICCLC will further strive to make this seminar even more meaningful one, working together with the Japan China Economic Association.

The premise of legal technical assistance, it goes without saying, is to acknowledge and accept each other’s difference in social, cultural and historical backgrounds, however, on the other hand, if collaborative study on mutual legal issues expands, I believe that we can even expect that it will be able to contribute to the formation of the international standards in the

future.

ICCLC, by the way, is currently supported by approximately 70 member companies and law firms. These member companies etc., upon implementing international business operation, face various legal issues and are seeking useful information to handle the issues, hoping that the legal /judicial system in their partner country will be developed as a basis to enable the stable business development in the partner country.

2013 amendment of the government's "Basic Policy on Legal Technical Assistance" included the viewpoint of developing an investment environment, which is effective for Japanese companies to expand to overseas, in addition to the establishment of rule of law in the partner country. In "2017 Basic Policy for Economic Financial Operation and Reforms" and "2017 Future Investment Strategy" announced last June, the government mentioned the "legal aspect assistance" as a policy to promote Japanese companies' international expansion. Furthermore, the ruling party LDP's Research Commission on the Judiciary System also suggests, in its "New Axis for Justice Affairs Diplomacy: Five Policies and Eight Strategies", to expand Japan's role in the judicial resolution of international disputes, e.g. international arbitration etc., and to strengthen the capacity of international judicial response of small and medium enterprises expanded to overseas, as well as the Japanese-style support for the judicial system. These suggestions are based on the actual socio-economical situations currently surrounding Japan, overlapping with expectations of ICCLC's member companies.

It is ICCLC's crucial role to communicate the requests/opinions of the member companies from the practical viewpoints to the MOJ accurately, and to have them reflected on the government's "strategic" legal technical assistance programs etc. ICCLC has provided opportunities for opinion exchange upon inviting lawyers of the counterpart countries to Japan, by having as many member companies as possible participate in them. We will continue to further develop such activities to respond to the member companies' awareness of issues.

On the other hand, over the past two decades, the practitioners and scholars who engage in the legal technical assistance and legal issues of Asian countries also experienced a significant change.

For young lawyers and scholars, it is a great, precious experience to engage in the legal technical assistance, as it enables them to have deep understanding of the society and culture of the counterpart country and to obtain the human network with the legal-related personnel, under rapid growth of legal business with Asian countries. In particular, to engage in the legal technical assistance as a long-term expert dispatched to the counterpart country, despite its easy-to-imagine struggles with the language etc. in a foreign environment, must be full of

sense of rewarding and worth all the struggles, as the long-term expert has the position of so-to-say representing the entire Japanese law-related personnel, having an incomparably wider scope of responsibility and discretion than his/her job in Japan.

Therefore, for young lawyers to place him/herself in the frontline of the legal technical assistance and Asian laws is not only advantageous for the socio-economy of the counterpart country and Japan, but also provides an excellent opportunity for growth for him/herself. I believe it is also a powerful foothold to build a future carrier as an internationally renowned lawyer, transcending the fixed frame of judge, prosecutor or attorney.

Approximately ten years ago, when I interviewed the prospective public prosecutors, I was quite surprised that quite a few applicants for the position of public prosecutor answered that they want to engage in the legal technical assistance in the future; however, it is not something rare now. ICCLC has been providing events regarding the legal technical assistance mainly targeted at young generation every year since 2010, collaborating with CALE (Center for Asian Legal Exchange) of Nagoya University and Law School of Keio University, and its introductory event “Invitation to Legal Technical Assistance” attracts participants of more than 100 young lawyers, judicial apprentices, and students each year, showing the increase of interest toward legal technical assistance. I also hear that many lawyers register with the JFBA (Japan Federation of Bar Association)’s Lawyers for International Judicial Assistance Activities and engage in the activities and the number of universities that offer courses on legal technical assistance is also increasing.

In this regard, this field has great future potentials in securing competent personnel as well.

Furthermore, in order to develop the mutual understanding on legal technical assistance and legal system/operation with Asian countries, domestically speaking, it is essential to have understanding and support from various fields including companies etc., while it is also internationally necessary to be given positive evaluation by interested countries over the significance of Japan’s legal technical assistance. Therefore, it is vital to proactively send out messages/information regarding the significance of legal technical assistance both domestically and internationally.

From such viewpoint, “Japan’s Legal Technical Assistance: What “message” can it carry?” was chosen as the theme of the Annual Conference on Technical Assistance in the Legal Field held in January. At this conference, we received very encouraging remarks toward legal technical assistance from then Justice Minister Yoko KAMIKAWA, who attended the conference as incumbent Minister for the first time as well as opinions worth listening to attentively from various positions expressed actively.

ICCLC is resolved to further strive for active publicity, working together with interested organizations.

Lastly, I cannot conclude this article without mentioning the rule of law.

The UN adopted the mutual target shared by the international community in 2015, “Transforming Our World: the 2030 Agenda for Sustainable Development” (so-called SDGs) and mentioned rule of law in it. The reason why Japan has put an emphasis on legal technical assistance in particular among all soft infrastructures is because we believe that the establishing the rule of law will truly stabilize people’s lives, and be the foundation for economic development and world peace. Rule of law, as mentioned here, has two aspects: one is that activities in society and economy are stipulated and secured by the rule called the law, and the other is that the exercise of power by the government is restricted by the law, to secure people’s human rights and freedom. It is understood that SDGs share the same recognition.

In light of that viewpoint, currently in some Asian countries, rule of law has been regressed from the aspect of controlling the government authority by law, creating concern in relation to democracy and human rights, however, ICCLC’s activities are basically private, separate from those of the government, therefore, we can only deal carefully with concerned situations individually.

As I have mentioned in the above, situations surrounding the legal technical assistance and ICCLC have been significantly changing; and the era to respond to “What’s Beyond the Legal Technical Assistance” has arrived.

With the arrival of such era, for ICCLC to continue to play its role, it is necessary to handle the new circumstances and challenges appropriately, by utilizing the light footwork as private organization, bridging the interested government authorities e.g. International Cooperation Dept., Research and Training Institute, Ministry of Justice, Ministry of Foreign Affairs, JICA, Bar Associations, Universities, member companies, etc..

Fortunately, ICCLC has board members with high-level knowledge and abundant experience, excellent and dedicated staff, and domestic and international human networks built through activities accumulated over many years. As for the network ICCLC fostered over many years with interested parties e.g. companies, universities, law firms, etc. in the Kansai region on the study of legal technical assistance and civil/ commercial law system and operation in Asian countries, we must preciously maintain it and further develop it, even after the relocation of ICD from Osaka to Akishima, Tokyo.

In the new era, ICCLC will proactively play its role with the abovementioned human network as our foundation.

In closing, I would like to sincerely ask all of you to kindly continue to understand ICCLC’s activities in the future and join us to strive for the further development of legal technical assistance and mutual legal understanding with Asian countries.

# THE VIEW OF LEGAL TECHNICAL ASSISTANCE FROM THE OUTSIDE AND THE INSIDE

**Ichiko SUZUKI**

*Professor and Government Attorney, International Cooperation Department*

## **I. Introduction**

I have been working at the International Cooperation Department (ICD) in the Ministry of Justice (MOJ) of Japan since April in 2018 after the experience as a judge for seven years. The ICD is one of the departments of MOJ where judges are temporarily transferred from the court as described later. To be accurate, my current status is not a judge but government attorney and professor because I work at the MOJ. I am supposed to belong to the court and be a judge again after some years.

The ICD deals with legal technical assistance. The first time I learned about activities of legal technical assistance by Japan was in 2010 after passing the bar examination and it kept lingering in my heart. This led me to the University of Washington to research the field of law and development as a visiting scholar in 2014. As far as I know, I am the first Japanese judge who chose that particular field as a theme to study abroad.

I obtained the knowledge about relevant areas of legal technical assistance in the U.S. This means I had seen the world of legal technical assistance from the outside of practical operations. Now, I belong to the organization which conducts an actual practice. This means I see the situation of this field from the inside. Nevertheless, I still have my own point of view as an outsider at the same time even I am in inside of the organization because of my background, especially the fact I came from the court that is completely outside of the MOJ (In Japan, the policy of independence from government agency of judges is adopted).

This article aims at organizing my knowledge and experience I got so far and making some comments about the status quo in this field.

As you may notice when you read this article, please note that any section or part reflects the author's personal view, and not the view of the organization to which the author belongs or is related.

## **II. Notion of Legal Technical Assistance**

The term of legal technical assistance is ambiguous, but the most simple and basic (and superficial) definition is assisting recipient countries to improve their legal systems.

Three fundamental pillars of what the ICD does are to assist drafting of laws, to assist the establishment of the smooth operation of enacted laws and to assist the capacity - building of legal professionals.

Laos has good examples for the first and the third pillars. The Civil Code passed in last December in Laos. Japan had given advice to Laos in the process of drafting of the first uniform civil law for more than six years and bore fruit last year. On top of that, study materials of mock case both in civil procedure and criminal procedure for legal education are the deliverables of legal technical assistance from Japan to Laos.

Meanwhile, in Vietnam, consistency between rules including laws has been a big issue to solve so the ICD is currently addressing the problem. This can be an example of the activity to assist the smooth operation of laws.

### **III. Purpose of Legal Technical Assistance**

#### **A. Not Legal but Political and Ethical Issue**

Why does Japan do legal technical assistance? This is the fundamental and profound question. Not only Japan, but the U.S., Germany, France, Australia, Korea, etc. as well as the United Nations give legal technical assistance to other countries even though it is not a legal duty.

The answer to the above question has political and moral aspects. The answer for the Japanese government is generally a political one. Cabinet Decision on the Development Cooperation Charter in 2015 refers the national interests of Japan as the purpose of development aid. Japan thinks sustainable development in developing countries yields a profit for developed countries.

It seems that most developed countries adopt the same way of thinking as Japan. This attitude of developed countries has something to do with legal technical assistance is often conducted with the Official Development Assistance (ODA). Therefore, governments of donor countries need to justify and provide explanation to their citizens about why they spend a lot of money for other countries.

The answer to the above question from the moral side has much to do with the history that the world was divided into the developed countries and the developing countries two hundred years ago. A lot of scholars in the world have researched the history and the reason why developing countries are still in poverty. They say that colonialism by western nations and industrial revolution which began in the UK are the decisive reasons of the start of skewed distribution of wealth. I omit details of this topic here, but the opinion that developed countries should give an aid to developing countries because the history shows that developed countries made developing countries is worth a listen.

The idea that the rich should help the poor is looking at the moral side as well. This way of thinking may be based on a religious belief.

### B. Law and Development

The field I researched in the U.S. is called law and development. This academic area is, in short, to think about what we should do to tackle poverty in the world and what the role of law for that sake is. This field had a great impact on me. Hence, the answer I have now to the question why Japan should implement legal technical assistance is to eliminate extreme poverty. Food aid and medical aid is directly linked to elimination of poverty of course, but after pulling out of emergency condition of a country, law is crucial to develop orderly. Establishment of adequate rules is a key to make a virtuous cycle of development.

The thing you should know here is the definition of development. Legal technical assistance is effective to speed up development in recipient countries. The notion of development obviously includes economic factors. What is more, many people think development has a broad notion which includes the state of good governance, the state to be established rule of law, etc. Cabinet Decision on the Development Cooperation Charter as mentioned above shows the Japanese government also reckons the notion of development as broad.

The relation between development and political regime is an interesting topic in this field. Some scholars seem to think that communism is not a recommended premise to develop a country, but Japan gives legal technical assistance to the communist countries for instance, Vietnam, Laos and China as well as democratic nations. Looking at situations of these communist countries, it is obvious that political system and economic growth have nothing to do.

Japan seems to see political situation of recipient countries separate from the needs of legal technical assistance. In Cambodia, the ruling party established a law to dissolve a party when a top of party become guilty and the Supreme Court gave a sentence ordered dissolving the most major opposition party recognizing he conspired subversion in 2017. The public opinion in the world has been accusing the government and the court of Cambodia, but Japan keeps giving legal technical assistance to the nation.

The similar situation occurs in the aid for Myanmar because it is said that the government of Myanmar persecutes Rohingya but Japan has been giving legal technical assistance to the country.

## **IV. Actual Practice of Legal Technical Assistance**

Things I described above is book learning. I learned about the practical aspects for the first time after coming to the ICD. I would like to talk about it in the below.

## A. History of the ICD

The ICD was established in the Research and Training Institute (RTI) of the MOJ as a department to address legal technical assistance in 2001. The first recipient country was Vietnam. To start giving aid in the legal field was a new challenge for the MOJ because the Ministry of Foreign Affairs mainly had dealt with cross-border issues so far.

## B. The ICD and Project Offices

The most unique characteristic of legal technical assistance by Japan is that the ICD cooperates with the offices in several recipient countries that are called the project offices. The project offices are under the Japan International Cooperation Agency (JICA).

The JICA manages the project offices because the project offices are operated within the framework of the ODA and the JICA is the organization which provides international aid with Japanese ODA. The budget of legal technical assistance by Japan mainly comes from the ODA. The ICD, the JICA and the project offices have cooperative relationships each other.

There are project offices in Vietnam, Laos, Cambodia, Indonesia, Myanmar and China as of today. Judges, prosecutors or attorneys are dispatched to these offices from Japan as local advisors. They live in recipient countries for usually two or some years and work there with local staffs.

The project offices follow each project that is agreed between the Japanese government and the recipient country's government. Each project has several goals and sets periods of time to achieve them. For example, in Cambodia, judges, MOJ officials and attorneys etc. of Cambodia gather and work together usually once a week with Japanese local advisors. They are called the working groups. There are three working groups in Cambodia and one of them works to make documentary sample forms including a complaint and a defendant's answer in civil procedure. This group activity aspires to make easy-to-fill-in and easy-to-understand forms that are helpful for the court users including attorneys.

Each project has each counterpart. For example, counterparts in the project of Laos are the MOJ of Laos, the people's supreme court, office of the supreme people's prosecutor and the national university of Laos. On the other hand, the counterpart with the ongoing project of Cambodia is only the MOJ of Cambodia. Japanese local advisors of the project offices work together closely with member staffs of the counterparts as the example of working group above in Cambodia.

Usually, projects leave the project offices some discretion for what kind of activities they do with counterparts. Therefore, they listen to on-site voices of counterparts and decide actual practice in accordance with the current needs from the recipient countries in the scope of the project.

One of the important roles of the ICD is to support the project offices. The ICD coordinate a variety of matters in Japan to facilitate the smooth operation in projects.

For instance, other departments of the MOJ or other ministries often ask the ICD about the current situation of a project. The reason why they want to gather information regarding a recipient country is various, but one of the reasons may be that they need to explain about the situation of a country externally.

The task of the ICD is to address mishmash that happen every day in Japan. This is helpful for the project offices to concentrate the core intent of the project.

There are Advisory Groups (AG) that consist of scholars, judges, attorneys, prosecutors and ICD professors. The AG exists to give legal advices to ICD professors, the local advisers, and counterparts on more specialistic or technical issues. For example, Japanese scholars had given advice to Laos in drafting Civil Code. Members of the AG often visit recipient countries to attend local seminars as a lecturer as necessary.

### C. Study Tours

The main role of the ICD is to host study tours in Japan from recipient countries. The ICD currently hosts not multilateral but bilateral aid. A study tour has participants from one country only.

The study tours are held once to four times a year for each recipient country (it depends on the country). This means the ICD prepares around twenty study tours per year. Members of a study tour come from counterparts of a recipient country. They attend one week or two weeks' seminar in Japan. The theme of the study tour depends on current needs from the recipient country, so the ICD discusses with the project offices and figure out the best theme to study at the upcoming seminar. The member of the study tour can immerse in studying the issue they face and discussion during stay in Japan. This is also a good opportunity for Japanese side to learn the newest situation of the country and what they really think about the issue. The ICD and the members of the study tour exchange opinions and the tour can give the participants a clue to find out the way to address the issues.

For example, in Vietnam, the mediation system that is operated outside of civil procedure has begun last March. Japan has a long history of mediation, so the ICD held the two weeks' study tour for the supreme people's court of Vietnam to learn about mediation in Japan. Vietnam is now expanding the number of courts which operates mediation.

### D. ICDs Own Activity

The large part of budget for legal technical assistance comes from the ODA as I mentioned above, and the ICD has its own budget as well.

In 2013, the MOJ, the Ministry of Foreign Affairs, the Cabinet Office, the Ministry of Economy, Trade, and Industry and other related ministries selected eight focused countries for legal technical assistance namely Indonesia, Vietnam, Myanmar, Mongolia, Cambodia, Laos, Uzbekistan and Bangladesh. Based on this decision, the ICD hosts study tours or local seminars in Mongol and Uzbekistan even though these countries currently have no project

offices. Furthermore, the ICD organizes local seminars or study tours for Nepal, Timor-Leste and Korea as well.

This shows the ICD can comparatively act flexibly depending on the time and situation.

#### E. Symposiums

The ICD hosts at least two big symposiums a year. One is for younger generation to let them know and be interested in the field of legal technical assistance. This Symposium is, so to speak, an introductory course. The other one can be an advanced course. Related people report the current situation in recipient countries and change opinions in the latter symposium.

The ICD plays a role of PR agency through these symposiums, publication of ICD NEWS and so on.

### V. People in the ICD

The ICD has a director, a deputy director and twelve professors. The professors consist of six prosecutors, one MOJ official from another department of MOJ, and five judges as of today (to be more precise, they are former judges and temporarily being prosecutors. ICD professors who are prosecutors are called hereinafter “prosecutor professors” and ICD professors who were judges are called hereinafter “judge professors”).

Three judge professors out of five are in the different situation from other two because three of them are going to be dispatched as local advisers in Vietnam, Cambodia or Myanmar next year, so they are so to speak in a preparation period for it. Thus, the ICD usually has two judge professors and I am one of them.

Here I would like to describe cooperation between the MOJ and the supreme court of Japan. The first time a judge was dispatched in a recipient country, Vietnam was in 2000. Since then, there are judges as local advisers in not only Vietnam, but Cambodia, Indonesia as well. One of the judge professors is going to be dispatched in Myanmar for the first time this year.

The first judge professor came to the ICD in 2004. I’m the tenth judge professor.

Judges who are dispatched as local advisers and judges who become ICD professor are divided in the personnel change of the court. However, the situation changed last October. As I mentioned above, three judges are transferred to the ICD as professors for preparation of being local advisers six month before they are supposed to be dispatched. Before then, judges have been dispatched to recipient countries without experience of ICD professors. Until last year, they got appointed letters to be dispatched to recipient countries and visit the ICD sometimes to prepare for going to the recipient countries. This shows cooperative relation between the MOJ and the supreme court was reinforced.

The prosecutor professors are supposed to be dispatched to recipient countries after some

years' experience as ICD professor. Somehow the way of personnel rotation in the field legal technical assistance is different between judges and prosecutors.

The ICD has Secretariat with more than ten officers. They have been transferred from other departments of the MOJ, e.g. public prosecutor's assistant officer. They are assigned to management of the budget, general affairs and the various paperwork related to legal technical assistance.

There is a linguistic advisor at the ICD. The local tongue of a recipient country - Japanese translation is used in study tours or local seminars because it is difficult to understand law and discuss accurately in except for mother language. However, English is required when making written agreements or send emails to foreign countries and so on. The linguistic advisor checks English, translates, and also helps the ICD communicate with English speakers as well.

## **VI. Comments and Suggestions**

The last part of this article is my comments and some suggestions based upon all factors as I stated above. (I would like to insist here again that these comments and suggestions are the author's own opinion as an individual.)

### **A. Role of the ICD**

The ICD should enhance the unique position in the field of legal technical assistance. There are three reasons.

First, the ICD has enough resources and information about all recipient countries. To embody potentials the ICD has, the knowledge and experience that forerunners of the ICD learned in years gone by should be utilized more. The ICD comprehends the concrete situations in all recipient countries. A country may take the same road the other countries took in the past. Hence, experience in one country can be most useful information for other countries. Nevertheless, the existing state is that this kind of information is divided into each project and each country, and it is not organized. As a result, activity about each country is scattering.

As I described before, the actual practice of this area is largely composed of acts of working groups, local seminars in recipient countries and study tours in Japan. Themes of these activities are based on the needs at that point. Projects are agreed based on the current circumstances as well. In the existing conditions, each activity is anything more than a piece. The ICD should and can draw a bigger picture with stimulated knowledge.

Secondly, ICD professors are all legal professionals including the MOJ official. They can analyze and find potential problems from practical point of view, but the ability of all professors are not sufficiently utilized in the actual status as I describe below.

Thirdly (this is the negative reason), the significance of role of the ICD as a supporter for the project offices is decreasing in the situation that more and more know-how on the practical method has been stimulated in each project office and more and more relation of trust between counterparts of recipient countries has been built. The role was bigger at the beginning of legal technical assistance than now. The ICD needed to give advices to the project offices and become strong ally of it in the past.

Moreover, theory related to legal technical assistance should be researched further in Japan. The ICD belongs to the institute to research things (RTI), so the ICD should play a role to mature the theory. There are no organization in Japan that legal practical professionals research the theory in the field of both development and law. As examples of theme worth researching today, there is a relationship between political system and rule of law, the way to measure of effect of legal technical assistance.

#### B. Raison d'être of Being a Professor

All professors at the ICD should work as literally professors.

All ICD professors are essentially expected to be lecturers. It is obvious as each of them is given a position title of a professor. However, judge professors often become lecturers in local seminars or study tours much more than prosecutor professors.

The main reason of this situation seems that most seminars or study tours need civil knowledge. However, prosecutor professors have also passed same bar examination as judge professors. Hence, prosecutor professors have basic knowledge and way of thinking in the civil field. They should be assigned to lecturers as well as judge professors.

Moreover, most professors and local advisors of the project offices seems to think it is quite natural to ask visiting lecturers at seminars or study tours. Nevertheless, the idea that ICD professors give most lectures in study tours or seminars should be taken into consideration. At least, ICD professors should take responsibility for the basic part of study tour or seminars that only basic knowledge is needed. The part of core or more professional opinion needed should be left to outside lecturers.

To achieve this, ICD professors need to update legal knowledge and study related areas more. The reality is that they are too busy by doing miscellaneous tasks, so only proactive professors have the motivation to study further. The same is true for me. My knowledge in the field of law and development is fading because I studied three years ago. The situation in the world is changing so the knowledge in the field needs a constant update.

#### C. Observation of Staff Change

ICD professors usually change once in some years, but it is too short.

As described above, some prosecutor professors are sent to the project offices as local advisers after some years' experience as ICD professors. Then, they come back to Japan after two years and work as public prosecutors again. Even in this case, I feel it is too short

to contribute enough in the field of legal technical assistance. It is more so with the judge professors. They stay in the ICD only for two years.

It's easy to imagine that related people including counterparts in recipient countries feel Japanese people in charge change too often. To keep stable aid, the professors should have opportunities to stay at the ICD or the project offices averagely more.

When it comes to personnel matters, the judge professors have another problem. Lately, younger judges who have less than ten years' experience as judges tend to be transferred to the ICD or dispatched to the project offices. This means some of them work at the ICD or the project offices even when they don't have enough experience in court procedures (In Japan, judges who have experiences as judges more than five years can have single judge court.).

The judge professors are expected to give lectures with not only book learning but practical one. Therefore, sending judges with less experience to the field of legal technical assistance is uncomfortable for both sides of Japan and recipient countries. The Supreme Court of Japan should assess what kind of knowledge and experience is currently needed in a country and decide who should be send to the ICD or recipient countries.

#### D. Way of Information Distribution

Important issues should be discussed among all ICD professors.

The ICD and the MOJ adopt the top-down way in decision making. Generally speaking, the defect of this system is that information distribution tends to be stuck at some points.

Professors sometimes are not involved in the process of decision-making, but they need to accept and follow the result. This situation makes them less motivated to be proactive.

Not only in the flow of top-down, but the case where professors don't share enough information with each other often occurs as well. The main reason of this seems that ICD professors tend to have lack of importance of sharing information. Knowledge and experience should be shared and utilized each other as I mentioned above, but they only focus on the country and events they are in charge of.

Besides, they change too often, so enough information is sometimes not taken over.

My suggestion to address this problem is that all professors work in a room. Each professor has his/her own room, which makes it difficult to change opinions easily between professors. Somehow ICD professors are given own rooms when the office was built.

## VII. At the End

To express ideas and opinions actively is important especially because we can stay in this field for only some years. I hope this article catches some people's eyes and lets them know the real world of legal technical assistance.

I appreciate the opportunity to experience practical side of this field and the situation I feel I can utilize my background.

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

## **OUTLINE OF VIETNAMESE LAWYERS AND VIETNAM BAR FEDERATION**

**Mitsushi EDAGAWA<sup>1</sup>**

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### **I. Introduction**

2019 will mark the 10th anniversary of the Vietnam Bar Federation<sup>2</sup> (hereinafter referred to as “the VBF”), which was founded in May 2009. The number of lawyers which was approximately 5,300 at the time of foundation, has doubled over ten years, exceeding 10,000. JICA, having begun its assistance before the establishment of the VBF, contributed to the establishment of the VBF and ever since, JICA continued the assistance for institutional building of the VBF, through the project activities, during which period, the Japan Federation of Bar Associations (hereinafter referred to as “the JFBA”)<sup>3</sup> also provided cooperation. On this occasion of the 10th anniversary of the VBF, to which the JICA has continuously extended its support before the establishment, I would like to first introduce in this article the summary of Vietnamese lawyers and the VBF. In the future, I wish to introduce JICA’s current (e.g. amendment of the Code of Ethics and Professional Behavior of Vietnamese Lawyers) and past activities as well, and actual situation of Vietnamese lawyers as appropriate.

### **II. Vietnamese Lawyers**

#### **(1) Brief History<sup>4</sup>**

The original lawyer’s system in Vietnam goes back to the French colonial period. Until 1930, only the French nationals were allowed to become lawyers.

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<sup>1</sup> “The Project for Harmonized, Practical Legislation and Uniform Application of Law Targeting Year 2020 (PHAP LUAT 2020) (April 1, 2015~March 31, 2020, hereinafter referred to as “this Project”).” Dispatched expert took office in Hanoi on April 1, 2018.

<sup>2</sup> In Vietnamese, it is LIÊN ĐOÀN LUẬT SƯ VIỆT NAM (LĐLSVINAM). VBF website (Vietnamese) is <http://liendoanluatsu.org.vn/web/home>

<sup>3</sup> MOU was signed between the JFBA and the VBF on November 25, 2013. Please see “Overseas Report: MOU between the JFBA and the VBF” (Attorney-at-Law Mariko KIMOTO (former JICA long-term expert to Vietnam), JFBA’s journal, “Jiyu-to-Seigi” (Liberty and Justice) April 2014 edition p74-p75) for summary of the arrangement.

<sup>4</sup> I referred to “Lawyer’s System in Vietnam” (then JICA long-term expert to Vietnam, Katsuya YANAGIHARA), ICD NEWS 2nd edition (March, 2002) p.156-p.157) for the history from the French colony era.

The birth of Vietnamese lawyer originates in the establishment of an Ordinance which acknowledged participation of the local Vietnamese in the court activities who have acquired a law degree as well as completed 5 years training in law office upon establishment of bar associations in Hanoi and Saigon (current Ho Chi Minh City) by the French Colonial Government in 1930.

After the 1945 Declaration of Independence, Democratic Republic of Vietnam excluded activities which did not accord with the policies of the new regime, and permitted the continued existence of bar associations. Back then, the main role of the bar association was to guarantee the defendant's right to defense in criminal cases.

However, since there were only few lawyers who had been practicing from the French colonial period, the number of lawyers were not sufficient for quite some time. In order to make up for the shortage of lawyers, various systems were established, including a system to allow judges act as defense counsels in criminal cases with certain procedure and conditions or a system to select "people's advocate" from mass organizations when members of the mass organizations became subject for a criminal trial or other judicial procedures.

Throughout the history of Indochina Wars, the North-South Divide, Vietnam War and the establishment of the Socialist Republic of Viet Nam followed by the 1976 reunification of North and South, bar associations were newly founded in major cities, and once again the activities in the local level were vitalized.

After the introduction of the 1986 Doi Moi policy, the importance of the lawyer's role was recognized and an Ordinance on bar association was enacted in 1987 by the National Assembly Standing Committee.

Furthermore, in 2001, another Ordinance by the said committee was established, allowing further development of the lawyer's system.

With such history, in 2006, "Law on Lawyers" (hereinafter referred to as "the Law")<sup>5</sup> was established, which was later amended in 2012; its contents include total of 94 Articles with "Chapter 1 General Provisions", "Chapter 2 Lawyers", "Chapter 3 Law Practice", "Chapter 4 Remuneration and Expense; Wages under Labor Contracts", "Chapter 5 Social-Professional Organization of Lawyers", "Chapter 6 Professional Practice by Foreign Law-Practicing Organizations and Foreign Lawyers in Vietnam", "Chapter 7 Management of Law Practice", "Chapter 8 Handling of Violations, Settlement of Disputes" and "Chapter 9 Implementation Provisions".

Based on the Law, the VBF, uniform organization of lawyers was finally established in 2009.

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<sup>5</sup> I referred to "Law on Lawyers (Amended edition) in English version" through the search from <https://thuvienphapluat.vn/en/index.aspx>

## **(2) Significance of Lawyers and Number of Lawyers**

In Vietnam, “lawyer” is a person who fully meets criteria and conditions for professional practice under the provisions of the Law (“Criteria of lawyers” Article 10 of the Law, “Conditions to law practice, Article 11 of the Law) and provide legal services at the request of individuals, agencies, or organizations. (Art.2)

There are more than 13,000 lawyers with the abovementioned definition (as of the end of December, 2018<sup>6</sup> ). Considering the population of Vietnam, which is approximately 9,370,000<sup>7</sup> in 2017, simple calculation shows that there is one lawyer for 7,208 people.<sup>8</sup> (There is a report which states number of lawyers as of 2001 was 1,471<sup>9</sup>, and 8,265 as of Feb. 2014, and there is one lawyer for 10,955 people<sup>10</sup> , according to a report)

Currently, male-female ratio of lawyers is: male 65% and female 35% <sup>11</sup>.

Almost 2/3 of all lawyers in Vietnam concentrates both in Hanoi and Ho Chi Minh City, it is said that most of them are engaging in business related laws. 1/3 of lawyers exist in remaining 61 places (provinces and centrally-controlled cities<sup>12</sup>), with five bar associations with 200 or more lawyers, 10 bar associations with 100 or more lawyers, and the rest of them have less than 100 lawyers.<sup>13</sup>

In addition, approximately 2,000 lawyers used to have different careers, e.g. judges, public prosecutors<sup>14</sup>.<sup>15</sup>

The government of Vietnam, in the Prime Minister’s decision “The Strategy for Development of The Lawyer Profession through 2020” dated July 5th, 2011 (No.1072/QD-TTg), sets the target number of lawyers by 2020 to be 18,000 to 20,000, reaching the ratio of one lawyer to 4,500 people . However, this is not an easy target to achieve.<sup>16</sup>

## **(3) Criteria of Lawyers**

To obtain the qualification of a lawyer in Vietnam, one must be a “Vietnamese citizens who are loyal to the Fatherland, observe the Constitution and law, have good moral qualities,

<sup>6</sup> Source from Session VIII, Term II National Law Council on 22 of December, 2018.

<sup>7</sup> Population of Vietnam is based on the MOFA Japan’s website, “Basic data of the Socialist Republic of Viet Nam”. <https://www.mofa.go.jp/mofaj/area/vietnam/data.html#section1> (Accessed on Aug.1, 2018)

<sup>8</sup> According to simple calculation with Japan’s population as approximately 126,609,000 as of February 1, 2018 (final number by the Statistic Bureau, Ministry of Internal Affairs and Communications) and number of attorneys as approximately 40,000 as of end of March, 2018, (40,066 as of March 31, 2018. JFBA’s Journal “Jiyu-to-Seigi (Liberty and Justice)” June 2018 issue), in Japan there is one attorney for 3,165 population

<sup>9</sup> Footnote <sup>4</sup>

<sup>10</sup> See footnotes <sup>3</sup>

<sup>11</sup> Source from the VBF on July 30, 2018. In Japan, as of March 31, 2018, ratio of female attorneys is 18.4% (JFBA “White Paper on Attorneys 2017” p.30). There are female attorneys’ clubs in Hanoi and Ho Chi Minh City. (VBF website as of April 21, 2016)

<sup>12</sup> Currently, there are five centrally-controlled cities (Hanoi, Hai Phong, Da Nang, Ho Chi Minh City and Can Tho) and 58 Provinces.

<sup>13</sup> Interview with VBF by JICA’s Mid-term review mission, January 9, 2018.

<sup>14</sup> Former judges, former prosecutors and former investigators are exempt from law training (Art.13 of the Law) and lawyer apprenticeship (Art.16 of the Law).

<sup>15</sup> Footnote <sup>13</sup>

<sup>16</sup> Source from the VBF on June 29, 2018. The VBF would want to aim to have 15,000 to 16,000 lawyers by 2020.

possess a law bachelor degree, have been trained in legal profession, have gone through the probation of legal profession and have good health for law practice ” (Art.10 of the Law)

Specifically,

- ① To have obtained a bachelor degree in law (Art.12, Sec.1),
- ② To have taken and completed the 12-month lawyer course at an institution licensed to train lawyers (Judicial Academy under jurisdiction of Ministry of Justice). (Art.12, Sec.2. Completion exam is conducted.)
- ③ To have completed lawyer apprenticeship at a law-practicing organization (mentioned later). (Art.14, Sec.1)
- ④ To have passed the “Assessment” (Art.15) of lawyer apprenticeship conducted by the VBF, which includes first, written test on skills for participation in legal proceedings, legal consultations, legal representation, and other legal services (180 min.), and secondly, written test on law on lawyers and lawyer practice, the Code of Ethics and Professional Behavior for Vietnamese Lawyers (90 min.), and practical examination (question and answer).<sup>17</sup>
- ⑤ Those who passed the assessment of the lawyer apprenticeship shall submit a dossier of application for the lawyer practice certificate to the board of directors of the bar association, and finally obtain the qualification of a lawyer, upon issuance of the lawyer practicing certificate by the Minister of Justice (Art.17).

The holder of the lawyer practice certificate may join a bar association for law practice. After that, the Lawyer’s card is issued (Art.20).

When one finally becomes an official lawyer after completing all the abovementioned requirements, he/she has the following rights/duties.

The rights include ① practicing law protected by statute as prescribed in this Law and relevant laws, ② representing clients as prescribed by law, ③ practicing law, choosing a form of practicing law and establishing a law-practicing organization as prescribed in accordance with the Law, ④ practicing law in Vietnamese territory, ⑤ practicing law overseas, ⑥ other rights prescribed in the Law (Art 21, Sec.1).

Duty/Obligation includes ① complying with the lawyer’s principle prescribed in Article 5 of the Law<sup>18</sup>, ② strictly observing the relevant regulations in the relationship with organizations for legal proceeding; having cooperative and respectful manners and attitude towards the presiding officers with whom they communicate during the practice, ③ promptly participating in the lawsuits requested by the organizations for legal proceeding, ④ providing legal support

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<sup>17</sup> 813 candidates took the 1<sup>st</sup> 2018 law practice exam held at the end of June, 2018 and 647 of them have passed. The result of the exam is announced with the list including the name, date of birth, related bar association, scores of each test and pass/failure result.

<sup>18</sup> Art. 5 of the Law stipulates “Principles for law practice” as “1. Observance of the Constitution and law. 2. Observance of the rules on legal professional ethics and conducts. 3. Independence, honesty and respect for objective truths. 4. Use of lawful measures for the best protection of clients’ legitimate rights and interests. 5. Accountability before law for law-practicing activities.”

⑤ attending compulsory training courses<sup>19</sup>, ⑥ other obligations as prescribed in the Law (Art.21, Sec.2).

#### **(4) Forms of Lawyer's Practice**

There are two forms of practicing law: ① Establishing or participating in the establishment of a law-practicing organization (lawyer's offices, law firms) or working for a lawyer's office under a labor contract; ② Practicing law independently as prescribed in Article 49 of the Law." (Art.23 of the Law).

First, specifically, "a law-practicing organization" means the forms of establishment of a "lawyer's office" or "law firm". (Art.32)

"Lawyer's office" means operation by the form of a private enterprise, where "the lawyer who sets up a lawyer's office is the chief of the office and takes charge of fulfilling all the office's obligations with all his/her property. The chief of an office is the office's representative at law". (Art.33, Sec.1)

"law firms" include law partnerships and limited liability law firms<sup>20</sup>. (Art.34) A charter of law firm is required. (Art.35, Sec.2 b). "lawyer's office" may be transferred into "law firm" (Art.15 of the Decree<sup>21</sup>)

In order to establish "a law-practicing organization", one must work for at least two consecutive years under the labor contract for a law-practicing organization to gain law practice experience first, or must work as independent lawyers (mentioned later) under labor contracts for an organization pursuant to the Law. (Art.32, Sec.3 a).

Secondly, an independent lawyer is a lawyer working under a labor contract for an organization that does not practice law" (Art.49, Sec.1).

### **III. Outline of the VBF and its Challenges**

#### **(1) History**

The VBF, as I have written earlier, is an organization to integrate lawyers<sup>22</sup>.

The VBF was established in May 2009 based on the Law 2006, as a compulsory membership organization whose members are lawyers and bar associations all over Vietnam. The VBF

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<sup>19</sup> According to the circular No.10/2014/ TT-BTP by the Ministry of Justice, every lawyer must participate in a refresher course at least 02 working days per year (16 working hours/year). (Art.8) Disciplinary measure is taken for lawyers failing to fulfill the training obligation. (Art.15)

<sup>20</sup> I referred to "No: 123/2013/ND-CP dated 14 of October, 2013, Decree on Detailing a number of articles and implementation measures of the Law on Lawyers in English version" through the search from <https://thuvienphapluat.vn/en/index.aspx>

<sup>21</sup> Decree in Footnote<sup>20</sup>

<sup>22</sup> Vietnam also has Vietnam Lawyers' Association with members who are related-to legal professions, a separate organization from the VBF. Vietnam Lawyers' Association and VBF concluded a cooperation agreement on July 10, 2018.

possesses the status of a legal person. (Art.64, Sec.1 of the Law).

Amendments to increase the autonomy of the VBF were made along with amendment of the Law in 2012, including granting the right to establish management rules (e.g. Art.6).

The VBF has the Charter, which came into effect in May 2009 based on the Art.67 of the Law in response to the establishment of the VBF. Later, the amended Charter came into effect in response to the Justice Minister's decision in August 2015 and has been effective to this date. According to the Charter, the VBF represents its members, lawyers and bar associations; its main purpose is to protect their rights and their legitimate interests (Art.67, Sec.2 a of the Law, Art.1 of the Charter).

The VBF is, on the other hand, under management of the Ministry of Justice. (Art.83, Sec.2 of the Law)

The Ministry of Justice is responsible for the state management of lawyers and their practice. Specifically, it formulates and submits the strategy for development of law practice to the government, licenses the establishment of lawyer training institutions, formulates the framework of lawyer training programs, stipulates the regime for compulsory training in professional skills of lawyers and performs the state management of the international cooperation in law practicing. (Art.83, Sec.2).

## **(2) Outline of Organization<sup>23</sup>**

The outline of the organization of the VBF is as below:

### **A. Decision-Making Organization**

#### **●National Congress of Lawyers (Art.5, 6 of the Charter)**

- VBF's highest leading body
- It is convened every five years by National Council of Lawyers (Next meeting to be held in April or May 2020).
- Delegates who attend the congress are the members of National Council of Lawyers and others.

#### **●National Council of Lawyers (Art.5, Sec.2, Art.7 of the Charter) with 95 members**

- Leading body for the VBF during the interval between the two National Congress of Lawyers.
- Term of the office is five years.
- Members selected at the National Congress of Lawyers in addition to the chairpersons of 63 bar associations.

#### **●Standing Committee (Art.5, Sec.3, Art.8 of the Charter) with 21 members**

- The body administrating all tasks of the VBF during the interval between the two

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<sup>23</sup> I referred to "Law on Lawyers (Amended edition) in English version" through the search from <https://thuvienphapluat.vn/en/index.aspx>

National Congress of Lawyers.

- Members of the National Council of Lawyers and committee members selected from the said Council including the President and Vice President. Maximum number of the members is stipulated to be 21.

●President, Vice President (Art.9)

- One President is selected from the members of the Standing Committee by the National Congress of Lawyers. Term of the office is five years.
- Vice President is selected from the members of the Standing Committee by the National Council of Lawyers. There is no stipulation for the number of Vice Presidents in the Charter; currently, there are four Vice Presidents.

B. Supporting organization of the VBF (Art.5, Sec.4, Art.12, Art.13, Art.14 of the Charter)

There are “Office /Representative body” as supporting organization for the VBF. Specifically, ① the Head Office of the VBF (Art.12, Sec.1 of the Charter), ② Representative Office of the VBF in Ho Chi Minh City (Art.12, Sec.2)

In addition, there are following committees (Art.13): ① Committee on Protection of Rights and Interests of Lawyers , ② Committee on Training and Legal Education, ③ Committee for Lawyers Supervision, ④ Committee on Economic and Finance, ⑤ Committee on Award and Discipline, ⑥ Committee on International Relations, ⑦ Committee on Law Contribution and Legal Aid .

Also, as subordinate organizations of the VBF (Art.12, Art.14), there are: ① Vietnam Center for Lawyers Training (Art.14, Sec.1)<sup>24</sup>, ② Vietnam Business Lawyers Club(Art.14, Sec.2), ③ Center for Legal Advice (Art.14, Sec.3), ④ Vietnam Lawyer Journal<sup>25</sup> (Art.14, Sec.4).

C. Membership Fee and Financial Resource

“Enrollment fee” of the bar association (Art.37, Sec.2 of the Charter) is 3 million VND (≙ 15,000 yen) and annual “membership fee” of the bar association (Art.37, Sec.3) is 2.4 million VND (≙ 12,000 yen). This is the same throughout Vietnam and it includes the membership fee for both bar association and the VBF.

The amount to be paid to the VBF depends on the size of each bar association.

Out of the annual membership fee of 2.4 million VND, the lawyer is to pay 10% of 2.4 million VND to the VBF if his/her bar association has 50 or less members, and 20% if his/her bar association has 51 to 100 members, and 50% if his/her bar association has more than 100 members. There are some methods of payment e.g. paying every three months to the bar association.

Source of VBF’s revenue include: ① membership fee, ② voluntary contribution of funds by

<sup>24</sup> As of this point, it is not established because the decision by the Justice Minister for the establishment is not made (No.123/2013/ND-CP, Art.2, Sec.4) .

<sup>25</sup> The VBF issues a monthly magazine “LUẬT SƯ VIỆT NAM” (Vietnam lawyer Magazine) (in Vietnamese).

lawyers and law-practicing organization, ③ revenue from the VBF activities, ④ government aid, personal/organizational aid coming from both inside and outside Vietnam, ⑤ other legitimate revenue (Art.35, Sec.1 of the Charter).

Among these, the main source of revenue is the membership fees. Although there is income from the justice reform-related government budget, it is said that there is no particular aid from the state management organization.<sup>26</sup>

### **(3) Bar Associations**

Currently, every province and centrally-controlled cities has a bar association (total of 63). At least 3 holders of the lawyer practicing certificates are required to establish a bar association. (Art.60, Sec. 2 of the Law). A bar association also has a separate legal status. (Art.60, Sec.1) Generally speaking, the local bar associations were established before the VBF; in 1987, there were bar associations in 30 Provinces (or centrally-controlled cities). The last bar association, which was established in July 2013, was that of Lai Chau Province, northwestern part of Vietnam, which has the least population.

Bar associations are managed by the VBF, and are also under management of People's Committee by Provinces and centrally-controlled cities (Art.83, Sec.4). Each bar association used to have its own charter, however, they lost its effect with the abovementioned VBF's Charter taking effect (Art.49, Sec.2 of the Charter).

Source of revenue of bar associations is mainly the membership fees. However, the revenue of membership fees alone cannot afford all expenses necessary for running a bar association, therefore some bar associations receive financial support from the People's Committee.

### **(4) Challenges<sup>27</sup>**

It is thought that establishment of the VBF has had a great significance, taking into consideration the involvement in the legislative process on a central level (e.g. legislative proposals to amendment of the Criminal Procedure Code), the role as liaison with organizations for legal proceedings such as Supreme People's Court, Supreme People's Procuracy, enhancing the significance of bar associations by gathering and handling issues of local bar associations, capacity-building of lawyers with trainings held nationwide, increasing trust toward lawyers by developing professional code of ethics. On the other hand, challenges still remain.

#### **A. Challenges in terms of Human Resource**

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<sup>26</sup> Source from the VBF, July 30, 2018

<sup>27</sup> Description of challenges are based on interview with the VBF by the JICA's Mid-term review mission on January 9, 2018, other occasional interviews with the VBF, reports by past long-term experts (I would like to extend my appreciation to them briefly here), project activities since I took office and outcome of questionnaires during activities. Other challenges will be continuously examined.

The VBF has several issues and challenges in terms of human resource e.g. gap of knowledge (e.g. skills, ethics.) among lawyers, gap among regions and intergenerational gap.

As for “gap of knowledge”, approximately 2,000 out of over 13,000 lawyers are retirees who formerly had different careers and experiences which help contribute to the enhancement of the law practice of lawyers, thus are exempt from participating in obligatory trainings.

However, the issues of insufficient knowledge, skills as lawyers or insufficient ethical knowledge/experience with regard to relationship with clients have been pointed out.

As for “gap among regions”, it is pointed out that the disparity regarding number of lawyers between big cities and local cities remains large. As I have mentioned, almost 2/3 of entire population of lawyers are concentrated in Hanoi and Ho Chi Minh City, and 1/3 are in the remaining 61 Provinces and centrally-controlled cities. Such imbalanced situation brings some obstacles for access to lawyers in local provinces.

As for “intergenerational gap”, local bar associations have many young lawyers (in their 20s and 30s) and experienced veteran lawyers (in their 60s and 70s, however, since they became lawyers after retiring their former careers, their experience as lawyers are almost the same young ones) but lack middle-age lawyers. In comparison, there are relatively older lawyers than young ones, creating concern for survival of bar associations which have only 30 lawyers or less.

#### B. Organizational Challenges

As for organizational challenges, there are issues of the VBF itself (involvement of members, financial resource), relationship between the VBF and the bar associations, and relationship between the VBF and organization for legal proceedings e.g. Supreme People’s Court, Supreme People’s Procuracy and Ministry of Public Security.

First, the biggest challenge for the VBF is to secure financial resource. Its main source of revenue is the membership fees, however, it is said that there are quite some unpaid fees and the VBF is facing the difficulties concerning the collection of membership fees at bar associations in big cities rather than other bar associations .

Secondly, the Charter stipulates that term of office for the VBF President, Vice President of the VBF and chairpersons of each bar associations to be five years; however, it is not an easy task for lawyers to fully engage in the activities of bar associations for five years in addition to their regular law practice because full engagement of the member lawyers finds it difficult to keep their jobs as lawyer. Issue of low commitment in the management of the VBF by member lawyers is also pointed out.

As for the relationship between the VBF and bar associations, it seems to be improving by institutional building through amendment of the Law, regular trainings and survey conducted in local cities.

Still, the challenges remain as issues of unpaid membership fees, disciplinary measures

against lawyers with ethical problems managed by each bar association under the Law; it is not always fully handled at local bar associations.

Furthermore, the relationship with organizations for legal proceeding particularly in criminal procedure is an issue.

Despite stipulation under the Criminal Procedure Code, there are some procedures which are not applied in accordance with the article of the Code in relation with the organizations for legal proceeding (e.g. suspect's reading and writing the documents and evidences, under Art.60, Sec.2, Sub Sec. i of 2015 Criminal Procedure Code). It goes down to a deeper issue, so, I will not go into details in this article, however, the VBF is expected to realize procedures in accordance with the law in collaboration with organizations for legal proceedings.

### C. Conclusion

Some challenges mentioned in this article can be handled by the JICA's technical cooperation project, while some cannot.

Among them, as for issues the JICA is able to handle, we are currently, with cooperation offered by JFBA, cooperating with the training for/amendment of the Code of Ethics and Professional Behavior of Vietnamese Lawyers and with organizational restructure through the amendment and supplement of the Charter. Also, with regard to relationship with the organization for legal proceedings, we are conducting joint activities concerning criminal procedure with Supreme People's Court and Supreme People's Procuracy.

As for these, it is my hope that I will have another opportunity to introduce them further in the future.

(I would like to add that any opinion expressed in this article is my personal one, not of the group I belong to or of this Project.)

# LEGAL ASSESSMENT AND CHALLENGES OF THE JUDICIAL REFORM IN TIMOR-LESTE

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## I. INTRODUCTION

After Timor-Leste voted to become independent from Indonesia in August of 1999, Indonesian-sponsored militias and the Indonesian military caused chaos throughout the province, which caused United Nations (UN) peacekeepers to be deployed to restore order. Timor-Leste was governed by the United Nations Transitional Authority for East Timor (UNTAET) from October 1999 until the country's independence on 20 May 2002. UNTAET had a remarkably broad mandate that included the power to exercise all legislative and executive authority, including enacting new laws. One of the most obvious enduring effects of Timor-Leste's unique legal history is the wide variety of the legal sources in the country. The Portuguese, Indonesian, and United Nations legal systems continue to influence modern Timorese law. Timor-Leste's Constitution is based on the Portuguese Constitution, as have many of Timor-Leste's diplomas been, often with little modification. UNTAET regulations and Indonesian laws that have not been repealed may supplement the Constitution and diplomas adopted by the National Parliament. Multiple sources of law that supersede one another in certain circumstances can complicate the legal system and make it difficult to understand or analyze the country's laws.

The preamble and Section 1 of the Constitution say that Timor-Leste should be a democratic state “based on rule of law”. This statement alone does not tell us very much about what the drafters meant by rule of law. However, it is important to realize that every time the Constitution mentions rule of law, it appears near a reference to a “democratic State”.

In Timor-Leste, institutions that have power in the judicial sector are the National Parliament and the Government. This is in line with articles 95 and 115 of the Constitution. Based on Article 95 of the Constitution, the fundamental problems of the State will be regulated by the National Parliament, which will be realized through legal documents, such as laws. Meanwhile, in accordance with Article 115 of the Constitution, other administrative matters will be regulated by legal documents issued by the Government, known as decree-law. So, the National Parliament and the Government have the competence to produce laws.

Due to the limitations of legal or legislative human resources in Timor-Leste, it was a custom to “copy and paste” the laws from other countries, to be adopted by Timor-Leste. This happened, because in the early days of independence, the purpose of making laws was to emphasize the new democratic State of Timor-Leste based on rule of law, regardless of the sociological aspects of its people and culture. This resulted in adoption of several laws without going through an in-depth study, which is understandable since almost all legislative drafter workers are foreigners.

In addition, one important constraint in developing the legal system in Timor-Leste is the language. As is known, in the justice sector, the language used is Portuguese, however, the mastery of Portuguese language by Timorese experts was very minimal. As such, this forced the Government of Timor-Leste to remain dependent on legal experts from abroad, especially from Portuguese-speaking countries, such as Portugal, Cabo Verde, Angola, etc.

## **II. POLICY ON LEGAL REFORM**

We must recognize that Timor-Leste has produced laws without considering the sociological aspects of its own society. So, sometimes, there are many laws that cannot be implemented properly and correctly in accordance with the expectations of the author of the law. On the other hand, the law cannot be implemented because it contradicts the customs of the local community, so it takes a long time for the community to understand the meaning of the law itself. An example of this is the Civil Code that only recognizes Catholic marriage, traditional marriage and civil marriage. This law does not recognize marriages from other religions, whereas in reality there are also other religions in society. Or the law on domestic violence, which is contradictory to the habits of the local community.

In addition, the lack of public participation in the drafting of a law also has caused challenges in the implementation of the law itself after it had been passed because the public were not involved. This is exacerbated by the language used in drafting the law, namely Portuguese, where almost all people do not have sufficient knowledge about Portuguese. Language has created a gap between the author of the law and the community. The justice sector has to be owned by the Timorese, in a process we have called “timorization”, meaning that all matters relating to the justice sector are determined, carried out and evaluated by Timorese themselves.

Based on the background of the above problem, in 2011, the Government approved the Justice Sector Strategic Plan for Timor-Leste 2011-2030<sup>1</sup> submitted by the Ministry of Justice of Timor-Leste. This Strategic Plan provides an overview of the actual situation of the justice sector and plans activities to strengthen the justice sector. One of the plans is to revise the existing laws and regulations and describe the legislative development plan. The plan to carry out legal reform is very important to know and improve the methodology used in the preparation of drafting a law, the substance of the law itself and how to implement the law.

The politics of legal reform as outlined in the justice sector plan is a guide to achieving the goals of the State in the welfare of society in the field of law, which is in line with the mandate of the Constitution<sup>2</sup>.

Based on the above facts, in 2015, the Government deemed it necessary to immediately carry out a legal reform, so that there would be no overlap between one law and the other. Therefore, a commission was established to conduct research and studies on how to carry out legal reform in Timor-Leste.

#### A. Legal Reform Commission (LRC)

In 2015 through the 6<sup>th</sup> Government, the Legal Reform Commission(LRC) with the main task of conducting research and assessment on a possible legal reform was established in Timor-Leste. This Commission was established with Government Resolution No. 30/2015<sup>3</sup> on December 16, 2015. The LRC will carry out tasks in the areas of developing strategies, reports, studies and recommendations for legislative and justice sector reform, integrated and coordinated with the aims of the State of Timor -Leste<sup>4</sup>.

In its two years of service, the LRC has conducted various assessments of the process of forming a law, implementing laws and the contents of the law. In carrying out its duties and mission, the LRC always cooperates with the National Department of Legislation and Legal Advisory (DNAJL) of the Ministry of Justice.

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<sup>1</sup> Justice Sector Strategic Plan for Timor-Leste 2011-2030, [http://www.mj.gov.tl/files/JSSP\\_ENGLISH.pdf](http://www.mj.gov.tl/files/JSSP_ENGLISH.pdf)

<sup>2</sup> Article 6 of the Constitution of Timor-Leste

<sup>3</sup> RezolusaunGovernu No.30/2015 (government resolution No.30/2015)

<sup>4</sup> [www.crl.gov.tl/en](http://www.crl.gov.tl/en)

From the joint assessment, the LRC published work reports that included recommendations to the National Parliament and the Government on legal reform in Timor-Leste. Some of the laws that are the object of study and research from the Ministry of Justice and LRC include the Penal Code, the Penal Procedure Code, the Civil Code (marriage law), trade law and the problems regarding the implementation of traditional laws in national laws.

Assessment of the Penal Code still needs to be strengthened because the LRC did not had enough time to conduct a thorough research. The LRC collaborates with the Ministry of Justice to jointly assess which parts of the Penal Code need to be changed according to the actual situation in society. From this joint assessment, it was agreed that there should be changes to the provisions of the article concerning incest, because incest has not been written explicitly in the Penal Code. In addition, there is also a need for studies to integrate the Domestic Violence Law to the Penal Code.

In the Civil Code, the center of the study is on marriage law. The issue of marriage law is a central issue that has not been resolved until now. As we know that the Civil Code only recognizes 3 types of marriages, namely Catholic marriage, traditional marriage and civil marriage<sup>5</sup>. This article does not recognize marriages carried out according to other religions and beliefs. Thus, this article is considered to be in conflict with Article 12 of the Constitution<sup>6</sup> which guarantees freedom of religion and belief in Timor-Leste. The consequences of Article 1475 of the Civil Code led to protests from society, especially from other religious groups and those who adhered to the cult.

Responding to the protest conveyed by the community, Ministry of Justice issued an order stipulating the civil registration authorities to register marriages for non-Catholics, who had carried out their marriages based on their respective religious laws<sup>7</sup>. However, this is not enough to solve the problem because of the lack of legal instruments in terms of registering marriage.

The Ministry of Justice and the LRC came to mutual conclusions in order to answer this marriage registration issue, several things are needed: creating new laws on religious freedom in Timor-Leste, so that religion and belief in Timor-Leste are determined and creating a civil registration code which contains registration of all civil legal actions, such as marriage registration.

Another recommendation, which is considered important, is the process of drafting a law. The LRC considers that there is a need for standardization in the preparation of a draft law. With this standardization, it is expected to help the performance of legal drafter in preparing a law with a good and correct methodology, the use of good, correct, concise and clear language. In

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<sup>5</sup> Article 1475 of the Civil Code (Law no.10/2011), <http://mj.gov.tl/jornal/?q=node/803>

<sup>6</sup> Article 12 of the Constitution of Timor-Leste, [http://mj.gov.tl/jornal/public/docs/ConstituicaoRDTL\\_Portugues.pdf](http://mj.gov.tl/jornal/public/docs/ConstituicaoRDTL_Portugues.pdf)

<sup>7</sup> Directiva do Ministério da Justiça No.9/2017, data 19 April 2017.

addition, all legal documents produced must be written in 2 languages, namely Portuguese and Tetum, in accordance with the law<sup>8</sup>. By writing the law in these 2 languages, it is expected to facilitate the understanding of all parties, including the community.

The recommendations from the report published by the LRC were welcomed by the Parliament National and the Government. However, because this report coincided with the end of the 6<sup>th</sup> Government period, it has created an ambiguity regarding the its follow-ups.

One of the things that needs to be considered here is that the LRC only provides reports and recommendations regarding a law that needs to be corrected or needs to be added, but the LRC does not have the competence to do legal writing. The LRC ends its working period when the 6<sup>th</sup> Government also ends its work mandate, in August 2017.

## B. Ministry of Legislative Reform and Parliament Affairs

During mid-2018, a new coalition government, the 8<sup>th</sup> Constitutional Government was formed. Based on the 8<sup>th</sup> Government Work Program and the 8<sup>th</sup> Government Structure Law<sup>9</sup>, it mandates the Government to carry out legal reforms and strengthen legislation, through the Ministry of Legislative Reform and Parliament Affairs.

Based on our observations, this has a very positive (?) or negative (?) impact, because after 16 years of independence still no good political strategy was in place to make revisions and reforms in the field of legislation and in the field of justice. As of this writing, there has been no presentation from the Ministry of Legislative Reform regarding work plans, methodologies related to legal reform and targets to be achieved, so it is difficult for us to examine what actions, steps and objectives will be achieved by the Government to implement the legal and judicial reform in Timor-Leste.

By conducting an analysis of the law regarding the Ministry of Legislative Reform and Parliament Affairs<sup>10</sup> organizational structure, it can be seen that the duties and missions of this Ministry relating to legal and judicial reforms include: proceed to the in-depth study on law reform, harmonization, as well as the assessment of the need for government intervention or the National Parliament, propose and promote the modernization of the legislative procedure, propose and promote the reform and modernization of the judicial sector, translate or accompany the translation of legal and regulatory diplomas as a measure to promote access to law by citizens.

To carry out its duties and mission, the Ministry of Legislative Reform must deliver the policy, structure, guidelines and action plan for an effective legislative reform and for the reform and modernization of the judicial sector to the Council of Ministers.

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<sup>8</sup> Article 3 of Law No.1/2002, [http://mj.gov.tl/jornal/public/docs/2002\\_2005/leis\\_parlamento\\_nacional/1\\_2002.pdf](http://mj.gov.tl/jornal/public/docs/2002_2005/leis_parlamento_nacional/1_2002.pdf)

<sup>9</sup> Decreto Lei No.14/2018, [http://mj.gov.tl/jornal/public/docs/2018/serie\\_1/SERIE\\_I\\_NO\\_32\\_B.pdf](http://mj.gov.tl/jornal/public/docs/2018/serie_1/SERIE_I_NO_32_B.pdf)

<sup>10</sup> Article 16 of Decreto Lei No.14/2018, [http://mj.gov.tl/jornal/public/docs/2018/serie\\_1/SERIE\\_I\\_NO\\_32\\_B.pdf](http://mj.gov.tl/jornal/public/docs/2018/serie_1/SERIE_I_NO_32_B.pdf)

### III. CHALLENGES

This legal reform and judicial reform, although it has been going on since 2015 marked by the establishment of the LRC and the establishment of the Ministry of Legislative Reform and Parliament Affairs in 2018, show a strong determination from the Government of Timor-Leste to reform the judicial sector.

Nevertheless, it still faces obstacles in carrying out these reforms. Some of the challenges faced include:

- i. *Methodology used.* The lack of standards for the methodology for legal and judicial reforms in Timor-Leste, both from the LRC and from the Ministry of Legislative Reform, causes serious obstacles. This is related to the principle of drafting a law that must be in accordance with the sociology of the community, the use of short and clear sentences, and in-depth analysis of the substance of the law itself. Another obstacle related to the methodology in legal and judicial reforms is also about the active participation of the community in the drafting process. In addition, there is no political clarity regarding which legal documents or which laws should be targeted for reform.
- ii. *Language and writing.* All existing laws are written in Portuguese. On the other hand, the legal national drafters lack mastery of Portuguese, moreover legal terms in Portuguese. This is very difficult in terms of conducting studies and analysis of the substance of the law as well as for writing new amendment articles. To answer this obstacle, we use translation, however, the translation is a literal one, so it may have the risk of eliminating the intent of the law itself. In addition, the lack of attention from the Government to these legal translators also caused a loss of interest from the community to choose a profession as a professional legal translator.
- iii. *Human Resources.* In carrying out the politics of legal reform, adequate human resources are needed, which master the laws of Timor-Leste itself and fully understand the conditions of the people of Timor-Leste. Or, in other words, emperic and legal must complement each other. The law will live if it is well received and carried out by the community and provide maximum results in accordance with the expectations achieved.
- iv. *The budget is minimal,* Every year (since 2015), the Government has not allocated sufficient funds to the legal reform programs from the annual state budget. This caused the LRC to face obstacles in expanding its scope of work in terms of conducting public consultations and also to employ legal drafter experts in carrying out the task of reforming the laws. But, for the Ministry of Legislative Reform, we cannot analyze the amount of the budget allocated to this legal reform program, because the 2019 budget

is still in the discussion stage at the National Parliament.

#### **IV. CONCLUSIONS AND RECOMMENDATIONS**

Legislative policy is defined as a public policy that comprises a set of influencing factors, principles, entities and social actors that, directly or indirectly, participating in the process of elaboration of the laws, thus being the first necessary condition for ensuring the quality of laws.

This importance stems from the fact that the adoption of a law is an eminently political decision subject to various political, economic, social, cultural and environmental constraints, and therefore it is not possible to pass perfect laws. While it is true that there are no perfect laws, it is also true that there are laws that best fulfill their objectives, and among them are certainly those which have been elaborated according to the principles and rules that guide the process of drafting laws in legislative policy.

Thus, the quality of the law depends, first and foremost, on the principles and instruments outlined in the framework of a structured legislative policy aimed at achieving certain objectives. And here, the principle of legal certainty intervenes, requiring clear and precise laws and their comprehensible application for citizens, facilitating the definition of those principles considered fundamental to the configuration of a legislative policy.

Accordingly, fundamental principles for the elaboration of quality laws are considered, namely: the need (of the law), simplicity (of the law); accessibility (of the law) and transparency (of the legislative procedure).

Recommendation:

1. To enshrine in an autonomous diploma the rules applicable to the elaboration of the law and to the legislative procedure at governmental level.
2. Adopt an adequate methodology for the elaboration of laws, aiming at their quality. The adoption of a methodology in the elaboration of the laws that observe the rules and good practices of the material *legística* is a fundamental instrument to reach the quality of the law, concurring for its good execution and for the fulfillment of its objectives.

3. Create a mandatory checklist that succinctly answers the key policy, legal, and technical issues of legislative projects, including issues related to gender equality.
4. Incorporate consultation procedures at the drafting stage.
5. Create a centralized entity for coordination and technical-legal supervision of the legislative activity of the Government.
6. To focus on the training and gradual improvement of the team of legislative drafters.
7. To focus on the training and development of legal translators.
8. Elaboration of instruction manuals to standardize the application of laws.

## ***- IV. Looking Back on 2018 -***

### **RECENT ACTIVITIES OF LEGAL TECHNICAL ASSISTANCE IN BANGLADESH**

**Mio TAKANASHI**

*Professor and Government Attorney, International Cooperation Department*

#### **I. History of Legal Technical Assistance to Bangladesh**

In year 2013, the Ministry of Foreign Affairs revised “Basic Policies on Legal Technical Assistance”, and with this revision, Bangladesh became one of the priority countries of legal technical assistance.

On the basis of the revision, the International Cooperation Department (ICD) started researching the legal system and its problems in Bangladesh from 2014.

After a few years of research, it became clear that the biggest problem of Bangladesh judiciary was the enormous amount of backlogs, and reduction of these backlogs is the high-priority issue.

In March and October of 2016, the ICD invited officers from the Ministry of Law, Justice and Parliamentary Affairs (MLJPA) of Bangladesh to Japan for joint study.

Between these study tours to Japan, the MLJPA requested Japan International Cooperation Agency (JICA) for the country-focused seminar in legal field which was aiming for the enhancement of the judicial system of Bangladesh to make it better equipped for smooth dispute resolutions.

In year 2017, JICA has adopted this request and implemented three years country focused seminar program, which started in April 2017.

Since then, the ICD has been collaborating with JICA on this seminar program.

#### **II. Main Activities and Prospects toward Year 2019**

1) As mentioned above, the overall goal of the seminar program is to make Bangladesh judiciary better equipped for smooth dispute resolution, that is, reduction of backlogs and better functioning of courts, making courts well-functioning.

Through the discussion, it came to the conclusion that utilization of ADR, especially

mediation could be one of the solutions to reduce backlogs.

- 2) In year 2017, the ICD held the first study trip to Japan, inviting 15 participants from Bangladesh.

The main contents of the study were mediation (including introduction of Japanese mediation system and mediator training) and case management.

In July 2018, JICA held local seminar in Dhaka jointly with the ICD, for the furthermore study of mediator training.

The participants of the seminar were mainly judges, including legal aid officers (the post for relatively young judges), who were presently in charge of pre-filing mediation cases.

The second study trip to Japan, which took place in November 2018, was again about the mediator training, especially focusing on the preparation of new mediator training curriculum for the training institute in Bangladesh.

In the second study trip, participants also visited the Supreme Court and the Tokyo Family Court and were given lectures from judges to learn the case management system in Japanese courts.

- 3) Year 2019 will be the last year of the seminar program and our short-term goal for the program is to introduce mediator training curriculum to the Judicial Administration Training Institute (JATI) in Bangladesh, which is quite feasible within 2019.

The backlog problem in Bangladesh derived from various causes and of course, it is not something which can be solved in short term.

The ICD members are always willing to make our best efforts for the improvement of Bangladesh judiciary.

The MLJPA is now preparing for the subsequent request to JICA, and we all look forward to assisting Bangladesh judiciary and keeping our strong relationship for the forthcoming program.

# WORKSHOP ON PAROLE, PROBATION AND SENTENCING IN NEPAL

**Yumi Umemoto**

*Professor and Government Attorney, International Cooperation Department*

## **I. Background of the Workshop**

In Nepal, after the 10-year civil war, transition to the Federal Democratic Republic with the abolition of the monarchy was declared in May 2008. Ever since then, in order to transform the country into the modern democratic state, the dissolution/amendment of the Muluki Ain which had been established in 1853 (The National Code which is a single comprehensive code including the civil and criminal code along with the code of procedures) has been advanced. JICA, in response to the request from Nepal government, established the Advisory Group comprised of jurists in 2009 and has been dispatching legal advisors to support drafting the Civil Code, as well as conducting a project for strengthening capacity of the court between September 2013 and March 2018. The International Cooperation Department (ICD) conducted seminars in Japan, cooperating with the said JICA activities. Since 2009, ICD has provided its own assistance in criminal justice field as well through local seminars and collaborative study for invited prosecutors, which is co-hosted with UNAFEI<sup>1</sup>. And finally in October 2017, the five new codes: the Civil Code, the Civil Procedure Code, the Criminal Code, the Criminal Procedure Code and the Sentencing and Execution Code were established in Nepal.

During the process of the abovementioned assistance, Mr. Mahendra Nath Upadhyaya, the Registrar of Nepal Supreme Court requested Mr. Taro Morinaga, Director of ICD to provide Japan's knowledge, disclosing the adversity and difficulties they are facing in Nepal with the enforcement/operation of laws, as Nepal does not have accumulated knowledge and experience regarding the new systems to be introduced with the new laws, in particular, regarding parole, probation and sentencing judgment in criminal justice. In response, amid the situation when the new five laws were to come into effect shortly on August 17<sup>th</sup>, 2018, ICD decided to hold a workshop in Nepal with hopes to provide an opportunity to have discussions on law enforcement in the future by introducing the actual practice of the systems in Japan for Nepalese judges and related legal professionals first, with the aim to have them understand the significance and the function of the systems and sharing the issue-awareness among the related professions.

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<sup>1</sup> Please refer to ICD News and Nepal section on our website  
[URL: [http://www.moj.go.jp/housouken/housouken05\\_00058.html](http://www.moj.go.jp/housouken/housouken05_00058.html)] for details of legal technical assistance to Nepal.

## II. Outline of Workshop

- 1 Date: May 29<sup>th</sup> (Tue) to May 31<sup>st</sup> (Thu), 2018
- 2 Venue: Conference Room, National Judicial Academy of Nepal (Manamaiju Annex)
- 3 Hosted by: Supreme Court of Nepal, National Judicial Academy of Nepal and ICD, RTI, Ministry of Justice Japan
- 4 Remarks: Hon. Dr. Ananda Mohan Bhattarai, Justice, Supreme Court of Nepal, Registrar Upadhyaya, Supreme Court of Nepal, Mr. Keshari Raj Pandit, Executive Director, National Judicial Academy of Nepal and Director Morinaga, ICD
- 5 Participants: Nine judges of district courts in Nepal and related personnel from Supreme Court, Office of Attorney General, Ministry of Law, Justice and Parliamentary Affairs, Home Ministry, Department of Prison Management and Nepal Police etc. (Total: 26)
- 6 Program:
  - Day 1 (8:40am – 3:45pm)
    - Keynote Lecture by Justice Bhattarai of Supreme Court  
“Challenges Posed to the Judiciary by the New Criminal Laws of Nepal – Probation, Parole and Proper Sentencing practices”
    - Presentation by Director Morinaga of ICD  
“Parole and Probation – Their Significance of Community Corrections in Criminal Justice and Their Sustainability”
  - Day 2 (9am – 3:45pm)
    - Presentation by Director Morinaga of ICD
      - ① “Community Corrections–Meaning, History, Types and Advantages”
      - ② “Community Corrections in Japan Part 1–Relevant Organizations, Types of Supervisees and Introductory Procedures”
      - ③ “Community Corrections in Japan Part 2–Community Corrections Practices, Rewards for Good Behavior and Sanctions against Bad Behavior, Inter-Agency Cooperation and Support from Private Sector”
  - Day 3 (9am – 2pm)
    - Presentation by Author
      - ① “Sentencing Practices in Japan – What Does Judge Take into Account? – Primary Factors and Secondary Factors”
      - ② “Judge’s Perception on Parole and Probation – What Can the Judiciary Do in Terms of Offender Rehabilitation and Prevention of recidivism? – Alternatives to Imprisonment Sentences”

- Floor Discussion



### III. My Impression

1 In the workshop, in the morning of Day 1, Justice Bhattarai of Supreme Court of Nepal provided an introductory explanation of the main points of amendment for criminal laws; and on Day 2 onward, Director Morinaga of ICD and myself explained the Japanese system and actual practice, to which participants actively raised hands to ask questions, so, we had Q&As along the explanation. Through those Q&As, we were able to understand that Nepalese judges etc. managed to understand the significance of the new systems, however, they were concerned for the operation of the new system, as they had no inferior laws or guidelines to embody the new system without proper infrastructure e.g. conducting organization etc..<sup>2</sup> At the same time, we felt the strong motivation of the participants to obtain related knowledge from the Japanese system and practice in order to fulfill their responsibility to enforce the law appropriately, making the workshop very fruitful. Also, despite the workshop was conducted all in English, the language competency of the participants was in general high-level, allowing smooth and direct communication; it was effective.

After the workshop, due to the meaningfulness of it, Registrar Upadhyaya requested for provision of Japanese knowledge on the new system for other criminal justice e.g. warrant, pre-trial arrangement meeting, etc. as well.

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<sup>2</sup> Many of the participants were saying that they assume it would take approximately three to five years before realization of stable operation of the new systems.

2 With enforcement of the new laws being around the corner, its appropriate operation in particular in criminal justice is an immediate issue, however, many issues e.g. developing infrastructure, establishing inferior laws/rules, fostering operational personnel, etc. are still left to be solved. Accordingly, the needs for legal technical assistance are compelling.

ICD, in response, is planning to conduct local seminars and surveys for mainly Supreme Court of Nepal, share information with JICA, collaborate with UNAFEI who provides criminal justice related assistance to the Office of Attorney General, and continue to collect information and analyze issues. Nepal's request for assistance is quite wide-ranged, and UNDP is also proposing the Nepal Ministry of Law, Justice and Parliamentary Affairs conclusive support regarding the new laws; therefore I think it is necessary to carefully consider the subject and method of assistance.

# 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 ~

**Atsushi ITO**

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## I. Introduction

In Laos, as part of JICA’s technical assistance project, The Project for Human Resource Development in the legal sector Phase1 (hereinafter simply referred to as “Phase 1”) was carried out from July 2010 to July 2014, and The Project for Human Resource Development in the legal sector Phase2 (hereinafter simply referred to as “Phase 2”) was carried out from July 2014 to July 2018, bringing many deliverables with cooperation of related organizations. Subsequently, “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”) commenced on July 11th, 2018.

I was dispatched to Laos on July 1, 2017 as a long-term expert for the Phase-2 and engaged in the activities; upon completion of Phase 2, I have been continuously engaged in activities of the Project as long-term expert (Chief Advisor).

I would like to review the deliverables and challenges of Phase 1 & 2, as well as report the formation process, future targets and deliverables, etc., since I was deeply involved in the formation process of the Project, while engaging in activities as expert for Phase 2 and the Project<sup>1</sup>.

Please note that opinions expressed in this article are of my individual ones, not the official opinions of organs I belong to, the Ministry of Justice of Japan or JICA.

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<sup>1</sup> For details of Phase 1 & 2, please refer to ICD News (Japanese ver.) No.44, “特集：ラオス法律人材育成強化プロジェクト開始までの経緯及びプロジェクトの概要紹介 (Feature: Background of Laos The Project for Human Resource Development in the Legal Sector and introduction of the project)” and No. 61 “ラオス法律人材育成強化プロジェクトフェーズ2が開始！—基礎能力向上から実務能力向上へ—(Laos The Project for Human Resource Development in the legal sector Phase2 started! —From Enhancement of Basic Capacity to Practical Capacity)

## II. Deliverables of Phase 2 and Challenges Left

### (1) Outline of Phase 2—Target, Activities, etc.

Please refer to the footnote 2 for the outline of Phase 2<sup>2</sup>.

When Phase 1 commenced prior to Phase 2, in Laos, legislation not based on sufficient legal theory and administrative and judicial practice based on it were conducted with insufficient understanding of legal theories, and legal education/training were conducted without relating legal theories to practical issues.

As such, to resolve these issues, the activities of Phase 1 were conducted with the target to enhance the basic capacity of human resources and organizations in the legal/judicial sector, as a premise to conduct legal education/training based on legal theories and to improve the practice. Specifically, members selected from the four organizations were divided into three SWG (sub working groups) of the civil law, the civil procedure law, the criminal procedure law (SWG for drafting the Civil Code was added in 2012), and researched/studied the legal theory of each law, prepared the “model teaching materials” compiling the outcomes of their research and study, and engaged in activities to disseminate them. As for Phase 1, despite some issues e.g. the delay in dissemination of the model teaching materials etc., it was highly evaluated by Laos including the contents of activities, implementation system etc.,. Due to Laos’s request for the continuation of the Project from the early stage, we advanced preparations by researching the detailed plan of the succeeding Project before the end of the preceding project, and consequently, we could launch on Phase 2 on the following day Phase 1 ended.

Phase 2, to put it in one word, was a Project to further enhance the capability to handle the specific issues in practice, based on the deliverables of Phase 1, that is, enhanced basic capacity of the human resources and organizations of the legal/judicial sector. To be specific, its target was for the teaching faculty/faculty of the legal/judicial organizations, the legal educational organizations to enhance the capacity of ① drafting the laws ② operating/enforcing the laws ③ legal education/training of legal professionals, continued trainings ④ disseminating the laws/improving promotion of understanding of the laws. Accordingly, in Phase 2, in order to achieve the said target, SWGs for drafting the Civil Code/civil economic law/criminal law and improvement of education/training were established, with members from other organizations<sup>3</sup> as well besides the four organizations and activities of the

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<sup>2</sup> Outline of the Project for Human Resource Development in the Legal sector Phase2

Period: July 2014-July 2018 (four years)

Implementing Organizations: Ministry of Justice, People’s Supreme Court(PSC), Office of Supreme People’s Procurator(OSPP), National University of Laos(NOUL).

Four JICA Long-term Experts(Prosecutor, Lawyer(s), Project coordinator)

Japanese Cooperation Organization: Ministry of Justice, Japan Federation of Bar Associations (JFBA), advisory groups

<sup>3</sup> National Assembly, Ministry of Foreign Affairs, Ministry of Industrial Commercial, Ministry of Public Security(MPS), Lao Bar Association(LBA), Ministry of Labor and Social Welfare, etc.

abovementioned ① through ④ were conducted.

**(2) Deliverables and Challenges of Phase 2**

Also in Phase 2, each SWG proactively utilized such opportunities e.g. multiple meetings, outdoor training camp called a retreat meeting, video conferences with members of the Advisory Group, local seminars inviting the members of the Advisory Group to Laos, trainings tour in Japan with SWG members visiting Japan, etc., and brought progress to their research and study of the civil laws, related laws in civil economic field (the economic dispute resolution law and the labor law), the criminal procedure law and legal training systems of Laos and foreign countries including Japan, compiled “research papers” to draft the Civil Code and to clarify the intentions and backgrounds of articles of the Civil Code, and practical reference materials in the civil economic and criminal fields, e.g. “Handbook on Economic Dispute Resolution”, “Handbook on Labor Law”, “Q&A booklet on Investigation Stage”, “Q&A booklet on Investigation Stage (Revised)”, reviewed and improved the educational/training curricula used at legal educational organization/training institute of legal professionals (National University of Laos, Faculty of Law and Politics Dept., “National Institute of Justice” (hereinafter referred to as “NIJ”), and other training facilities of practical organizations), and further compiled the practice materials for mock trials and fact finding written examinations in legal education/training for legal professionals, “Mock Case Files (Civil/Criminal)”, and conducted dissemination seminars and mock lectures, in order to disseminate these deliverables.



**【Photo: Major Deliverables of Phase 2】**

In Phase 2, unlike Phase 1, no survey was conducted to for evaluation at the end of the Phase. However, both Laos and Japan reviewed the four-year activities at the Final Phase 2 JCC meeting held on July 6, 2018. As for activities by each SWG, it was confirmed that, even though the Civil Code drafting activities could not be completed during Phase 2 period, because despite deliberation of Civil Code drafting at National Assembly in May 2017, it ended up to be re-deliberated<sup>4</sup>, thus Civil Code drafting SWG could not complete the “Research Paper”, however, other activities not only completed the abovementioned deliverables but also, through research/discussions/writing/dissemination works in the process, enhanced the capacity of members of each SWG (Lao legal/judicial organizations, legal education organizations and its faculties) to draft laws, enforce/operate laws, provide legal education/training legal professionals and to promote understanding of the laws.

On the other hand, two main issues were pointed out. One was the participation rate of the members, and the other was the adequacy itself of the selected members. The first issue had been pointed out since Phase 1, as some members’ participation rate was low, with its cause as low motivation of the member him/herself, or low-level understanding of the member’s superior at the organization he/she belongs to toward the Project activities. As a consequence, it was pointed out that the Project activities sometimes became stagnant.<sup>5</sup> As for the second issue, such points, for example, when the civil economic SWG was compiling the Handbook on Labor Law, since the labor law was not under jurisdiction of their organization (it is under jurisdiction of the Ministry of Labor and Social Welfare ), most members did not have expert knowledge/experience regarding the labor law<sup>6</sup>, and thus the contents of the handbook were not necessarily sufficient as practical reference material, and furthermore, because no member of the criminal law SWG had ever been deeply involved in drafting /amending the criminal procedure law, when the Criminal Procedure law was amended in 2017 during the period of the Phase 2 Project, the deliverables of the Project activities which clarified legislative issues of the Criminal Procedure law were not leveraged for the actual amendment of the Criminal Procedure law (i.e. various issues clarified through research and study via Project activities, such as articles with unclear contents, articles which do not consider actual situations into the practice etc. were failed to be reflected in the actual amendment) , were pointed out.

Based on these issues, some proposals toward the future were made. First, with regard to the next-term Project (the Project), unlike Phase 1 & 2, it was proposed that depending on the

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<sup>4</sup> However, the draft of the Civil Code was re-submitted to the prime minister’s office on June 18,2018 during the period of Phase 2. Subsequently, it was submitted to the National Assembly in August after deliberation inside the prime minister’s office, for consideration among the National Assembly committee, and it was enacted after consideration at the main conference on December 6, 2018.

<sup>5</sup> Participation rate for Phase 2 improved to some degree by introducing attendance checking sheet to each group to improve the participation rate, and by reporting on the members with low participation rate to their superiors to encourage to participate, etc

<sup>6</sup> To supplement on this issue, the civil economic law SWG newly welcomed members from the Ministry of Labor and Social Welfare or Labor Unions and conducted the activities.

contents of activities, participation rate and degree of contribution, it should be considered that some or all of the members be switched (re-selection of members), rather than keeping the same members throughout the Project. Also, with regard to the operation of the Project, in addition to the collaborative work for the activities among the four organizations and related organizations in cooperation with the Project and JICA headquarters and JICA Laos Office, if any issue arises in the Project activity, information should be shared between Japan and Laos, however, the final judgment of the issue shall be made by Laos<sup>7</sup>.

Aside from the next-term Project, methods to extend the deliverables of the Phase 2 in Lao legal/judicial sector in the future (sustainability of deliverables) were also discussed, with proposals to use the deliverables e.g. compiled Handbooks etc. sustainably at the practical organizations and education/training institutes, to continuously improve the curricula for educational trainings, for participants of trainings in Japan and workshops to share their knowledge acquired through such occasions to non-participants, for the four organizations and related organizations to offer opportunities for the participants of the Project (SWG members) to actively use their knowledge and experience to contribute at their workplaces and for participants of the Project to have more awareness to disseminate deliverables of the Project in their day-to-day work.

All these proposals were unanimously approved at the abovementioned JCC Final meeting.



**【Photo: JCC meeting at the end of Phase 2】**

<sup>7</sup> Though the intention of the speaker was not accurately confirmed, I understood it as, for instance, with the initial issue of the participation rate, if there is delay in progress of the project activities, or if some issue arises with the atmosphere of the SWGs, Laos and Japan (Project) will closely share information and discuss for resolution, ultimately, Laos will make the conclusion, which I evaluate as high ownership by Laos toward the Project.

### III. Formation Process, Target and Deliverables of the Project

#### (1) Formation Process of the Project

As it is clear from the abovementioned discussions regarding the issues, countermeasures and sustainability of the deliverables etc., evaluation for the Phase 2 by Laos was also very high, and therefore, their wish for continuation of the Project after Phase 2 had been voiced from the early stage.

In August 2016, the Lao government made an official request for support by the Project to the Japanese government. It was put on hold at the time of the request, however, another request was made again in August 2017, and the Ministry of Foreign Affairs of Japan adopted the Project by October 2017 as a new technical cooperation case to be conducted in FY 2018.

Based on this, two surveys for the detailed planning of the Project were conducted in Laos at the end of 2017 and in January 2018, and the “Record of Discussion” was concluded by the end of March 2018, among JICA and four organizations regarding the contents of the Project, implementation formation and countermeasures to be taken by Japan and Laos etc. The Project also takes after the framework of implementation formation of Phase 2,: ① Four organizations and JICA shall consult each other in selection of the SWG members, ② SWGs shall conduct the activities under coordination by Liaison Unit (LU), management by Management Committee (MC) and supervision of Joint Coordination Committee (JCC), ③ There shall be three to four SWGs for activities of the civil laws, criminal laws and improvement of the education/trainings.

#### (2) Outline of the Project<sup>8</sup> (See Attachment 1 “Project Design Matrix”)

The target of the Project is, to further enhance the deliverables of Phase 1 & 2 which had been conducted for the past eight years, that is, legal capability<sup>9</sup> that has been accumulated by the core personnel in Lao legal/judicial sector (SWG members), and further disseminate it to non-SWG-member personnel in Lao legal/judicial sector. More specifically, the target was the core human resources of legal and judicial sector acquire abilities to study legal theories, to implement and enforce basic laws based on legal theories and to improve laws and practices, share outcomes of the study with relevant officials of the sector and plan sustainable structures to continue these activities by themselves, and the trainers and lectures of legal education and training sector acquire abilities to train legal practitioners of high quality

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<sup>8</sup> Outline of the Project for Promoting Development and Strengthening of the Rule of Law in the legal sector of Lao P.D.R. Period: July 2018 to July 2023 (five years)

Implementing Organizations: Ministry of Justice, People’s Supreme Court, Office of the Supreme People’s Prosecutor and National University of Laos

Four JICA long-term experts (Prosecutor, Lawyers. Operation Coordinator)

Japanese Cooperation Organizations: Ministry of Justice, Japan Federation of Bar Associations, Advisory Groups

<sup>9</sup> Capacity regarding drafting laws, enforce/operate laws, legal education, training of legal professionals, promoting understanding of laws

To achieve this target, the Project aims at the following three deliverables:

- ① Researches on legal theories concerning civil laws and the civil procedure law are conducted by the Sub Working Group(SWG) on Civil Laws, results of the researches are compiled to documents and materials, and those results are shared among legal practitioners and researchers
- ② Researches on legal theories and analysis on practical issues concerning the criminal laws are conducted, and reference materials based on the researches and analysis are prepared and utilized for proper implementation of criminal procedure and for enhancement of understanding of laws by practitioners
- ③ Legal education, training for prospective legal professionals and continuous training are properly coordinated to develop consistent curricula, effective teaching materials and teaching methods are developed and utilized

How we should achieve the abovementioned target and deliverables of the Project specifically, i.e. the details of the Project activities are currently consulted between Laos side and the Project.



【Photo: Signing RD of the Project】

#### IV. Conclusion

Lastly, I would like to mention a little about what the expert team<sup>10</sup> is thinking about upon implementation of the Project.

<sup>10</sup> As of July 11, 2018, four experts are engaged in activities: Atsushi ITO (Prosecutor /Author), Katsunori IRIE (Lawyer), Ryo SATAKE (Lawyer) and Hitoshi KAWAMURA (project coordinator)

Up to now, the Laos Projects<sup>11</sup> targeted at enhancement of capacity of personnel/organizations in Lao legal/judicial sector (from basic capacity to practical capacity) as a premise to improving the legal education/training and practice based on the legal theory, and researched and studied the legal theory and practice, compiling the outcomes in “the model teaching materials”, “reference materials” etc., and further in the “mock case files” to be used at legal educational frontlines. As a result of activities emphasizing on capacity building of human resources through discussions/debates in the compiling process, Laos was able to enhance its capability independently and their trust toward Japan has increased, I believe.

On the other hand, as a result of the abovementioned activities which respected independency of Laos, the pace of each activity was loosened and as a result of emphasis of compiling teaching/reference materials by SWG members, aforementioned issues pointed out at the end of Phase 2, the quality (contents) of the deliverables of the Project was not necessarily secured; it can be said that the deliverables obtained by the Project failed to be widely extended to non-SWG members.<sup>12</sup>

Accordingly, the expert team, with the premise that the trust between Laos and Japan was built thanks to the past projects, is now considering to try out the Project operation, in order to further promote the Lao legal/judicial reforms, with the awareness of validity and effectiveness of the activity and extensiveness of the obtained deliverables, while still respecting the independence of Laos (See the Attachment 2 Image Chart of the Project).

The expert team is considering specifically the below three points as new trials different from the past activities in the Laos Project, and currently consulting with Laos-side.<sup>13</sup>

- ① As for selection of SWG members, in this Project, in view of validity and effectiveness of the activities, we will determine the contents and periods of the activities and select the appropriate SWG members for each activity.<sup>14</sup>
- ② As for ratio of activities for each SWG (distribution of budget, number of SWG members, allocation of experts, etc.), up to now, the principle was to be basically equal among all SWGs, however, in the Project, considering the validity, impact etc. of the activities, the ratio for all SWG activities does not have to be necessarily equal, but can be different depending

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<sup>11</sup> Phase 1 and Phase 2

<sup>12</sup> “Japanese-style”Law-making” that changes the world” Legal technical assistance stepping forward with the developing countries” Chapter 3 “All is to grow people-Laos” refer to p.144 and p.183(JICA, editing with cooperation by :Bunka Kobo KK, Bungeishunju, Ltd. Planning & Publishing Dept.)

<sup>13</sup> It was discussed at MC conference on May 14, June 27, 2018 during Phase 2 activities period, and was discussed again, based on the outcomes, at Final JCC conference on July 6, 2018.

<sup>14</sup> For instance, as for the activities of the civil law group, we determine that the first three years (July 2018 to July 2021) to be spent for research/study of the registration system, the following two years to (July 2021 to July 2023) to be spent for research/study of the judgment enforcement, and we assume to select appropriate members for each contents of activities. In comparison, as for activities of the criminal law group or education study improvement group, we acknowledge that it will be determined once the details of activities are finalized, but we also assume to conduct activities with same members for five years.

on the contents and volume of the activity.<sup>15</sup>

③ As for collaboration of SWG activities, up to now, lateral network (mutual collaboration) of each SWG activity was not made so aware in view of extension of the activities, however, in the Project, we would like to make aware of collaboration among activities from the viewpoint of sustainability of the Project activities as well. For instance, we would like to have the deliverables of the civil law and the criminal law SWGs from their activities to be shared by the improvement of education training SWG, so it can be extended to students who aim to be legal practitioners/judicial apprentices and personnel of legal/judicial organizations through the activities of the improvement of education training SWG. From the same viewpoint, we would also like to have the deliverables of activities of the civil law and criminal law SWGs to be shared to counterpart organizations and staff of related organizations, while engaging in the activities with the awareness to provide proposals to the National Assembly and related organizations in view of utilizing them for legislation and improvement of practice.

With respect to the abovementioned three points, the expert team hopes to implement them in the Project after having sufficient consultation/discussions with Laos side.

As I have repeatedly mentioned, the Project is to extend its deliverables to more people based on the foundation built by Phase 1 & 2. It is thanks to all the members of Laos who have sincerely engaged in the Phase 1 & 2 Projects, related organizations and staff of Japan who have cooperated in the assistance, that we are today able to engage in such an extremely significant activity. I feel very responsible to be involved in this Project established upon firm relationship of trust between Laos and Japan; We, the succeeding expert team will cooperate with members of Laos and strive to further develop the trust between the two countries. And through this effort, it would be our utmost pleasure if we could literally be part of the assistance to develop and promote rule of law in Laos.

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<sup>15</sup> As of now, it is expected that the numbers and amount of activities for the civil law SWG and the improvement for education and training SWG will be larger than those of the criminal law SWG.

**Project Design Matrix**

**Project Title:** The project for promoting development and strengthening of the rule of law in the legal sector of Lao P.D.R **Version 0**  
**Implementing Agency:** Ministry of Justice, People's Supreme Court, Office of the Supreme People's Prosecutor and National University of Laos **Dated 26, Jan, 2018**  
**Target Group:** Officials and Lecturers under Ministry of Justice, People's Supreme Court, Office of the Supreme People's Prosecutor and National University of Laos  
**Period of Project:** July 2018-July 2023 (5 years)

Project Site: <u>Vientiane Capital and other areas in Lao P.D.R.</u>		Model Site: <u>N/A</u>			
Narrative Summary	Objectively Verifiable Indicators	Means of Verification	Important Assumption	Achievement	Remarks
<b>Overall Goal</b> Development of legal theories, implementation and enforcement of laws based on the developed legal theories and improvement of laws and practices are sustainably carried out in legal and judicial institutions and also in educational institutions of legal and judicial sector, and legal practitioners and researchers of quality are continuously trained and produced effectively with collaboration among these institutions and organizations.	<ul style="list-style-type: none"> <li>-Activities such as below are carried out in sustainable manner;</li> <li>-Studies and discussions on legal theories</li> <li>-Implementation and enforcement of laws based on the developed legal theories</li> <li>-Improvement of laws and practices</li> <li>-Development of teaching materials and instruction guidelines;</li> <li>-Implementation of TOTs using materials above</li> <li>-Legal education and training for prospective legal professionals and continuous training are carried out based on the curriculum reviewed by the Project.</li> </ul>	<ul style="list-style-type: none"> <li>-Interviews with Lao counterparts and JICA experts</li> <li>-Teaching materials and instruction guidelines</li> <li>-Curriculum used for legal education and training for prospective legal professionals and continuous training</li> </ul>			
<b>Project Purpose</b> The core human resources of legal and judicial sector acquire abilities to study legal theories, to implement and enforce basic laws based on legal theories and to improve laws and practices, share outcomes of the study with relevant officials of the sector and plan sustainable structures to continue these activities by themselves, and the trainers and lecturers of legal education and training sector acquire abilities to train legal practitioners of high quality.	<ul style="list-style-type: none"> <li>-More than 80% (including minimum 10 % of women) of the SWG members acquire the ability to study legal theories of civil laws, to implement and to improve civil laws and practices.</li> <li>-More than 80% (including minimum 10 % of women) of the SWG members acquire the ability to study legal theories of criminal laws, to implement and to improve criminal laws.</li> <li>-Plan for sustainable structures to continue activities by themselves is clarified.</li> <li>-More than 80% (including minimum 10 % of women) of the SWG members acquire the ability to train legal practitioners of high quality.</li> </ul>	<ul style="list-style-type: none"> <li>-Attendance rate of the SWGs members for SWGs activities</li> <li>-Annual Questionnaires for the SWGs members on SWGs activities</li> <li>-Interviews with Lao counterparts and JICA experts</li> <li>-Record of discussions on the activities of the SWGs</li> <li>-Plan for sustainable structures to continue activities by themselves</li> <li>-Questionnaires for students and trainees for legal education and trainings</li> <li>-Monitoring Sheet of the Project</li> </ul>	No big changes made on roles of each counterpart organizations		
<b>Outputs</b> [Output 1] Researches on legal theories concerning civil laws and the civil procedure law are conducted by the Sub Working Group (SWG) on Civil Laws, results of the researches are compiled to documents and materials, and those results are shared among legal practitioners and researchers.	<ul style="list-style-type: none"> <li>1-1 Documents such as below are newly compiled or revised:                             <ul style="list-style-type: none"> <li>-Research Paper on the new Civil Code</li> <li>-Case studies on civil laws</li> <li>-Reference materials on civil laws</li> </ul> </li> <li>1-2 Documents mentioned in the above 1-1 are distributed for use to all the relevant institutions of both central and all the zones (Khet) level.</li> <li>1-3 ● Seminars on the new Civil Code and ● seminars on reference materials on civil laws are organized and minimum 300 of judges and assistant judges, 300 of prosecutors and assistant prosecutors and 100 of lawyers (including minimum 10% of women) are participated in those seminars.</li> <li>1-4 At least 1 recommendation is made for development or improvement of laws and procedures.</li> </ul>	<ul style="list-style-type: none"> <li>-Documents made on civil laws by the Project</li> <li>-Record of the activities of the Project</li> <li>-Recommendations for development or improvement of laws and procedures</li> <li>-Interviews with Lao counterparts and JICA experts</li> <li>-Monitoring Sheet of the Project</li> </ul>			
[Output 2] Researches on legal theories and analysis on practical issues concerning the criminal laws are conducted, and reference materials based on the researches and analysis are prepared and utilized for proper implementation of criminal procedure and for enhancement of understanding of the laws by practitioners.	<ul style="list-style-type: none"> <li>2-1 Document below is compiled;                             <ul style="list-style-type: none"> <li>-Reference materials on the Criminal Procedure Law</li> </ul> </li> <li>2-2 Documents mentioned in the above 2-1 are distributed for use to all the relevant institutions of both central and all the zones (Khet) level.</li> <li>2-3 ● seminars are organized to disseminate the results of activities of SWG on Criminal Law and minimum 300 of judges and assistant judges, 300 of prosecutors and assistant prosecutors and 100 of lawyers (including minimum 10% of women) are participated in those seminars.</li> <li>2-4 At least 1 recommendation is made to improve procedure and practice related to criminal laws.</li> </ul>	<ul style="list-style-type: none"> <li>-Reference materials on the Criminal Procedure Law</li> <li>-Record of the activities of the Project</li> <li>-Recommendations for development or improvement of laws and procedures</li> <li>-Interviews with Lao counterparts and JICA experts</li> <li>-Monitoring Sheet of the Project</li> </ul>			
[Output 3] Legal education, training for prospective legal professionals and continuous training are properly coordinated to develop consistent curricula, effective teaching materials and teaching methods are developed and utilized.	<ul style="list-style-type: none"> <li>3-1 More than 1 teaching material and instruction guideline are newly developed by the SWG for Improvement of Education/Training and used in institutions of legal education, training for prospective legal professionals and continuous training.</li> <li>3-2 Materials developed by the SWG of Civil Laws and of the Criminal Law are modified to be used as teaching materials in the legal educational and training institutions.</li> <li>3-3 ● TOTs on the materials developed by the SWGs of the Project are organized for the relevant legal educational counterparts and minimum 50 % of the lecturers and the trainers (including minimum 10% of women ) are participated in the TOTs.</li> <li>3-4 Review of the curriculum of all the relevant legal educational counterparts is conducted annually.</li> </ul>	<ul style="list-style-type: none"> <li>-Teaching materials and instruction guidelines</li> <li>-Curriculum used for legal education and training for prospective legal professionals and continuous training</li> <li>-Record of the activities of the Project</li> <li>-Interviews with Lao counterparts and JICA experts</li> <li>-Monitoring Sheet of the Project</li> </ul>			

Activities	Inputs		Important Assumption
	The Japanese Side	The Laos Side	
<p>1-1) SWG on Civil Laws finalizes a draft of the new Civil Code by making necessary corrections after Diet deliberation. SWG on Civil Laws finalizes Research Papers on the new Civil Code.</p> <p>1-2) SWG on the Civil Code studies legal theories mainly on issues raised in drafting process of the new Civil Code, such as the major principles and their exceptions, the coverage of each provision, consistent explanation among provisions and application examples of the provisions. SWG on Civil Laws prepares necessary reference materials based on the results for understanding and implementation of the new Civil Code, or revises the reference materials developed in the previous phases of the Project.</p> <p>1-3) Seminars and lectures on the new Civil Code are conducted mainly for legal practitioners, utilizing reference materials newly created and revised, and results of the studies conducted during drafting and preparation of reference materials.</p> <p>1-4) SWG on Civil Laws conducts researches on current situation of implementation and enforcement of laws in civil sector, issues necessary for ensuring effectiveness and consistency among laws.</p> <p>1-5) Based on the results of 1-4, SWG on Civil Laws (1) prepares reference materials for issues which can be handled by explanation of the existing laws, and (2) makes recommendations for issues which require amendments of laws and development or improvement of laws and procedures.</p> <p>1-6) SWG on Civil Laws considers to build structure for sustainable implementation of the project activities.</p> <p>2-1) SWG on Criminal Laws analyzes and studies legal theories and practices, and prepares reference materials that contribute to due criminal procedures.</p> <p>2-2) Using the reference materials developed in the previous phases of the Project and the activities in 2-1, SWG on Criminal Laws conducts seminars and lectures in collaboration with relevant organizations such as investigative agencies and the Lao Bar Association.</p> <p>2-3) To improve the legal system and practical problems arisen through preparations of reference materials and dissemination seminars, SWG on Criminal Laws make action plans of the SWG and recommendations to the relevant organizations.</p> <p>2-4) SWG on Criminal Laws shares the results of 2-3 with the relevant organizations and implements the action plans of the SWG.</p> <p>2-5) SWG on Criminal Laws considers to build structure for sustainable implementation of the project activities.</p> <p>3-1) SWG for Improvement of Education/Training conducts researches on current state of curriculum and education/training activities while considering collaboration and division of roles among legal education, training for prospective legal professionals and continuous training, and clarifies the purpose of each subject and points to be improved.</p> <p>3-2) Based on the results of 3-1, SWG for Improvement of Education/Training develops effective model teaching materials, in collaboration with activities of SWG on Civil Laws and SWG on Criminal Laws, based on researches on legal theories and analysis of practices.</p> <p>3-3) SWG for Improvement of Education/Training prepares instruction guidelines for the model teaching materials developed in 3-2.</p> <p>3-4) SWG for Improvement of Education/Training distributes the teaching materials and instruction guidelines developed by the SWG to the relevant organizations including the local ones, and conducts TOT based on the teaching materials.</p> <p>3-5) Based on the activities from 3-1 to 3-4, the curriculum of each educational institution is reviewed annually and is amended as necessary.</p> <p>3-6) SWG for Improvement of Education/Training considers to build structure for sustainable implementation of the project activities.</p>	<p>(1) Long-term Experts</p> <p>(2) Short-term Experts</p> <p>(3) Trainings in Japan</p> <p>(4) Project activity cost</p> <p>(5) Advisory group(s)</p>	<p>(1) Counterpart Personnel - Project Director - Project Manager - Members of the SWG</p> <p>1) Civil Laws 2) Criminal Laws 3) Improvement of Education/Training</p> <p>(2) Facilities and Equipment - Place for workshops and seminars - Project Office for Long-term Experts and their assistants</p> <p>(3) Local Cost - Costs of custom clearance, domestic transportation, storage and installation for equipment provided by JICA - Maintenance costs for facility and equipment</p>	<p>• There will not be wholesale personnel change. • Appropriate workload adjustment is made for Working Group members.</p>
			<p><b>Pre-Conditions</b></p> <p>• Competent members of each SWG are selected and actively participate in the Project activities.</p>
			<p>&lt;Issues and countermeasures&gt;</p>

Tentative Plan of Operation

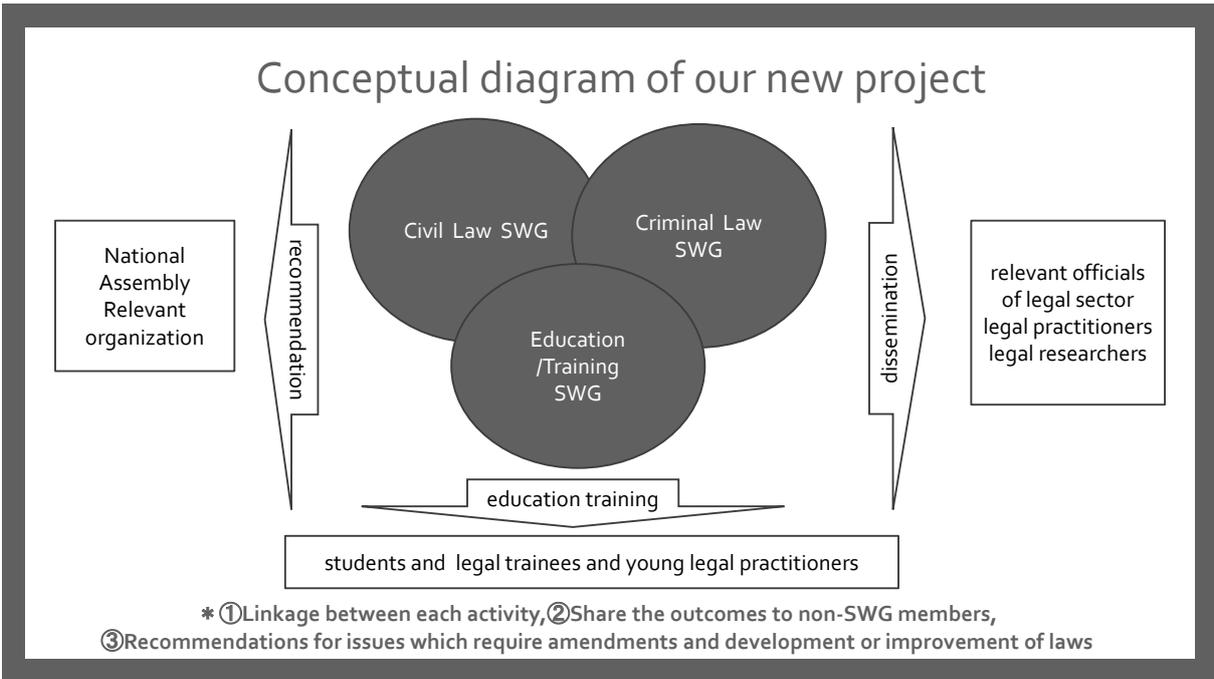
Version 0

Dated 26, January, 2018

Project Title: The project for promoting development and strengthening of the rule of law in the legal sector of Lao P.D.R

											Monitoring																	
Inputs	Year	1st Year				2nd Year				3rd Year			4th Year			5th Year			6th Year			Remarks	Issue	Solution				
		I	II	III	IV	I	II	III	IV	I	II	III	IV	I	II	III	IV	I	II	III	IV							
Experts	Plan																											
	Actual																											
Training in Japan	Plan																											
	Actual																											
Activities	Year	1st Year				2nd Year				3rd Year			4th Year			5th Year			6th Year			Responsible Organization	Achievements	Issue & Countermeasures				
	I	II	III	IV	I	II	III	IV	I	II	III	IV	I	II	III	IV	I	II	III	IV								
Sub-Activities																										Japan	GO	GO
Output 1:	Plan																											
	Actual																											
1.1	Plan																											
	Actual																											
1.2	Plan																											
	Actual																											
1.3	Plan																											
	Actual																											
1.4	Plan																											
	Actual																											
1.5	Plan																											
	Actual																											
1.6	Plan																											
	Actual																											
Output 2:	Plan																											
	Actual																											
2.1	Plan																											
	Actual																											
2.2	Plan																											
	Actual																											
2.3	Plan																											
	Actual																											
2.4	Plan																											
	Actual																											
2.5	Plan																											
	Actual																											
Output 3:	Plan																											
	Actual																											
3.1	Plan																											
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3.2	Plan																											
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3.5	Plan																											
	Actual																											
3.6	Plan																											
	Actual																											
Duration / Phasing	Plan																											
	Actual																											

											Monitoring																	
Monitoring Plan	Year	1st Year				2nd Year				3rd Year			4th Year			5th Year			6th Year			Remarks	Issue	Solution				
		I	II	III	IV	I	II	III	IV	I	II	III	IV	I	II	III	IV	I	II	III	IV							
Monitoring	Plan																											
	Actual																											
Joint Coordinating Committee	Plan																											
	Actual																											
Submission of Monitoring Sheet	Plan																											
	Actual																											
Monitoring Mission from Japan	Plan																											
	Actual																											
Joint Monitoring	Plan																											
	Actual																											
Post Monitoring	Plan																											
	Actual																											
Reports/Documents	Plan																											
	Actual																											
Project Completion Report	Plan																											
	Actual																											



# A CONSIDERATION ON DONOR COOPERATION IN LAO PDR ~ THROUGH DISSEMINATION ACTIVITIES OF THE CIVIL CODE ON LAOS ~

**Atsushi ITO**

*JICA Long-term Expert*

## **I. Introduction**

On December 6, 2018, at the 6th Lao National Assembly consideration, the first Civil Code in Lao PDR (hereinafter referred to as “the Civil Code”) was approved and enacted. After that, the Civil code is expected to be enforced around May 2020, as promulgation of the Presidential decree and promulgation by the Official Gazette is required for enforcement<sup>1</sup>.

By the way, “The project for promoting development and strengthening of the rule of law in the legal sector of Lao PDR” (hereinafter referred to as “the Project”) which started on July 11, 2018, has the activity regarding the civil law field, specifically, the support for drafting of the Civil Code, the support for dissemination of the Civil Code, the support for development of civil law theory, the support for preparation for the next revision of the Civil Code, the support for surveys and research on civil affairs legal systems which are expected to be changed or affected in accordance with the enforcement of the Civil Code, and the support for making recommendations for improvement of real practice<sup>2</sup>.

The support for the Civil Code Drafting was initiated by the prior “The project for Human Resource Development Project in the Legal sector - Phase 1” (hereinafter referred to as “Phase 1”), and was followed by “The project for Human Resource Development Project in the Legal sector - Phase 2” (hereinafter referred to as “Phase 2”), and was taken over by the project, but as mentioned above, with the enactment of the Civil Code on December 6, 2018, we think that this support might have been completed. Although being discussed not only in Phase 1 and Phase 2 but also in the Project, the support for the drafting of the Civil Code might complete not with being enacted, but being understood by the Lao citizens well, and taking root in Lao society and being effectively utilized in Lao PDR. For this reason, although the Civil Code was already enacted, we the project team, have to continue the support for the dissemination of the Civil Code, the development of the civil law theory, the preparation for the next revision of the Civil Code, and the civil related laws activity. And we aim that all Lao citizens might be

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<sup>1</sup> In the draft of the Civil Code which was approved by the National Assembly, it is stipulated that it will take effect (= enforcement) 365 days after the issuance of the Presidential decree and publication of the Official Gazette (= promulgation) after the enactment of the Civil Code through the National Assembly consideration.

<sup>2</sup> Refer to this article written by me in this book, “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 ~”.

able to understand and use the Civil Code, but we also know that it is difficult to realize those above mentioned situation if the project team would only implement these important supports. Meanwhile, in Laos legal sector, there are many projects which are organized by donors other than JICA. Some donors have implemented their activities for the realization for “Sustainable Development Target (SDGs) 16-3” adopted on the General Assembly of the United Nations in 2015, towards the realization of “national and international levels and ensuring equal access to justice for all”, they established many access points to justice in the rural area of Laos and implemented legal education for citizens in order to improve legal awareness<sup>3</sup>.

Therefore, we, the project, have just started consultation with other donors about the cooperation (collaboration) with the dissemination activities of the Civil Code. In this article, I would like to introduce such our challenge.

Please note that opinions in this article are my individual / private ones, not the official opinions of organs I belong to, the Ministry of Justice(MOJ) of Japan or JICA.

## **II. History and Outline of the Support of the Drafting outline of the support of the drafting of the Civil Code**

First of all, I would like to briefly introduce the circumstances when JICA started the support of the drafting support of the drafting of the Civil Code in Phase 1.

In 2012, when the support for the drafting of the Civil Code begun, in Laos the civil law in a substantial meaning exists in the form of individual laws such as property law, land law, contract internal / external debt law, family law, inheritance law, etc. At that time, the government of Lao PDR made a legislative plan to codify these individual laws systematically. When this legislative plan was revealed in 2012, JICA implemented phase 1 with the MOJ of Laos and another organizations, conducting fundamental research on the civil law in Laos, and presenting the results of this research as “Model Handbook” for legal educational material. The MOJ of Laos, the government office responsible for the drafting of the Civil Code, recognized and put confidence in JICA, therefore they requested the support for the drafting of the Civil Code to JICA. Receiving this request from the MOJ of Laos, JICA had started to discuss with the related organizations such as MOJ, and after this discussion in June 2012, JICA decided to accept this proposal and to support the drafting the Civil Code as a part of the project activity of Phase 1. After this decision, we have fully supported the drafting of the Civil Code, through Phase1 (July 2012 to July 2014) and Phase2 (July 2014 to July 2018), also the Project (July 2018 to December 2018).

Next, I would like to briefly introduce the outline of the support of the drafting of the Civil

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<sup>3</sup> As of the end of December 2018.

Code.

The MOJ of Laos cooperated with another organizations e.g. the People Supreme Court of Laos, the Office of Supreme People's Procuratorate of Laos, the National University of Laos and another judicial ones by appointing members of the drafting committee (leader position) and assigning members of the drafting work working group from not only officers of the MOJ of Laos but also those another organizations. And JICA also appointed and assigned those members as the members of Phase1 and Phase2 and also the Project (these members are called as members of the Civil Code Drafting sub working group members. hereinafter referred to as "members of the Civil Code Drafting SWG"), and until now, JICA has fully supported the drafting work of the Civil Code<sup>4</sup>. Members of the Civil Code Drafting SWG were divided into four groups: (1) a group responsible for general provision of the Civil Code (general provision, person / corporation), (2) a group responsible for contractual internal and external obligations, rights to security, (3) a group responsible for the rights to goods, ownership and other things, (4) a group for families and inheritance, each group not only drafted the bills of the Civil Code but also created explanation papers for proposal draft (these papers are called "research papers") which summarized the purpose, applied scenes (concrete examples), reference provisions etc. for each provision of the Civil Code<sup>5</sup>.

Finally, I would like to briefly describe the history (circumstance) from the start of the drafting of the Civil Code to the enactment of it.

The Civil Code was aimed to be enacted through the National Assembly consideration by 2015 when the support for the drafting of the Civil Code started in 2012. However, the National Assembly consideration was carried over in parallel with the consideration of the Penal Code and other laws. The National Assembly consideration for the bills of the Civil Code was firstly deliberated in May 2017. However, as the understanding of the Civil Code by its citizen was no sufficient, the National Assembly decided to reconsider in the autumn of 2018. Thereafter, the members of the Civil Code Drafting SWG conducted some hearing workshop for the Civil Code in various places (not only Vientiane capital but also rural area in Laos), and submitted the bills of the Civil Code which were revised in accordance with the result of the hearing workshop, their discussions with Japanese professors and JICA experts to the National Assembly again, and as described above, on December 6, 2018, the National Assembly deeply consider the bills of the Civil Code, finally approved it with a majority vote.

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<sup>4</sup> When the project started in July 2018, it was assumed that the Civil Code would be established during the project period (until 2023), and then the dissemination of the Civil Code would become the main activity, the project invited not only members of the drafting committee and members of the drafting work working group (they all were members of the Civil Code Drafting SWG of Phase1 and Phase2) but also others as members of the Civil Code Drafting SWG.

<sup>5</sup> As of December 2018 the research paper has not been completed. However, as research paper is indispensable for popularization of the Civil Code, evolution of civil law theory, etc., this project aims at completion until about May 2020, and takes over its activities.

### **III. Outline of Activities of Donors activities of donors other than JICA in Laos**

Next, I would like to introduce the current situation of each donor's activity other than JICA in Laos legal sector as far as I know as of December 2018.

At first, in May 2018, the International Cooperation Department of the MOJ of Laos held a donor meeting. The main theme of this meeting was donor cooperation in Laos legal sector, and several donors also including JICA project<sup>6</sup> participated in this meeting and they introduced the outline of each project activity. At second I would like to introduce some donor's activity based on the information which I got in this meeting or through another one-on-one-discussion with the expert or the staff of each donor.

Of course, there are also several donors other than the following in Laos legal sector, but in the following, I would like to introduce only four donor which related to the theme of this article.

#### **(1) United Nation Development Programme (UNDP)**

In order to support the Legal sector Master Plan (LSMP) formulated by the Government of Laos, UNDP implemented the "Support project for implementation of LSMP (SPLSMP)" from June 2014 to June 2017. After finishing this project, they started "Strategic Support to Strengthen the Rule of Law in Lao PDR (3s-Rol)" from August 2017 to July 2021, and this project is ongoing. In addition to the MOJ of Laos, the Ministry of Foreign Affairs, the Ministry of Public Security, the People's Supreme Court, the Office of Supreme People's Procurator, the National Assembly, the Lao Bar Association are the counterpart organizations of the new project.

The outcomes of this new project are: ① Evidence-based policy interventions adhering to Lao PDR's international obligations, ② Access to justice, both at formal and informal levels, and stronger demand articulation, ③ Capacitate judicial and Government institutions to provide efficient services and be able to effectively enforce laws, regulations and court decisions. Regarding to outcome ③, they have already established some Legal aid office in three provinces other than Vientiane, implemented some programs for law dissemination and legal education, and they will continue such activities in the future (by the end of that project).

#### **(2) Deutsche Gesellschaft fur Internationale Zusammenarbeit (GIZ)**

With the EU and the Government of Switzerland, GIZ has started a new project "Citizen Engagement for Good Governance, Accountability and the Rule of Law (CEGGA)"

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<sup>6</sup> It means Phase2 project.

from January 2017 to December 2020. The counterpart organizations of the new project are the MOJ of Laos, the National Assembly, the Ministry of Home Affairs and the Ministry of Foreign Affairs. The outcomes of the new project are: ① Strengthening Citizen Engagement, ② Strengthening the National Assembly, ③ Access to Justice. Regarding to outcome ③, in cooperation with UNDP and The Asia Foundations (TAF), they are planning to establish many legal aid offices, having a train of staff who would be dispatched to those legal aid offices, improving the content of the training.

**(3) The Asia Foundations (TAF)**

AFD has provided the support for the improvement of Legal aid service from 2006 to 2017, such as receiving financial support from the government of France, they also have established 12 Legal aid offices in all areas of countries in Laos, and supported the training system of Legal aid Providers, supported the drafting of the Legal aid declarer, supported for building the Legal aid system, etc. And in September 2018, TAF, in cooperation with the MOJ of Laos, the People's Supreme Court, the office of Supreme People's Procurator, the Lao Bar Association, in addition to the financial support of United States Agency for International Development (USAID) in order to promote efficient and effective settlement as well as to strengthen the Village dispute resolution system that is a type of Mediation system, and also to strengthen the Law dissemination It is planned to also work on.

**(4) Luxembourg Development Cooperation Agency (Lux DEV)**

Lux DEV has been supporting mainly in Laos' university education field for more than 10 years, and they started new project "Legal Teaching and Training and promotion of the rule of law concept (LAO / 31)" from May 2017 to May 2022. The counterpart organizations and cooperation agency of their new project are the MOJ of Laos, the Ministry of Education and Sports, the National University of Laos, the Champasak University, the Institute of Legal Studies and Technical Assistance (ILSTA), and their implementation area also includes Champasak Province in addition to the Vientiane capital. The outcomes of new project are: ① Access to justice is strengthened, ② Legal higher education is improved and institutional capacity strengthened. With regard to outcome ①, they are now also under consideration for holding seminars or lectures for improving law consciousness mainly focusing on university students at Vientiane and Champasak.

#### **IV. My Consideration on Donor Cooperation in Laos**

Based on the abovementioned, I would like to present my individual / private opinion on the cooperation of donors in Laos legal sector, focusing on the “dissemination of the Civil Code”. As I already mentioned, since JICA has continued to support the drafting of the Civil Code from Phase 1 and Phase 2 to the Project, we have a kind of pride that we are deeply familiar with the contents of the Civil Code. But, since the projects (including phase1 and 2) mainly focus on activities in the Vientiane capital and do not mainly focus on the activity “Access to Justice”, the Project does not have any activity bases in rural areas and does not have enough know-how with conducting seminars or lectures in rural area.

On the other hand, UNDP, GIZ, TAF and Lux Dev do not have enough knowledge of the Civil Code, but as they mainly focus on the activity “Access to Justice”, all / some of them have some track records of conducting seminars or lectures for “Access to Justice” in rural areas, they have enough know-how with conducting seminars in rural areas and some of them have the activity bases in another region other than the Vientiane capital.

I think that the project will cooperate with abovementioned 4 donors through the dissemination of the Civil Code.

In other words, the project which is familiar with the contents of the Civil Code wishes to disseminate the Civil Code for all citizens in not only Vientiane capital but also rural areas, but since the project has no activity bases in rural areas and does not have enough know-how of dissemination activity in rural areas, if the project tries to disseminate the Civil Code only by itself, I think that the project could disseminate quite limited area and would not accomplish its aims of dissemination of the Civil Code.

On the other hand, the other four donors implement one / some of their activities focusing on the “Access to Justice” of SDGs 16 - 3, but as mentioned, they do not have enough knowledge of the Civil Code, they implement their activity “Access to Justice” with not enough knowledge of the Civil Code. But I think that it is very meaningful to absorb the knowledge of the civil code for their activity “Access to Justice”, because, based on my experiences as legal practitioner in Japan, I presume that the Civil Code is called as civilian constitution, when some citizen faces to need the access to justice (faces judicial conflict), they might use the Civil Code in order to solve their problems compared with another laws.

Under this hypothesis, I made some discussions with the experts and staff of another 4 donors in order to exchange opinions and to give proposal with cooperation of the dissemination of the Civil Code before the enactment of it. And I already got agreement of our proposal from all four donors, and conversely received the proposal of starting consultation meeting as soon as possible from some donors. At the time of writing of this article<sup>7</sup>, I am not able to report

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<sup>7</sup> As of the end of December 2018.

the plan of dissemination of the Civil Code in cooperation with another donors because of no concrete plan between any donors, but by the time this article will be published, the project team will have some concrete plans of the dissemination of the Civil Code in cooperation with some donors and some activities of dissemination of the Civil Code might be undertaken together. And the project team also expects it.

Again, the project team thinks that it is meaningless for citizens not to understand the Civil Code well and also not to properly use it. Based on this concept, the project team wants to focus on the dissemination of the Civil Code. And as I mentioned many times in this article, we would like to try to disseminate the Civil Code in cooperation with other donors in order to get bigger accomplishment than dissemination by the project itself.

The project definitely wants to try this meaningful challenge and hopes to accomplish it in near future.

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

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

As of January 31, 2019

FY	Vietnam
1991	Minister of Justice of Vietnam requested assistance from Minister 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 (once a year until 1996)
1995	“Survey on development policy to assist transition to market economy” (so-called Ishikawa Project)(Aug. 1995 – Mar. 2001)
1996	<ul style="list-style-type: none"> <li>•Cooperation Program in Legal Field, Phase I began (Dec. 1996 - Nov. 1999)</li> <li>•Long-term expert (private attorney) was dispatched</li> </ul>
1997	Above project, Phase 1 continued - Training course in Japan (twice) - Local seminar (four times)
1998	Same as previous year
1999	<ul style="list-style-type: none"> <li>•Japan-Vietnam Civil and Commercial Law Seminar</li> <li>•Cooperation Project in Legal Field, Phase II began (Dec. 1999 - Nov. 2002)</li> <li>- Joint study to revise Civil Code (CC) of Vietnam</li> <li>- Formulation of a bird's-eye view of laws</li> <li>- Human resource development</li> <li>•Supreme People's Court (SPC) and Supreme People's Procuracy (SPP) were added as counterpart organizations</li> <li>•Long-term expert (program coordinator) was dispatched</li> </ul>

2000	<ul style="list-style-type: none"> <li>• Above project, Phase II 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 revise CC began</li> </ul>
2001	<ul style="list-style-type: none"> <li>• Above project, Phase II continued</li> <li>• Two long-term experts (public prosecutor and private attorney) were dispatched</li> <li>• Above project, Phase II 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>• Above project, Phase III began (Jul. 2003 - Jun. 2006)</li> <li>- Joint study group to revise 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 precedent</li> <li>• Seminar to assist in revision 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>• Above project, Phase III continued</li> <li>• Japanese law course 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 precedent)</li> <li>• CPC was enacted (Jun. 15)</li> <li>• Revised Bankruptcy Law was enacted (Jun. 15)</li> <li>• Training course in Japan (in Jan., Feb.) (on legal training and joint study to revise CC)</li> </ul>
2005	<ul style="list-style-type: none"> <li>• Above project, Phase III continued</li> <li>• Long-term expert (former judge) was dispatched</li> <li>• Japanese law course at Vietnam National Univ. continued</li> <li>• Local seminar (on judgment-writing/judicial precedent, Judgment Execution Law, legal training)</li> <li>• Revised 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>• Above project, Phase III was extended until Mar. 2007</li> <li>• Long-term expert (program coordinator) was dispatched</li> <li>• Japanese law course at Vietnam National Univ. continued</li> <li>• Local seminar (on judgment-writing/ judicial precedent)</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>• Japanese law course 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 (in Sep., on State Compensation Law)</li> <li>• Training course in Japan (in Nov., on drafting State Compensation Law)</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>• Japanese law courses 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.; revision 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>· Japanese law course at Vietnam National Univ. continued</li> <li>· Training courses in Japan (on drafting Immovable Property Registration Law and Secured Transaction Registration Law in Aug.; organization and activities of JFBA in Oct.; drafting revised 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 (in 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>· Japanese law course at Vietnam National Univ. continued</li> <li>· Joint study on Japan-Vietnam judicial systems (in Jun.)</li> <li>· Local seminar (in Aug.)</li> <li>· Vice-Minister of Justice was invited to Japan (in Oct.)</li> <li>· Training courses in Japan (on attorney's business basic rules, roles of each bar association, etc. in Sep., drafting Family Registration Law in Nov., drafting revised CRPC in Dec., drafting revised CPC in Jan. )</li> <li>· Administrative Procedure Law was enacted (in Nov.)</li> <li>· Revised CPC was enacted (in Mar.)</li> </ul>
2011	<ul style="list-style-type: none"> <li>· Above project, Phase II (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>· Japanese law course at Vietnam National Univ. continued</li> <li>· Joint study on Japan-Vietnam judicial systems (in Jun.)</li> <li>· Training courses in Japan (on organization of bar associations, strengthening capacity of attorneys, and countermeasures against depopulation of attorneys in Feb., revision of CC in Feb., revision of Court Organization Law in Mar.)</li> </ul>
2012	<ul style="list-style-type: none"> <li>· Above project, Phase II (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>· Japanese law course at Vietnam National Univ. continued</li> <li>· Joint study on Japan-Vietnam judicial systems (in Jun.)</li> <li>· Training courses in Japan (on establishment of rights of defense counsel in criminal justice, revision of CC in Feb., revision 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>· 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, former judge, private attorney and program coordinator) continued</li> <li>· Japanese law course 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 courses 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.; revision of CC - revision 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 revision 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: revision of CC; July: training of prosecutors)</li> <li>· Training courses in Japan (training of prosecutors in Dec.; revision of CC in Mar. [tbd])</li> <li>· Local seminar (on summary procedure, appeal system, revision 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.)</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>· 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 courses in Japan (on enhancing consistency of legal normative documents in September and November.; training of prosecutors in Dec.)</li> <li>· JICA Survey Team was dispatched (for participating in Joint Coordinating Committee [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 courses 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 (2prosecutors, judge, private attorney and program coordinator) continued</li> <li>· JICA survey team was dispatched (for Mid-term Review in Jan.)</li> <li>· Training courses in Japan (judicial precedent in May.;property registration act in Sep.; 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 (2prosecutors, a judge, a private attorney and a program coordinator) continued</li> <li>· JICA survey team was dispatched(for participating in JCC in May and January.)</li> <li>· Training courses in Japan (on settlement and conciliation in Jun.; enhancing consistency of legal normative documents in Oct.)</li> <li>· Local seminar (on judicial precedent in Sep.;family court in Oct.)</li> </ul>
FY	Cambodia
1993	
1994	· Seminar "Actual Situation of, and Challenges for Judicial System in Cambodia" by Japan Federation of Bar Association (JFBA).
1995	
1996	· Training course in Japan jointly organized by MOJ, SC and JFBA began (once a year)
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 on drafting two codes held in Japan and Cambodia by CC and CPC working groups.</li> </ul>
2000	<ul style="list-style-type: none"> <li>· Above JICA Project, Phase I continued</li> <li>· Training courses 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>· Above JICA Project, Phase I continued</li> <li>· Judicial assistance project for CBA by JFBA (JICA small-scale development partnership project) began</li> <li>· Seminars on continuous education of attorneys (1st to 4th) organized by JFBA (joint project with Canadian Bar Association [which held seminars three times] and Lyon Bar Association [which held seminars once], and seminars were held eight times in total)</li> </ul>
2002	<ul style="list-style-type: none"> <li>· Above JICA Project, Phase I 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>· Drafting of CC and CCP were completed</li> <li>· Judicial assistance project for CBA by JFBA (JICA Development Partnership Program) began (for 3 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>· Above JICA Project, Phase II began (until April 2007)</li> <li>- Legislative assistance</li> <li>- Drafting ancillary laws</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>•Above JICA 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 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 (in Aug.)</li> <li>•Local seminar (special lecture on CC in Aug., CCP in Mar.)</li> <li>•Remote seminar (in 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 (in 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(in Jul.)</li> <li>•CC was promulgated (in 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 trianing continued</li> <li>•Dispatch of two long-term experts to RSJP continued</li> <li>•JICA-Net seminar (in 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 (in 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 (in Sep.)</li> <li>•Training course in Japan (in Oct. and Mar.)</li> <li>•Local seminar (in 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</li> <li>- Drafting ancillary laws</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 (in May)</li> <li>• Training course in Japan (in Oct. and Nov.)</li> <li>• Local seminar (in 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</li> <li>-Drafting ancillary laws</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 (in 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.)</li> <li>- Drafting ancillary laws</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 (in June)</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 (in Mar.)</li> <li>•JICA RSJP Project, Phase II ended (in Mar.)</li> <li>•JICA Project for Dissemination of CC and CCP began (in Apr.)</li> <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> <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)</li> <li>- Assistance in legislative drafting ended (in Mar.)</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, 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 (in Jun., Oct., Feb [tbd])</li> <li>·Long-term expert (prosecutor) was dispatched, dispatch of an expert ended (in 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. [tbd])</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 (in Sep.,Mar.)</li> <li>·Local seminar (Joint Prakas on Registration of Immovables in July, Civil Provisinal 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 (in Oct.)</li> <li>·Local seminar (Problems in practise in Aug. 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 (in Apr.)</li> <li>·Working groups on CC ended ( in Aug.) , that on CCP continued , Advisory group on Immovable Registration was formed</li> <li>·Dispatch of three long-term experts ( a public prosecutor, a judge, a private attorney) continued</li> <li>·Local seminar (Problems in practise 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 ( Divorce in Mar.)</li> </ul>
2018	<ul style="list-style-type: none"> <li>·Avobe 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 Provisinal Remedies in Mar.)</li> <li>·JICA survey team was dispatched ( to participate in JCC in Jan.)</li> <li>·Training course in Japan (in Feb.)</li> <li>·Workshop in Cambodia ( Immovable Registration in Feb.)</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 (in Dec.), training course in Japan (in Feb.)</li> </ul>
1999	Training course in Japan (in Nov.), local seminar (in 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 (in Jun.), training course in Japan (in Nov.)</li> <li>·JICA survey team was dispatched for project formulation (in Dec.)</li> <li>·Judicial system survey team was dispatched by JFBA (in 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 (in 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 (in Oct. and Mar.)</li> </ul>
2003	<ul style="list-style-type: none"> <li>· JICA Project began (until May 2005)</li> <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> <li>· Long-term expert (public prosecutor) was dispatched</li> <li>· Training course in Japan (in 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 (in 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 workshop by each local counterpart organization, monitoring by JICA local office (from May to Dec.)</li> </ul>
2008	<ul style="list-style-type: none"> <li>· Legal technical assistance simulation workshop held jointly with Nagoya Univ. (in Sep., Nov., Dec.)</li> <li>· Local survey (in Jan.)</li> </ul>
2009	<ul style="list-style-type: none"> <li>· Legal technical assistance simulation workshop held jointly with Nagoya Univ. (in May, Jun., Nov., Feb.)</li> <li>· Field survey (in May, Sep., Mar.)</li> <li>· Local seminar (in 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 (in 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 Oc., 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 (till Jul.)</li> <li>• Dispatch of four long-term experts (two prosecutors (till 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 (in Jul.)</li> </ul> <p>Dispatch of three long-term experts (one prosecutor, a private attorney, a program coordinator) continued, additional private attorney was dispatched in Oct.</p> <ul style="list-style-type: none"> <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. [tbd] 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 (a prosecutor, two private attorneys, a 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 (in 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 (a 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 (in 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>• Training Course on the Enforcement of Intellectual Property Rights for Judges in Lao P.D.R (Jan)</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 (in Mar)</li> </ul>
2018	<ul style="list-style-type: none"> <li>• Above project Phase II continued (till 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 (in 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 (in 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 (in Dec)</li> <li>• RTI and National Institute of Justice (NIJ) exchanged a memorandum of cooperation in the field of legal and judicial training (in Dec)</li> </ul>
FY	Indonesia
1997	
1998	Seminar on economic law
1999	
2000	<ul style="list-style-type: none"> <li>• Study group on Antimonopoly Law of Indonesia organized by Japan External Trade Organization (JETRO)</li> <li>• Symposium on APEC Economic Law System held by JETRO, etc.</li> </ul>
2001	JICA Survey Team was dispatched
2002	<ul style="list-style-type: none"> <li>• Training course in Japan (once a year)</li> <li>• Local seminar (once a year)</li> <li>• Symposium on APEC Economic Law System held by JETRO, etc.</li> <li>• JICA Survey Team was dispatched</li> <li>• Chief Justice of Supreme Court of Indonesia was invited to Japan by Ministry of Foreign Affairs and JICA</li> </ul>
2003	<ul style="list-style-type: none"> <li>• Training course in Japan (once a year)</li> <li>• JICA long-term planning researcher was dispatched (private attorney)</li> <li>• Japan-Indonesia ADR Comparative Study Seminar (training course in Japan)</li> </ul>
2004	<ul style="list-style-type: none"> <li>• Training course in Japan (once a year)</li> <li>• Project on competition policy and deregulation in Indonesia began (by Fair Trade Commission, until Jul. 2006)</li> <li>• JICA planning researcher was dispatched</li> </ul>

2005	<ul style="list-style-type: none"> <li>·Training course in Japan (once a year)</li> <li>·ADR local seminar in Aceh (by JICA and JFBA)</li> </ul>
2006	<ul style="list-style-type: none"> <li>·Remote seminar on ADR in Aceh (five times in total) (by JICA and JFBA)</li> <li>·Training course in Japan (in Jul.)</li> <li>·JICA Survey Team was dispatched and Minutes of Meeting was signed (in Sep.)</li> <li>·JICA Project on Improvement of Mediation System began, long-term expert (private attorney) was dispatched (in Mar.)</li> </ul>
2007	<ul style="list-style-type: none"> <li>·Advisory group was formed in Japan (in Jun.)</li> <li>·Local seminar (in Aug., Mar.)</li> <li>·Training course in Japan (in Oct.)</li> </ul>
2008	<ul style="list-style-type: none"> <li>·Advisory group meeting continued</li> <li>·2nd training course in Japan (in Jul.)</li> <li>·Revised regulation of Supreme Court of Indonesia, PERMA No.1, 2008 was enforced (on court-annexed mediation and rules on mediation procedure)(in Jul.)</li> <li>·Local seminar (in Nov.)</li> <li>·JICA Survey Team was dispatched for project-end evaluation (in Nov.)</li> </ul>
2009	<ul style="list-style-type: none"> <li>·Avisory group meeting continued</li> <li>·Field survey (in Sep.)</li> <li>·JICA Country-focused training course (on court-annexed mediation) (in Nov.)</li> <li>·Discussion meeting with Supreme Court of Indonesia on future cooperation (in Mar. 2010)</li> </ul>
2010	<ul style="list-style-type: none"> <li>·Field survey by RTI (in Aug.)</li> <li>·Judges of Supreme Court were invited to Japan by RTI (in Nov.)</li> <li>·Deputy Chief Justice and others of Supreme Court were invited to Japan by RTI (in Dec.)</li> <li>·RTI cooperated in JICA Project on Intellectual Property Rights</li> </ul>
2011	<ul style="list-style-type: none"> <li>·Field survey on dissemination of mediation system and actual judicial system (in Aug.)</li> <li>·Joint study in Japan for strengthening judicial training in Indonesia (in Nov.)</li> </ul>
2012	<ul style="list-style-type: none"> <li>·Field survey (in Aug.)</li> <li>·2nd joint study in Japan for strengthening judicial training system in Indonesia (in Nov.)</li> </ul>
2013	<ul style="list-style-type: none"> <li>·Field survey (in May)</li> <li>·JICA survey for information collection and confirmation in legal and judicial field (in Nov.)</li> <li>·3rd joint study in Japan for strengthening judicial training in Indonesia (in Feb.)</li> </ul>
2014	<ul style="list-style-type: none"> <li>·Local survey (Apr.)</li> <li>·Project-end evaluation survey of JICA Project on Intellectual Property Rights (in Oct.)</li> <li>·Study on small-claims system with Supreme Court of Indonesia (in Dec.)</li> <li>·JICA survey team is to be dispatched (in Feb.)</li> <li>·4th joint study in Japan for strengthening judicial training in Indonesia (in Feb.)</li> </ul>
2015	<ul style="list-style-type: none"> <li>·JICA signed memorandum on cooperation with the Supreme Court in Indonesia ( in July) and the Minisutry of Justice and Human Rights ( in Aug.)</li> <li>·JICA Project on Intellectual Property Rights Protection and Consistency for Improving Business Envionment began (2015.12~2022.12)</li> <li>·JICA survey team was dispatched ( in Aug., Oct., Dec.)</li> <li>·two long-term experts (prosecutor, judge) was dispatched</li> <li>·Local survey ( in 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 ( from 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 Justicfe and the Human Rights (in May)</li> <li>·Advisory group meeting ( in Jun., Oct., Feb)</li> <li>·Training courses in Japan (in July, 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 seminor ( in 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 Jaoan visited Indonesia ( in Sep)</li> <li>·Training courses in Japan (in July, Nov., Feb.)</li> <li>·Local seminar (in Jun., Jan.)</li> <li>·Advisory group meeting ( in Nov.)</li> </ul>

2018	<ul style="list-style-type: none"> <li>· Above project continued</li> <li>· Dispatch of two long-term experts ( a public prosecutor, judge) continued</li> <li>· JICA survey teams were dispatched (to attend the JCC in May, to attend the International Conference in Aug. in Feb.)</li> <li>· Training courses in Japan (in Oct, Jan., Feb.)</li> <li>· Local seminars (in July. Jan.)</li> <li>· Advisory group meeting ( in Dec.)</li> </ul>
FY	Mongolia
1993	
1994	Prof. Akio Morishima was dispatched as JICA short-term expert to give advice on revision 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 Uni., 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 (in 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 (in 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 (Apr. 2013 - Dec. 2015)</li> <li>· Long-term expert (private attorney) was dispatched (from JFBA)</li> </ul>
2014	Above project, Phase II continued
2015	Above project completed (in Dec.)
2016	Field survey (in Mar.)
2017	Field survey (in Sep.)
2018	<ul style="list-style-type: none"> <li>· Field survey (in Aug.)</li> <li>· Joint study (in Aug, about Trade Laws)</li> </ul>

FY	Central Asia
1999	
2000	[Uzbekistan] ·Academic exchange agreement was signed between Nagoya Univ. and three univ. in Uzbekistan ·Local seminar held by Cabinet Legislation Bureau
2001	[Uzbekistan] ·JICA Survey Team was dispatched
2002	[Uzbekistan] ·Training course in Japan ·Symposium held by Nagoya Univ. inviting legal experts from three Central Asian countries ·Expert was dispatched to Tashkent State Institute of Law by Nagoya Univ. ·JICA Survey Team was dispatched ·Local symposium by Nagoya Univ. ·Local survey by JFBA ·Local seminar (by RTI and Nagoya Univ.)
2003	·JICA Survey Team was dispatched ·Field survey and local symposium (by Nagoya Univ.) ·Expert was dispatched (by Hokkai Gakuen Univ.) ·Training course in Japan ·Minister of Justice of Uzbekistan was invited to Japan by MOJ and Nagoya Univ. and symposium was held by Nagoya Univ. ·Two experts were dispatched (from MOJ and Waseda Univ.) to hold local follow-up seminar of training course held in Japan
2004	·JICA Survey Team was dispatched Minutes of Meeting was signed (on assistance in drafting commentary on Bankruptcy Law) ·Training course in Japan (on commentary on Bankruptcy Law) ·Assistance in drafting Civil and Commercial Code continued (by Nagoya Univ.) ·Expert was dispatched to MOJ of Uzbekistan (by Mie Univ.) ·Deputy Chief Justice of Supreme Economic Court was invited to Japan (by MOJ) ·Local symposium (by Nagoya Univ.) ·Local follow-up seminar (by MOJ)
2005	·Training course in Japan (in May and Nov. on commentary on Bankruptcy Law) ·Short-term experts were dispatched (from MOJ, Osaka Univ., etc.) (in Aug., Mar.) ·Project for Drafting Commentary on Bankruptcy Law began (by MOJ, until Sep. 2007) ·Legal Development Project for MOJ of Uzbekistan began (by Nagoya Univ., until 2008)(on SME promotion, mortgage law system reform, law database) ·Long-term expert was dispatched (by Nagoya Univ.) ·Research and Education Center for Japanese Law was established at Tashkent State Institute of Law (by Nagoya Univ.) ·Local symposium (by Nagoya Univ.) ·Comparative Study Project on Constitutional Courts in Central Asia began (by Nagoya Univ.)
2006	·Project for Drafting Commentary on Bankruptcy Law continued (by MOJ until Sep. 2007) ·Long-term expert (private attorney) was dispatched through above project (by MOJ, until Sep. 2007) ·Training course in Japan on commentary on Bankruptcy Law (in May, Aug., Sep., Nov.) ·Short-term experts (MOJ official, private attorney) were dispatched (in Jun., Feb.) ·Commentary on Bankruptcy Law, Russian version was published (in Mar.) ·Additional long-term expert was dispatched (by Nagoya Univ.)
2007	·Presentation ceremony to commemorate publication of commentary in Uzbekistan (in Jun.) ·Seminar on dissemination of commentary in Uzbekistan (in Jul., Dec.) ·Workshop to promote use of commentary (in Sep.) ·Commentary, Japanese and Uzbek versions were published (in Sep.) ·Project for Drafting Commentary ended (in Sep.) ·Commentary, English version was published (in Mar.)  [Others] ·Steering committee for "Seminar on Central Asia Comparative Legal System Study" was established
2008	·Project to improve civil-related and administrative-related laws for development of corporate activities ended (by Nagoya Univ. in Dec.) ·Seminar on Central Asia Comparative Legal System Study (Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan) (in Dec.)

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) (in Nov.)</li> <li>· Seminar on Central Asia Comparative Legal System Study (Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan)</li> </ul>
2010	<ul style="list-style-type: none"> <li>· Seminar on Central Asia Comparative Legal System Study (Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan)(in Dec.)</li> </ul>
2011	<ul style="list-style-type: none"> <li>· Seminar on Central Asia Comparative Legal System Study (Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan)</li> </ul>
2012	<ul style="list-style-type: none"> <li>· Seminar on Central Asia Comparative Legal System Study (Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan) (in Nov.)</li> </ul>
2013	<ul style="list-style-type: none"> <li>· Seminar on Central Asia Comparative Legal System Study (Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan) (in Nov.)</li> </ul>
2017	<ul style="list-style-type: none"> <li>[Uzbekistan]</li> <li>· Japan-Uzbekistan Joint Study in Tokyo (March)</li> </ul>
2018	<ul style="list-style-type: none"> <li>[Uzbekistan]</li> <li>· Seminar on Administrative Laws in Tashkent (September)</li> <li>· Seminar on Administrative Laws in Tashkent (February)</li> <li>· Japan-Uzbekistan Joint Study in Tokyo (March)</li> </ul>
FY	China
1995	
1996	Japan-China Civil and Commercial Law Seminar held by ICCLC (once a year)
1997	Japan-China Civil and Commercial Law Seminar held by ICCLC
1998	Japan-China Civil and Commercial Law Seminar held by ICCLC
1999	Japan-China Civil and Commercial Law Seminar held by ICCLC
2000	Japan-China Civil and Commercial Law Seminar held by ICCLC
2001	Japan-China Civil and Commercial Law Seminar held by ICCLC
2002	Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC
2003	Japan-China Civil and Commercial Law Seminar held by RTI, ICCLC and JETRO
2004	<ul style="list-style-type: none"> <li>· Legal technical assistance to China by Ministry of Economy, Trade and Industry (METI), etc. (on economic law)</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	Japan-China Civil and Commercial Law Seminar held by RTI, ICCLC and JETRO
2006	Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC
2007	<ul style="list-style-type: none"> <li>· JICA Survey Team was dispatched (in Jun.)</li> <li>· Record of Discussions (R/R) was signed on JICA Project for Improving Civil Procedure Law (CPL) and Arbitration Law of China (in Nov.)</li> <li>· Training course in Japan (in Nov.)</li> <li>· Study group was established in Japan (in Nov.)</li> <li>· Local seminar (in Mar.) · 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 2 years)</li> <li>· Training course in Japan (in 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 (in 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 (in Nov.)</li> <li>· Tort Law was enacted (in 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 (in May)</li> <li>·Country-focused training course in Japan on "CPL and Civil-related Laws" (in Jul.)</li> <li>·Country-focused training course in Japan on "Judicial personnel training" (in Jul.)</li> <li>·Training course in Japan on Project for Improving CPL and Arbitration Law (in Oct.)</li> <li>·Law on Application of International Private Law was enacted (in Oct.)</li> <li>·Local seminar on Administrative Procedure Law in China (in Nov.)</li> <li>·Long-term expert (private attorney) was dispatched</li> <li>·Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC (in 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 (in Jun.)</li> <li>·Country-focused Training Program on "Administrative Procedure Law and administrative-related laws" (in 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 (in Aug.)</li> <li>·Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC (in 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 (in Aug.)</li> <li>·Country-focused training program on "CPL and civil-related laws" ended (in Oct.)</li> <li>·Consumer Rights Protection Law was revised (in Oct.)</li> <li>·Japan-China Civil and Commercial Law Seminar held by RTI, ICCLC and JETRO (in Dec.)</li> </ul>
2014	<ul style="list-style-type: none"> <li>·Project for Legal Development for Improvement of Market Economy and People's Wellbeing began (in June)</li> <li>·Long-term expert (private attorney) was dispatched (from JFBA)</li> <li>·JICA survey team was dispatched to participate in JCC (in May)</li> <li>·Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC (in 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(in Oct.)</li> <li>·Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC(in 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(in 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 (in Nov.)</li> </ul>
2017	<ul style="list-style-type: none"> <li>·Above project was extended until June 2020</li> <li>·Dispatch of long-term expert (private attorney) continued</li> <li>·JICA survey team was dispatched to participate in JCC (in Jun.)</li> <li>·Local seminar on CC in Nov.</li> </ul>
2018	<ul style="list-style-type: none"> <li>·Above project continued</li> <li>·Dispatch of long-term expert (a 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 in Jan.</li> <li>·Japan-China Civil and Commercial Law Seminar held by RTI, ICCLC and Japan-China Economica Association (in Jul. and in Nov.)</li> </ul>
FY	Nepal
2007	
2008	Local seminar on criminal-related law comparative study (twice)
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 (in Jul.)</li> <li>·Country-focused training course in Japan on "CC and related laws" (in Aug.)</li> <li>·Field survey (in 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 (in 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(November and February.)</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 (July and November.)</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(in Nov.)</li> <li>•Wrap-up seminar on Court Capacity-building for Expeditious and Fair Dispute Resolution seminar (in Feb.)</li> <li>•Japan-Nepal joint comparative study on judicial system (in Mar.)</li> <li>•Project for Court Capacity-building for Expeditious and Fair Dispute Resolution end (in Mar.)</li> </ul>
2018	<ul style="list-style-type: none"> <li>•Local seminars on Code of Criminal Procedure (May and August)</li> <li>•Local seminar on Civil Code(Aug.)</li> <li>•Local survey(Dec.)</li> <li>•Japan-Nepal joint comparative study on judicial system (Mar.)</li> </ul>
FY	Timor-Leste
2008	
2009	Training course in Japan for legislative drafting capacity-building (Jul.)
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	Field survey in Timor-Leste (Mar.)
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 (Apr. 2013 - Mar. 2014)(for legislative-drafting capacity-building)</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>
FY	Myanmar
2011	
2012	<ul style="list-style-type: none"> <li>•Joint comparative study of legal systems in Japan and 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> </ul>
2013	<ul style="list-style-type: none"> <li>•Meetings with UAGO and SC (by RTI and JICA in Feb.)</li> <li>•Local seminar (by JICA and UAGO on "commercial arbitration" in Apr.)</li> <li>•Joint comparative study of legal systems in Japan and Myanmar (in 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 (in 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 (continue for 3 years)</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>•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 (in Feb. by long-term expert for UAGO and SC on "copyright law")</li> <li>•Local survey, small-scale local seminar (in Mar. by RTI, for UAGO and SC on the "handling of electromagnetic records in criminal procedure""investigation methods of intellectual property cases")</li> <li>•Small-scale local seminar (in 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 (in 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 (in Jul.)</li> <li>•Local seminar (Jul. by JICA and Patent Office for UAGO and SC on "intellectual property laws")</li> <li>•Local seminar (in 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>•3rd study tour in Japan (Feb.)</li> </ul>
2015	<ul style="list-style-type: none"> <li>•Above project continued</li> <li>•Local sminar (on fact-finding for SC)</li> <li>•4th study tour in Japan (June, on Companies Act)</li> <li>•Mid-term evaluation, JCC (July)</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 Asociasion 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 (June. on Bankruptcy Code, for SC, UAGO, DA and the Parliament members)</li> <li>· Local seminar (July. 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-scale 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 (June, on legal system of estate)</li> <li>· 10th Study Tour (June, 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 Phase2" in June.</li> <li>· 13th Study Tour (July. 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/UAGO and JICA (Dec.)</li> <li>· Local Seminar (Jan. on textbook for judges on business related laws etc.)</li> </ul>
FY	Bangladesh
2015	
2016	
2017	· 1st study trip to Japan (mainly about ADR)
2018	<ul style="list-style-type: none"> <li>· Local seminar in Dhaka</li> <li>· 2nd study trip to Japan (mainly about mediator training)</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 Legal 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 (in Tokyo and Osaka)</li> <li>· 5th Annual Conference on Legal 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 begun 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 (in 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 (in Mar.)</li> <li>· 11th Japan-Korea Partnership Program held by RTI</li> </ul>
2010	<ul style="list-style-type: none"> <li>· Internship by MOJ (in Aug.)</li> <li>· Seminar on "Audit System in Asia" held jointly by RTI and ICCLC (in Aug.)</li> <li>· Summer Symposium "Our Legal Technical Assistance 2010" held jointly by RTI, ICCLC and Nagoya Univ. (in Sep.)</li> <li>· 12th Annual Conference on Technical Assistance in Legal Field.</li> <li>· Internship for law school students by National Personnel Authority (in Mar.)</li> <li>· "Kanazawa Seminar" held by Ishikawa International Civil and Commercial Law Center (in Mar.)</li> <li>· 12th Japan-Korea Partnership Program held by RTI</li> <li>· Mini-symposium to study Japan-Korea cooperation in legal technical assistance (in Mar.)</li> </ul>

2011	<ul style="list-style-type: none"> <li>· Internship by MOJ (in Aug.)</li> <li>· Summer Symposium "Our Legal Technical Assistance 2011" held jointly by RTI, ICCLC, Nagoya Univ., Keio Univ., Kobe Univ. and ITP (in Sep.)</li> <li>· 7th International Civil and Commercial Law Symposium on "Audit System in Asia" held jointly by RTI and ICCLC (in Sep.)</li> <li>· 13th Annual Conference on Technical Assistance in Legal Field</li> <li>· Internship for law school students by National Personnel Authority (in Mar.)</li> <li>· "Kanazawa Seminar" held by Ishikawa International Civil and Commercial Law Center (in Mar.)</li> </ul>
2012	<ul style="list-style-type: none"> <li>· Internship by MOJ (in Aug.)</li> <li>· "Our symposium 'Access to Justice' in Asia" held jointly by RTI, ICCLC, Nagoya Univ., Keio Univ., Kobe Univ. and others (in Nov.)</li> <li>· 14th Annual Conference on Technical Assistance in Legal Field.</li> <li>· Internship for law school students by National Personnel Authority (in Feb.)</li> <li>· "Kanazawa Seminar" by Ishikawa International Civil and Commercial Law Center (in Mar.)</li> <li>· 13th Japan-Korea Partnership Program held by RTI (in 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 (in Nov.)</li> <li>· 15th Annual Conference on Technical Assistance in Legal Field.</li> <li>· Internship for law school students by National Personnel Authority (in Feb.)</li> <li>· "Kanazawa Seminar" held by Ishikawa International Civil and Commercial Law Center (in Mar.)</li> <li>· 14th Japan-Korea Partnership Program held by RTI (in 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. (in Nov.)</li> <li>· 8th International Civil and Commercial Law Symposium on "Information providing system" held jointly by RTI and ICCLC (in Sep.)</li> <li>· 16th Annual Conference on Technical Assistance in Legal Field (in Jan.)</li> <li>· Internship for law school students by National Personnel Authority (in Feb.)</li> <li>· "Kanazawa Seminar" held by Ishikawa International Civil and Commercial Law Center (in Mar.)</li> <li>· 15th Japan-Korea Partnership Program held by RTI (in 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. (in May, Aug. and Nov.)</li> <li>· 17th Annual Conference on Technical Assistance in Legal Field (in Jan.)</li> <li>· "Kanazawa Seminar" held by Ishikawa International Civil and Commercial Law Center (in Mar.)</li> <li>· 16th Japan-Korea Partnership Program held by RTI (in 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. (in Jun., Aug., Dec.)</li> <li>· 18th Annual Conference on Technical Assistance in Legal Field (in Jan.)</li> <li>· 17th Japan-Korea Partnership Program held by RTI (in 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. (in Jun., Aug., Dec.)</li> <li>· 19th Annual Conference on Technical Assistance in Legal Field (in Jan.)</li> <li>· "Kanazawa Seminar" held jointly by Ishikawa International Civil and Commercial Law Center (in Jun.)</li> <li>· 18th Japan-Korea Partnership Program held by RTI (in Jun. and Nov.)</li> <li>· Internship for law school students by National Personnel Authority (in Aug.)</li> <li>· 9th International Civil and Commercial Law Symposium on "Corporate-Governance in Gour Southeast Asian Countries" held jointly by RTI and ICCLC (in Sep.)</li> <li>· "Japan-Korean Judicial Partnership / Immovable Property Registration Seminar" held by RTI and ICCLC (in Nov.)</li> <li>· Judicial Symposium Property on Intellectual Property 2017 ~IP Dispute Resolution in ASEAN+3 (Japan-China-Republic of Korea)~ (in 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. (in Jun., Aug., Dec.)</li> <li>· 20th Annual Conference on Technical Assistance in Legal Field (in Feb.)</li> <li>· 19th Japan-Korea Partnership Program held by RTI (in Jun. and Oct.)</li> <li>· "Kanazawa Seminar" held jointly by Ishikawa International Civil and Commercial Law Center (in Jul.)</li> <li>· Judicial Symposium Property on Intellectual Property Advanced Seminar for ASEAN+3 2018(in Nov.)</li> </ul>

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