

The 2019 Vision for Publicizing Japanese Laws Internationally

~ The things we must do now to correctly convey information about Japan's legal system ~

March 29, 2019

**The Ministry of Justice
Council on the Vision for Publicizing Japanese Laws Internationally**

The Ministry of Justice
Council on the Vision for Publicizing Japanese Laws Internationally
List of Members

- **Philippe Avril**
Chairman and Representative Director, BNP Paribas Securities
(Japan) Limited
- **Noboru Kashiwagi (Chairperson)**
Emeritus Professor, The University of Tokyo
- **Soichiro Sakuma**
Executive Advisor, Nippon Steel & Sumitomo Metal Corporation
- **Kumi Fujisawa**
Co-Founder and President, SophiaBank
- **Daniel H. Foote**
Professor, The University of Tokyo Graduate Schools for Law and
Politics
- **Kunihiko Miyake**
Visiting Professor, Ritsumeikan University
- **Midori Miyazaki**
Dean, Faculty of Global Studies, Chiba University of Commerce

(The names of the members are listed in the
order of Japanese syllabary without honorifics)

1. Introduction

To mark the 10th anniversary of the government having officially launched the Japanese Law Translation Project, the Council on the Vision for Publicizing Japanese Laws Internationally ("the council") has been established to provide further impetus to the project, as well as to study the issues that need to be dealt with and the efforts that need to be made to enhance the international credibility and transparency of the Japanese legal system by widely publicizing information about it overseas. From January to March, 2019, council conferences were held three times.

The council invited guest speakers to each of the conferences and made headway with active discussions; every council member brought their expert knowledge and experience to bear in expressing diverse points of view and ideas, while also voicing both exacting critiques and warm words of encouragement for the government-led Japanese Law Translation Project.

This opinion statement, the 2019 Vision for Publicizing Japanese Laws Internationally, summarizes the direction envisioned for the project and the process for actualizing this vision, as presented in conference discussions.

2. Reaffirming the Mission Statement and Purpose of the Project

How should the government-led Japanese Law Translation Project ("the project") be positioned, and how should it be advanced?

As pointed out in the course of discussions on legal system reforms that led to the launch of the project, there is no doubt in the international community that it is of significant value for information about the law of Japan (its laws and regulations, information about its legal system, etc.) to be properly publicized to members of the international community overseas and to foreign nationals in Japan, and we believe that the need for this will continue to grow in the future.

On the other hand, if we also look at recent events, we cannot necessarily say that Japan's laws and regulations and the Japanese legal system are being evaluated correctly by the international community, and there needs to be an effort in the government to move forward with ensuring and improving the international community's understanding of the law of Japan.

As the project constitutes a government effort to translate Japanese laws and regulations, it is of foremost significance for it to contribute to the fundamental infrastructural streamlining intended to achieve this.

Additionally, the project is being called upon to evolve. The project will need to move forward based on the progress achieved to date by the necessary government efforts to streamline the basic infrastructures at the national level, with special attention to (1) supporting businesses in a way that is mindful of use by legal departments and lawyers at domestic and foreign companies; and—with the recent increase of inbound tourism and foreign workers in mind— (2) protecting foreign nationals in Japan. Further, since this entails transmitting information about the nation's most fundamental infrastructure, the country's legal system, and keeping in mind the great range of people at all levels who stand to benefit directly and indirectly, the efforts undertaken as a government translation project should be continued and improved into the future, and within this framework, the project is being called upon to strive for the most effective injection of resources and to maximize results.

3. Assessment of and Issues Regarding Current Efforts

How should we look at the past 10 years of the project and the place at which the project stands today?

It is possible to assess certain aspects of current efforts through the project, such as the over 700 laws and regulations that have now been released on the Ministry of Justice's dedicated website, and the user traffic of over 110,000 visits a day. Through the creation and publication of The Standard Legal Terms Dictionary and the Law Translation Guidelines as tools to support the translation of laws and regulations, tools have been set in place to contribute to the quality translation of legal documents.

However, from the user perspective, many aspects of the services provided by the project still need to be improved and expanded. For example, in terms of content, some point out that only about 10 percent of all of Japan's laws and regulations have been translated, and that about 30 percent of its major laws and regulations remain untranslated. As to the extent of coordination in the translation of laws and regulations, the practice of leaving the translation work to the discretion of each individual ministry and agency has resulted in increasing levels

of variation. It takes an average of at least three years for translations to be released after a law or regulation is enacted or amended. There are also insufficiencies in some aspects of the user-facing functions of the dedicated website that provides access to the translations of laws and regulations, such as the way that searches are handled.

Rather than rambling on in a continuation of past efforts in the project, we should take this opportunity to clarify responses and policies that address the issues as seen from the user's perspective.

It is with an understanding of these and other issues that the council presents the following as the fundamental direction of future efforts.

4. Fundamental Vision for the Future

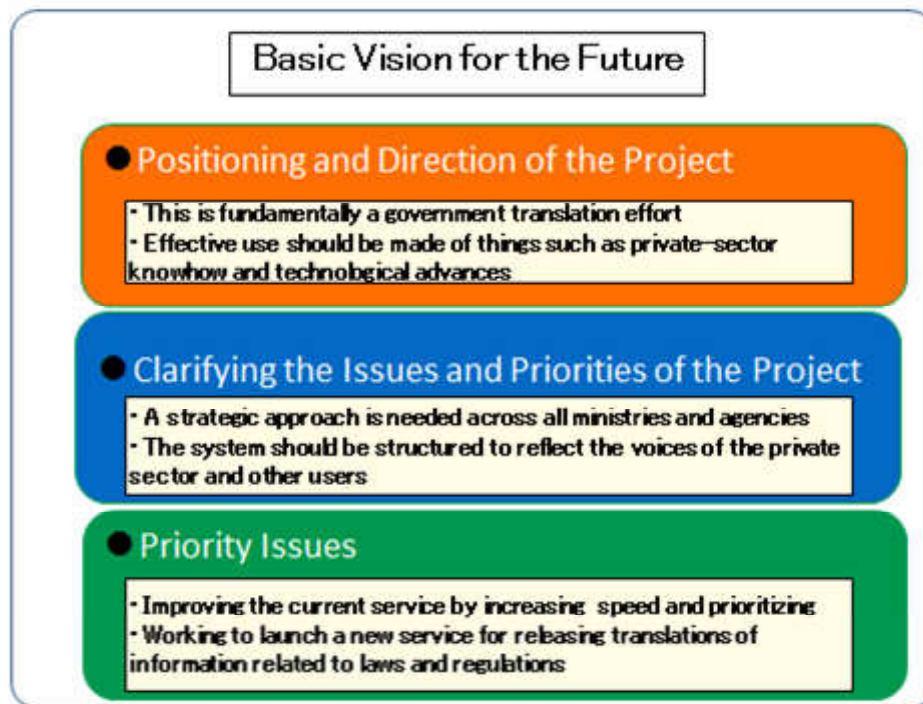
Toward what shared fundamental vision should the efforts over the next 10 years of the project be oriented?

The first thing we must clarify is the position and direction of the project. While fundamentally a translation effort that is being undertaken by the government (in this point, it differs from the government's foreign-language informational and consulting services), the project should build upon the work accomplished to-date and make effective use of things such as private-sector knowhow and technological advances, aiming to provide even more accessible services.

Secondly, we need to make a clear decision about the immediate issues the project should tackle and the order in which it should prioritize them. The approach to this must be strategic and systematic, and it is crucial for the process to be structured in a way that ensures the government's efforts will fully reflect the voices of the public sector and other users (user requests and opinions). This will require inter-ministry and agency efforts on the part of the government.

With this in mind, the first steps that we need to take in the approach to amplify and expand the project are (1) fundamentally improving the existing service of releasing English-language translations of the law (by increasing speed and prioritizing) and (2) launching a new translation service to provide users with information on laws and regulations (giving users other information in addition to the English-language translations of the law). Furthermore, to

publicize information about the law of Japan, we should aim to provide interactive services that emphasize functionality, and should seek to establish domestic and overseas networks by expanding our field of vision to include cooperation with local governments, private-sector organizations, non-government organizations, and a wide range of other related organizations that have not been involved in efforts to this point, as well as to include collaboration with other countries.



5. Content Enhancements to Be Prioritized

What content should be used for the information on laws and regulations that is to be publicized internationally through the project?

1. Considerably Improving the Speed at Which Translations Are Released and Establishing a New System to Facilitate Translation

First, considerable improvements need to be made in the speed of release for the translations of laws and regulations made available through this project, while still ensuring the translation quality. In particular, as (1) the Basic Acts; (2) financial laws, intellectual property laws, labor laws, and other laws and regulations in the field of business; and (3) laws and regulations in fields that are pertinent to the activities of foreign enterprises and the lives of foreign nationals are of especially high priority, translations that reflect amendments to these laws and regulations should be released in a timely fashion. For this

purpose, we should take this as an opportunity to make a fundamental review of the translation process. Furthermore, a new system should be established that allows users to have a look at which major laws and regulations in need of translation have been selected for translation and to check on their progress; decisions should be made about translation needs and priority (at which time, use should be made of materials such as data on user traffic to laws and regulations through services in Japanese), and translation processes should be improved. Additionally, with objectives such as facilitating direct investment in Japan and propelling intellectual property strategy, it is necessary to fully elaborate a system for incorporating requests and opinions about the project's translations from users worldwide (for example, by revamping the website's functions or establishing a help desk).

2. Launching a Service to Release Translations for Overviews of Laws and Regulations (Brief Informational Explanations of New and Amended Laws)

Second, as a way of providing users with easy-to understand, foreign-language information on Japan's laws early-on (as is already being done in Japanese), the government should work quickly to launch a service for releasing translations that give overviews of new and amended laws. There is an exceedingly high demand for provide users with brief translations that serve as informational overviews using, for example, the bill descriptions and other such materials published by each of the ministries and agencies. It seems fully feasible for this kind of translation to be made public quickly, in the time before a law's entry into effect, and we greatly hope that a prompt effort will be made in this regard as soon as the sharing of roles with each of the ministries and agencies has been examined and their cooperation secured.

3. Launching a Service to Release Translations for Basic Information on Fields of Law (Diagrams Explaining the Legal System)

Third, the project should launch a service to provide users with basic information on different fields of law, giving a general explanation of things such as the legal system and the relationships between various laws and regulations for each legal field in which translations are released. If the website clarified the relationships among the laws and regulations within a legal field (as a sort of diagram) relationships that are easily understood by each of the competent ministries and agencies it would become easier for

non-Japanese users of the service to access the translations they should be looking for, and would also markedly improve convenience in terms of the user-facing content. The greatest possible use should be made of existing documents that the ministries and agencies have prepared, and after securing the cooperation of each ministry and agency, the project should provide users with visual renderings of this information.

6. User-Facing Services to Be Prioritized

How should the user-facing services through which the project releases translations be arranged?

1. Adding Interactive Functions to the Website Where Translations Are Released

First, new user-friendly functions incorporating things such as interactivity should be added to the dedicated website operated by the Ministry of Justice on which the project releases translations of Japan's laws and regulations. Particular priority should be placed on arranging the dedicated website to have, for example, user guidance information, a FAQ function, and referrals to other services.

2. Enhancing the Functions for Making Information Available on the Website Where Translations Are Released and Promoting Public Relations

Second, to expand the base of users, we should look into better ways of releasing information on the dedicated website. The first things to implement are the addition of scheduled updates (notices), and the release of relevant and associated information that is of interest to users. In addition, we should move forward with overhauling the website to be more user friendly, including by improving and updating the Law Search and other functions, in view of a future system replacement. Also, in addition to coordinating with each of the ministries and agencies, local governments, domestic and foreign research institutes, diplomatic missions overseas, and others, the project needs to pursue public relations through a wide range of media, symposiums, and other avenues in order to encourage non-users to use the dedicated website.

3. Enhancing Information Partnerships through Reference and Referral Functions on the Website Where Translations Are Released

Third, the project should move forward with the effort to increase user satisfaction

(willingness to return) among those who have already visited the dedicated website, consulting with the private sector for insight. For example, the website should also be handling situations in which the information available through the service is insufficient or in which a user is seeking information that is more in-depth, and we should move forward with efforts aimed at creating information partnerships by improving functions that refer or direct users to other information of reference, to organizations and people they can contact with inquiries, and to related services.

7. Issues Needing Further, Continued Consideration

How should we position issues that need continued consideration in the future as well as those that need to be addressed with priority?

1. Multilingual Translation Support

While the project currently confines itself to the release of English-language translations, some have been calling for it to make information available in Spanish, French, Chinese, and other languages. However, as it currently stands, we believe that improving and expanding the dedicated website's English-language content should be the first priority, and consider multilingual support to be a mid-term issue. This said, the relevant ministries, agencies, and organizations should naturally make the appropriate efforts, separate from the project, to give information that concerns the national interest, such as the credibility of Japan's legal system, and to address things such as information pertinent to the lives of foreign nationals in Japan, as public relations and informational releases.

2. Translation of Court Decisions

Current efforts to release translations of court decisions have lagged; specifically, the point was raised that translations need to be provided for summaries of major and recent decisions. We think that this would also be of great significance from the perspective of increasing the possibility of predicting dispute-resolution outcomes. While it is true that court decisions are based on specific cases, differ in character and structure from laws and regulations, and are not easy to translate, the courts' efforts to do so as a service of the justice system have progressed to some extent, and in light of growing demand, it is anticipated that in future, we will need to work proactively, including by coordinating our

efforts with those of the courts (through the sharing and coordination of information).

3. Use of Artificial Intelligence in Translation Work

Some stakeholders have been vocal about their expectations for the use of artificial intelligence in the process of translating Japan's laws and regulations, and since this has been put into practical use in other fields, we should begin to explore the distinct possibility of its introduction in the future. Though this point has not yet been investigated by the project, we should begin looking into whether to introduce artificial intelligence in the future as a tool that could contribute to improved efficiency in the translation process, after considering things such as progress in translation technology and cost-effectiveness. But first, it is essential for us to assess how advanced machine translation technology is and what machine translations are being used for, and to examine the possibilities for practical application; moving towards an inter-ministry and inter-agency infrastructure centered on the Ministry of Justice, it is necessary for us to promptly advance an approach that will let us look into the accuracy and process of machine translation and bring it into practical use, in view of, for example, the work and results of the National Institute of Information and Communications Technology (NICT), which works to advance machine translation efforts.

4. Ensuring Sufficient Human Resources to Translate Japan's Laws and Regulations

There are not enough translation professionals to take charge of the work of translating Japan's laws and regulations, and action should be taken to address the urgent issues of ensuring that there are sufficient human resources in this field and training them. Rather than relying, in part, on the cooperation of a base of volunteer researchers and scholars, we need to discuss a strategy to gain cooperation in the project from a large number of capable personnel with an aptitude for both the law and languages. In addition to acting quickly to incentivize this by improving the working environment (in terms of things such as working conditions and on-the-job training) for personnel involved in the translation of Japan's laws and regulations, in the future, we should hasten to investigate and design achievable frameworks, including, for example, the creation of professional credentialing for Certified Law Translators, and the use of foreign-exchange students

5. The State of Japan's Laws and Regulations

In addition to the above points, although not directly within the scope of the project, there

was a lot of discussion at the conferences regarding the drafting style of Japan's laws and regulations themselves. Currently, Japan's laws and regulations are drafted based on strict rules to ensure that there is no doubt as to their interpretation, but even so, one would be hard-pressed to say that many Japanese people find it easy to understand them. In spite of this, there is little momentum for change. Nevertheless, since Japan's laws are publicized internationally based on their translations, it is essential that the original Japanese writing style itself be easy to understand. To this end, we have high expectations for the actualization of infrastructural developments—in parallel with the progress of the project that go beyond the project's translation efforts, in terms of international public relations initiatives to convey information in an easy-to-understand way that ensures a correct understanding of the Japanese legal system; in terms of training for researchers and law professionals as personnel responsible for publicizing this information internationally; and in terms of facilitating international exchange.

8. Partnerships and Collaboration with the Private Sector, International Organizations, and Others

Efforts have been made to proceed as a national project so far; but we find it necessary for the project to expand further.

1. Industry/Academia/Government Collaboration and Encouragement to Make Use of Private-Sector Vitality

First, we should boldly encourage ourselves to begin making use of the vitality of local governments and the private sector, while seeking industry/academia/government collaboration for this project, which we have not pursued to this point. It will be effective for us to work collaboratively with research organizations that are taking a similar approach towards Japanese laws and regulations. We should also make the data from translated laws that the government has accumulated through this project open to the private sector and others, and encourage the private sector to develop businesses based on their ingenuity in using the data. For example, we can expect the development of services motivated by commercial interests, such as the publication of a Japanese-English legal dictionary with explanations added to the Standard Legal Terms Dictionary that has been

developed through the project; and a basic manual for legal English that makes use of translation knowhow.

2. Integrating and Sharing Data from Translated Japanese Laws and Regulations

Second, challenging the status quo of the industry, academia, and government separately publicizing various data from translated Japanese laws and foreign-language information for their business, research, and public relations activities, we should share and integrate this data and information. We need to take it into consideration that, in the future, this project could serve as a platform for translated information regarding Japanese laws and regulations (such as English-language information about the law of Japan). To achieve this goal, and for the purpose of solving this issue of scattered information, we should link up with other services while remaining aware of users' perspectives, so that information will be integrated and shared.

3. Active Involvement with Related Organizations Overseas and International Networks

Third, we should share information and collaborate with organizations overseas that, like we do in this project, engage in translating the laws and regulations of their own countries and publicizing them internationally. The Japanese government must not take an apathetic stance toward the emerging international networks for legal information. Japan has some issues, such as legal translation skills, ways to publicize information, and training for personnel, that can largely be improved upon if it learns from other countries' efforts. Taking on a leadership role, the Ministry of Justice should immediately begin to research and assess the situation in other countries, and discuss how to apply its findings to Japan's efforts.

9. Implementation of the Vision for the Future and Follow Up

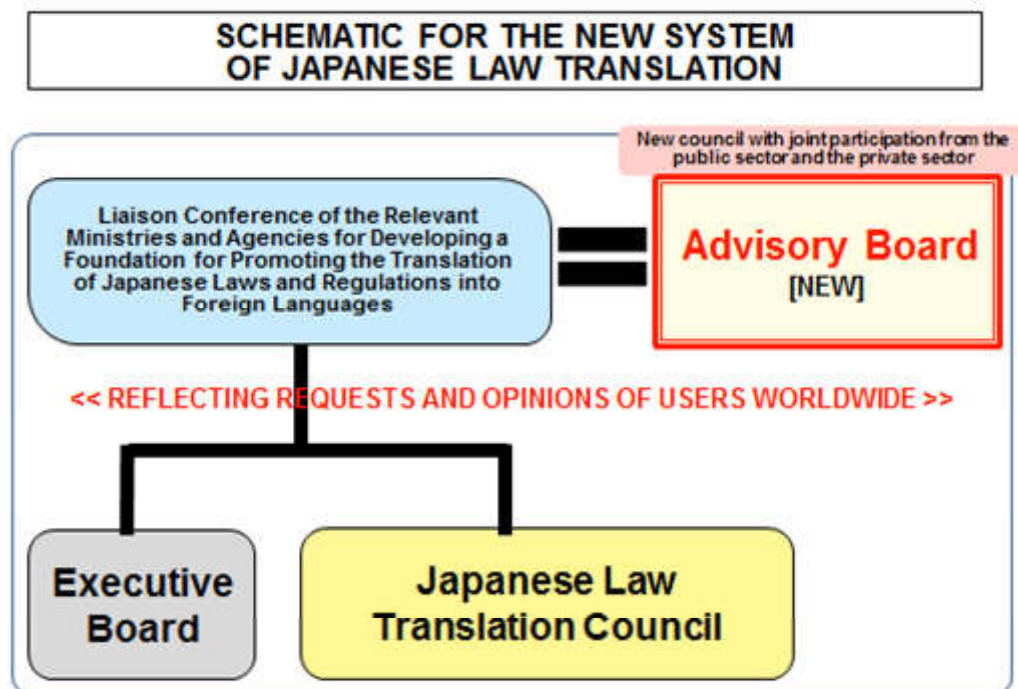
How do we pursue and implement the vision presented in this opinion statement?

During these conferences, we have intensively discussed the future of the Japanese Law Translation Project, a national project, as a result of which we have presented the above statement as the direction for future efforts. We have high expectations of seeing this implemented.

Moving forward, based on the vision presented in this opinion statement, it is necessary for

the entire government, centered on the Ministry of Justice, to promptly formulate a concrete strategy for publicizing Japanese laws and regulations internationally. A concrete implementation plan must be created swiftly at a meeting such as the Liaison Conference of the Relevant Ministries and Agencies, and the necessary systematic and financial preparations for this are essential.

In terms of the importance of the users' perspectives, in addition to the existing framework, we should form a new council with joint participation from the public sector and the private sector, including an advisory board to oversee the project as a whole, and let it propel this project forward as the playmaker.

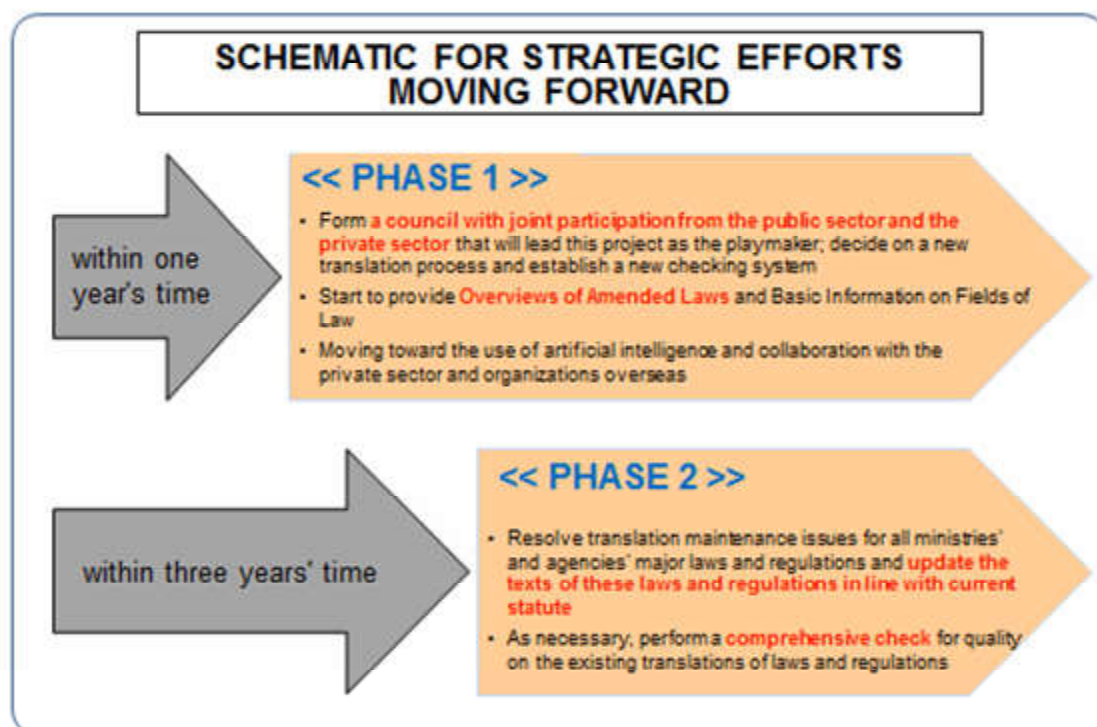


Also, the strategy for this project needs to be expressed in concrete terms, reflect a sense of urgency, and have an actual effect. Based on what we have already expressed in this opinion statement, time limits need to be set, and the strategy needs to include the following:

- 1) form a council with joint participation from the public sector and the private sector (including advisors), which will lead this project as the playmaker, within one year's time; and promptly formulate a new strategic policy;
- 2) discuss and decide on a new process for finalizing translation plans that sufficiently reflect the users' opinions, as well as a system for checking the progress of the translations, within one year's time, and promptly implement them.

- 3) systematically and faithfully resolve translation maintenance issues for all ministries' and agencies' major laws and regulations, as well as updating the texts of these laws and regulations in line with current statute, within three years' time; and follow up the progress thereafter;
- 4) as necessary, implement and complete a comprehensive check for quality and uniformity on the existing translations of all ministries' and agencies' laws and regulations, within three years' time;
- 5) promptly decide on the content of a new service for releasing translations to be added to the full text translation of laws and regulations. Especially, overviews (key information on new and amended laws) and basic information on fields of law (via diagrams describing the legal system) are to be translated and provided within one year's time;
- 6) start revamping the website within one year's time to make it user-friendly. Setting the next database system update as the tentative deadline, we should begin discussing concrete plans to do this at once;
- 7) begin surveys and consultations within one year's time, pursuing industry/academia/government collaboration and collaboration with organizations overseas that will help give more substance to publicizing Japanese laws internationally, and moving toward the use of machine translation and artificial intelligence.

As soon as possible, a council with joint participation from the public sector and the private sector should formulate a strategy that shows an awareness of the users' perspectives and that includes the seven points listed above, to accelerate this project moving forward.



Furthermore, in order to continue forward, it is essential to define and review problems following the PDCA cycle. Through the establishment and publication of annual translation project plans, this project needs to propel itself forward powerfully based on a consistent awareness of the users' perspectives and of how it is evaluated internationally.

10. Final Remarks

In these conferences, we have discussed the future of the Japanese Law Translation Project and the tactics for publicizing Japanese laws and regulations internationally from a user perspective, and sought a direction for future efforts.

Although it is not easy to immediately implement everything that this opinion statement introduces, we are certain of a future for our country in which our vision is achieved without fail. Our expectations are high that, in the near future, we will see better implementation and development in the international publicizing of Japanese laws and regulations, based on the vision we have formulated in these conferences and as a result of constant efforts by each person involved in this project; and that through this, the Japanese legal system will come to be correctly understood and evaluated in a global context and established as an accessible system for users worldwide, as well as becoming something that we can proudly introduce to the world.

Conducting the Conference on the Vision for Publicizing Japanese Laws Internationally

December 18, 2018
Determination by the chairperson of
the Liaison Conference of the Relevant
Ministries and Agencies for
Developing a Foundation for
Promoting the Translation of Japanese
Laws and Regulations into Foreign
Languages

1. To mark its 10th anniversary, for the purpose of propelling the Japanese law translation project forward, as well as broadly hearing opinions about the issues to deal with and efforts to make when trying to enhance international credibility and transparency of the Japanese legal system through publicizing it internationally, we conduct the Conference on the Vision for Publicizing Japanese Laws Internationally (hereinafter referred to as the "Vision Conference").
2. The members of the Vision Conference are as follow:

(Chairperson)	Noboru Kashiwagi	Emeritus Professor, The University of Tokyo
	Philippe Avril	Chairman and Representative Director, BNP Paribas Securities (Japan) Limited
	Soichiro Sakuma	Executive Advisor, Nippon Steel & Sumitomo Metal Corporation
	Kumi Fujisawa	Co-Founder and President, SophiaBank
	Daniel H. Foote	Professor, The University of Tokyo Graduate Schools for Law and Politics
	Kunihiko Miyake	Visiting Professor, Ritsumeikan University
	Midori Miyazaki	Dean, Faculty of Global Studies, Chiba University of Commerce
3. Clerical work for the Vision Conference is carried out in the Judicial System Department, Secretarial Division of the Ministry of Justice.
4. The Vision Conference will be closed on Friday, March 29, 2019; and the conclusion will be reported to the Liaison Conference of the Relevant Ministries and Agencies for Developing a Foundation for Promoting the Translation of Japanese Laws and Regulations into Foreign Languages.

**COUNCIL ON THE VISION FOR PUBLICIZING JAPANESE LAWS
INTERNATIONALLY**
<PAST CONFERENCES>

1st

Wednesday, **January 16, 2019**

<Topics>

- **Current Status and Issues of the Japanese Law Translation Project**
(Lecture: Professor Hirotomo Abe, Hitotsubashi University)
- **Further Improvement and Development through Utilizing Information Technology and AI**
(Lecture: Google Japan LLC)
- **Vision for Publicizing Japanese Laws Internationally**

2nd

Tuesday, **February 5, 2019**

<Topics>

- **Approach to Enhancing Credibility of Japanese Law**
(Lecture: Associate Professor Junko Sugimoto, Nihon University)
- **Effective Solution in Publicizing the Japanese Legal System**
(Lecture: KADOKAWA CORPORATION)
- **Vision for Publicizing Japanese Laws Internationally**

3rd

Wednesday, **March 13, 2019**

<Topics>

- **International Trends in the International Publicizing of Information on Laws and Regulations**
(Lecture: Designated Professor Yoshiharu Matsuura, Nagoya University)
- **Vision for Publicizing Japanese Laws Internationally**
- **Review Summarizing Discussions Regarding the Publicizing of Japanese Laws Internationally**