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～Features～

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- I. Introduction -

STILL SEARCHING FOR CLUES TO JAPANESE VERSION OF A CULTURE OF LAWFULNESS

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In the previous English edition of the ICD NEWS, I wrote about a culture of lawfulness that might have existed in Japan long before the Japanese came to know about such concepts as "rule of law" or "democracy", citing a well-known *rakugo* story telling about a civil proceeding before a court in the *Edo* era. Since I am still fascinated by old Japanese stories and tales in which topics of law and justice appear, I cannot help it to write a little bit more about possible clues to finding out whether a culture of lawfulness, which is now being discussed also in the international community, had actually existed in old Japan, and if yes, in what kind of form or manner. But this time, it's not just stories or fairy tales. It's more scientific (!!! – don't laugh).

I do not remember when or why I bought this book that I have now right here on my desk written by Tsuneichi Miyamoto (1907-1981) a notable Japanese scholar in folkloristics. Anyway, the book was with me for some time, and once in a while, I had opened it. It is titled "*The Forgotten Japanese*" and is a collection of essays on folklore of rural Japan that he wrote during the 1950's, based on his research and interviews with the elderly who were the memory keepers of culture in various parts of Japan. In the first two parts of this book, he writes about his experience observing village assemblies in remote areas.

The essays, especially the one he reports about his trip to some small villages in the northern part of the isles of Tsushima (islands on the western part of the Sea of Japan, now belonging to Nagasaki Prefecture), are very interesting. He went there as a researcher participating a joint survey conducted by nine different academic societies regarding the history, culture and folklore of the isles of Tsushima and visited a village where he found old official records concerning the administration of the village stored in a locked safe. He wanted to borrow them for his studies and asked the chief administrative officer if that would be possible. The chief administrative officer said that it would need the approval of the village assembly which was coincidentally in session at that time. Miyamoto was given the chance to observe the session of the assembly. Representatives of each household were attending and discussing every kind of issue they considered to be worth discussing, and the meeting was continuing uninterrupted from the morning to the evening and further, all the night through. Except for

the moderators of the session, the participants were free to come and leave at any time if they had something else to do, and they could also sleep at the scene when they were tired.

The discussion was not streamlined at all, and when somebody brings up a certain issue, others may respond with positive or negative opinions, but often, somebody started to say something else, and then, without ever reaching any sort of conclusion to the previous topic, they went on to discuss the next one, and so it went on and on. Nobody would express anything logical; everyone just spoke about anything that popped up in their minds and others would tell their experiences associated with it. When an issue is complicated and disagreements remain, they never try to reach an agreement or conclusion. They just leave the matter behind and go on to discuss another one, and then come back again to the unresolved matter. And this process repeats. But bit by bit, slowly and slowly, things move forward towards the settlement of an issue or a problem, finally reaching a consensus. The issue of the request to borrow the official records was once brought up by the chief administrative officer but was left undiscussed for quite a long time after someone told something of a negative experience with the official documents and another said that it is an important matter which requires thorough discussion. In the meantime, the assembly discussed several other matters, but when a senior member looked at Miyamoto and said to the other members “Well, this gentleman does not look to me to be a bad person. If our documents would do any good, I have no objection to lend them to this gentleman. How about you all?” Then, the chief administrative officer said “Now, I think that no one here has any more to say anything about to that. I’ll assume the responsibility as to this matter.” Indeed, there were no more objections. With that, the decision of the assembly was made, and after fulfilling some formalities, Miyamoto was able to borrow the records.

The way the session went on, Miyamoto writes, was so slow. And what was notable was that nobody seemed to be trying to persuade anyone. Everyone was just telling all associated experiences they remembered. Those people told Miyamoto that the village assembly did always proceed in such a way. They would patiently continue their discussion for days and nights until everyone is satisfied. Difficult issues required even more days. And at the very end no one had any objection at all. The rules of the village, they said, were always laid down in such a manner. And – that is I think- the most important part of this story – such decisions and rules were very well observed, since everybody took part in the making of them, and everybody agreed with them. They were not something that was made by someone up above. The rules were their own.

The remarkable thing is that such way of making decisions and rules – Miyamoto writes that he had good reason to believe – had not been changed for centuries. It must have been that way since the feudal era in which the governance by the feudal lords in general must have

been authoritarian. Of course, at those times, women were not allowed to participate in such process and those who were present at the village assemblies were all the heads of families, which would never be acceptable in a modern society today. But still, I see here a process of making rules and decisions quite similar to the one we call democracy today. I am inclined to think that similar amicable ways to create rules and to respect them must have been existent in many other areas of Japan and this may be another style of a culture of lawfulness formed without any knowledge about what "rule of law" is all about. And I suspect that this may still be present today as an undercurrent of Japanese system and practice.

Working as a self-professed expert in legal technical cooperation in the Asian region, I have often come across scenes which reminded me of this Miyamoto's essay, especially when I went to some rural areas in Southeast Asian countries and had chances to talk to local people. The way they discuss their issues sometimes are so similar to that observed by Miyamoto 70 years ago. So, the clue I am talking about may not be only for Japan but may lead us to finding and understanding other versions of culture of lawfulness and the people's perception of law in Asian countries.

- II.Contributions -

BUSINESS ENTERPRISES AND "JUDICIAL BARGAINING"

- What impact the Japanese version of plea bargaining has on businesses -

The following is an English translation of the transcript of a keynote lecture delivered by Mr. OHNO Kotaro[1], President of the International Civil and Commercial Law Centre Foundation (ICCLC) and former Prosecutor-General, at the "Joint Forum on Business and Legal Affairs" organized by the Asia Crime Prevention Foundation (ACPF), the Association of Corporate Legal Departments (ACLD), the Japan Institute of Business Law (JIBL) and the ICCLC on 4th February 2020 in Tokyo. The original Japanese transcript appeared in the ICCLC NEWS edition No. 70, May 2020.

Mr. OHNO, who served in several leadership roles in the Japanese Ministry of Justice and the Public Prosecutors Office, talked about "judicial bargaining" system of Japan, which was recently introduced into the Code of Criminal Procedure of Japan. Based on his own experience of having been involved in the recent legislative works on the Japanese criminal justice system, he addressed to the people in the Japanese business community in plain language about the distinctive features of the system and how business enterprises should handle, as a matter of corporate governance, critical situations of corporate offenses by making good use of this system to their benefit.

ICD thought that this presentation by Mr. OHNO might be quite interesting and useful not only for the Japanese business community but also for our international readers of the ICDNEWS, since it clearly depicts the background of the introduction of the system and its uniqueness, thus being a very good material to understand the newly introduced *shiho-torihiki* – "judicial bargaining" – and how it can function out in the area of corporate governance and compliance.

So, by courtesy of ICCLC, ICD is highly pleased to publish this English translation in this ICDNEWS English edition. Please enjoy reading.

[1] Mr. OHNO Kotaro is a lawyer and was appointed President of ICCLC in 2017, having previously held the position of Prosecutor-General of Japan. Mr. OHNO has considerable experiences from decades of his career as not just a prosecutor but also a government official including Vice-Minister of Justice and Deputy Director - General of the Secretariat of the Office for Promotion of Justice System Reform within the Cabinet.

KEYNOTE SPEECH "BUSINESS ENTERPRISES AND JUDICIAL BARGAINING"

OHNO Kotaro

Former Prosecutor-General

Thank you for the kind introduction. As introduced, I am OHNO. Let me express my gratitude to all of you for gathering here today.

Today, I would like to talk about judicial bargaining[1] according to the order of the table of contents. An overview is provided in the abstract that has been distributed. It will also be displayed on the screen using PowerPoint; so, please look at the screen as well.

1. A Recent Case and Judicial Bargaining

As an introductory part of my lecture, I'd like to start with Mr. Carlos Ghosn's case.

It was such shocking news when Mr. Ghosn fled to Lebanon at the end of last year, where he later held a press conference to criticize the Japanese criminal justice system. Mr. Ghosn justified himself by claiming that he, as a victim of the unjust criminal justice system of Japan, had no other choice but escape from it.

In response to what Mr. Ghosn had to say, the overall tone of the Japanese media, except for a few, were, in general, critical of Mr. Ghosn. However, among the mainstream foreign media, some sympathetic to Mr. Ghosn's argument have caught our attention.

Now, this is an editorial that appeared in the US Wall Street Journal on January 2, 2020, immediately after Mr. Ghosn's escape. Entitled "The Carlos Ghosn Experience", it concludes that no one can blame Mr. Ghosn for escaping from such ill treatment in Japan. It says, for example, that the Japanese prosecutor interrogated Mr. Ghosn for several weeks in custody

[1] Translator's Note: Although the expression "judicial bargaining" may sound somewhat peculiar to readers who are native English speakers, the translator uses this expression (a literal translation from the original Japanese words) in order to avoid confusion with the widely used expression "plea bargaining" which refers to a system under Anglo-American law. Hereafter in his keynote speech, Mr. OHNO explains the difference between "judicial bargaining" and the Anglo-American "plea bargaining" (see "3 Overview of the Japanese-style Judicial Bargaining System" on page 10).

without the presence of defense counsel, aiming to force him to confess; that the court, even after Mr. Ghosn was released on bail, still restricted contact with his wife and children; and that it would be difficult to expect a fair trial since more than 99% of indicted defendants are found guilty in Japan, and so on.

Another editorial entitled “Ghosn, Baby, Ghosn” appeared in the Wall Street Journal on January 9, 2020, the day following Mr. Ghosn’s press conference. It directly quotes Mr. Ghosn’s words from the press conference and evaluates Mr. Ghosn’s claims of innocence as convincing.

In response to these editorials, Japan’s Justice Minister, following Mr. Ghosn’s press conference, held an emergency press conference at midnight and also had her counterargument published in the Wall Street Journal. The Ministry of Justice created a Q&A section on its website saying, “We would like to answer your questions/doubts regarding Japan’s criminal justice system” with explanations in Japanese and English.

Now, this is a Nikkei Newspaper article on January 20, 2020, “Former Chairman Ghosn Cannot Stop His Claims”. The article includes a photograph of Mr. Ghosn and Justice Minister Mori side by side and explains how Mr. Ghosn was continuing to send out his messages outside Japan even after his press conference to claim his innocence and how the Japanese authorities, in response, are trying, from concern for the international opinion, to counter Mr. Ghosn’s argument internationally.

Mr. Ghosn’s escape has caused unprecedented commotion, and I wonder what you think when you hear such criticism against Japan’s criminal justice system. Setting aside his escape, I think some of you may have wondered whether Japan’s criminal justice system is so abnormal as seen from an international perspective or have worried about its fairness.

Now, Mr. Ghosn’s case was one in which the facts were revealed through judicial bargaining, which is the theme of my presentation today. The introduction of the judicial bargaining system has brought significant change to our criminal justice system.

The criticism against Japan’s criminal justice system by Mr. Ghosn and the foreign media is stereotypical and outdated, targeting the conventional criminal justice before the introduction of the judicial bargaining system. The Japanese prosecution and the judiciary, of course, have counterarguments to such stereotypical criticism. Even if I set aside such counterarguments, I must say, criticism against Japan’s conventional criminal justice system does not at all apply to Mr. Ghosn’s case, which was uncovered by the new system of judicial bargaining. Taking advantage of the stereotypical criticism, Mr. Ghosn is replacing his crime and escape with criticism against Japan’s criminal justice system and is manipulating public opinion inside and outside Japan.

Now, regarding judicial bargaining, officers and employees of Nissan entered into judicial bargains with the prosecution. They were in a position to be held criminally responsible as Mr. Ghosn’s accomplices. That’s why, it is said, they made the deal and actively gave statements

and submitted evidence to the prosecution in exchange for immunity.

Judicial bargaining is a new system introduced in the 2016 amendment of the Code of Criminal Procedure, which came into effect in June 2018. The media has so far reported three cases in which they say judicial bargaining was used. Mr. Ghosn's case is the second of them. The judicial bargaining system has not only brought significant change to our criminal justice system but has had a large impact on crisis response and compliance issues of business enterprises like yours.

As the MC mentioned when he introduced me, I was engaged in creating this new system during my years at the Ministry of Justice and as a prosecutor. So, today, I'd like to explain in the easiest way possible how business corporations, their officers and employees should understand and face judicial bargaining. I see some people in the audience who seem to be experts in this area, but I intend to focus on a basic explanation rather than on expert or technical points. I appreciate your understanding.

2. Background to the Introduction of the Judicial Bargaining System

○ Why Japan did not have a judicial bargaining system

First of all, let me explain why the judicial bargaining system never existed in Japan until recently. Simply put, it's because it didn't need to.

If a crime occurs, it is investigated. After a trial, if the defendant is found guilty, he/she gets punished. This is what criminal procedure is. Criminal justice systems exist in every country in our world. Among those systems, Japan's criminal justice system had two unique characteristics not seen in other advanced countries: 1) Questioning of suspects had extreme importance as a core part of the investigation; 2) Written statements taken during the investigation played extremely important roles at trial. This way of doing things was unique to Japan. It contributed to realization of precise fact-finding and a very high conviction rate.

In this regard, Mr. Ghosn claims that Japan's extremely high conviction rate itself shows that the system is unfair. However, this view is incorrect. In Japan, in order to avoid putting an innocent person on a trial, it is an established practice that prosecution is lodged only when the prosecutor is convinced of the person's guilt. Compared to other countries, Japan sets the hurdle of prosecuting someone much higher and carefully narrows the cases to be brought to court; naturally, this results in a high conviction rate. Traditionally, in order to clear such high hurdles, questioning was thoroughly conducted, and detailed written statements were made.

There were two preconditions which used to enable such unique methods in Japan: One of them was that the majority of suspects, convinced by the investigator to tell the truth, confessed to their crimes. The other was that courts often admitted written statements taken during investigation, particularly confessions, as evidence. These conventional criminal justice practices existed in Japan for a long time. They have been exposed to harsh criticism at times; still we cannot deny that they played a significant role in maintenance of peace and security in

Japan. Making a confession is also said to be beneficial to the suspect or defendant – according to the law, one is called a "suspect" before prosecution and a "defendant" thereafter – as it promotes offender rehabilitation.

It is the special investigation departments of the district prosecution offices which maximized the use of these conventional methods. Have any of you ever heard of the term "cracker"? A cracker is a prosecutor who is particularly adept at obtaining confessions from suspects. These crackers have played a vital role in cracking criminal cases. High profile cases involving politicians and the business community, including the Lockheed Case, the Recruit Case, the Sagawa/Kanamaru Case, and the General Construction Case, were all cracked by such conventional methods. I also worked at one of those special investigation departments and back then, I was soaked in the conventional criminal justice practices from my head down to my shoes.

○ Why judicial bargaining was introduced

However, the use of these conventional criminal justice practices gradually came to an impasse, leading to the introduction of the judicial bargaining system.

What specifically happened? First, with regard to confessions – one of the two preconditions of the conventional criminal justice system – in time, as public awareness changed and defense activities became more active, confessions became harder to obtain despite efforts by investigators. This made it difficult to crack a case during questioning.

With regard to the other precondition – the tendency to highly value written statements at trial – the introduction of the lay-judge system had a large impact. The lay-judge system is, as you know, a system that selects lay judges (*saiban-in*) from the general public to participate in criminal trials of serious cases along with professional judges. Last year marked the tenth anniversary since its introduction in 2009.

In a lay-judge trial, lay judges cannot be asked to read long written statements. Therefore, oral statements made in the courtroom, which are easier to understand, have become more important than written statements. This affected non-lay-judge trials as well.

In addition, around the same time, wrongful convictions were being discovered one after another. Famous cases include the 2010 retrial of the Ashikaga Case. This case involved the murder of a young girl. In 1991, when the investigation was conducted, the DNA left at the crime scene was believed to be the defendant's DNA. However, with the advancement of technology, which significantly improved the accuracy of DNA tests, it was found that, in fact, the DNA was different. In this case, the defendant confessed during investigation and the written statement of his confession was taken, which became the basis for his conviction by the court. Nonetheless, as a result of the latest DNA test, it was found that the contents of the statement of his confession were false.

Because of these cases, the credibility of written statements taken during investigation

deteriorated, and the courts no longer admitted them as evidence as widely as before. Also, regarding the courts' admission of written statements into evidence, that had been the second precondition on which the conventional criminal justice had relied upon in the past, the situation has changed significantly.

As such, the preconditions necessary for the conventional criminal justice system, which largely depended on the questioning and written statements, were lost, which gradually seemed to reach a deadlock.

Moreover, what was fatal was, as you know, the case of Ms. MURAKI Atsuko of the Ministry of Health, Labor and Welfare, investigated by the special investigation department of the Osaka District Public Prosecutors Office in 2010. In this case, various problems, including the prosecutor tampering with evidence etc., were revealed. Among them, the fundamental problem was that the credibility of written statements of the ministry's officials, which said Ms. MURAKI instructed them to engage in the wrongful conduct, were completely denied. As it turned out, they were led by the prosecutors to say so. This undermined people's trust in prosecutors and the written statements they take. These cases created unprecedented criticism of prosecutors; some even argued that the special investigation departments should be dissolved.

It was amid this situation when reform of prosecution and the criminal justice system proceeded, resulting in the 2016 amendment of Code of Criminal Procedure. In one word, the intent of the criminal justice reforms and the amendment of the Code of Criminal Procedure was to break from excessive dependence on questioning and written statements of the conventional criminal justice system and to diversify methods of evidence collection.

To be specific, this included introduction of the judicial bargaining system and immunity, expansion of the scope of, and relaxation of conditions for, wiretapping etc. Among them, what is especially important for your practice of business enterprises is today's theme: judicial bargaining.

In foreign countries, on the premise that suspects do not confess to their crimes, investigation methods including those similar to judicial bargaining have been used for many years. Therefore, Japan's criminal justice has undergone a historical and structural transformation to a system that is finally equivalent to those of other advanced countries.

That is the background leading up to the birth of the Japanese-style judicial bargaining system. Yet, the judicial bargaining system was not smoothly accepted.

○ By striking deals with criminals, doesn't judicial bargaining undermine the integrity of the justice system?

To begin with, it can't be denied that judicial bargaining sounds a little dirty. During the debate over its adoption, there was quite strong criticism from people, including senior prosecutors, who had shouldered the conventional criminal justice system.

They said, "What on earth do you mean by making deals with criminals? The inability of

prosecutors to obtain confessions is merely a lack of capacity. Judicial bargaining goes against the sound mind of the public."

Yet, considering the changes of environment surrounding Japan's criminal justice system, we knew we couldn't overcome those problems with mental discipline alone.

If we, despite being in a new era, were to stick with the conventional system, which depends on questioning and written statements, we would face a situation where investigators cannot discover the truth and, thus, cannot handle crimes effectively. If we still clung to conventional methods no matter what, coercive questioning would be conducted which may result in another wrongful conviction.

Going back to the original mindset of criminal justice, the most important thing was to discover the whole truth of serious crimes and punish the principal offenders. In cases involving organized crime, including white-collar corporate crimes, a principal offender often instructs subordinates to commit direct criminal acts while the principal offender hides behind the scene. This is why only those under the principal offender who appear on the surface get punished, but the principal offender gets away with the crime. This goes against the sense of justice and fairness; it would also fail to deter such crimes.

Now, how can we hold the principal offender responsible for the crime? We need to link the principal to the crime through testimony by those who followed his instructions. However, it is never easy to get such testimony. Subordinates are of course afraid of revenge from the principal offender. At the same time, there is also a risk that they, by revealing the crime and the instructions of the principal offender, will be punished as accomplices. If telling all the facts truthfully would create a risk of self-incrimination, it would be difficult in reality to expect truthful statements and cooperation in investigations.

In light of such human nature, judicial bargaining was introduced as a necessary incentive to discover the truth. Judicial bargaining is, in other words, an attempt to more easily obtain cooperation from subordinates or those peripherally involved in the crime through offers of immunity or reduction of punishment in order to learn the whole truth, so the authorities can punish the principal offender, the great evil behind the scenes, who bears the greatest responsibility for the crime. In that regard, judicial bargaining, as a means to encourage necessary cooperation toward the end of discovering the truth, is thought to be necessary and rational from the point of view of the public interest.

As I mentioned, other advanced countries besides Japan have adopted and used systems similar to judicial bargaining; the rationality and validity of these systems are universally recognized.

3. Overview of Japanese-style Judicial Bargaining

○ How is the "Japanese-style" different from that of other countries?

Now, what is "Japanese-style" judicial bargaining?

It is called “Japanese-style” because it has some points that are different from systems of other countries. The first is that it is limited to investigative cooperation. Judicial bargaining is not confession style (or self-incrimination-style), in which a criminal defendant admits that he or she committed the crime; the purpose is to “cooperate in the investigation of another person’s criminal case”.

Japan limited the scope of judicial bargaining to “cooperation in the investigation of another person’s crime” because that is what judicial bargaining seemed to be most needed for, and as such, it was expected to be easier to obtain public understanding.

In comparison, in other countries, procedures where a suspect may enter into a plea agreement to confess to his or her own crime in exchange for a lighter punishment have been widely adopted. It is understood that plea bargaining is also accepted for confession-style cases, mainly because for the purpose of operating the criminal justice system efficiently.

However, in Japan, such confession-style plea bargaining was not introduced; judicial bargaining is limited to investigative cooperation. Why was that?

The thought behind it is, “If one did wrong, it is a matter of course to admit to the crime. If one can deny at first and later confess only in exchange for a lighter punishment, it is the same as giving an advantage to denying at first.” Confession-style judicial bargaining was not introduced this time, respecting this way of public thinking, which is deeply rooted in Japan.

The most typical cases where judicial bargaining is expected are those in which there are accomplices. The basic idea is to obtain cooperation of subordinates to find out about the case in order to pursue criminal responsibility against people in higher positions.

In a case involving an accomplice, for the subordinate, cooperating with the investigation means confessing to his or her own crime at the same time; it’s like two sides of the same coin, so to say. Cases involving accomplices are categorized as cases for which judicial bargaining is allowed, emphasizing the aspect of cooperation with the investigation of the principal offender’s case.

Another unique characteristic of Japanese-style judicial bargaining is that it is allowed only with regard to limited types of offenses. To be a bit more specific, it is limited to financial and economic crimes as well as narcotics- and firearms-related offenses, which are often connected with organized crime. The reason is that the necessity to use judicial bargaining for these crimes is especially high, and it is also easier to obtain public understanding if used in this way.

Corporate crimes – including tax evasion, violation of the Financial Instruments and Exchange Act known as insider trading, accounting fraud and market manipulation, violation of the Anti-Monopoly Act such as bid rigging and price fixing; violation of the Unfair Competition Prevention Act including bribing foreign public officials and industrial espionage – belong to the category of economic crimes. Charges under the Penal Code include bribery, fraud, embezzlement, criminal breach of trust, counterfeiting of documents etc.

In contrast, crimes against the human body such as homicide and injury, as well as crimes such as robbery are outside of the scope of judicial bargaining. Theft – despite being an offense against property, like fraud or embezzlement – is not included, either.

◯ What does judicial bargaining entail?

Next, what does judicial bargaining entail? Since it is an agreement through bargaining, it requires certain acts to be taken by the suspect and the prosecution.

Cooperative acts to which the cooperating person is obliged include telling the whole truth during the investigation, including the instructions given by the principal offender, testifying truthfully at the trial of the principal offender, submitting physical evidence, etc. Typical physical evidence would be internal corporate documents, electronic data such as emails, audio recordings, etc.

What must the other party – the prosecution – do? Promises by the prosecutor with respect to case disposition advantageous to the cooperating party to be made in exchange for cooperation with the investigation include: non-prosecution, recommendation of a lenient sentence, selection of a simplified procedure such as summary procedure, etc.

How lenient the disposition may be depends on various factors such as the gravity of the case, the degree or the importance of the cooperation, etc.

Setting aside non-prosecution, which is simple and clear, cases involving sentence reduction are not always clear to the suspect. Is the prosecutor really recommending a lighter sentence compared to the sentence without judicial bargaining? Thus, the prosecutor needs to explain to the cooperating party and defense counsel about the degree of sentence reduction in exchange for cooperation. If the cooperating party is not satisfied with that, there will be no deal.

A matter of crucial interest to the cooperating party, as you can see from the abstract, is whether or not he or she will be arrested. Now, can the agreement include terms that would prevent the cooperating party from being arrested if he or she cooperates with the investigation, or that would release the cooperating party on bail if he or she has already been detained?

According to the Ministry of Justice, whether or not to physically detain a person is not supposed to be included in the agreement because the issue of detention is not an issue of final disposition of the case. However, even though it is not technically included in the agreement, when there is a promise to cooperate with an investigation and an agreement as to case disposition, most of these cases will be categorically regarded as cases without risk of flight or evidence tampering. Therefore, in reality, I think if you have a judicial bargaining deal, arrest and detention can be avoided.

◯ What is the process of judicial bargaining?

Next, what is the process of judicial bargaining? Which side, the prosecution or the defense, initiates it? Well, an offer can be made by either side. Based on the offer, negotiation begins,

at which point the involvement of defense counsel is indispensable.
In the negotiation before entering the deal, the prosecutor verifies the facts that the offered evidence is supposed to prove. In a typical case, the prosecutor takes the cooperating party's statement in the presence of the defense counsel and conducts necessary corroborating investigation. By that, the prosecutor will decide if the contents of the statement are true and whether or not it is worth making a deal. It will be up to the ability of the defense counsel to negotiate a disposition that is as lenient as possible.

Once an agreement is made between the defense and the prosecution, the contents of the agreement are reduced to writing. Then, based on the agreement, the cooperating party is obligated to cooperate, e.g. by telling the truth during questioning, submitting evidence, and testifying at the trial of the principal offender in exchange for immunity or a lighter disposition.
Of course, even when a negotiation is conducted upon an offer of judicial bargaining, parties may not always reach an agreement. For instance, if the prosecution thinks that the offered cooperation does not deserve a deal, or if the suspect thinks the proposed disposition is too harsh, the parties will not agree.
What happens if they cannot reach an agreement? I told you that statements made to the prosecutor in the process of negotiation are to be verified by the prosecution; however, according to the law, such statements made during the negotiation of a deal cannot, in principle, be used as evidence against the suspect or against the principal offender. Otherwise, persons related to the case will hesitate to reveal information, which will hinder the smooth operation of judicial bargaining. Still, cases which do not reach an agreement are diverse as to their causes and outcomes; moreover, when an agreement is not reached, there are debates about what the prosecution should do with the evidence it discovered based on the statements obtained in the course of the negotiation. This discussion goes into too much detail for today; so, let me move on to the next topic.

○ Is the court also a party of judicial bargaining?

As this new procedure is called "judicial" bargaining, is the court also a party to the deal?
To begin with, why is it called judicial bargaining? The answer is because similar systems exist in the UK and the US, and Japan has called them "judicial bargaining". However, in the UK and the US, confession-style plea bargaining is the most frequently used form, which is not permissible in Japan. In the UK and the US, after one pleads guilty as the result of a negotiated plea, the court is, in principle, bound by the plea and enters the sentencing process without examination of evidence on the premise that the defendant is guilty. These procedures in the UK and the US are called "plea bargaining", which was translated as "judicial bargaining" in Japan.
In contrast to Anglo-American plea bargaining, the Japanese-style judicial bargaining is

limited to the investigative-cooperation style. Further, the substance of the agreement does not necessarily have a legally binding effect on the court, which is not a party to the deal. Therefore, it is natural that businesses or their officers or employees feel uncertain even if they have a judicial bargain with the prosecution. The binding effect of the agreement on non-prosecution or the prosecution's recommendation for lenient sentencing should be discussed from this viewpoint.

First, with regard to non-prosecution, if the prosecutor does not prosecute the suspect who cooperated as a result of the judicial bargain, the court, of course, cannot try the case. Also, with regard to a sentencing recommendation, it is extremely rare for a court to sentence the defendant to a penalty exceeding the prosecutor's recommendation. If a harsher sentence than the recommendation is imposed, the prosecutor is likely to appeal, arguing that it is too harsh.

Still, considering the degree of involvement of the court, the term "judicial bargaining" may not be accurate. As I said earlier, it sounds a little dirty as well. In fact, "judicial bargaining" is merely a common term and not a formal legal term.

The system that was established in Japan at this time is, in fact, called the "negotiation-agreement system" in the text of the law. Academics also avoid using the term "judicial bargaining". Yet, I am using this term, "judicial bargaining" today; it is because this term is already widely used by the public and on that premise, I wanted to explain what it is all about.

○ Isn't there a risk that judicial bargaining would distort the facts and wrongly convict the innocent?

Let me now respond to some concerns regarding judicial bargaining: wouldn't it result in distorting the facts and falsely punishing the innocent? In other words, the question is: "Wouldn't a criminal give false statements and drag an innocent person into a crime for the purpose of getting a lighter disposition?" Actually, "the risk of dragging in the innocent" was heavily debated during the legislative process. However, I think it's fair to say that such a concern will not play out in reality.

So far, courts have not admitted confessions into evidence that were obtained in exchange for promises of better treatment. This is because of the risk that such confessions may contain false statements. So, the system introduced this time includes measures to cast off such concerns, by clearly setting forth, in express provisions, the conditions and procedures of judicial bargaining aimed at preventing false statements from creeping in.

The first point is that the suspect's defense counsel must take part in the process. Through the presence of the defense counsel, the aim is to prevent the suspect from lying under psychological pressure.

I'd like to underscore that the defense counsel here is the attorney not for the principal offender to be prosecuted with evidence gained through the judicial bargain but for the suspect trying to get lenient treatment. But if the suspect lies for such purpose, the suspect bears the

risk of being punished for perjury, which I'll touch upon later on. Therefore, the suspect's defense counsel would surely be careful enough so that it won't happen.

The second point is that the prosecutor checks if there is enough corroborating evidence as to the statements to be obtained from the deal. This is what I meant earlier by verification by the prosecutor. If there isn't enough corroborative evidence, it is likely that the prosecutor will not accept the deal. In fact, when striking a judicial bargain, the prosecution's internal rule for the time being makes it necessary to obtain approval from the High Public Prosecutors Office or the Supreme Public Prosecutors Office, without leaving the matter to each prosecutor in charge or the district office. This is a measure to avoid wrongful conviction caused by possible drag-in. Therefore, at least until the system is settled in prosecutorial practice, extremely careful checks will be done on an institutional basis.

What's most important is that the document on which the finalized contents of the agreement are written, as briefly explained earlier, is submitted as evidence to the court trying the principal offender. At the principal offender's trial, the statements obtained by way of judicial bargaining will be used, that is, examined as evidence. The statements will disclose the judicial bargain to that court and the defense, that is, the principal offender's side. Thus, the testimony given pursuant to the agreement will have its credibility carefully checked, especially as to the risk of "drag-in", through cross-examination and by other means, and here, the bargaining process also comes into question.

Lastly, as I mentioned earlier, the law made it an independent crime with a sentence of imprisonment with work for up to five years to give false testimony or to submit false evidence in violation of the agreement reached through judicial bargaining. Thus, no matter how desperately the suspect or defendant wants a lighter disposition, false statements will result in harsher and additional punishment; this will have a deterrent effect on false testimony and evidence.

Through these measures, I believe it is possible to sufficiently prevent the risk of "drag-in".

4. How Businesses Should Face Judicial Bargaining

○ What advantages can judicial bargaining bring to business enterprises?

Now, I will get to the main part of my lecture today. First, what kind of advantages does judicial bargaining have for business corporations? But before I go into that, let's take a look at what kind of impact criminal cases have on business entities. Businesses cannot avoid encountering various problems in the process of their activities. The most serious of all would be a criminal case. If suspicion of a crime occurs and investigation by the authorities begins, relevant places will be searched, many documents and materials will be seized, and sometimes people involved in the incident will be arrested and detained. If the media reporting becomes intense, enterprises have to respond to the media as well; it will be impossible to continue daily business operations. All too often we see a president of a company that is involved in a criminal case apologizing in front of a row of cameras at a press conference. If the case

is prosecuted, enterprises will be burdened for an even longer period, having to face court proceedings and so on.

A criminal case could sometimes lead to the inevitable resignation of top management. Moreover, the company's share price plunges, and repercussions among clients and customers can create a situation where the corporation's very existence is threatened. In that sense, we can say that a criminal case is, for corporations, a state of ultimate crisis. Therefore, if a criminal case unfortunately occurs or is expected to occur, the corporation is faced with the question of how it can it minimize the damage.

As to the response to a criminal case involving business enterprises, let me first discuss a possible case where the criminal responsibility of a company – a juridical person – comes directly into question. Under the Japanese penal law, it is usually an individual who is subject to criminal punishment. Cases where juridical persons, that is, companies and corporations, become subject to criminal punishment are limited to those where there is a special statutory provision called a "dual liability clause," which punishes both the individual and the juridical person.

Among those crimes as to which judicial bargaining is applicable, the ones with dual liability clauses are tax evasion and violation of the Financial Instruments and Exchange Act, the Anti-Monopoly Act, the Unfair Competition Prevention Act, etc.; the Penal Code stipulates criminal punishment for individuals only.

Then, in the case of dual liability, what kind of disadvantage must the business suffer from if the company is convicted? First, as a direct effect, the company will have to pay a fine as a criminal penalty. What comes along with the conviction would include: exclusion from public bidding for a certain period, suspension of transactions, disqualification in regard of obtaining permissions and approvals under various administrative laws, damage by loss of reputation, etc.

The amount of criminal fine stipulated in applicable Japanese laws is extremely low compared to that of other countries. However, in Japan, rather than the amount of criminal fine itself, the social/economic damages, losses that come along with the criminal punishment are far more serious. Therefore, in case it is possible that corporate criminal responsibility may be pursued, that is, when the applicable law stipulates dual liability, it is an advantage for business enterprises to use judicial bargaining in order to avoid or reduce criminal sanctions that might be imposed on it.

Then, how about a case where dual liability is not set forth and the company does not become a direct party to a judicial bargain as a suspect? For instance, in a case of bribery, a Penal Code offense, is judicial bargaining irrelevant to business enterprises that are not subject to punishment as a juridical person? The answer is, "No."

If an officer or an employee of a company commits a crime related to its business, the impact of that officer's or employee's conduct will surely extend to the company; the ire of the

general public against such bribery will be directed toward the company. Even if criminal punishment is imposed only on the officer or employee as an individual and the company as a juridical person is not punished, all in accordance with the law, a large part of the various social and economic disadvantages and damages accompanying a guilty judgment, which I mentioned earlier, will be suffered by company. Thus, even in such a case, the company must also take appropriate measures to minimize the damage to the company.

Having said that, with these cases of bribery, generally speaking, it is the public official who received the bribe whom society wants to see punished most. Then, when the company finds that it is true that the bribery took place, the company could encourage the officer or employee to seek a judicial bargain with the prosecutor and cooperate with the investigation of the bribe-taking by the public official. Even if the prosecution of the bribe-giver is unavoidable, a lenient sentencing recommendation can be expected, or by reaching an agreement as a part of the judicial bargain, one may, in fact, deserve outcomes such as not being arrested or detained. But please be reminded that it is the officer or employee involved in the crime, and not the company, who is in the position to pursue judicial bargaining. If that individual doesn't want to do so, of course the company cannot force him to.

Now, the reason why judicial bargaining is important for business entities is not only because it can reduce punishment against the persons involved, but also it has a large impact on regaining the public's trust in the company. If the company becomes a party to judicial bargaining, or encourages its officer or its employee to seek a deal, it will demonstrate its desire to make amends for the wrongdoing done in the past and such behavior will have a significant effect on regaining society's trust. If you put yourself in the position of the enterprise, it's not the company's past but its future that should be saved.

Now, I'd like to go back to Mr. Ghosn's case. He was prosecuted for two charges: one was the charge of submission of false securities reports, in that he entered a false amount of his compensation in the securities report, and the other was aggravated breach of trust, for damaging Nissan by the illicit disbursement of Nissan's funds to pay persons in Saudi Arabia and Oman for personal purposes. With respect to the offense of submission of a false securities report, there is a dual liability clause in the law, which technically enables Nissan to be a party to the judicial bargain. In contrast, there is no dual liability clause as to aggravated breach of trust. Here, Nissan is in the position of the victim of this offense who was damaged by the disbursement.

Still, it has been reported that Nissan did not become a party to the judicial bargain – although it could have – as to the charge of submission of the false securities report; it was the individual officer and employee who made the deal. I think it is probably because Nissan thought that it could not deny its responsibility as a corporation, since the crime was led by its representative director, Mr. Ghosn. In fact, Nissan was also charged with submission of a false securities report.

Still, I believe, the reason why Nissan, who was not a party to the judicial bargain, seems to have cooperated with the investigation of both offenses, submission of false securities report and aggravated breach of trust (as to this, Nissan is the victim), is based on its business decision. That is, even if Nissan as a corporation was to be punished for the charge of submission of a false securities report, Nissan may have thought it would be by far more important to support the officer and the employee's judicial bargain and fully cooperate to bring Mr. Ghosn's crime to light. It is conceivable that, in that way, Nissan wanted to show its corporate commitment toward compliance, both internally and externally, in hopes to regain trust which would be lost because of the case.

Going off the rails a little, it seems that Mr. Ghosn is claiming it was a coup by Nissan to get rid of him. However, what is being questioned from the criminal justice perspective is whether or not there was a crime of aggravated breach of trust. Accordingly, the so-called conspiracy theory that Mr. Ghosn is arguing is an attempt to distract the public from the question of whether or not he committed a crime. Just as Mr. Ghosn justified his escape by his criticism of the Japanese criminal justice system, now he is trying to manipulate international opinion with his "conspiracy theory".

I have mentioned many things so far, but my point is that judicial bargaining is an extremely powerful measure for businesses to respond to crises.

○ In What Kind of Cases Should Business Entities Use Judicial Bargaining?

Now, in what kind of cases should businesses use judicial bargaining? This issue differs depending on one's position, so let's start by thinking of a case from the standpoint of an officer or employee as an individual.

As a typical judicial bargaining case, let's think about a situation where an employee in charge of accounting is being questioned by the prosecutor for corporate accounting fraud. Let's assume this employee recorded some false transactions in the accounting books as instructed by his superior, and he has a second set of books with true figures. If he admits the charge and submits the other books, he is afraid it will not only reveal the corporate accounting fraud but also expose him to criminal liability as the one who actually committed the act. Yet, if he continues to deny his conduct, he may be arrested and detained, sooner or later. So, he's facing a dilemma.

In a case like this, we can expect that this employee in charge of accounting would consult with his defense counsel and offer a judicial bargain in which he will cooperate with the investigation of the crime involving his superior or the corporation. In exchange for telling the truth, including explaining the instructions given by his superior and submitting the other books, chances are high that he will not be prosecuted and will avoid being taken into custody. This is an example of judicial bargaining by an officer or an employee. I don't think any of you here are in such situation, but if your superior instructs you to commit wrongdoing

against your wish, there is still a way to obtain immunity in some cases by using judicial bargaining and cooperating with the investigation of the crime committed by your superior or the corporation.

Out of the three reported cases of judicial bargaining I mentioned earlier, the third one reported last November was one that certainly falls under this category. It was a case of embezzlement by the president and some others of a clothing company who pocketed the company's sales proceeds. The employee who actually committed the criminal act under instructions from the president entered into a judicial bargain with the prosecution, and it is reported that he cooperated with the investigation of the president in exchange for the promise of non-prosecution.

Next, let's think about judicial bargaining deals from the perspective of the corporation and not from that of an officer or an employee. Again, there can be various cases, and I'm sure precedents will accumulate in the future.

In the first case I mentioned before, in which judicial bargaining was made, the company reportedly became a direct party to the deal. The second case is the one with Mr. Ghosn, where the corporation itself did not become a direct party to the deal, but it is said that the company encouraged the officer and employee to pursue deals. Now, what I would like to draw your attention to is that, in each of these two cases, it's been reported that there was internal whistleblowing and that internal investigations were conducted before judicial bargaining.

When such whistleblowing occurs, can the company ignore it? If the company ignores such whistleblowing, the whistleblower will go out and inform the press or investigative agencies, and claim that the company did not listen. And, nowadays, when whistleblowing is encouraged and the Internet is part of everyday life, you must be prepared for situations in which such information is leaked and spreads within seconds. Therefore, the corporation, upon whistleblowing, does not have any other choice but to launch an internal investigation.

Then, what if the internal investigation resulted in the suspicion of a rather serious crime? That is where judicial bargaining can provide a good solution.

What would have happened conventionally? In the past, when a corporation reported the results of its internal investigation to the investigating authority, even if it constituted an admission of guilt, it was not always possible to predict what sort of disposition would be made as to the company or the individuals involved. Thus, in many cases, they were hesitant to do so.

In contrast, judicial bargaining enables the corporation to act first to initiate negotiation with the prosecution and reach agreement on prosecutorial disposition in advance, thereby minimizing the damage to the company. That is because the company can, based on the negotiation with the prosecution, take the initiative to some extent and be prepared as to the scheduling of the investigation or the handling of media issues etc.

The first case of judicial bargaining I mentioned earlier was a case of bribery of a foreign

public official of Thailand by Mitsubishi Hitachi Power Systems. The company, as a result of the deal, was not prosecuted, but some officers and employees were; some of them denied the charges, but all were convicted.

Some editorials in the media regarding this case wrote that the company scapegoated its officers and employees by getting immunity and letting them be punished. I don't know the details; so, I shouldn't go too far with my remarks, but generally speaking, I think this criticism is off the mark. In the first place, dual liability in Japan is supposed to ensure that the punishment of the officer/employee who committed the act also extends to the juridical person. Therefore, legally, I think it is unreasonable to put a juridical person in the position of a principal offender. And in reality, there are such cases where corporations earnestly undertook appropriate measures to ensure compliance, but some employees, in order to improve their sales records and to win higher positions in the company, violated the corporate policy and secretly engaged in unlawful acts.

Some corporate crimes involve more than just one corporation. Bid-rigging is a typical example, but it is also possible in other types of cases, such as bribing foreign public officials, where a company engages in a criminal act jointly with other corporations. In a case like this, you need to be particularly careful of the risk that another corporation may enter into a judicial bargain with the prosecution before you do. Such risk has already surfaced with regards to the application for surcharge reduction or immunity under the Anti-Monopoly Act in a cartel case, the so-called "leniency program", which I will talk about later. A company will suffer extreme disadvantage if its action falls one step behind.

Therefore, if your company becomes aware of a possible criminal case that involves other companies, you must consider pursuing a judicial bargain ahead of others. That being said, it does not necessarily mean that you are completely helpless if you are late. Even if you are behind others in one case, it is still possible to reduce the overall amount of penalties your company faces if you enter into a judicial bargain as to another case. Therefore, if your company finds evidence of another case in the course of its internal investigation of a certain case, I think you should consider offering a judicial bargain to the prosecution. It is especially vital to be ahead of others when there is a possibility that the investigative authorities will find out about the other case sooner or later as the investigation for the original case progresses further. As such, there is almost an unlimited variety of cases where companies should make use of judicial bargaining.

○ What businesses should be careful about with respect to judicial bargaining

Now, with regard to judicial bargaining, there are some points which corporations should be aware of.

The first one is to accept and be prepared for the individual who is most responsible for the offense to be punished. When the business entity opts for judicial bargaining as a party, or

when it encourages its officers or employees to pursue a judicial bargain, it is to cooperate with the investigation of a criminal case against another person; therefore, you must know that the person who bears the most responsibility for the crime in your company will be punished. That means, if the company's president or directors in charge are involved in the case and they are the ones who are most responsible, any behavior by the company to help them escape punishment and lay the blame on their subordinates is intolerable. As the prosecution puts much importance on gaining public support for the practice of judicial bargaining, the prosecution will never accept such a deal. However, there is an exception. If the case involves other corporations or someone outside the corporation such as public officials, and the external person can be regarded as "another person", then the situation becomes different.

The second point is you must secure evidence that shows involvement of other persons. In order to have the prosecution accept the deal, you must submit credible evidence which is useful for investigation of a criminal case of another. So, the company, of course, must conduct a thorough internal investigation and convince the officer or employee involved in the case to tell the truth, but it is even more important to secure and submit corroborating evidence such as emails to support the testimony.

The third point is the timing, which is decisively important. As I mentioned earlier, when the case involves other companies, if others make the deal ahead of you, it is often the case that there will be no benefit for the prosecution to make another deal, and you won't be able to make one. This is the same as when an employee secretly makes a deal before the company does. If the prosecutor already has enough evidence from the employee, there is no need to make another deal with the corporation to reduce its criminal responsibility. Therefore, if the corporation becomes aware of the possibility of a crime through whistleblowing, it must conduct an internal investigation immediately and make a quick, courageous decision.

The fourth point is conflict of interest. As you may see from what I told you so far, once a criminal case starts with respect to a business enterprise, the interests of the company and the officer or employee, or the interests of different officers or employees, are not always the same. As I mentioned, there can be a race between or among them towards judicial bargaining. That is why, in order to protect their individual rights and interests, the company and its officers and employees must each retain their own defense counsel.

The last point is – and this is the point I hope you never forget – never tamper with or destroy evidence. It is the worst possible act of self-destruction for a corporation. The latest digital forensic technology has enabled recovery of deleted emails to a large degree. Destroying or tampering with evidence itself constitutes a separate crime, which is also a crime as to which judicial bargaining is permissible. Therefore, if a superior orders his subordinate to shred documents of evidence and if the subordinate enters, as a result of a rather penetrating inquiry, a judicial bargaining deal in exchange for immunity and reveals the superior's instructions, the superior will not be able to avoid arrest and detention. Furthermore, the public perception

that a business enterprise engaged in a cover-up at an organizational level will cause fatal damage to its reputation and lead to an irreparable situation. Rather, once a problem occurs, the corporation should take measures to prohibit deleting or disposing data in order to avoid unnecessary suspicion. This has already become common knowledge in other countries. Please be very careful as to this point.

◯ Doesn't judicial bargaining run contrary to public common sense and, thus, will not be used?

People often ask me, "Doesn't judicial bargaining run contrary to public common sense in Japan; so, it won't be used?" However, I think, without a doubt, it will be used.

The biggest clue is the actual results of the leniency program, reduction of and exemption from surcharge in the administrative procedure for violation of the Anti-Monopoly Act. Under this system, if an enterprise voluntarily reports the facts regarding cartels, bid-rigging, etc. to the Fair Trade Commission (FTC), the surcharge will be automatically remitted entirely or partially, in accordance with the sequential order of such reports. When it started in 2006, people said that a system to encourage selling out one's colleagues would run contrary to the public common sense and would not be used.

However, the situation turned out to be totally different, and it is now a matter of course to use the leniency program. According to the material published by the FTC, there were in total 1,237 cases of reports seeking application of the leniency program in the 13 years since its introduction until the end of March 2019, which include a large number of reports from major corporations. I think this is only natural, since using the leniency program is reasonable and essential for business enterprises.

In this regard, an important case in practice is, as many of you may know, the shareholders' derivative action regarding the Sumitomo Electric cartel case several years back. This was a case where another corporation applied for leniency of remission of surcharge in whole or in part in the administrative procedure for violation of the Anti-Monopoly Act, but Sumitomo Electric did not. As a result, the FTC ordered Sumitomo Electric to pay a surcharge of 8.8 billion yen. Some shareholders sued the officers of Sumitomo Electric as individuals for damages of 8.8 billion yen, equivalent to the amount of the surcharge, asserting that not having applied for leniency constitutes a violation of the duty of care of a prudent manager imposed on corporate officers. The lawsuit was eventually settled in 2014; still, the officers had to pay over 500 million yen in total, jointly and severally as individuals. These kind of cases made businesses come to fully realize the risk of not applying for leniency, that is, not to utilize such system, and this became a driving force that pushed corporations towards the submission of leniency applications.

Of course, the leniency program under the Anti-Monopoly Act and judicial bargaining have different aspects. However, both of them seek to cope with similar challenges; this is why I

believe that, eventually, judicial bargaining will also be used. Currently, the prosecution is very cautious about using the judicial bargaining system, but in the future, once the practice gets on track with enhanced awareness and reliability, I believe the prosecution will use the system actively.

5. What Judicial Bargaining Brings to Business Corporations

◯ Damage control upon occurrence of a criminal case involving a business enterprise

We are finally reaching the conclusion of my presentation today.

When a criminal case unfortunately occurs with regard to a business enterprise, judicial bargaining promotes damage control as I already mentioned. First and foremost, judicial bargaining is effective in obtaining immunity from, or mitigation of, punishment of the company or its officers or employees. Therefore, I think judicial bargaining will be a good option for defense counsel to pursue in criminal cases. Up to now, there has been no way to be confident of a favorable disposition even if one cooperates with the authority; this has led to hesitation. Accordingly, the defense always had to be passive in its approach, starting with the rather simple tactic of trying not to give any evidence to the prosecutor. Defense counsel would traditionally wait until the client was prosecuted and then look at the evidence disclosed by the prosecutor to decide whether to contest the case at trial or not. However, since the introduction of judicial bargaining, it will be the task of the defense counsel to secure as favorable a disposition as possible for the client through judicial bargaining, getting rid of the rigid perception of confrontation that the prosecution and the defense are always in a contradictory position.

Further, as I repeatedly said, judicial bargaining is beneficial for a business enterprise in that it can restore its trust and reputation by showing its commitment towards compliance and its ability to "clean house" by removing internal causes of wrongdoing. In other words, when a criminal incident occurs, businesses can either make the situation worse through a passive and inappropriate response or turn misfortune into fortune by actively taking the initiative to pursue judicial bargaining.

My most important message today is that the company should protect not its past but its future. Here, let me once again emphasize this message.

◯ Securing sound corporate activities through strengthened compliance

Lastly, let's try to look at this new system from a wider socio-economic viewpoint beyond the scope of criminal justice. For businesses, the judicial bargaining system increases the probability of having their misconduct revealed and being pursued for criminal responsibility; so, judicial bargaining strengthens the deterrent function against wrongdoing. We can say its function is similar to that of whistleblowing and whistleblower protection systems, which increase the intensity of the atmosphere for compliance among management and employees. This leads businesses towards developing proactive ways

to maintain effective compliance policies and practices, which will, in the end, contribute to the overall increase of socio-economic benefits through corporate governance and sound business activities. As such, the judicial bargaining system has great significance not only in the area of criminal justice. It has also great socio-economic significance. That's all for my presentation. Thank you all for your kind attention. Now, I would like to use the rest of the time for questions and answers. Any question is welcome. Please feel free to speak up.

Q&A

（**From the floor - 1**）Thank you for your valuable presentation.
I have a question. My understanding is that in a judicial bargain, in which the corporation cooperates to prove the guilt of an employee, or an employee cooperates to prove the guilt of a company, in exchange for immunity, the company and employee will, in both cases, be placed in an adversarial position to one another. I would like to know, to what extent a company can impose restrictions on its employees' actions and whether it is possible for the judiciary to punish an employee who is responsible for the wrongdoing for leaking confidential information of the company, or will that situation be treated in the same way as in a case of whistleblower protection and the punishment of the employee is prohibited. Thank you in advance.

（**OHNO**）Thank you for your question.
It is indeed a very good question. When a criminal incident occurs, the company and employee will have conflicting interests. It has always been that way, but now with the introduction of judicial bargaining, it will be even more obvious. I understand that your question is, whether it is permissible for a company – to use a rough expression – to control its employees by making internal rules or giving an order, for the sake of preventing individuals to act freely on their own will.
The judicial bargaining system, as I mentioned in my presentation, is a system which was adopted because there was a need for it with regard to the public interest. Yet, if a company makes an internal rule of employment, etc. in order to prevent its employees from freely pursuing such deals, the company will be denying the status guaranteed to individual employees by the law and at the same time it goes against the public interest. So, I think such control by the company goes against public policy and such internal rules will be null and void.
Accordingly, for the same reason, I think the company cannot prohibit its employees from entering into a judicial bargain. Nor can it, in principle, take disciplinary action against its employees or seek compensation for damages from them afterwards for leaking the company's confidential information. Moreover, harsh company policies may trigger harsh criticism from

the public, such as allegations that the company is putting pressure on an employee who is a prospective witness, or is trying to cover up corporate scandals.
Therefore, I think it would be appropriate to handle the situation with a similar understanding as the concept of whistleblower protection that you mentioned in your question.

（**From the floor - 2**）Thank you for your valuable presentation today.
I truly wish I could make the management of my company hear you say that the company should really be protecting its future, not its past. Well, my question is, you said judicial bargaining, although it may run contrary to the feelings of the public, will be used because of the precedent of the leniency program. But in my opinion, with the leniency program, we have a certain degree of foresight. For example, we know how much immunity is given to a certain number of companies according to the sequential order of application. So, we can assume the amount of surcharge. There is a certain environment where it is easy for a company to estimate the disadvantage of not using it. However, with judicial bargaining, you said the prosecution is still very careful with its practice, and because of that, in reality, companies would still hesitate to pursue it. How should we think about this?

（**OHNO**）Thank you for your question.
This is also a very important point. You are right that it is easier to understand how leniency works, because immunity or the rate of reduction of the surcharge is fixed in accordance with the sequential order of application, but with judicial bargaining, it lacks clarity as to this point and may be somewhat elusive. I didn't mention this in my explanation today, but in the US and in some other countries, there are sentencing guidelines in which the level of punishment is rated with scores, making it rather easy to see how much judicial bargaining contributed to the mitigation of the penalty. But since Japan does not have that, it is difficult to see how much the penalty has been mitigated.
However, prosecutors will also be unable to benefit from the judicial bargaining system, which was introduced as a new weapon, unless their counterparties, that is the persons involved in the criminal case, are properly informed that the disposition will be more lenient when they enter into a judicial bargain and see the value in pursuing it. Therefore, I think the prosecutor will come up with a drastic offer of mitigation and will give a concrete explanation of it. I think if you hear it, you will be satisfied.
In addition, although it is not directly related to your question, judicial bargaining is often debated in the context that it may be against the public's sense of justice and fairness. Conversely, I think the public will understand that it is actually a system to ensure that honesty pays. Until now, even when people cooperate with an investigation by telling the whole truth, there is still doubt whether telling the truth as worth it or rather that it might have worked against themselves, resulting in disadvantageous dispositions because it was not clearly shown

to them that such cooperation was positively reflected in the disposition. In contrast, judicial bargaining is a system to make sure that, if one tells the truth honestly and cooperates with the investigation, it will be reflected in the prosecution's handling of the case, including its sentencing recommendation. So, if you focus on that point, I think you can say it is actually consistent with the sense of justice and fairness of the people.

（**From the floor - 3**）Thank you for your presentation.
I have three questions. First, you said it is important to be the first company ahead of others to make the deal. If we are the second or third, will a deal not be accepted, or is it still meaningful? Second, I think cartel cases are not always criminally charged; so, I am sure that it is essential to apply for leniency. But with judicial bargaining, I would very much like to know your thoughts on the best timing to pursue judicial bargaining. As for my last question, I feel it is very difficult to discover the hidden truth through internal investigation. I would like to ask for your advice based on your rich experience on how we can conduct effective investigation to bring out what people really know.

（**OHNO**）To answer your question, whether the prosecution would still engage in judicial bargaining when others already did, well, it is often the case that there won't be much necessity for it if the first party already gave enough evidence. But I think it is not always that way. For instance, if the second party can submit important evidence that the first one could not, the prosecution will see an advantage in entering into a judicial bargain.
Also, as I mentioned earlier, even if most of the evidence regarding a case was already submitted by the first party, the second one can bring another case to the prosecution, if there is one. And if there is a related case, it is possible to make a deal that covers all cases by bringing in that new related case.
Your second question was that in a case of a cartel in violation of the Anti-Monopoly Act, leniency and judicial bargaining are both viable options. I think, with the Anti-Monopoly Act, investigation by the FTC usually comes first, so you should prioritize application for leniency to the FTC.
When the facts have been clarified to a certain degree by the leniency program of the FTC, if you ask me whether there is still a reason to enter into a judicial bargain, my answer is, of course it's case by case, but I think in quite many cases, there is no need for it anymore.
Having said that, with the amendment of the Anti-Monopoly Act, the leniency program is changing from a very rigid one which lasted over a decade to a more flexible one, making it closer to judicial bargaining about which I told you today. For example, the actual level of contribution will also be considered, rather than relying mechanically on the sequential order of application. The limitation on the number of applications which come in sequential order will also be abolished. So, please pay attention to changes to the leniency program as well.

Lastly, how the company can clarify facts by internal investigation, well, as you said, it's very difficult. If you can find all the facts through internal investigation, there's no need for the police or prosecutors. Still, companies keep their documentary materials, and many companies these days retain external lawyers as experts when conducting internal investigations. But the prosecution won't refuse a deal just because the company didn't report a case with 100% of the facts revealed. Accordingly, if the result of your best efforts at conducting an internal investigation establish a strong suspicion of a criminal offence, be pleased with that and leave further investigation to the prosecutor after making the deal.

（**From the floor - 3**）Regarding the first point, you said if there is another related case, one could enter into a judicial bargain to resolve the company's criminal responsibility as a whole; my question is, how related does the case need to be? You also mentioned that the prosecution will take over a certain degree of materials from the FTC regarding cases of leniency; so, there won't be much room left for bargaining. But, for example, would it be possible to approach the prosecution before the filing of a criminal accusation by the FTC and proceed with the negotiation in advance?

（**OHNO**）I told you about the existence of a related case because such cases are often related to one another. However, I didn't mean it has to be related. It can be a totally different case.
Also, there are cases which the FTC and the prosecution investigate jointly, and criminal accusations referred from the FTC to the prosecution are filed only one day before formal prosecution. So, in such cases, it is not that you must always apply for leniency first. In any case, the leniency program is somewhat rigid; so, it may be better to secure your sequential position first. But whether you should, in addition to that, deal with the prosecution or not will depend on each case. Therefore, it is advisable that you consult with the prosecution through your defense counsel. What I meant by saying that there will be no need for judicial bargaining if an application for leniency is made is that when the leniency program is followed, and if that was enough, the prosecution will think they already have enough evidence. But if the company wants to obtain a firm perspective on a likely criminal disposition through judicial bargaining, whether you can get the prosecution to accept it or not will, I think, depend on how you negotiate.

（**From the floor - 4**）When Japanese-style judicial bargaining was initially introduced, it seemed to focus on organized crime, and we didn't hear much about white-collar corporate crimes. However, before we knew it, corporate crimes became the main target. Although it is often said that *boryokudan*, organized crime groups, must be behind all bank-transfer fraud cases, the Japanese-style judicial bargaining so far has been only applied to private business corporations. I'd like to know if it is because the prosecution is, after all, choosing not to enter

into judicial bargains with criminal organizations or if it is just a coincidence.
The reason why I ask this is that, with private enterprises, as you said, even if they try to prevent employees from entering into judicial bargains by, for example, setting forth certain rules of employment, such restrictions will be void. So, companies cannot bind their employees through any legal procedure. But with criminal organizations, revenge against family members, for instance, is thinkable since Japanese laws regarding witness protection seem to be insufficient. I'd like to know if, in the future, Japanese-style judicial bargaining will be extended to criminal organizations as well.

（**OHNO**）That is a very good question.
Judicial bargaining is available with respect to economic and financial crimes, which include corporate crimes. It is also available for typical organized-crime-related offenses such as narcotics and firearms crimes. Legislators surely targeted all of them.
My focus today was on corporate crimes because none of you here are affiliated with organized crime but are people from the business sector. So, I narrowed the scope of my presentation.
Now, setting that aside, judicial bargaining alone is, indeed, not enough to cope with organized crime. That is, as you mentioned in your question, because of revenge against family members and so on. If we look at various foreign countries, they combine judicial bargaining and witness protection systems as joint measures against organized crime. Witness protection systems are quite a daring measure, under which, for example, when there is a risk that a witness may be targeted and killed by the gang boss if he or she testifies at a trial involving an organized crime group, the witness has his or her name and registered domicile changed and is relocated to a different place in order to avoid retaliation.
The recent amendment of the Code of Criminal Procedure could not reach so far as to provide such a witness protection system, leaving it half done. Since Japan is still much safer compared to other countries, I am not sure how much debate will occur for introduction of such a system. But I believe the witness protection system must be adopted along with judicial bargaining for effective punishment of organized crime.
（Presenter's note: I did not mention it in my answer here, but with regard to measures against organized crime, the 2016 amendment of the Code of Criminal Procedure was important in that it expanded the scope of wiretapping and relaxed the procedures for using it. It is expected that wiretapping will be actively used in the future.）

（**From the floor - 5**）Thank you for your very informative presentation.
I have one question. It's my understanding that, seen from the eyes of Japanese enterprises, the types of crimes for which Japanese-style judicial bargaining is available are those which cause a higher risk to businesses of penalties being imposed by foreign authorities rather than

the risk in Japan. So, I think the risk that evidence disclosed to defense counsel or a third party in the judicial bargaining process may spread overseas must be a concern. Could you tell us a little bit about this?

（**OHNO**）You're right. Indeed, it's a headache to think about what kind of impact it would have outside Japan when the case officially and publicly reaches a final disposition after judicial bargaining in Japan. For instance, there is a possibility of facing a class action in the US, to which I must say it will be difficult to avoid. Therefore, in reality, when you have to decide whether or not to pursue a judicial bargain, you need to consider in particular the company's international business activities. However, international judicial cooperation between countries is quite active these days anyway, and I am convinced that international cooperation toward detecting corporate crimes will be further strengthened.
I'd like to add one more point. Sanctions are, in general, stricter overseas than in Japan, but while you are hesitating to enter into a domestic judicial bargain, other companies may make the deal ahead of you, or your officers or employees may become impatient and pursue a bargain on their own initiative. You need to take various factors into consideration when making your decision. Yet, I think what you pointed out is one of the important factors to be considered.

（**From the floor - 6**）Thank you for your presentation today.
Did Nissan gain any advantage from this judicial bargaining deal? Making false statements on a securities report severely damages the interest of shareholders, the accounting fraud by Enron Corp. in the U.S. being a good example. In that case, a young attorney at Arthur Andersen sending one email to tamper with evidence destroyed Arthur Andersen, a corporation employing 50,000 people.
With Nissan, it was not a case of accounting fraud but a false statement on the report of the director's remuneration. Was the amount in question decided upon as his remuneration as a director or not? In other words, was the statement false? If so, a crime would have been committed at the time when they made the first false statement. Despite the huge sensation of the case, I don't clearly understand what issues are being discussed here. I wish there were a simpler explanation of the issues at dispute. When the Japanese criminal justice system began to be questioned, I heard Prime Minister ABE made a personal remark that he wished Nissan had solved this problem internally. Unfit directors can be dismissed, can't they? In the EU, any company director who committed an inappropriate act gets disqualified in all EU nations. Nissan's share price sharply dropped by making this incident a criminal case, which is one of the ripple effects of judicial bargaining. How do you assess this? Also, some point regarding criminal justice and security in Japan, the prison population in Japan is very small, some

20,000 per 100 million population[2]. Recently, I listened to a presentation by a Singaporean lecturer who said it was 10,000 per 5.6 million population in Singapore. Even Singapore, which is famous for its safety, has a much higher prison population than Japan. In terms of crime control, Japan really is a very safe country.

However, when a proprietor or an employee of a business enterprise draws the attention of the special investigation department of the prosecution or the Metropolitan Police Department, he or she has to shoulder a huge burden. When we look at how the Ghosn case developed, we know that what a defense counsel or an individual can do against the overwhelming power of the special investigation department is extremely little. In such a safe country with a very low crime rate, do they have to put such intense power and authority targeted at a specific individual? The process to decide upon the punishment itself was very simple. Isn't too much energy being put into it?

A quick example would be Ms. Muraki's case. It was not a case of judicial bargaining, but her subordinate section chief's statement to the prosecutor alleged that he was instructed by her, his superior division chief, to perform an illegal act. But this statement was completely false. How much time, how much energy did it take until the case against her was dropped? How much money did she pay her defense counsel? I hear it was about 30 million yen. Will Japan continue using such heavy-handed procedures in the future as well? If you say the company should not look back on the past but look ahead toward the future, I think maybe Japan should address the problems with the current system that are being questioned by the international community. Based on what has happened in the past, is this really a fair system? I'd like to know your thoughts on this.

（**OHNO**）First, whether or not Nissan gained advantage or damage is not something I should assess. I also can't answer your question about whether the prosecuted charge constitutes a crime or not, since I haven't reviewed the evidence.

Having said that, your main point was about false statements. However, with regard to aggravated breach of trust which was prosecuted, the total amount reflected in the charge exceeded 2 billion yen; I must say it is a serious criminal case and it is of epoch-making significance that – with the help of the judicial bargaining system – the prosecutors brought the case before the court despite the difficulty of the case, which involved cross-border elements.

Next, regarding your point as to whether or not it was appropriate to have burdened Mr. Ghosn, an individual, by prosecuting him. This case deeply reminded me of what is remarkably important with the legal culture and the legal system of a nation: that is, that anybody, any person of power or wealth gets prosecuted and punished if he or she breaks the law. This is a common rule of our society. Even someone like Mr. Ghosn, a charismatic businessman

[2] The actual number of prison inmates in Japan on 31st December 2019 was 41,867 and the population of Japan was 127,138,003 on 1st January 2020, according to the Ministry of Internal Affairs and Communication.

who is influential all over the world, if he is reasonably suspected of a crime, would be tried and pursued for criminal responsibility. Faith in the rule of law has great relevance to the fundamental basis of Japan, a rule-of-law state. Therefore, I believe quite many Japanese citizens are all the more dissatisfied with his escape, which took advantage of his financial power.

You said that you question the grave burdens put on Mr. Ghosn as an individual, but if there is due suspicion, he should be tried, and if convicted he should serve the sentence; therefore, I do not think this prosecution imposed unjust burdens on him.

Another point is, to me, it sounded like you said that we should further narrow the cases to be prosecuted, considering the burdens on the indicted individual. Should we really do so? Indeed, Japan has a very high conviction rate, but this is because the cases that are prosecuted are limited, as I said earlier. I think some cases receiving non-prosecution dispositions in Japan would be tried and would go to trial if they took place in other countries. Japan, indeed, very much considers such burdens on the accused caused by prosecution; that is why they narrow the cases that are brought to court. From the viewpoint of a victim, or the general public, I believe they cannot help but wonder why some cases do not go to trial. In light of such circumstances, I doubt that further narrowing of cases to be prosecuted would do any good from a broader perspective.

I'm sure there are many other opinions, but I'm afraid there's no more time left, so I would like to end here.

Thank you once again for all of your proactive questions.

LEGAL TECHNICAL ASSISTANCE UNDER COVID-19 CRISIS

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JICA International Expert and Attorney

1. Introduction

The pandemic caused by COVID-19 which spreads all over the world since the start of 2020 has become a serious threat for the life and wellbeing of people as well as for the economy and society. The number of people affected by COVID-19 exceeded 58 million with over 1.3 million casualties[1]; it is still spreading in all parts of the world[2]. With its serious damage to business activities, the IMF projects the global GDP growth to be minus 4.4％[3], while the ILO announced the world's total working-hour losses in the second quarter of 2020 have dropped by 17.3% or 495 million full-time equivalent jobs[4]. Furthermore, emergency measures taken by a lot of states have facilitated the introduction of remote work. Authoritarian nations are taking advantage of emergency measures to restrict human rights and to strengthen surveillance of people. They have been claiming that they can manage the situation caused by COVID-19 very well, shaking the nation of liberalism and democracy[5]. It is projected that pandemics like this would urge fundamental change in the direction of the world as well as people's lives and society, causing serious effects on economy, society, geopolitics, environment, and technology for several years[6].

Naturally, JICA's legal technical assistance projects in developing countries are also affected significantly by this pandemic. In this article, I would like to mention the impact of the pandemic on our project activities, and to provide my view on how legal technical assistance should manage such crisis. Please note that the thoughts expressed in this article are tentative and limited since the situation of this pandemic is changing day by day and we have no idea when this pandemic will end or we cannot predict its total impact on our society. Please also note that my thoughts are influenced by situations in Myanmar, where I am dispatched as a long-term expert. Opinions expressed in this article are of my personal ones; they do not represent those of the organization or any specific group I belong to.

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[1] Johns Hopkins University, Coronavirus Resource Center (Accessed 22 Nov.2020). https://coronavirus.jhu.edu/map.html

[2] (7 Nov.2020), *The Economist* https://www.economist.com/briefing/2020/11/07/the-second-wave-of-covid-19-has-sent-much-of-europe-back-into-lockdown

[3] *World Economic Outlook : A Long and Difficult Ascent* (Oct.2020). International Monetary Fund. https://www.imf.org/-/media/Files/Publications/WEO/2020/October/English/text.ashx

[4] *COVID-19 and the world of work. Sixth edition.* International Labour Organization (23 Sep.2020), https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/briefingnote/wcms_755910.pdf

[5] Autocrats see opportunity in disaster. *The Economist*. (23 Apr.2020)https://www.economist.com/leaders/2020/04/23/autocrats-see-opportunity-in-disaster; Freedom House. Democracy under Lockdown https://freedomhouse.org/sites/default/files/2020-10/COVID-19_Special_Report_Final_.pdf;Takasu Y. (19 Apr.2020). Will democracy go backward due to COVID-19?. http://democracy.jcie.or.jp/wp-content/uploads/2020/04/%E6%96%B0%E5%9E%8B%E3%82%B3%E3%83%AD%E3%83%8A%E3%82%A6%E3%82%A4%E3%83%AB%E3%82%B9%E6%84%9F%E6%9F%93%E7%97%87%E3%81%A8%E6%B0%91%E4%B8%BB%E4%B8%BB%E7%BE%A9%E3%81%AE%E6%9C%AA%E6%9D%A5%EF%BC%88%E9%AB%98%E9%A0%89.pdf

[6] Shwab, K., Malleret, T. (Oct.2020)Great Reset

2. Impact of Pandemic on Legal Technical Assistance Project

As of March 1, 2020, JICA was conducting legal technical assistance projects in six countries dispatching 22 long-term experts to them. However, due to the pandemic, most of those experts including myself temporarily returned to Japan by April 2020. As of the end of November 2020, all experts, except for the ones for Myanmar and Indonesia, have come back to their respective recipient countries. However, since international travels are still restricted, trainings in Japan have been suspended since the end of FY 2019 without any prospect to resume. Seminars in the recipient countries with experts who travel from Japan have also been suspended.

The characteristic of Japan's legal technical assistance is known to be "Side-by-Side Style Cooperation" (referred to as 3S Cooperation), which respects subjectivity of the recipient country with long-term experts engaging in close communication with staff of recipient organizations on daily basis[7]. In countries where their experts have come back, in-person communication with staff of recipient organizations is again made possible; however, in other countries including Myanmar, communication with recipient organizations has to be remote, which raises the question of whether we can still offer the strength of our "3S Cooperation".

It is expected that society which avoids in-person contact as much as possible (referred to as "the non-in-person contact society") will further advance under this crisis, which urges us to think how assistance should be under such circumstance. For instance, in Myanmar, the Supreme Court of the Union has partly introduced online conferences to render judgments, for detention procedure, etc. Meanwhile, many courts do not have sufficient equipment for the internet connection for online conferences.

Under the abovementioned circumstance, what activities can we/should we provide as legal technical assistance? In this article, I would like to bring attention to the following three points: (i) digital transformation (DX) of legal technical assistance[8], (ii) short-term COVID-19-related assistance and (iii) proposal of activities with a long-term vision.

3. Approach for Assistance under COVID-19 Crisis

(1) DX for Legal Technical Assistance

It has become difficult to have in-person communication due to COVID-19. With the risk of resurge of COVID-19 even in the countries where they have the experts come back, there is

[7] Judicial System Investigation Panel 2019 Proposal: New Development of Judicial System: Three viewpoints and four pillars. (2019) LDP Policy Affairs Research Council. p.25. https://jimin.jp-east-2.storage.api.nifcloud.com/pdf/news/policy/139701_1.pdf

[8] Digital transformation uses ICT as core tool for business operation, which changes the business model itself, whereas existing use of ICT was as a supplementary tool for the business operation based on already-established industry, which merely improves the efficiency/value of the industry. Ministry of Internal Affairs and Communications (2019). White Paper on Information and Communications in Japan. p.138. https://www.soumu.go.jp/johotsusintokei/whitepaper/ja/r01/pdf/01honpen.pdf. That is, as for the international cooperation field, through ICT, change is sought not only in improving business operation but also in contents of assistance.

no telling when in-person communication will be restricted. Non-in-person contact society is expected to further advance in the long run; promotion of DX is essential. For that sake, changes to substance of assistance itself is also necessary in addition to the changes to system/ procedure including introduction of online conference system.

(a) DX for Substance of Legal Technical Assistance

First, we can think of introducing online dispute resolution system. It includes introduction of IT trial procedure and Online Dispute Resolution (ODR). In Japan, since February 2020, some courts started to introduce online conference system to streamline legal and factual issues of disputes. Use of IT has been accelerated due to COVID-19[9]. ODR was introduced in foreign countries ahead of Japan[10]; in Japan, ODR Promotion Review Committee, which was established in the Government, has released the "Summary for promotion of ODR" in March 2020[11]. Some companies are providing free online mediation services for disputes between a tenant and a building owner[12]. Introduction of online dispute resolution is still an ongoing process in Japan with various legal/practical challenges being reviewed; however, knowledge and experience Japan has can be used for assistance to promote IT/ODR in court proceedings in developing countries. Assistance in drafting bills to enable online submission of documents or implementation of online trial can be also provided. Although donors assisted introduction of IT for trials before the pandemic started, this is now accelerated[13]. In Myanmar, due to the spike of the number of people affected by the COVID-19 from September 2020, the Supreme Court of the Union requested for cooperation regarding online mediation, which we are working on now.

Capacity-building for legal professionals is one of the most important things in legal technical assistance; however, it may not be as easy as before to have trainings with all participants gathered at the same place. In preparation for such situations, we need to accumulate the know-how of online trainings. As for the method of online training, we can think of a real time, live online training, which connects the lecturer and participants through web conference system; and an e-Learning style training[14], where each participant watches uploaded videos/materials. The former method can provide less information than in-person trainings or e-Leaning, whereas the latter method hampers lecturers to check the reaction of participants or to confirm they surely obtain necessary knowledge. Thus, we need to make a plan to combine both of them to supplement each other. In Myanmar, training for mediators

[9] Spike in online trial conference: Affected by COVID-19? (12 May 2020) *Nikkei newspaper*. https://www.nikkei.com/article/DGXMZO58982790S0A510C2000000/

[10] For instance, the Canadian Civil Resolution Tribunal (https://civilresolutionbc.ca/)

[11] ODR Promotion Review Committee (Mar.2020) , "Summary toward Promotion of ODR" (https://www.kantei.go.jp/jp/singi/keizaisaisei/odrkasseika/pdf/report.pdf)

[12] *Nikkei newspaper* (9 Apr.2020) , "Online mediation to suspend tenant fees etc., Middle man, due to COVID-19", https://www.nikkei.com/article/DGXMZO57889950Z00C20A4TJ2000/

[13] Presentations were made at the Annual UNDP Conference on Rule of Law regarding trials using IT in Bangladesh, Dominican Republic, Sierra Leone, Ukraine, Fiji, etc.

[14] With Vietnam legal technical assistance project, experience in e-learning by Japan Federation of Bar Associations (JFBA) is going to be shared with the Vietnamese Bar Federation (VBF). Based on this, VBF will consider the future development. (Interview with expert Edagawa, M. End of April 2020.)

is scheduled for January 2021 toward introduction of mediation in Yangon and Mandalay in March 2021; it will be a hybrid training combining both of them. We plan to have a live training with orientation, Q&A session, mock mediation and role-playing, which would make this training more effective.

Some government agencies of developing countries, as mentioned earlier, do not have sufficient equipment for the internet; therefore, providing equipment may be also meaningful. In Myanmar, we provided the web conference system (monitor, camera, microphone etc.) to the recipient organizations, which is used for communication with experts as well as their internal communication. It has indeed helped improve organizational function of the recipient organizations.

(b) DX regarding System/Procedure of Legal Technical Assistance

Since project experts and staff cannot gather at the office and online communication with recipient organizations is necessary, in addition to the online conference system, we need a system with which information sharing goes smoothly among project members. Myanmar legal technical assistance project has introduced business chat software called Slack for information sharing; as for communication with recipient organizations, we use Zoom for online conferences. The project already used cloud service for smooth data sharing. These softwares can be further effective by combining them.

As for the question of whether we can still provide "3S Cooperation", which requires close communication with recipient organizations even with remote conferences, my answer based on the six months experience of conducting remote activities is, yes, I believe it is still possible as long as we make sufficient preparation for and management of communication with recipient organizations. Since online conferences may cause psychological discomfort among us due to poor internet connection and restriction of amount of information communicated online. Efforts are required with preparation for the materials, agendas, management method in order to have successful online conferences. For instance, we need to discuss within the project members beforehand as to what will be discussed, what should be agreed, targets to be achieved, priority of agendas to be discussed; we must share them in writing, so that recipient organizations can understand them clearly. When we ask their opinions to decide on something, questions should be provided in a way they can easily answer, e.g. Yes/No type of question or multiple-choice question. As for materials on the substance, it would be better, in order to shorten discussions, to provide the one as close to what we would like to achieve, so, discussions will not derail nor go into too much details[15].

It goes without saying that the reasons why we were able to have such smooth remote activities are, I believe, thanks to the relationship based on mutual trust we already had through day-to-day active in-person communication. Some activities of legal technical assistance can be more effective with the support/understanding of other sections/ministries.

[15] These matters happen with in-person communication as well, but we should be extra careful with online discussions.

However, launching on communication with a new organization with which the project never had any contact can be a challenge.

Success of an online conference also largely depends on the capacity of local staff. So far, the local staff of legal technical assistance has provided support with logistics and human relationships, rather than the substance of activities; however, from now, the local staff will need to involve in the substantial support as well. For that sake, we need to consider hiring staff with legal knowledge[16].

Furthermore, legal research is essential to provide various kinds of advice to recipient organizations. Currently, legal technical assistance project experts can use the database of court precedents and magazine articles, but we should consider subscription to online law books library as well[17].

JICA should support the abovementioned DX regarding the substance, system and procedure. As for DX regarding the substance, research will be required to find out domestic/foreign trends and to establish supporting methods. In addition, e-Learning video materials should be prepared in advance, especially for the materials which can be used not only for Myanmar project but also for projects in other countries; video materials on Japanese judicial system, civil procedure, criminal procedure and mediation are currently being prepared.

（2）Short-term COVID-19-related Assistance

First, we can consider assistance with legal issues due to the COVID-19 crisis. Singapore, for instance, has established the COVID-19 (Temporary Measures) Act 2020[18], creating a legal framework which provides relief to those who can no longer make payment or are suffering financially, as well as enabling the court to use online conferences. We can provide such information and assistance in drafting the laws and regulations.

COVID-19 is causing difficulty in performing contractual obligation, especially, issues such as whether a force majeure clause shall be applied in order to postpone the deadline of implementation, to terminate an agreement, or which party will bear the additional cost etc. are of high interest for construction[19] and tourism industries. One of the Myanmar project recipient organizations, the Union Attorney General's Office (UAGO) has a role to provide legal advice to government organizations and state-owned enterprises; it is expected that in the near future, government organizations and state-owned enterprises engaged in large-scale infrastructure business will be asking UAGO for advice. In preparation, JICA Judicial and Legal Project in Myanmar held a seminar for UAGO and government staff who are involved infrastructure projects on legal issues including force majeure which could be controversial

[16] Another idea is to involve local law firms.

[17] For instance, Legal Library (https://legal-library.jp/) provides this kind of service.

[18] The law is https://sso.agc.gov.sg/Act/COVID19TMA2020

[19] FIDIC, which issues the standard for international construction agreements, announced the guideline on legal issues including force majeure. FIDIC provides webinars on such issues. (https://fidic.org/sites/default/files/COVID%2019%20Guidance%20Memorandum%20-%20PDF.pdf) (https://fidic.org/node/29213)

clauses during the COVID-19 crisis[20].

It is possible, under the situation where a force majeure clause can be applied, that parties themselves would face a financial impasse. Just applying a force majeure clause will not help. Therefore, it is meaningful to build a mechanism to promote dialogue between the parties including mediation in order to find a viable solution for both parties.

It is expected that, under the COVID-19 crisis, many legal issues will occur not only with the abovementioned large-scale cases on infrastructure but also with small-scale individual cases that are directly related to day-to-day livelihood. For example, workers who cannot receive their wages due to business closure, debtors who cannot pay back their debts or small businesses that can no longer pay the office rent. With these cases, simple and inexpensive mediation or special court procedure for small claims may be useful. In Myanmar, we started activities to introduce small claim procedure in 2022 as well as planning of introducing online mediation. We would like to assist so that such services will be provided at the right place at the right timing.

（3）Activities based on Long-term Vision

(a) Activities with Perspective of Change in Society due to the COVID-19 Crisis

It is projected that political, economic and cultural confusion due to the COVID-19 crisis will continue for a long time, bringing significant changes to our society and world order[21]. We need to discuss with recipient organizations how legal technical assistance can cope with these changes, which will also be beneficial for us to consider the future legal technical assistance should be.

Among various issues the COVID-19 crisis causes, the racial[22] and gender[23] issues are significant. In addition, the COVID-19 crisis made significant impact on vulnerable people such as non-full time workers[24] and foreigners[25]. It is creating even greater gap and inequality in income, wealth and opportunities[26]. The necessity of assistance for such vulnerable groups has been pointed out by many international/bilateral donors[27]. There are

[20] JICA, which supports infrastructure, would have an advantage if developing countries handle legal issues from COVID-19 with internationally accepted standard.

[21] Justice for All and the Public Health Emergency. The Pathfinders for Peaceful, Just and Inclusive Societies (Apr.2020). p.8. https://bf889554-6857-4cfe-8d55-8770007b8841.filesusr.com/ugd/6c192f_1e8d8e91cfec4098b7b26db9cd296d30.pdf

[22] Covid-19 exposes America's racial health gap. (11 Apr. 2020) *The Economist*. https://www.economist.com/united-states/2020/04/11/covid-19-exposes-americas-racial-health-gap

[23] Domestic violence has increased during coronavirus lockdowns. (22 Apr.2020). *The Economist*. https://www.economist.com/graphic-detail/2020/04/22/domestic-violence-has-increased-during-coronavirus-lockdowns

[24] 260,000 non-regular workers terminated due to COVID-19. (28 Apr. 2020) *Kyodo news* https://this.kiji.is/627806036332233825?c=39550187727945729

[25] The Gulf states should take better care of their migrant workers. (25 Apr. 2020) *The Economist*. https://www.economist.com/leaders/2020/04/25/the-gulf-states-should-take-better-care-of-their-migrant-workers

[26] Impact of Covid-19 on human rights and matters to be reminded in business activities (1st edition). (Apr.2020). Business and Human Rights Lawyers Network. https://ea219aa4-d320-4dde-9856-9733561c7aeb.filesusr.com/ugd/875934_2bcd2cfe612a40c5b41b34aaf9a2cc20.pdf

[27] COVID-19 and Human Rights: We are all in this together. (Apr.2020) United Nations. https://www.un.org/sites/un2.un.org/files/un_policy_brief_on_human_rights_and_covid_23_april_2020.pdf; COVID-19: Democracy, human rights, and governance issues and potential USAID responses. (Apr.2020) USAID. https://www.usaid.gov/sites/default/files/documents/1866/COVID_USAID-DRG-Issues-and-Potential-Responses.pdf

some movements in developing countries to respond to them. The Supreme Court of the Union of Myanmar has included assistance for vulnerable groups in its 2022 Action Plan, requesting cooperation to donors. However, many developing countries are not aware of the necessity to prepare measures for those issues. Therefore, we must begin to raise such problems to recipient countries. It is also important to have them realize that neglecting assistance for vulnerable groups will result in grave impact on the whole country. It may be effective to introduce advocacy taken by the Ministry of Justice of Japan to oppose discrimination, providing information for the vulnerable group. JICA is also starting research project for protection of workers affected by COVID-19 as well as introducing significance of protection of vulnerable group in the training on improvement of access to justice with the cooperation of Japan Federation of Bar Associations (JFBA)[28].

The pandemic made us once again realize the importance of the role and capacity of the government, which executes emergency measures, maintains medical and public health system and implements policies for economy[29]. In developing countries, there are limited resource and capacity of governments, which execute government policies[30]; thus assistance to improve the governance will be further required. On the other hand, digital contact tracking technology introduced by the government is causing privacy issues. We need a strong government but at the same time the check by civil society is necessary. To that end, people need to participate in the government decision-making which is transparent and accountable. It will require a great effort to have developing countries realize the necessity for such policies. It would be useful to explain that these policies are included in the Target 16.6 and Target 16.7 of the Sustainable Development Goals (SDGs). Either way, launching on actual dialogue with governments of these countries will be crucial.

The abovementioned proposals such as dialogue with governments may exceed the scope of the project/technical cooperation; therefore, it is necessary to carry out them by obtaining understanding of the local embassy and JICA office or through collaboration with other technical cooperation projects.

(b)Activities of Current Project toward Future

As short-term suspension of project activities due to COVID-19 was expected, we thought about our future activities in the next few years and made proposals to the recipient organizations for discussions. For instance, in Myanmar, having discussions with the Supreme Court of the Union on reform of legal framework to improve trial and access to justice have been added in the 2020 Activity Plan. The Supreme Court of the Union of Myanmar has newly introduced mediation and is proceeding the reform including introduction of small

[28] For details, see Access to Justice: To protect everyone's rights: What became clear through JICA training on access to justice. (Jun.2019) *ICD News*. ICD, RTI, MOJ.

[29] Responding to Covid19: The rules of good governance apply now more than ever! http://www.oecd.org/governance/public-governance-responses-to-covid19/

[30] Advanced countries also have governance issues. For instance, Why governments get covid-19 wrong. (26 Sep.2020) *The Economist* https://www.economist.com/leaders/2020/09/26/why-governments-get-covid-19-wrong. As for Japan, COVID-19 civil tentative investigation committee: Report of investigation/verification. (Sep.2020) Asia Pacific Initiative.

claim procedure and commercial courts. We proposed them, expecting this leads to the reform of civil procedure as a whole in the future.

With the Myanmar legal technical assistance project, we are promoting cooperation for socially vulnerable groups e.g. extended mediation system, introduction of small claim procedure as well as collaboration with JICA's technical assistance in other fields with a long-term perspective. Even though intellectual property laws including the trademark law, which will be enforced in 2021, enforcement system is still weak for violation of intellectual property. As it is necessary to have a system where each government organization can collaborate seamlessly throughout the entire process from finding a violation until the execution, it would be impossible under the vertical sectionalism for a single project to achieve it. Because of this, we are cooperate with the JICA expert from the Japan Patent Office dispatched to the Ministry of Commerce, discussing the future goals with each other and conducting advocacy to each other's recipient organization. Under the situation where activities must be implemented remotely, which makes it difficult to build trust with other organizations, we hope, for bigger impact of assistance, such cooperation with other JICA projects can utilize the trust the project has built with each recipient organization.

4. In Closing

As abovementioned, this article has considered, though provisional, how legal technical assistance should be under the COVID-19 crisis. Despite limitations of activities with experts leaving recipient countries, it is still possible, by wise utilization of ICT, to sustain sufficient activities. Again, the COVID-19 crisis seems to have long-term, serious impact on realization of "No one will be left behind", core value of SDGs and establishment of rule of law, which is the target of legal technical assistance. Surveillance society based on totalitarianism as well as isolationism based on nationalistic way of thinking are looming[31]; however, the any development project including legal technical assistance will not be successful "unless the rights of individuals are guaranteed, people can engage in economic and social activities with a sense of safety, and the society is managed equitably and stably". We need to share, cooperating with international community, "universal values such as freedom, democracy, respect for basic human rights and the rule of law"[32].

As I have mentioned in this article, even amid the COVID-19 crisis, what legal technical assistance can still make various achievements. Circumstances of COVID-19 crisis are fluid and we cannot be optimistic, however, such unprecedented crisis can also be an opportunity for bringing a change to our social system. I hope to create better legal technical assistance through dialogue among all interested persons of legal technical assistance. It is my sincere wish that this article can be of some help for that end.

[31] Harari, Y.N. (20 Mar.2020) The world after coronavirus. *Financial Times*. https://www.ft.com/content/19d90308-6858-11ea-a3c9-1fe6fedcca75

[32] Cabinet decision on development cooperation charter. (2015) p.5. https://www.mofa.go.jp/mofaj/gaiko/oda/files/000072774.pdf

TEN YEARS OF LEGAL TECHNICAL ASSISTANCE IN LAO P.D.R.

KAWAMURA Hitoshi
Project Coordinator
Project for Promoting Development and Strengthening of Rule of Law of Lao P.D.R

1. Introduction

It was in 1999, over twenty years ago, when I first came to Laos as a staff member of Japan's international NGO. For the first ten years, I was feverishly engaged with grass root people in the world of NGO. In 2010, upon obtaining the post as JICA's Project Coordinator, I moved from NGO to the world of ODA. Our basic activities and style, although the name of the project changed, has remained the same since 2010. In this article, I would like to share some of the episodes from my ten-year experiences of striving to advance the Project smoothly to conduct meaningful activities of legal technical assistance in Laos as Project Coordinator collaborating with many Laotian counterparts and legal experts from Japan; I hope this article will be of any records of the "lessons learnt".

My experiences are limited to those in Laos; it may not directly apply to assistance for other countries. Although I do not like to joke about stereotypes of the people of each country, many years of living in this country have taught me the "particular nature of Laotian people" which is distinctly different from that of neighboring Vietnamese, Chinese, Cambodian or Thai peoples. Because of that, international cooperation/legal technical assistance must change its way/style for each country, which brings the difficulty and also fun in operation of the Project, I believe.

2. Members Do Not Show Up

2010, the very first year of the project was a series of one hardship after another. I vividly recall an episode at the very first meeting of the Civil Procedure Law Sub-Working Group, where Mr. Bounkhouang Thavisack, who is now promoted to the Vice President of People's Supreme Court despite his young age, said: "We are at a loss what to do with such a plan. You must show us a specific plan as to what we need to do and by when." That may have been true; our Project only had a rough plan, which was people from four organs would gather, study Laotian laws and produce a deliverable (book), without specific details as to what kind of book was due by when.

The expert from the JICA head office said, "It's OK even if the book is a very thin one with only 30 pages or so. It's no problem it takes a long time. But, please place an importance on the process." Still, members gathered from four different organs with various ages and experiences looked perplexed as if to say, "What on earth are we supposed to do from now?" Since that day, we had a certain period when members did not show up to the meetings we planned. The Chief Advisor of the Project dispatched from the Ministry of Justice would look

out the window, when it was five minutes before the meeting, with a concerned look, on to the parking lot, as if to say, "Would anyone come today?" "Here comes one!" a member comes ten minutes late, another comes after five more minutes. We waited for others to show up for one hour over tea but no one else came. Only two members came; we had to dissolve without being able to have the meeting. This kind of situation lasted for a while.

The concept of the Project, which was to form a sub-working groups of members selected from four counterparts (the Ministry of Justice, People's Supreme Court, Supreme People's Prosecutor Office, Faculty of Law and Political Science of National University of Laos) to study the Laotian laws and write a book, was, in hindsight, actually very innovative whose style still continues after ten years. It required a long time until such method took root.

3. Skinner Box and Treat

Despite our plan for meetings, only a small number of members would show up; it was time for us to think seriously about how we can have all members participate. It was then when I remembered the Skinner Box experiment I had studied in my university pedagogical psychology class. That is, if a mouse in a box presses a lever, a treat would come out. The mouse begins to voluntarily press the lever for the treat. Behavioristic psychology teaches "giving a little reward/incentive" works in encouraging desirable behaviors. Although it is rude to compare a counterpart to a mouse, it may be true that even we, human beings are not motivated enough to sneak out of the office amid busy work schedule with co-workers giving a cold look on you in order to attend the Project meeting, unless we are given some kind of a treat. I realized maybe we needed some reward to encourage participation.

Thus, we decided we should wholeheartedly welcome the members who did show up to the Project, as they took the trouble and time from busy schedule for it. We also decided to prepare cookies and oishi in addition to drinking water. All of us resolved to memorize all the names and faces of more than 70 members. It required such great effort for us Japanese to do it, since Laotian names are long and so difficult to memorize. Laotian people usually call each other by the nickname, so, even they didn't know each other's real name. We went on to also plan gatherings over food for sub-working groups, began a camping-style meeting (retreat meeting), gave all members a reminder call on the day before the meeting; we made all sorts of efforts to enhance participation rate of members.

Although we may not call it a treat, Japan side took the initiative to perform singing and dancing in the evening of camping meeting or at gatherings over food. Some expert passionately sang a Japanese anime song, while the Japan side danced the 70's Japanese oldies. Even though Laotian members applauded it, I am sure some of their smiles were out of courtesy.

Thanks to such efforts we made, more members began to participate in meetings. Also, high-ranking officials of counterparts would sometimes stop by and walk in to the Project office, and say, for instance, "I am writing a legal report. Can I have Japanese expert's opinion?"

It made us very happy.
Giving a "reward/treat" to encourage participation, however, would soon come to an impasse, because they would not show up unless there is a treat. A clear example/problem is they would come if they are given "daily allowance" but they would stop coming without it. It is a difficult issue to overcome, however, ultimately, I believe it is a question of how much "intrinsic motivation" can be fostered within them.
I will never forget what Mr. Somsack Taybounlack, who is currently the President of the Central High Court said during evaluation at the end of the Project: "Legal debates and discussions we had at JICA Project were such fun. It is much better to study with JICA Project than studying abroad. If we study abroad, we can only study foreign laws, but with this Project, we can study Laotian laws and discuss them with everyone." If members also feel participating in the Project itself with debates/discussions is fun as Mr. Somsack Taybounlack did, it would be our utmost pleasure. Then, participation rate would naturally improve even without a treat.

4. Lao Language

It is extremely crucial that the relationship between the Laotian members and Japanese experts is not based on tension nor distrust, but on heartfelt trust and sense of relief. It is important that anybody can say/ask anything without hesitation. In order to secure such an environment where young staff can also counter-argue without hesitation or present their own theories, we made a target: "Project where anyone can casually participate or stop by." In particular, always being able to communicate in their language Laotian was helpful for that end; as Laotian public officials are usually poor at English and even those who are good at English seemed more comfortable when they could converse/discuss (including jokes) in Laotian.
I remember, back in 2010, we were reviewing in what language and how discussions between Japan and Laos sides should be conducted with various attempts. As a result, we found out that it was also difficult for Japanese experts as well to discuss in English. (It was more because the true intention of discussions would be lost in double translation of Japanese-English-Laotian, increasing the difference in word definitions etc. than because of their limited English capacity.) Thus, we decided on our basic policy to discuss via "Laotian-Japanese" interpreters.
Indeed, that was the beginning of our long journey to try to find Laotian-Japanese interpreters. It made us realize the importance of an interpreter in legal technical assistance as well as the scarceness of capable interpreters for legal debates/discussions. How many candidates for interpreters we had to interview! As we asked for a trial performance, they would eventually all say, "I cannot do this…", "I don't want to be an interpreter for legal issues." Even without interpreters, the Project activities had to move on. Without any choice, I, Project Coordinator, volunteered to interpret. However, interpreting at meetings was such a big burden for me, as I had never studied Japanese nor Laotian laws. I would often have sleepless nights worrying

about the next day's meeting.
A big handicap for Laotian interpreters is there is no decent dictionary. We had no choice but use Japanese-Thai, English-Thai dictionaries to supplement. (Laotian and Thai languages are brother languages sharing many in common with both of their origins in Pali – Sanskrit.)
From the experience of interpreting without any confidence at all, there was an impressive episode. In a meeting for the Criminal Procedure Law Sub-Working Group, Laos side kept bringing up an explanation, "Tai-Suan at Court".
I interpreted it tentatively as Tai-Suan = shinmon [examination], but Japanese legal experts are not fully convinced. We asked the Laos side, "Is this examination a single act by the judge or procedure of a trial?" still not making sense. Leaving the mystery unresolved while still wishing to understand it clearly, I interpreted: "Tai-Suan is (something like) a judge examining/questioning the parties".
After two months, at the end of another meeting, I summoned up courage and asked Mr. Viengvilay Thiengchansay, Dean of faculty of Law and Political Science, "What is a Tai-Suan?" hoping he would be able to explain.
Mr. Viengvilay Thiengchansay said, "We have always called, with regard to the origin of the word, a police officer's investigation Sup-Suan, the prosecutor's investigation Sorp-Suan, and the judge's Tai-Suan".
It finally made sense! It was the moment when the mystery was solved. It did not mean any specific act; it was a comprehensive term for investigation, questioning, interview and examination all together in a large sense by investigator, prosecutor and judge.

Presently, I hardly interpret for meetings any longer, thanks to extremely good, experienced Laotian-Japanese interpreters. With these interpreters currently doing their excellent jobs, we shared ten years of incessant efforts and struggles for the definitions/scope of legal terms, always seeking for the most appropriate translation. Even now, a new translation is born upon each discussion. It is thanks to such accumulated work that the Project can currently have deeper legal discussions than before.

5. Making the Chart

It was an unexpected great success that we decided on making a Procedure Chart during initial activities of the Civil Procedure Law and Criminal Procedure Law Sub-Working Groups. This chart book is still in use at organs today and is distributed to diet members as well, gaining high evaluation that it is very helpful to understand. It has the chart of the flow of Laotian Civil/Criminal Procedure with provisions of the law on which they are based. Both books are thin with less than 20 pages; yet, we faced various difficulties with what seemed like a quite easy task before we started.
The first big obstacle we faced was that Laotian people were not familiar with a "chart". The

first draft the Laos side showed us, “Seven Steps of Civil Procedure” had each procedure within a rectangular connected by lines. To our surprise, the first instance trial, which is the first step of the flow, was placed at the very bottom of the page, with subsequent procedures going all the way upward to the court of cassation of the People’s Supreme Court. It seemed they had used the organizational chart of the courts which has the Supreme Court at the top; thus the flow went upward from the bottom.

We explained: “Chart of procedure is supposed to connect each step with arrows along with the flow of time and so it would be unnatural if it does not go downward from top to bottom/ from left to right.” However, at the beginning they were not convinced and still said, “Why can’t it go upward from bottom to top?” As we went on, they began to understand that the Procedure Chart is extended to several pages and so it had to go from top to bottom.

As it must be the case with other developing countries as well, usually participants in a meeting/training remains seated during the entire meeting/training. High-rank public officials would sit at the seat of honor, while young ones sit at the end of the table. However, in the Project for capacity building, especially from the viewpoint of fostering young public officials, always sitting at fixed seats prevents free, active debates/discussions.

In this regard, the activity of chart making was very good for developing human resources, as participants could not make the chart by always sitting at their fixed seats. They had to stand up, divide up into small groups, write each step on thick paper, stick them on the boards to make the chart. After dividing them up into small groups, which rid the age/seat gap, young members gradually started to speak up.

We even created some tools for making the chart. Initially, we used a flip chart and white board, however, space ran out quite soon. So, we tried to connect each group’s big piece of paper on the wall, sticking each process on them. However, not all rooms had proper walls for it. Therefore, we went to the architectural materials store in town to purchase PVC pipes to assemble a handmade self-standing board. We would disassemble it at the end of the meeting, loaded it on to the 4WD of the Project and re-assemble it at the next meeting. It was a great idea.

Making the Procedure Chart took more time than initially expected, however, Laos side highly appreciated it as it never existed in Laos and it also contributed to the capacity building of the members involved.

6. Discipline before Training

When the Project began, legal experts from Japan were troubled at the fact that members of Sub-Working Groups did not possess the law books. Even if some of them did, they would not bring the law book to meetings. It is not a practical guide nor commentary of the law; they did not have nor bring the law itself. This is why, when the Japanese expert asks, “What is the supporting law for your explanation?” they can only respond, “Well, I believe some article like

that existed in the Criminal Procedure law…..” without any means to confirm it. Japan side possessed translated Laotian laws, so, they would ask, “Is it Art. XX you are talking about?” However, no one from the Laos side had the law, so, it was unable to confirm it. This kind of situation repeatedly occurred. As Japan side persistently asked upon any opinion by Laos side, “What is the supporting law for that?”, eventually, the leader of the Laos side started asking that instead. After one year or so, young members themselves started to check the supporting law after stating an opinion, and the member in charge of taking records would project such articles of the law on the screen, so everyone could confirm it.

Change like this does not happen overnight; they have to be reminded/pointed out of the same thing over and over before they obtain it. I used to think, especially for young ones, they probably need “drills” (or disciplines even) as lawyers before they can participate in trainings. I recall one expert saying to the members, “Just like a surgeon without a surgical knife cannot perform a surgery, a lawyer without a law at hand cannot perform his job!”, which made the Laotian members look half embarrassed.

Ten years have passed since then; now members check supporting laws during debates/discussions without any reminder. More members today bring their own PC, which was not the case before; they can check all the laws/ordinances instantly. Furthermore, with the use of innovative smartphone application called “Lao Law”, which was produced by the Ministry of Justice with assistance from USAID, they can even check all the laws on a smartphone with WiFi; such convenient time has arrived for legal debates/discussions.

7. Side-by-Side with Counterparts

Recently, we hear that Japan’s legal technical assistance for developing countries is “Side-by-side Style”. I have never used the phrase “side-by-side” consciously, but what kind of assistance is called “Side-by-side Style”? My interpretation would be: “having sufficient understanding of the recipient country”, “engaging in activities together” and “assistance that places the recipient country at its center”. It is true that assistance by some countries seems “imposed” “one-sidedly by the donor” “without sufficient understanding of the country”.

I believe no one would object to the importance of understanding the country itself. All experts, without exception, prior to the dispatch, make such efforts as reading books on Laos, learning elementary Laotian, etc. Upon arrival, they would first learn the names of Laotian meals from project assistants, experience traditional skirts, and attend traditional weddings/funerals. They would also visit the office of the head of the counterpart to discuss the activities, while being treated with Laotian tea, having small talks. They would also notice that there are many broken ACs out of use, almost no PC/copy machine equipped, ban of use of the elevator to save electricity, etc. Understanding the country begins with knowing the language, culture, history, political system, etc. All of the experts dispatched, for the first half year or so since arrival, try to understand Laos very hard; however, I imagine because it loses sense of newness

in time, some experts begin to lose interest in the country.
Apparent example is learning the local language. Upon arrival, they would have a couple of Laotian language lessons in a week by a teacher they hired or the assistants of the office. However, when their Laotian is good enough to order their favorite meals and beer at the restaurant, many of them give up on making further efforts with being busy as an excuse. They may think: "No way I can master the local language to business level only in two years. It is waste of time to try." Although it may be true that no matter how hard one studies, it won't reach business level in two years. However, I can absolutely assure you that losing interest in their language and culture would have negative impact on the eye the counterpart sees the expert with. It is not "waste of time" after all for the expert to continue with the effort to try to learn the local language.
In my opinion, one disadvantage legal experts have unlike experts in other fields is that legal experts cannot "demonstrate" what they want to teach. For instance, a medical expert can demonstrate "medical treatment" or how to handle "medical equipment", while an electric engineering expert can demonstrate "operating a computer". However, legal experts can only use "words" with an additional disadvantage of having to use the words through interpreters.
Also, as I am sure that this is also common with all experts, no matter what good things an expert says to the counterpart, sometimes counterparts do not listen. On the outside, they pretend to listen, but they are not paying due attention. This is, in my opinion, because people need to have some respect/empathy (some authority, too) to want to listen to someone. We must not forget that while "What is said" is important, "Who says it" is also very important especially in a country like Laos. For that purpose as well, I hope legal experts from Japan would continue to show their affection/interest toward the country they are dispatched to.

8. Valuing Pride of Laos

As the Project gradually gained trust from counterpart organs, we began to notice they were opening up to us without hiding the problems/shortcomings of the Laotian legal system nor embarrassment. However, we must remember it takes time until that can happen. One particular episode I remember is at the kick-off meeting of the first camping meeting in 2012 when we began the Aid for Civil Code drafting. It was an important meeting with then President of Law Committee, National Assembly, Dr. Davone Vangvichith and Professor of Keio University, Dr. MATSUO Hiroshi and others from Japan, where the direction toward the drafting of Civil Code and the assistance was decided.
It was my impression from the meeting and lunch/dinner as I also interpreted for him that Dr. Davone did not have an open attitude to the Japan side without even a smile on his face. In hindsight, I imagine he may have had some doubts toward the Japan side thinking: "We made the laws amid difficult post-revolution times", "We don't want foreigners, who don't even know the difficulty we went through, to be so easily criticizing our laws", "We, Laotian people

will make the new Civil Code." "We don't want Japan's theory imposed on us." However, after each meeting, his facial expression became softer and eventually he had a smile on his face.

Looking back on the reason that caused this change in Dr. Davone, I think it was thanks to nothing but Japan side's always respecting the "Pride of Laos". Especially, Dr. Matsuo, who represented the Advisory Group for Civil Code assistance is extremely wonderful, not only because he can promptly give appropriate answers to all sorts of questions with even examples of foreign laws, but also because of his utmost integrity. Dr. Matsuo never forgets to commend all questioners by saying, "It is a very important question." "It is a wonderful viewpoint" etc. even when they ask off-the-point questions or something which was already fully explained in the meeting. In addition, he always respects the pride of Laos and encourages/inspires participants with such remarks as: "I believe the new Laotian Civil Code will be something not only ASEAN region will be proud of but also the whole world will be proud of."

9. Long-term Commitment

One of the reasons why the Laotian government highly evaluates JICA's assistance is, I believe, because of their attitude to commit to the same concept for a long term. I feel the concept of capacity building for legal professionals through establishing mixed sub-working groups from the same four counterparts for ten years to study the Laotian laws has already rooted in Laos.

At the beginning, invisible walls existed between organs, interpretations of the law were different, and one emotional incident among members of different organs after another happened (I believe it is common in all countries). However, it was fortunate that we could get understanding of the four organs' Joint Coordination Committee (JCC) member, who is equivalent to the Vice Minister. It greatly helped that we invited JCC and Management Committee in a timely manner after the launch of the Project. On that occasion, upon visit to the training facility for Japanese legal professionals, they agreed: "We, the four organs, need to foster excellent lawyers together in collaboration, rather than doing it separately!" (Let me add a special remark that for their unity formed during this visit, night after night's Japanese sake, sashimi and wasabi were greatly contributive.)

After ten years, we see that the relationships among almost 200 members who participated in the Project have developed from the platform of the Project exceeding different organs, to a bigger informal network. For instance, when the Ministry of Justice plans a training, they would directly call a prosecutor/judge/university professor they became acquainted with and conduct the training together even outside the Project.

The style is still highly evaluated by Laos side of establishing mixed sub-working groups from different organs for studying and capacity building; however, such method requires a lot of coordination efforts and time until it produces deliverables. That is probably one of the reasons why other Development Partners do not adopt it, making it a unique style of Japan's

legal technical assistance. Despite various obstacles, I feel it is extremely important to have a long-term commitment in addition to strong resolve in order to assist a country's legal system, which is the foundation of that country.

10. In Conclusion

I graduated from Sophia University. Among the faculty of my department were many Catholic priests who had lived in Japan for several decades. Many of them lived in the House/Monastery on campus all those years and taught classes in fluent Japanese. Several of us students would visit the House after class for English conversation lessons. I, as a non-Christian, asked a frank question: "Father, why have you lived in Japan for so many years?" An old German professor who had lived in Japan for decades did not say much except for "It is because of the mission" with a smile. It was at that moment when I realized, I see, that is why it is called a mission school. I learned then that Christian missionaries go to a country crossing oceans with a strong sense of mission to teach Christian Gospel, with a determination to live the rest of their lives in that country.

"Mission"

Ever since then, I have come to think more deeply about the weight this word has and wondered if I also have some mission to fulfill with my entire life. Although I cannot write here, I believe it was some destiny which led me to Laos in 1999. What I felt back then is that it must be the "mission" for me.

The word "mission" is often used in the world of international cooperation as well. It is often used to describe the legal survey team from Japan or the dispatch of short-term experts. However, it is the long-term experts who come to developing countries crossing the ocean with a biggest mission and strong determination. For some experts dispatched from an organization, they may not be dispatched to the country of their choice. Also, food, culture, safety, medical level and political system are various and different depending on the country they are dispatched to. Even today, when the world has become so small, I think it still requires great effort and determination to fulfill their mission in developing countries.

In 2020, with the COVID-19, which is an unprecedented external restriction, I assume many experts had to return to Japan against their wish, while some new experts had to be on stand-by. I cannot even imagine the frustration and difficulty they experience, waiting to be re-dispatched for more than six months, when the period of their dispatch is limited, feeling "I want to go but cannot." Some struggles occur by "going", but I guess some struggles occur by "not going" as well.

The past ten years of experience in engaging in legal technical assistance along with legal experts from Japan have been so precious; what little experience I had in interpreting/translating the Laotian language was full of intellectual adventure. I do not know what is waiting ahead

of me in Laos with my mission, but I plan to offer as much support as I possibly can with the ongoing Project for some more while.

Zen Buddhism teaches: “No matter where you are, as long as you proactively take on the initiative to act being true to yourself, your day-to-day life will be full of truth [Zuisho ni shu to nareba, rissho mina shin nari.]” It is my belief and faith that no matter where it is you are dispatched to for international cooperation/legal technical assistance, or no matter what kind of role/job you have, as long as you do not forget your “mission” and tackle with your assigned work on your own initiative with a strong resolve, surely a path will open up for you.

ONLINE MEDIATION TRAINING

INABA Kazuto

Professor at Chukyo University and Former Judge

0 Introduction

I was request by ICD to write an ICD NEWS article on our Bangladesh Online Mediation Training. This training was not an overnight product; it was a product of many years' accumulation of experiences in my career ever since my studying abroad in 1994 as a visiting researcher at the United States Supreme Court, and as for my relationship with JICA, accumulation from providing local trainings using the JICA net in 2006. It is also a product of efforts under the COVID-19 crisis. Looking back on such history will lead to understanding of the cooperative relationship between JICA and ICD, long-term experts and in-Japan experts engaged in legal technical assistance, and in particular the strategy of establishing "Mediation" in Asia. Eventually it will lead to understanding of the intention and efforts of this program; therefore, I begin with looking back on the history.

JICA's Cooperation for Mediation in Asian Countries

Mongolia (2004-15)
Indonesia (2007-09)
Timor-Leste (2013-14)
Nepal (2013-2018)
Myanmar (2016-)
Bangladesh (2017-)
Vietnam (2018-)

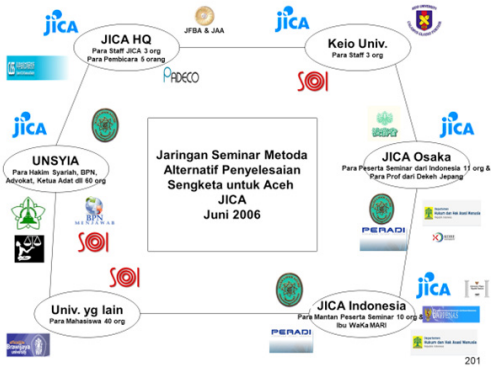
1

I have engaged in all countries except for Timor-Leste

1 It all began with assistance for *tsunami* affected area

The large-scale Earthquake of Sumatra occurred at the south-eastern coast of Kota Banda Aceh on Dec. 26, 2004 (Magnitude 9.1) and Aceh suffered catastrophic tsunami damages.

In the midnight of Dec. 26, 2004, I had a dream of this tsunami. I also lost a female acquaintance who worked at a publishing company from this tsunami. It was the beginning of my many years' involvement in legal technical assistance that I took participation in the assistance by JICA and Japan Federation of Bar Associations (JFBA) "Mediation Project" for Aceh suffering from damages of the earthquake and tsunami in Sumatra. In Aceh, 100,000 people out of its 260,000 population were killed by the tsunami; the houses and land were also drifted away. It caused various problems of day-to-day livelihood, especially land-related issues and inheritance. It was difficult to resolve them at regular religious courts in Indonesia. Thus, assistance was requested to Japan, which has long history of Mediation and experience of assistance for the Great Hanshin-Awaji Earthquake. As a lecturer, I provided a five-day lecture with mock mediation to share knowledge and practice (with the help of attorneys Kimitoshi YABUKI and Tsutomu HIRAISHI) in 2006 using the JICA net which connected Tokyo and Indonesia. (Mediation training began online using the JICA net)



After the training, Mediation was conducted around the damaged areas, enabling people to use easy and inexpensive Mediation without having to travel to court; it contributed to the revival of Aceh avoiding chaotic situations. To be specific, the Shariah (religious) court in Ache had 2,167 regular cases in 2004, the previous year of the tsunami; in 2005 after the tsunami, 4,535 cases were filed. Partition of inheritance increased to 8,083 cases in 2005. Mediation was evaluated for its effects to handle the increased cases which were disputes over inheritance of land ownership related to Aceh tsunami disaster.

Attempt at ex-post evaluation of the Assistance for Indonesia to Strengthen ADR System in Ache after the Great Tsunami Disaster Investigation and consideration of the Sharia Court

Table: Number of cases received by the Ache Sharia Court before and after the tsunami disaster in 2004 (total in the Province)

	Ordinary civil cases	Cases of estate partition consultation confirmation	Cases of adoptive parent and child
1998	3,020	·	·
1999	2,029	·	·
2000	1,288	·	·
2001	1,078	·	·
2002	1,675	·	·
2003	1,676	·	·
2004	2,167	·	·
2005	4,535	8,083	2,258
2006	3,919	770	354

Translated and provided by Mr. Mitamayama

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From 1994 to 1995, I had the opportunity to study ADR in the US. As for Mediation, I created the Mediation Training Program (2004/2005 editions) by the Ministry of Economy, Trade and Industry (METI) and made DVDs (I compiled them) for each step of Mediation. This is when I met attorney Yabuki who also participated in one of the trainings. (Japan version Mediation training program which preceded)

Official Training Resource for Mediators in Japan
ADR JAPAN

FY2003

METI/Research Institute of Economy, Trade and Industry
Society on the study of capacity-building
for prospective mediators/arbitrators who can shoulder ADR
http://www.adr.gr.jp/training2003/index.html

FY2004 Basic Course

METI/Economic and Industrial Policy Bureau
JCAA/JAA
Committee for preparation of training materials
for mediators/arbitrators
http://www.jcaa.or.jp/training2004/index.html

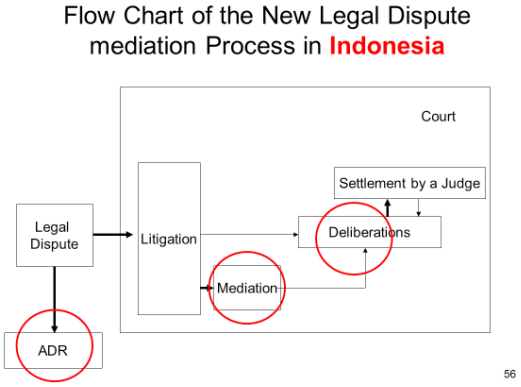
FY2005 Intermediate Course

METI/Economic and Industrial Policy Bureau
JCAA/JAA
Committee for preparation of training materials
for mediators/arbitrators
http://www.adr.gr.jp/edu_mdl_cls.html

Asahi Shimbun reported on this training as "'Mediation is taught to tsunami affected area" (Dec.27, 2006. Hiroshi KONISHI). It was highly evaluated by participants of the seminar (Indonesian people): "This can resolve the disputes on border/width of land in a way both parties will be satisfied. The method taught is very helpful." (Mediators assisted the affected areas). With these deliverables, the Supreme Court of Indonesia and JICA established a project to expand Mediation annexed to courts.

Revision of the Supreme Court Rules concerning settlement and mediation annexed to court
Preparation of programs pursuant to the revised Rules concerning training of judges and other mediators, training of lecturers, and training of secretaries and lecturers in date management
Provision of training according to the programs
Holding of seminars on public relations, etc. by inviting Japanese lecturers
Provision of training in Japan (in 2007 and 2008)
Preparation of DVD for training of mediators
Notes to the revised Rules, preparation and distribution of a Q&A compilation
Holding of seminars on public relations in Jakarta and other regions

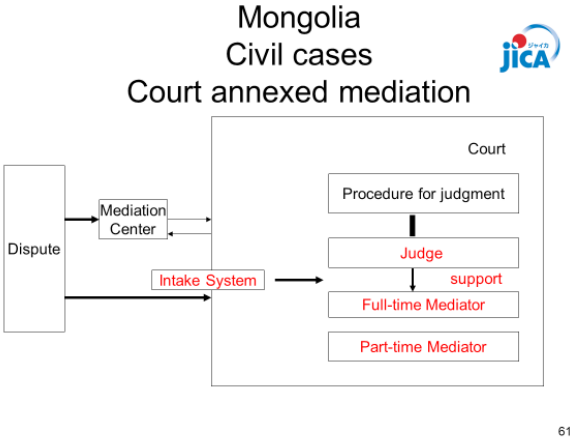
The project requested, because the Indonesian Supreme Court was not able to use existing mediation annexed to court effectively and thus unresolved cases were increasing, to amend the court Rules (Supreme Court Rules on mediation procedure at court) and training for mediators. As a result of JICA's assistance with the long-term expert attorney Tamaki KAKUDA etc. the Rules were amended. My mediation program was added to the training for judges, and DVDs were made referring to Japan's training.



This project finished in two years as one of JICA projects, however, ICD's assistance as follow - up continued. Alongside, Japan-Indonesia Lawyers Association (JILA) was established in 2012, of which I am the Director, by former judge/then professor at Gakushuin University Mr. Yoshiro KUSANO and others. Each year, events e.g. lectures take place at Indonesian Supreme Court or universities in Indonesia. (Indonesia was a pioneer country to have mediation annexed to court)

Myself delivering a lecture at University of Indonesia

2 Mediation blossoms in Mongolia



"The Project for Strengthening Mediation System" was adopted as a new JICA project (Phase 1) for FY 2009, aiming to introduce mediation in Mongolia using the Mediation Center, which was a deliverable of "The Project for Strengthening the Association of Mongolian Advocates" conducted in 2004 to 2008. Strengthening the function of legal/judicial system and related organs has been a priority in Mongolia since the introduction of market economy in 1990; thus, mediation annexed to court was newly established in order to resolve simple cases or cases apt for resolution through negotiation such as small claim actions or divorce cases, letting court hearings for litigation cases improve. Since mediation can resolve disputes speedily and fairly, the needs for it was judged very high. During Phase 1, in order to introduce mediation with civil/domestic relations cases in Mongolia, mediation flow was prepared introducing mediation at pilot courts. Also, capacity-building of mediator trainers and mediator candidates were prepared as well as the system for nationwide introduction of mediation.

Myself at Mediation Training in Mongolia

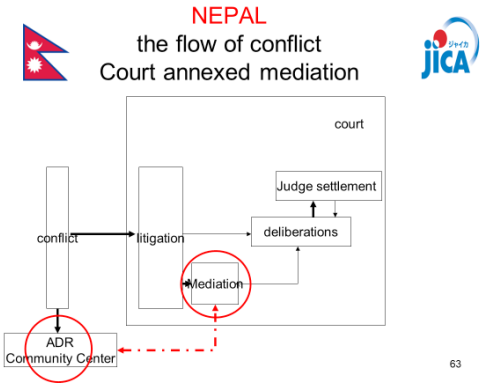
In May 2012, the Mediation Act was enacted. As legal environment was prepared for the nationwide introduction of mediation, by July 2013 the Supreme Court of Mongolia introduced mediation in all first instance courts in Mongolia upon enforcement of the Mediation Act. JICA adopted Phase 2 to assist this. Through the two Phases, I represented Japan committee; it finished successfully in 2014. During these times, mediation trainings were conducted in Mongolia, which were succeeded by the long-term expert (attorney Hideo OKA) and judges. In 2020, after five years since it ended, I went back there as follow-up via JICA; I learned that training for new mediators was a challenge for them.

The latest (Feb.2020) information shows that initially when mediation was introduced, 8.1% of total cases (approx. 30,000 cases) were resolved by mediation. In 2019, it increased to 19.8%. Success rate of mediation throughout the six years is 87.8% for civil cases, 69.8% for individual labor cases and 13.8% for domestic relations cases.

- Mongolian Mediation Act has uniform rules of mediation for "outside court" and "inside court".
- Mediation rule inside the court stipulates in the text of law that mediator is "strictly restricted to make legal judgment". It is the very first law in the world to include modern-type mediation explicitly with distinct division of "judgment procedure" and "mediation".
- Full time mediator at court receives a training and conducts mediation.

(Mediation annexed to court brings visible successful result in Mongolia)

3 English Materials Prepared in Nepal



In Nepal, after ten-year civil war, comprehensive peace agreement was made between the government and Maoists in November 2006. In January 2007, interim Constitution was promulgated and monarchy was abolished upon establishment of constitution-forming parliament in May 2008; Nepal made its transition to a federal democratic republic. To promote democratic Nepal peacefully, the Supreme Court began the measures based on the Second Five-Year Strategic Plan of Judiciary; delay of litigation was a serious problem with the ratio of concluded cases in a year to those filed in the same year was only a little over 40% and as much as 40% of cases took more than three years until they were concluded. It led to loss of trust to court by Nepali people. Judicial mediation, which was encouraged in the Five-Year Strategic Plan, was expected to be used as an alternative simple dispute resolution for a trial; however, due to lack of understanding of the system, it was not actively used. Frequency of use largely differs from area to area; since not many cases were resolved by judicial mediation due to lack of mediators' capacity, the "Project for Strengthening the Capacity of Court for Expeditious and Reliable Dispute Settlement" was adopted with the Supreme Court of Nepal as the counterpart (project period: Sep.1, 2013 to Mar.31, 2018); I joined as an in-charge person for Japan side Judicial Mediation Project and involved in mediation promotion activities in Nepal, while conducting a three-day training with the long-term expert (attorney Satoko TOMITA).

Court in Dang

English materials for the training were made here with the help of attorney Tomita. The English materials are accessible to all parts of the world from JICA website. (English materials for the Nepal Mediation Training were made)

4 Vietnam, Myanmar and Bangladesh

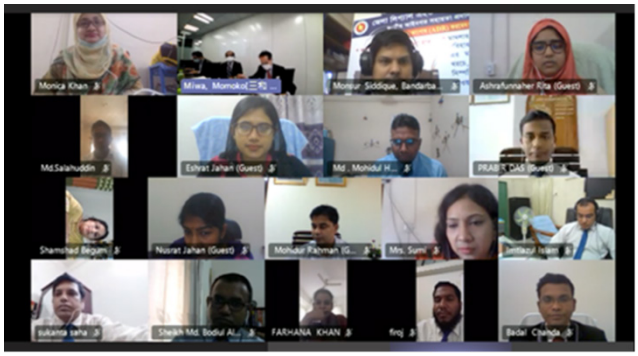
Since then, I have conducted trainings in Vietnam (twice, each for two days), Myanmar (once for two days) and Bangladesh (twice, each for three days) through similar framework of JICA in addition to training in Japan where I used the program made in Nepal; however, due to COVID-19, it is now difficult to cross borders.

Training for Judges in Vietnam (Pre-COVID-19)

Training for Judges in Bangladesh (Pre-COVID-19)

5 Reality of Bangladesh Training

As I thought on how JICA can assist each country under COVID-19 crisis, with some thoughts I and Ms. Yuri IDE of JICA Law and Justice Team shared, and with the help from ICD, we decided to prepare an online training. And thus, Mediation Online Training (Microsoft Teams) was held 12pm to 7pm October 28, 2020. From Bangladesh, the Joint Secretary of Ministry of Law, Justice and Parliamentary Affairs and 40 judges participated. I will introduce how it was conducted.



Below is how the online training was conducted:

（1） There were total of 10 modules; Overview was prepared for each module.

Thanks to this, receivers could be prepared for what they would be learning, what deliverables were expected. They could watch with such specific understanding. Below is one example.

Lecture

- **Outline Module 7**

Title, number of slides, time

- Listening skills 15 slides, ~25 min.

Module overview

- This module focuses on techniques used in mediation.
- You will learn some common techniques. You will learn when to use them and what effects they have, and will practice them until you are used to them and can perform them easily.

Key message from the lecturer

- 1. Learn about open-ended questions.
- 2. Learn how to clarify.
- 3. Learn how to reflect feelings.
- 4. Learn how to paraphrase ideas.
- 5. Learn how to summarize.

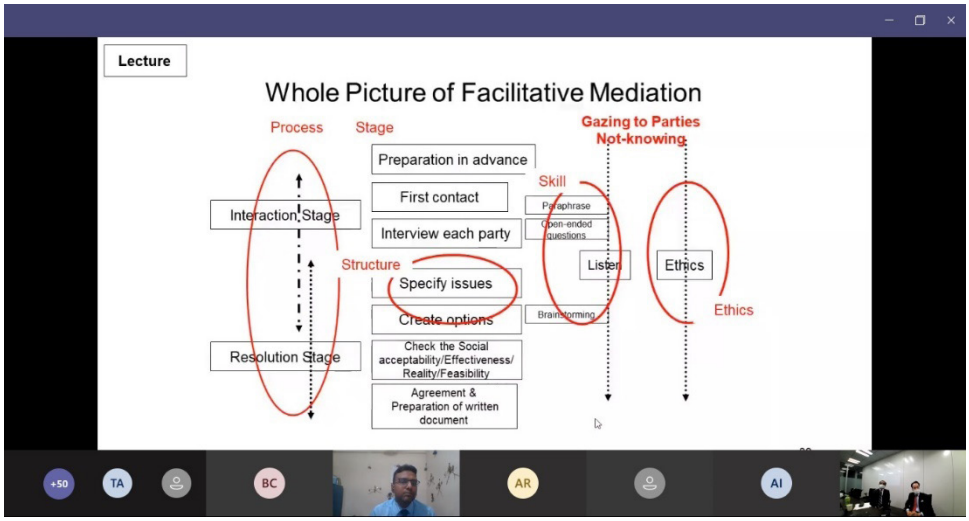
Module objectives

- When you have completed this module, you will:
- 1. Understand common techniques.
- 2. Understand when to use common techniques and what effects they have.

（2） English PPT was prepared in advance at modules . As I gave a lecture in Japanese (with some gesture as well) with English PPT and Bengali interpreter (Mr. Aoyama), participants in Bangladesh watched using Teams and we communicated using the chat function. There was no mock mediation. Program of the day was as below:

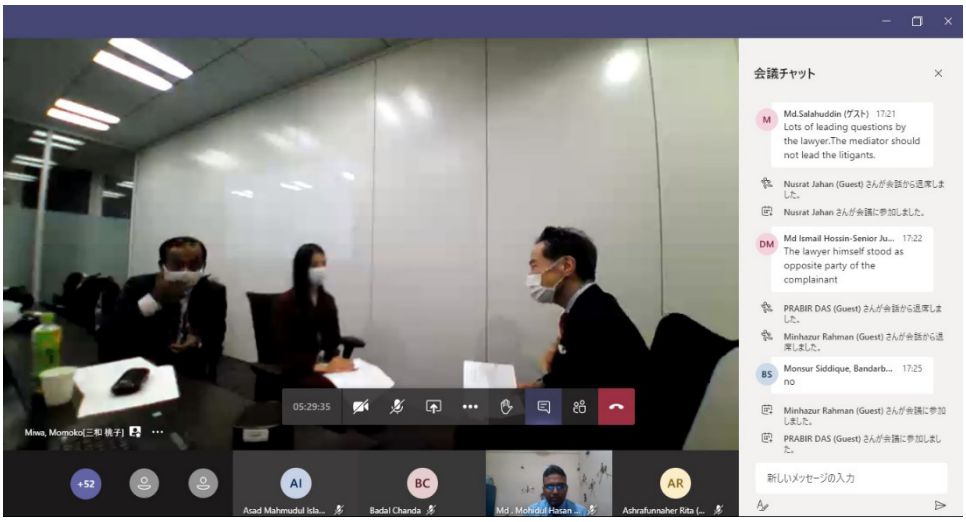
Module	Title	Module overview
1	Concepts and Structure	➢ Introduce the creator and lecturer ➢ Connections between Japan and other countries through mediation ➢ Types of remote training: Real time vs. On demand ➢ Outline and PPT presentation with video ➢ Workshops and videos
2	What is Mediation? Share the Common Image of Mediation	➢ You will learn the characteristics of mediation and its advantages and disadvantages among dispute resolution methods. ➢ Someone consulted you about a case. Think about the potential and characteristics of mediation based on the solution you propose. ➢ Use that to understand the methods of learning mediation. ➢ It is especially important to know how mediation differs from litigation by legal experts (such as judges and lawyers).
3	Pre-Mediation Training	➢ You will participate in preparation work to learn about mediation focused on dialogue and learn about the characteristics of mediation through icebreakers and by recognizing the sense of purpose. ➢ This will help you achieve a mediator mindset.
4	Whole Picture of Process Mediation	➢ You will understand that mediation is carried out in stages and learn what mediators do at each stage and how they do it.
5	Trust, Safety and Security	➢ You will learn what is needed to create mutual trust between the mediator and the parties in mediation
6	First Meeting	➢ This module focuses on a scene in which the mediator meets the parties for the first time and starts mediation. ➢ You need to utilize everything you have learned so far to determine what expectations and anxieties the parties have, how to respond to those expectations and anxieties, and what explanations to give to encourage acceptance of mediation.
7	Listening Skill	➢ This module focuses on techniques used in mediation. ➢ You will learn some common techniques. You will learn when to use them and what effects they have, and will practice them until you are used to them and can perform them easily.
8	Difficult Situations	➢ You will read the signs to avoid a potential difficult situation before it happens and consider ways of dealing with difficult situations when encountered.
9	Ethics for Mediator	➢ You will learn that there are times to stop what you are doing during mediation from an ethical standpoint and that mediators need to know and be sensitive to ethics. ➢ You will think about why mediators need to know and be sensitive to ethics and learn what ethical conduct entails in typical situations.

10	Mock Mediation	➢ You will carry out a mediation from start to finish. See how well you can put what you have learned into practice, reflect on your weaknesses, and learn the steps towards self-improvement.



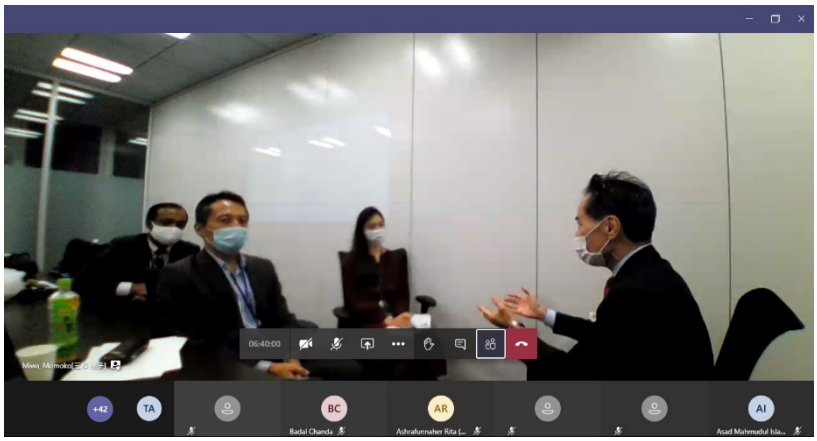
Explanation using PPT. Right bottom photo is Japan.

（3）Role-playing is also inserted.



Role-playing of Consultation（Left: Mr. Aoyama, interpreter; Center: Ms. Miwa, JICA playing the role of a person seeking legal advice; Right: Myself playing the role of a lawyer）

We played according to the script of good/bad examples of consultation; watching it can give participants direct impression of good/bad consultation.



Mediator playing the opening scene in front of both parties
Mediator (myself, right) meets both parties for the first time at the mediation table and explains what mediation is and mediation rules etc. (Second from left is Petitioner (attorney Mr. Komatsu), and second from right is the other party (JICA Ms. Miwa).

After the training, we received messages as below. It is these messages that keeps me going with the effort for legal technical assistance.

[18:50] saluknodi

Thanks to all for arranging such a nice meeting...hope it will be helpful in our regular judicial activity

[18:51] Eshrat Jahan

I am highly indebted to my authority. JICA, and especially to Prof. Inaba for providing me the opportunity to attend in this wonderful training.

[18:53] Badal Chanda

Today's session was really interesting and thanks to Prof. Inaba and all concerned for arranging this meeting.

[18:53] Md . Mohidul Hasan

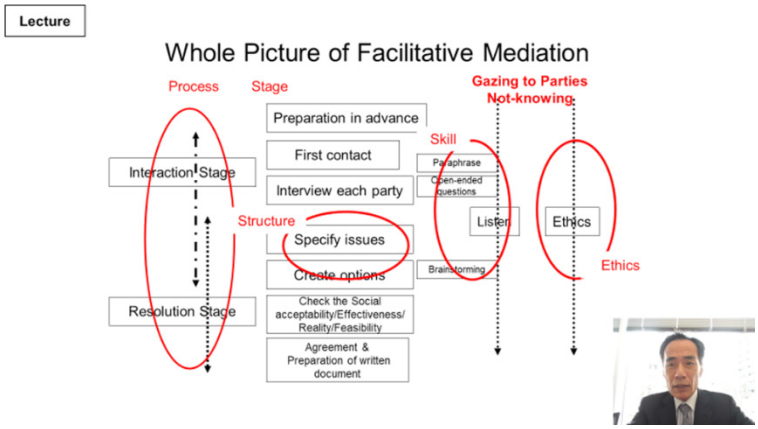
Thank you Pro. Mr Inaba to play the successful role today.

[19:00] Ashrafunnaher Rita

I express my heartfelt gratitude to our respected authority for arranging such an online training and providing me an opportunity to be a part of this. The role of prof. Inaba was very praiseworthy and the total session was really enjoyable.

6 Ongoing, Further Improvement

After the Bangladesh training, further improvement was made to the materials; Image of the lecturer with audio is shown on the right bottom.



In addition, **videos are played for each mediation stage of a typical employment dismissal case, which can be found in all countries.** By using them, trainings can be flexible depending on COVID-19 situation or local communication environment. For instance, some will be presented by the lecture and others will be studied in advance on their own as on-demand materials. It was made possible thanks to active involvement by JICA members and the ICD professor (I wish I could show you how passionately Prof. Kuniyuki MURATA acted.)

Mediation video was made in this room JICA office.

Employment Dismissal Case
O（Okura, male, late 30s, single）worked for N Transport Corp. as a part time worker for ten months and was suddenly dismissed one month ago. Y (Yoshinaga) of N Transport in charge of labor affairs explained that the dismissal was due to the decrease of distribution resulting in excessive delivery workers. O had worked hard, liked the job, so he was not convinced by this explanation. He made a complaint to Y, but it was not going anywhere. N Transport did not notify the dismissal in advance. It did not pay any dismissal allowance, either.
1　Recommend mediation at Mediation Center
2　Call the other party (by phone) and invite to mediation
3　Mediation Day/First encounter with both parties/Opening
4　Listen to one party (Petitioner)

5　Listen to the other party (the other party)
6　Support negotiation between parties
7　Prepare written agreement
8　Difficult Situation (1) One party got emotional and violent. (2) One party cannot compromise even one step because of his position at the company (3) Request by the party for another session as he is not authorized to make any decision
9　Mediator's Ethics (1) When the party does not agree with separate interview from the other party for negotiation (a) Beginning of mediation (b) Halfway of mediation (2) When suspicion is raised against impartiality of mediator (3) When mediator is asked to express an opinion

7　In Closing

I began to engage in legal technical assistance (promotion of mediation inside court) for many countries with a small, unintended opportunity. I feel the importance of raising capable people in continuing the assistance for a country as well as designing of the system. I also want to be cautious in emphasizing the importance of facilitative mediation to countries where the procedure for redress (trial) of one's right is not sufficient.

Our capacity-building for mediators aims to have participants understand that the role of trial, judge, mediation and mediator is different, hoping they would be able to have diverse considerations rather than merely obtaining the techniques. It aims to have them understand the "feelings/concerns of the party", which is not included in training provided by the US and European donors. It also emphasizes ethics. We will use this material as a standard one and customize it for each country with unique sample cases.

With the online training, efforts were made so participants would feel the real mediation, by using the PPT with audio, image and video at each stage. Amid COVID-19, the needs for online trainings is expected to increase; I hope to make efforts by using breakout session just as it is an in-person situation, so participants can act in real time, and develop online sessions where we can present how real mediation is conducted. I hope they will use it in Mongolia, Myanmar, Vietnam and all over the world. Trainings are, without doubt, evolving.

（*1）INABA, K. (2014, November). Assistance for tsunami affected area of Aceh Indonesia to that of Great East Japan Earthquake: The Possibility of Community reconstruction by Process Counseling and Facilitative Mediation. Disaster and Law.

（*2）INABA, K. (2016, March). Mediation model and how to proceed mediation. JFBA,

Jiyu to seigi [Liberty and Justice].

（*3） INABA, K., IRIE, H. Nihon ni okeru taiwa sokushingata doseki choutei wo kangaeru [Thoughts on parties-at-the-same-table, facilitative mediation in Japan]. Arbitration-ADR forum on printing

Mediation/Mediator are used convertibly with Japanese Chotei/Chotei-nin in this article.

‘ALTERNATIVE DISPUTES RESOLUTION’ URGENCY TO INSTITUTIONALIZED IN BANGLADESH

Ummey Kulsum
Joint Secretary
Law & Justice Division
Ministry of Law, Justice and Parliamentary Affairs

Introduction

The government of Bangladesh is actively exploring options to increase the use of Alternative Dispute Resolution (ADR) mechanism with a view to reducing backlogs and delays in court system. According to the statistics of the Supreme Court of Bangladesh, more than 30 lakh cases are pending with courts across the country causing litigants to endure long waits for justice. It is apprehended that if this trend continues, the number of case load would be five million by 2025. These statistics are enough to understand the picture of overburden cases in the Court. It would not be an exaggeration to state that in the wave of large number of case backlogs, a vast number of people are being deprived from access to justice and failed to vindicate their legal entitlements. To tackle the backlog of cases and ensure access to justice, ADR becomes indispensable to establish effective justice delivery system. Insensible drafting of laws, procedural complexities, absence of people- friendly lawyers, highly expensive cost, unreasonable delay in disposal of case, absence of adequate staffs and instruments are the core reasons that make the justice system inaccessible to a large number of people in Bangladesh. Though the Constitution of the People’s Republic of Bangladesh guarantees equal protection and application of law for all citizens, a vast number of people are being deprived from access to justice. Financial incapacity along with other socio-economic conditions are the driving factors that make them vulnerable and their rights remain unrealized. ADR is not a panacea to come out from all the evils, rather it is an alternative tool by which people can avail justice in a friendly way. Access to courts involves cumbersome procedures that generate a sense of fear among the litigants while ADR facilitates to settle disputes amicably and quickly going beyond the complex procedure of court system.

A. Background of ADR in formal legal system of Bangladesh

The origin of ADR in the legal system of Bangladesh can be traced back to ancient time. It is applied in different situations in different ways, both formally and informally. In ancient time ‘Salish’ was a primary forum in the rural Bengal. In such a ‘Salish’, the local people participated in the process where decision was taken on the consensual basis. Panchayat model was introduced in 1870 during the British period

In 1919, the Bengal Village Self Government Act was introduced, and Union Courts were set up to resolve disputes locally.

Later, the government established the Rin Shalishi Board to keep peasants free from the Mahazons and the moneylenders and also to avoid clashes. Later, the Family Court Ordinance of 1961 and the Village Court Act of 1976 were introduced, and authority was vested on the Chairman of Union Parishad to try petty local cases and small crimes committed in their area and take consensual decisions. These were later strengthened in 1985 with additional power to cover women and children's rights.

NGOs assisted mediation especially in family related matters, which is a popular method of dispute resolution to the marginalized people. Formal introduction of ADR has been framed by the amendment of Court of Civil Procedure in 2003 and 2004.

B. Scope of ADR under laws in Bangladesh

In years, various laws have been enacted with the scope of Alternative Dispute Resolution process. A chart is given in the following to see the list of laws at a glance -

Serial	Law	Section	Mediator
1	Code of Civil Procedure Act, 1908	89A, 89B, 89C	The Court or Panel of Mediator or Legal Aid Officer
2	The Artha Rin Adalat Ain,2003 (Money Loan Court Act, 2003)	22, 23, 24, 25	The Court itself or Mediators
3	Family Courts Ordinance, 1985	10(3), 10(4) & 13	The Court
4	Village Courts Act, 2006	6 (kha)	By representatives of the local government and appointed representatives of both parties
5	Arbitration Act, 2001	12	The Court
6	Conciliation of Disputes (Municipal Areas) Act, 2004	3 and 6	The Conciliation Board (representatives of local government)
7	The Labour Act, 2006	209-213	Chief Inspector or officer authorized by the Chief Inspector
8	Customs Act, 1969,	192A to 192 K	Facilitator
9	Income Tax Ordinance, 1984	152 F to 152 S	Income tax authority, Taxes Appellate Tribunal or Court

10	The Value Added Tax Act, 1991	41 Ga	Facilitator and representative of Parties
11	Legal Aid Services Act, 2000	21 ka	Empowered Legal Aid Officers for Alternative Dispute Resolution under Jurisdiction of any law
12	Code of Criminal Procedure, 1898	345	As per condition mentioned in the Chart of Section 345

1. Code of Civil Procedure Act, 1908

In 2003, special provision of Alternative Dispute Resolution has been introduced by inserting section 89A, 89B and 89C in the Code of Civil Procedure. This was the first time when mediation process was inserted in legal system. As per provisions, except in a suit under the Artha Rin Adalat Ain 2003, after filling of written statement , if all the contesting parties are in attendance in the court in person or by their respective pleaders, the Court shall, by adjourning the hearing, mediate in order to settle the dispute(s) in the suit, or refer the dispute(s) in the suit to the concerned Legal Aid Officer appointed under the Legal Aid Act, 2000, or to the engaged pleaders of the parties, or to the party or parties, where no pleader(s) have been engaged, or to a mediator from the panel as may be prepared by the District Judge under sub-section (10) of 89 A, for undertaking efforts for settlement through mediation.

2. The Artha Rin Adalat Ain, 2003 (Money Loan Court Act, 2003)

Section 22 of the Artha Rin Adalat Ain, 2003 (Money Loan Court Act, 2003) describes that after submission of written statement by the defendant, the Court may refer the case to the engaged lawyers or may send the dispute to the parties for settlement. It is mandatory for the Court to send the case for settlement through mediating efforts if parties submit petition to the Court for settling the case through mediation.

3. Family Courts Ordinance, 1985

Family Courts Ordinance, 1985 is a special law to deal family matters specially dissolution of marriage, restitution of conjugal rights, dower, maintenance, guardianship and custody of children. In this law, the word 'mediation' is not mentioned anywhere but there are some provisions which appear as the process of ADR mentioning as pre-trail and post-trial proceedings. In pre-trail proceedings, after submission of written statement and documents, the Court shall ascertain the points at issue and attempt to affect a compromise or reconciliation between the parties. And in post trail proceedings, after the close of evidence

of all parties, the Court shall make another effort to affect a compromise or reconciliation between the parties.

4. Village Courts Act, 2006

The jurisdiction of a village court is defined in section 6 of the Village Court Act, 2006. The section states to settle any dispute, a village court shall be constituted in the union where an offence causing such dispute has been committed or where the cause of action has arisen. However, if all the parties to a dispute do not live in the same union where an offence causing such dispute has been committed, or where the cause of action has arisen, parties who come from a different union may nominate members from their respective union.

5. Arbitration Act, 2001

The preamble of the 'Arbitration Act, 2001' specifically states that "an Act to enact the law relating to international commercial arbitration, recognition and enforcement of foreign arbitral award and other arbitrations.". The act is applicable to domestic arbitration. The Arbitration Act includes three types or methods of arbitration:

a) Arbitration without the intervention of the court.
b) Arbitration through court when no suit is pending.
c) Arbitration of a suit.

6. Conciliation of Disputes (Municipal Areas) Act, 2004

Under this Act, "Conciliation of Disputes Board" or "Board" is established to conciliation of disputes in municipal areas. Under section 6, if the offence is committed in the municipal area for which the Board has been established or the cause of dispute arises regarding that matter; in such case it is irrelevant whether any party lives outside the area concerned.

7. The Labour Act, 2006

The Labour Act, 2006 has discussed about the rules and procedures relating to industrial dispute resolution through ADR techniques from Section 209 to 213. According to Section 2 (62) of the Labour Act, 2006, an industrial dispute may relate to a dispute between owners and labourers, between laboureres, or between owners. Accordingly, Section 209, an industrial dispute is deemed to exist only when such dispute is raised by an owner or any bargaining. Section 2(49) states that owner includes any person who employs labour in an organization, or any other person who is heir of such owner, any director or executive assigned with a duty to run an organization, or any person employed by the head of the Ministry or Division to run a state-owned enterprise etc.

8. Customs Act, 1969

In 2011, alternative dispute resolution was inserted in the Customs Act. Section 192A states that notwithstanding anything contained in this Act regarding adjudication or disposal of

any dispute as defined and mentioned in section 192C which may or may not be pending with concerned customs authority or customs and Value Added Tax appellate authorities, any importer or exporter or pre-shipment inspection agency concerned in such disputes, may apply to the concerned authorities for the resolution of the dispute through the Alternative Dispute Resolution process in the manner as laid down in the next sections and rules and resort to ADR must precede the completion of the procedures under adjudication or appeal provisions of the Act.

9. Income Tax Ordinance, 1984

In 2011, "Chapter XVIIB" was added by Section 49 of the Finance Act, 2011 (Act NO: X11 of 2011) and such, new chapter on 'Alternative Dispute Resolution' was introduced in Income Tax Ordinance. As per Section 152F, notwithstanding anything contained in Chapter XIX, any dispute of an assessee lying with any income tax authority, Taxes Appellate Tribunal or Court may be resolved through Alternative Dispute Resolution in the manner described in the next sections of the chapter and rules made thereunder.

10. The Value Added Tax Act, 1991

In 2011, section 41ka to 41that were inserted in the Value Added Tax Act. Section 41(Uma) (4) of the Value Added Tax Act, 1991 provides for referral of VAT disputes by the Supreme Court of Bangladesh to appropriate authority for resolution through ADR process. Such reference may be made by the Honorable Court suo moto or upon application of the aggrieved person. However, referral to ADR upon application by an aggrieved person is conditioned by prior permission of the concerned Division (Bench). The provisions of the Act have been supplemented by the Value Added Tax (Value Added Tax) Rules, 2012.

11. Legal Aid Services Act, 2000

In 2015, District Legal Aid Office under National Legal Aid Services Organization is introduced as the first law-accredited institution that can resolve disputes between the parties through mediation process by pre-case and post-case mediation management. In order to implement this objective, the Honorable Minister Mr. Anisul Haque, Ministry of Law, Justice and Parliamentary Affairs, raised the amendment bill of the Legal Aid Services Act in 2013, and unanimously the bill was passed by the Parliament. Such "legal aid officer" was inserted in the law with the empowerment to imply Alternative Dispute Resolutions under the jurisdictions of Court and Tribunal. Subsequently, Law and Justice Division of the Ministry of Law, Justice and Parliamentary Affairs issued a Gazette Notification on "Legal Aid Services (Legal Advice and Alternative Dispute Resolution) Rules, 2015" on February 7, 2015. Under Legal Aid Services Act, 2000 and Rule, the District Legal Aid Officer is

empowered to settle the disputes and cases through mediation in an alternative manner, both before and after the litigation.

12. Code of Criminal Procedure (CRPC), 1898

The scope of Alternative Dispute Resolution in criminal procedure is not vastly introduced but in limited way it was inserted in Section 345 of CRPC to compound some listed offences. Compounding an offence means to settle mutually by the alleged victim and the accused. Under CRPC, an offence is compoundable if it is one of the types of offences listed under the sixth column of 'Schedule A' read with section 199 of the CRPC provides a list of offences which can be compounded by aggrieved party without the permission of a court. Section 345 (1) of the Code of Criminal Procedure, 1898 provides a list offences which can be compounded by the aggrieved party without the permission of a court and section 345 (2) mentions the list of offences may be compounded by the aggrieved party only with the permission of a court.

C. Revolution in Justice System by introducing ADR in Legal Aid System

Law and Justice Division of the Ministry of Law, Justice and Parliamentary Affairs is relentlessly working to reduce case backlogs through developing a well-coordinated approach and building capacity of the relevant justice sector agencies.

For this purpose, concerned division of the Ministry is reviewing the existing laws, procedures and systems of the justice sector and recommending for appropriate method to improve the administration of justice and identify the ways for further improvement to provide legal aid and reduce case backlogs.

As a part of continuous reformation and to fulfill the constitutional obligation, the Government of Bangladesh has enacted "The Legal Aid Services Act" in 2000 with a view to provide free legal assistance to the poor and marginalized citizens of Bangladesh.

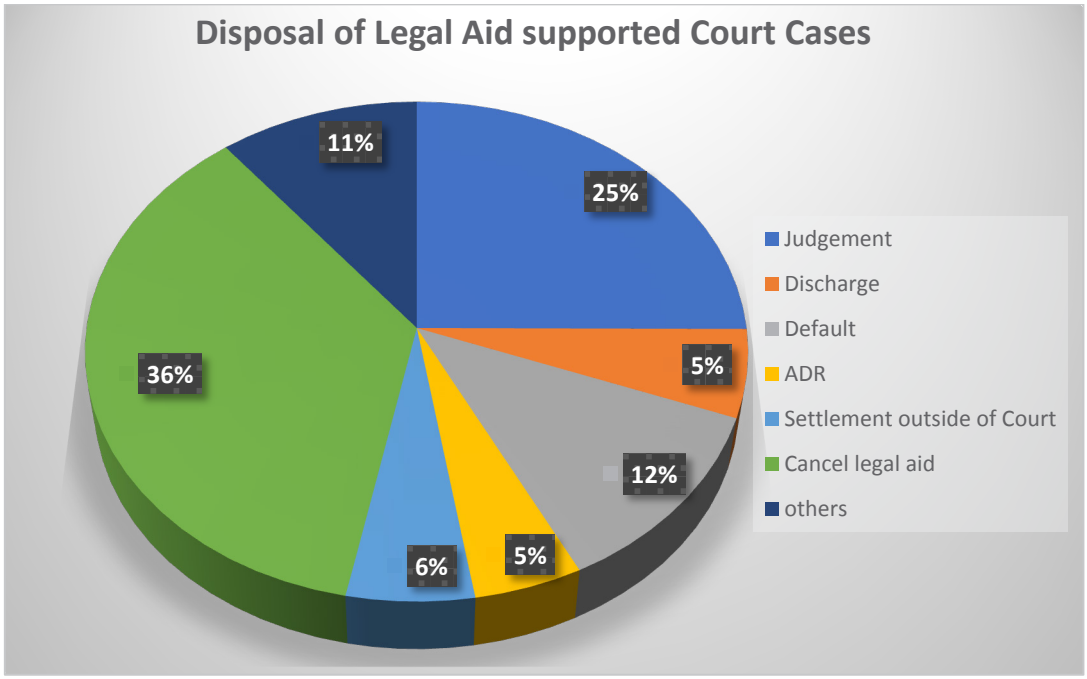
While running legal assistance program for the poor justice seekers, we experienced that most of these people do not want to go for full-fledged litigation. Instead, they want a solution which is amicable, speedy, sustainable and less procedural aspect involved. Hence, we felt the necessity of alternative dispute mechanism conducted by the Legal Aid Office. Under the leadership of Ministry of Law Justice and Parliamentary Affairs, National Legal Aid Services Organization has conducted numerous meetings, seminar, workshops, round table dialogues and survey to develop an effective ADR mechanism for District Legal Aid Offices. After extensive research, the Government has amended the Legal Aid Services Act, 2000 in the year 2013 by inserting section 21A which empowered the District Legal Aid Officer's to implement ADR through legal conduct at their respective Offices.

The Government has also framed "Legal Aid Services (Legal Advice and Alternative Dispute Resolution) Rules, 2015" to give comprehensive guideline for conducting pre-case and post-case mediation through Legal Aid Officer. Now Government Legal Aid Service is not only

confined on advice and legal assistance to the poor and marginalized people, rather it has an effective framework of ADR in the form of pre-case and post-case mediation system. I must say, addition of ADR mechanism in Government Legal Aid Service has brought a new feature in the existing judicial system of Bangladesh.

D. Disposal of Cases through ADR

To find out the scenario of implantation of ADR mechanism, the statistics of Disposal of cases were collected in 2017 from respective 20 District Courts. The data showed that there were only 2.24 percent cases disposed by ADR mechanism in regular court system. Besides, to consider the present disposal manner, the statistics of legal aid supported court cases are collected, it shows that 25% cases are closed by judgement, 5 % cases are closed by discharge order, 12 % cases are closed by default order, only 5% cases are closed by ADR and 6 % court cases are settled outside of courts. So, considering these two sources of disposal information, it is clear that till now the Court cannot implement properly ADR process to dispose case. Though the laws are amended, and it creates the opportunity to mediate the cases, maximum court cases are not disposed of by ADR.

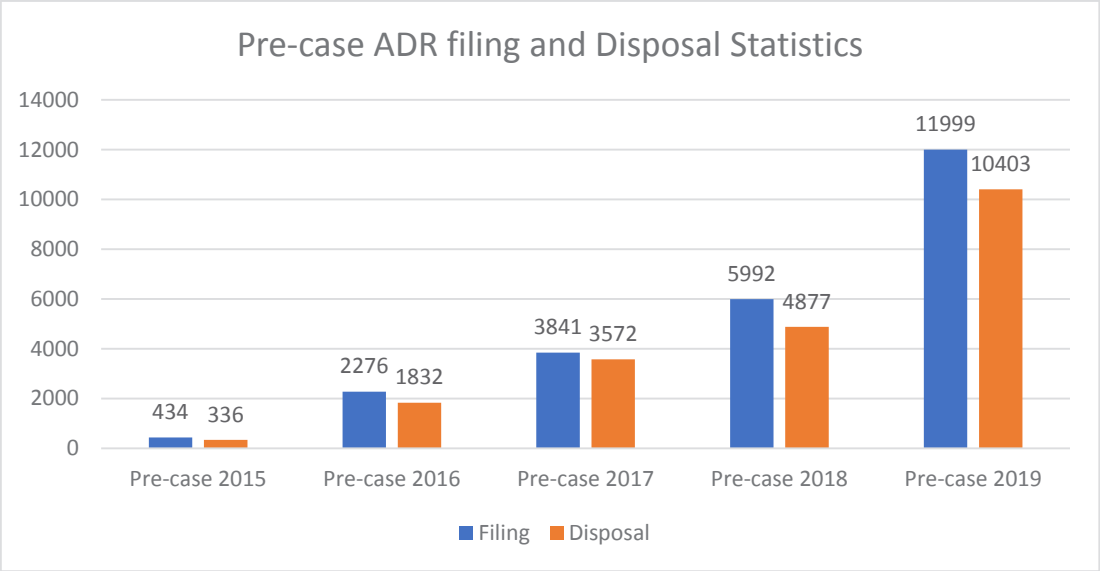


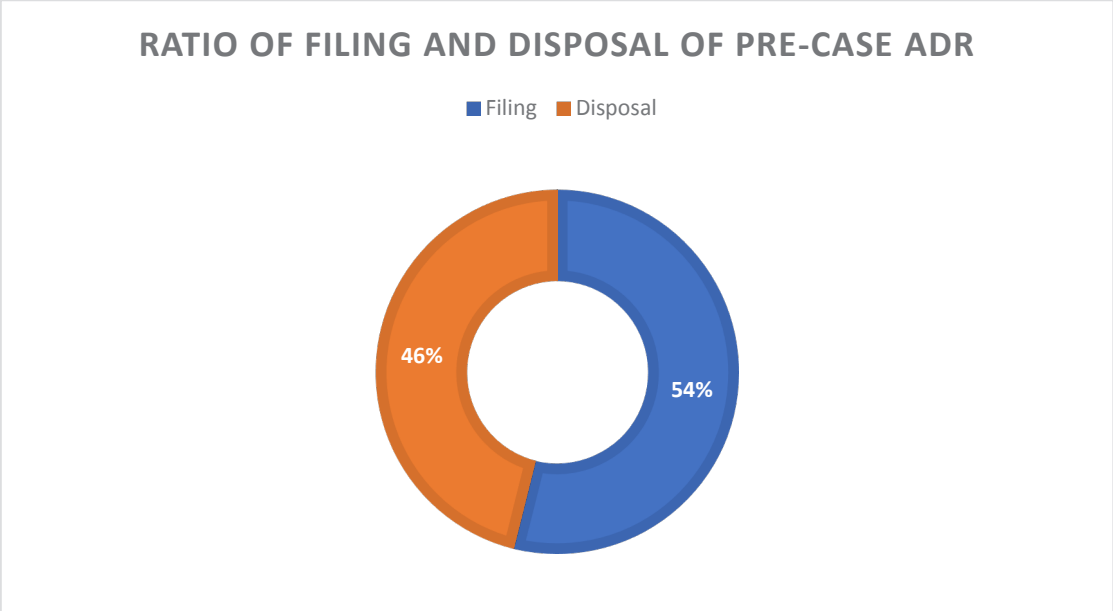
Source: 2019 statistics of NLASO, 64 districts' disposal of legal aid supported court cases.

Serial	District	Opening Balance	Institution	Total	Disposal	Disposal through ADR	Ratio
1	Dhaka	96060	42838	138898	24293	990	
2	Shariatpur	9493	4148	13641	2704	78	
3	Mymensingh	59100	14967	74067	10549	163	
4	Brahmanbaria	20455	9760	30215	7991	126	
5	Barisal	27035	8498	35533	6423	113	
6	Gaibandha	18921	4573	23494	4210	14	
7	Barguna	8891	4120	13011	3602	311	
8	Kushtia	22151	5394	27545	4619	57	
9	Narail	10156	3579	13735	2847	33	
10	Coxbazar	28922	7937	36859	5974	35	
11	Sherpur	14884	3780	18664	4017	48	
12	Gopalganj	16985	5632	22617	4474	17	
13	Sylhet	19025	16022	35047	7825	94	
14	Narayanganj	45445	13488	58933	10336	238	
15	Comilla	25694	10142	35836	7050	93	
16	Rajshahi	17485	5602	23087	3336	133	
17	Narsingdi	15797	7355	23152	7054	105	
18	Lalmonirhat	7577	5530	13107	2606	37	
19	Rangpur	21625	9523	31148	9184	144	
20	Noakhali	24202	8841	33043	6292	208	
					135386	3037	2.24

E. Effect of Amendment 'Legal Aid Services Act, 2000' and Promulgation 'Legal Aid Services (Legal Advice and Alternative Dispute Resolution) Rules, 2015'

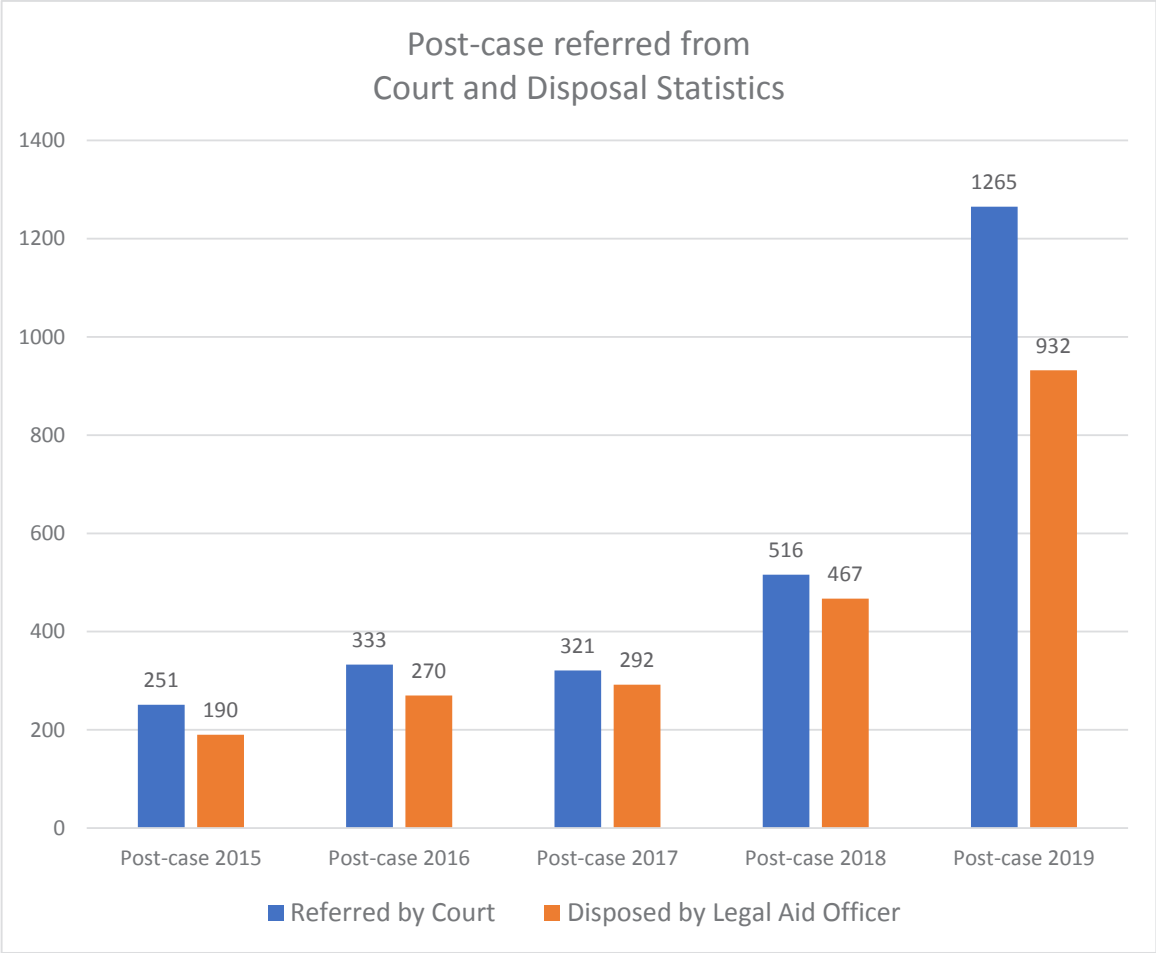
After promulgation "Legal Aid Services (Legal Advice and Alternative Dispute Resolution) Rules, 2015, the District Legal Aid Office has been formally and officially initiated to apply Alternative Dispute Resolutions method from July 2015.

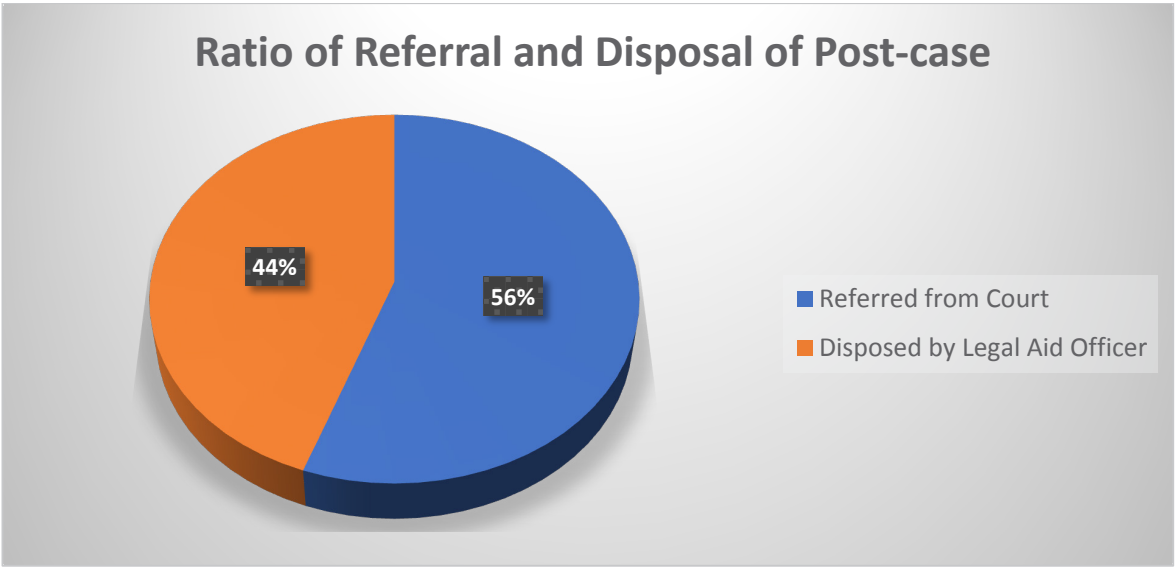




If we consider the statistics of district legal aid office, it shows that each year, the litigants are inspired more to do mediation. And simultaneously, if we analyze the disposal ratio of filling pre-case mediation application and disposal disputes, it shows that legal aid offices are successfully disposed of pre-case disputes in reasonable manner.

It is to be mentioned that the Government has taken initiative in 2017 to amend the Code of Civil Procedure to insert the legal aid officer and create a scope for the court to transfer the case to legal aid officer to mediate the cases as per its own Rules. In the following, post-case mediation statistics are provided:

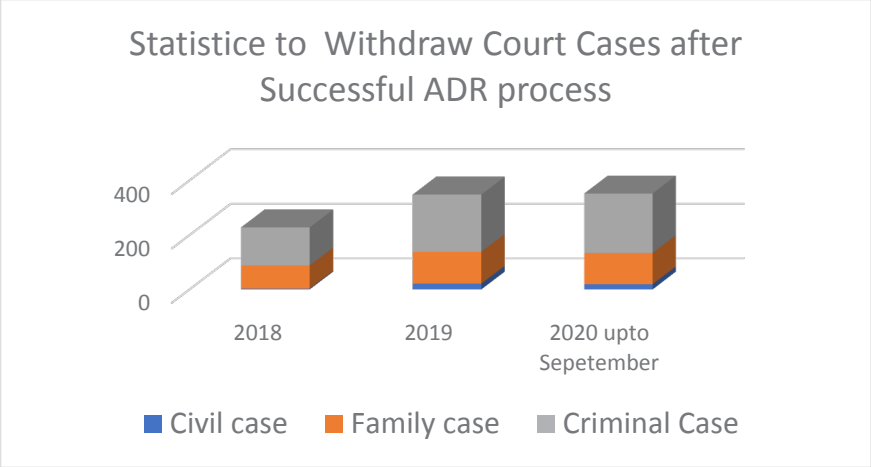




If we analyze the Post-Case ADR statistics of Legal Aid Office, it shows that legal aid offices are very successfully applied the ADR method and so, each year , the ratio of referred cases are increasing and the disposal rate is very significant too.

F. Success Story for applying ADR

The overall statistics of National Legal Aid Services Organization is increasing the expectation of justice sectors' institution that it is high time to declare 'Legal Aid Office' as 'ADR Corner' in whole legal system. One experience of Mr. Kudrut E Khuda, legal aid officer, Kurigram is mentioned here to depict the influence of ADR in general litigant's life. On 20 September 2020, Mr. Kudrat-E-Khuda was in a mediation session where the dispute was about theft of paddy from land. At the time of mediation, he came to know that between the parties, there was a case under section 380 of Penal Code in the Magistrate Court where the numbers of accused were 43. Then, after while, in progress of more discussion, he discovered that the main issue of dispute was land. He discovered more that among the parties, there was not only criminal case but also civil case too. One Injunction Case was filed in 2002, then appeal was held in District Judge Court in 2008. Moreover, there was another case in the High Court Division (HC) and HC declared stay order for a long time on land and the case is running till now. In the meanwhile, in another criminal case, one accused was punished for 8 years for throwing acid towards applicant's wife and another accused was punished for 1-year jail for simple injury. Moreover, another criminal case is running under section 326/337 for grievous injury against applicant's son at the time of mediation. In these critical conditions, the mediator, Mr. Kudrud-E-Khuda has been successfully able to mediate the issues through mediation process, the parties are agreed to withdraw active cases and resolve their disputes peacefully. Such ADR process open the door of mind between the parties to mediate their issues and stop the long running cases which are ruining their life day by day. It is a great success of introduction of Alternative Dispute Resolution towards District Legal Aid Office. The statistics shows that by ADR process, Legal Aid Officer successfully motivates the parties to withdraw their active cases and such each year the withdrawal of cases are increasing in court.



G. Identifying the reasons of Case-backlog in Bangladesh

- Each civil court, at least, has to deal with around 1500 civil suits.
- Average time taken for disposal of a civil suit is 4-5 years.

- A civil suit involves the cooperative role of the plaintiff, defendant and their lawyers in each stage of the suit.
- Criminal Courts are also confronting a staggering number of cases.
- More than 80% of the prison population are under trial prisoners.
- Trial of a criminal case involves the collaborative role of Police, Prosecution, Prison, Victim, Offender, Witnesses and the Courts.
- There are more criminal cases pending than civil cases.

Reasons behind the Civil Justice System

➔ Socio-demographic causes
➔ Inappropriate and insufficient training facilities
➔ Absence of any integrated case management strategy and policy
➔ Legal problems
➔ Problems inherent in the traditional justice system
➔ Failure and defective functioning of various institutions
➔ Poor infrastructure of the court and absence of digital record management

Reasons behind the Criminal Justice System

➔ Failure to ensure the timely attendance of witness
➔ Delay in the investigation procedure
➔ The high rate of filing of the criminal cases
➔ Want of accountability of the justice affiliated agencies
➔ Want of strict adherence to the provisions of law
➔ Logistics constraints

H. Challenges to implement ADR

❖ The courts are over burden with cases, so it is difficult for the court to apply ADR method in regular court time.
❖ Generally, people show interest to file suit rather than mediation.
❖ Lack of proper logistic supports.
❖ Lack of proper training.
❖ Lack of proper legal system to filtering cases at pre-stage to identify amicable cases/ disputes for mediation.

I. Recommendation to way forward

➔ Streamlining the laws and regulations
➔ Introducing separate prosecution service
➔ Judicial capacity building

(a) Enhancing the efficiency of the judges through providing effective training

(b) Applying digital case management system

(c) Adopting integrated and uniform case management strategy and policy

- ➔ Classifying the cases on the basis of their duration of pendency and managing them differently
- ➔ Throttling the discretion of the Court
- ➔ Developing NLASO as Access to Justice Office
- ➔ Strengthening the Alternative Dispute Resolution Machineries
- ➔ Imposition of Adverse Cost
- ➔ Introducing effective Inspection, supervising & monitoring authority
- ➔ Strengthen the leadership capacity of the controlling authority
- ➔ Modification of the summon process serving system
- ➔ Pretrial Conference
- ➔ Plea bargaining & penalty incentive system
- ➔ Need for upgraded File Movement System
- ➔ Automation of the Court
- ➔ Recommendations for the change in the legal provision
- ➔ Upgrading the probation and parole system

J. Action Plan to institutionalized ADR in legal system

Bangladesh as a major aspect of implementing the SDGs, the Government of Bangladesh has earned numerous global honors for accomplishments in SDGs. While setting out on the trip to actualize the SDGs, we drew motivation from the beliefs of the Father of the Nation, Bangabandhu Sheik Mujibur Rahman, who visualized a prosperous Bangladesh with equal opportunities for all. The Government of Prime Minister Sheik Hasina imagined changing Bangladesh into a middle-income country by 2021 and a developed country by 2041. Bangladesh has just turned into a low middle-income country. We have just deciphered this vision, articulated at the highest political level, into a good agenda by defining perspective plan (2010-2021) and two Five Year Plans (FYPs) related with this. Bangladesh coordinated the 2030 agenda in its eighth FYP (2020-2025). This offered a huge chance to execute the 2030 Agenda, while mirroring the needs of the SDGs in the national plan. The Government has embraced whole of society way to deal with guarantee more extensive investment of NGOs, development partners, private area and media during the time spent detailing of the activity design and implementation of the SDGs. To initiate the process, SDGs implementation and observing committee has been shaped at the prime minister's office to encourage the usage of SDGs Action Plan. Law & Justice Division to ensure Peace, Justice and Strong Institutions under SDGs 16 Goal, has framed an action plan. In short term plan, Law & Justice division will take initiative to facilitate ADR mechanism and in long term plan , it will take project to establish ADR Center in 64 districts.

Conclusion

As the pressure of litigation in the courts increases rapidly, it is imperative for stakeholders in the legal and social spheres to use alternative methods of litigation. It goes without saying that there is no alternative to dispute resolution to reduce the complexity of the case. The popularity of alternative dispute resolution in Bangladesh has increased more than ever. And at present, law makers create the opportunity to mitigate the dispute through alternative dispute resolution by inserting mediation scope in laws.

A QUARTER OF A CENTURY WITH VIETNAM

MORINAGA Taro

Director, International Cooperation Department

I. Preface

On Thursday, 10th December 2020, a ceremony was hosted by His Excellency Mr. Le Thanh Long, Minister of Justice of Vietnam, celebrating the conclusion of the "Project for Harmonized, Practical Legislation and Uniform Application of Law Targeting Year 2020" and the launching of a new project starting on 1st January 2021. Her Excellency Ms. Kamikawa Yoko, Minister of Justice of Japan being invited by the Minister of Justice of Vietnam, His Excellency Mr. Le Thanh Long, to the ceremony on-line, delivered a speech highly praising the long-lasting cooperation between Japan and Vietnam in the law and justice sector and looking forward to an even better and advanced relationship.

Indeed, the Ministry of Justice of Japan (MOJJ), together with the Japan International Cooperation Agency (JICA), has been working with Vietnam for more than 25 years, starting with the acceptance of a study tour to Japan for Vietnamese Ministry of Justice (MOJVN) officials back in 1994. Since then, the cooperative relationship of Japan with Vietnam in the area of legal and judicial field today rapidly developed to quite a stable one based on mutual trust and continued efforts of both sides.

The cooperation between Japan and Vietnam in the field of law is considered to be the first, and since it is still continuing today, the longest comprehensive activity of Japan which is today referred to as "legal technical assistance" or "technical cooperation in the legal field". Before starting its work with Vietnam, the Japanese government had had little knowledge and experience with respect to legal technical assistance, although multilateral international training courses in the field of crime prevention and criminal justice conducted by the United Nations Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), an institution operated by MOJJ since 1962 had some characteristics of legal technical assistance. So, bilateral cooperation activities with the first client provided a lot of experience and knowledge that had essential value of Japan in the course of expanding its legal technical assistance activities later on to other countries also. Lessons learned through the cooperation with Vietnam definitely led to the formation of the basis of Japan's methodology of implementing such assistance activities for developing countries which is today described as a "standby-style" assistance. Therefore, the author thought, it might be worthwhile to take a quick look back at the history of cooperation with Vietnam in the area of law and justice after a quarter of a century.

II. Overview of MOJJ's Legal Technical Assistance to Vietnam

1. Background

Vietnam's well-known "*doi-moi*" ("renovation") policy initiated in 1986 has been aimed at, and has actually realized, a drastic shift from a command economy to a socialist-oriented market economy. As a matter of course, it required a huge amount of change in the system and practice in the area of law and justice. In the early years of *doi-moi*, Vietnam seems to have struggled hard to implement this new policy on its own, but soon started to seek foreign technical aid. It is the authors' guess that the explicit declaration in the 1992 Vietnamese constitution to build a socialist rule-of-law state was an accelerating factor that made international and foreign development donors to consider and actually move forward with their cooperation in the field of law.

Endorsed by such strong political commitment to and the rising momentum for legal and judicial reform, as well as the need to solidify the socio-economic foundation to attract foreign investment, Vietnam started to seek assistance from the outside world, inviting multiple international donors. Within a very short period, a large number of donors were invited, and Japan was one of them.

2. Vietnam's Request to Japan

The first request from the Vietnamese government to Japan came in in the early 1990's, but the reaction of the Japanese government was – quite understandably – not very quick. With all due respect to all those who were involved on the Japanese side at that time, no one had any experience. It seems that, at least for the concerned authorities, especially the MOJJ, the request had come in all of a sudden and out of nowhere. They did not know what to do and fumbled with it for a while.

The request was that MOJVN would like Japan to help them with the drafting of laws necessary for the transformation into a socialist-oriented market economy. To be more specific, MOJVN was in the process of drafting a first-ever comprehensive civil code which would become the center-pillar for Vietnam's legal system in the civil law area and needed foreign knowledge and experience in order to make the code a suitable one for the upcoming market economy.

The first one who responded to such request was not a government institution nor any agency, but an individual. It was Mr. Morishima, Akio, emeritus professor of Nagoya University who, as a prominent scholar in civil law, has since then been the leader of and still today leads the cooperation activities with Vietnam. He flew to Vietnam in 1993 and conducted a seminar for MOJVN officials on civil law in countries adopting the market economy system. Based on Professor Morishima's research on Vietnamese legal system

and knowledge gained through his dialogue with the then Minister of Justice of Vietnam with whom he built a trusting relationship, MOJJ and JICA together organized a study tour to Japan for MOJVN officials as aforementioned in 1994. These events accelerated the steps towards closer cooperation and, after a period of elaborate preparations, the first JICA cooperation project started in late 1996.

3. Projects

After a series of discussions between the relevant authorities of both Japan and Vietnam, the activities for Vietnam in the area of legal and judicial reform were transformed into a project in 1996. Since then, three projects were implemented consecutively and seamlessly. In response to the growing needs generated by the rapid development of Vietnam's legal and judicial sector, the projects gradually expanded in terms of number of counterpart institutions and the scope of their coverage. Also, it should be noted that cooperation activities were not limited to the projects which the author is talking about here in this article. JICA itself ran several other related projects in Vietnam such as the project for competition law and its implementation with the Ministry of Industry and Trade and some others. Nagoya University has been and still is, running a program for Japanese law education at Hanoi Law University. There are many more cooperation activities related to law and justice between Japan and Vietnam, but here the author would like to focus on what is called the legal cooperation projects, the series of projects of which the center and liaison counterpart has always been the MOJVN.

It is the author's guess that, at the very beginning, nobody on the Japanese side expected that the legal technical assistance to Vietnam would last for so long. Neither the JICA nor the MOJJ seem to have had any long-term perspective at that time. It was much later that they came to realize that assistance activities aiming at a country's legal and judicial reform is not something which can be done in a short period of several years but requires cooperation for decades. That may be quite understandable, given the situation at that time when JICA and the MOJJ as well as other relevant parties were not much experienced with such kind of development assistance. Everything was new, and everybody was groping in the dark. For those people on the Vietnamese side, things must have been just about the same. On the Japanese side, it looks like that those who made the decision to positively respond to the request thought that all they have to do is just to give some advice to legislative drafting in the area of civil law for some time and that would be all. But things did not work out that way. Once the activities started, the involved experts gradually began to realize what a big effort is required to transform a legal system from that of a command economy to a market-oriented economy. It was not just to change a small piece of legislation. There was so much to be done. So, the projects repeatedly

required extensions and renewals until everybody formed a common understanding that legal technical assistance is a long-term cooperative activity needing a certain strategy for decades. That may be the first lesson that the cooperation with Vietnam taught us.

Now, let us have a bit closer look on each project to see what other valuable lessons and experiences the cooperative relationship with Vietnam provided, not only to Japan, but also to the authorities of Vietnam.

1) The First Project

The first project which started on 1st December 1996 lasted, as a result, for approximately 10 years with renewals and extensions. However, it should be noted that because of many factors including the changes in the environment and needs which was brought about by the rapid development of the Vietnamese law and justice sector as well as the deepening of mutual trust between Japanese and Vietnamese authorities and individuals, the project experienced multiple phases of which the character is to a large extent different form each other, so that they may be almost described as separate projects. In short, the project in its first phase was literally and substantially the beginning – a pioneer phase, the size of which grew bigger in the second one, which was more comprehensive and demand-driven. The third phase was built on the second one but, responding to the criticism that the second phase was a bit too much of a "please-everyone" style, to some extent impeding effectiveness, it was more meticulously planned and narrowly focused in order to generate concrete outputs.

i) Phase One (1996 – 1999)[1]

The "Record of Discussions" which forms the basis of the agreement to implement the project was signed in Hanoi on 28th October 1996 between JICA and MOJVN, and the actual activities started on 1st December of the same year. It was designed based upon prior research and dialogue with several stakeholders on the Vietnamese side led by Professor Morishima, but the sole counterpart organization to implement the project was the MOJVN.

Based on the agreement, one Japanese lawyer, a private practitioner, was dispatched to Hanoi as the first long-term expert who formed a project office inside the premises of MOJVN which was at that time still on Cat Linh Street and started giving advices

[1] One thing that may be noteworthy is that the term "program" was used instead of the word "project" on the documents relating to the first phase. The cooperation was officially called "the Program of Cooperation in the Legal Field" which was positioned under the larger cooperation scheme titled "The Japanese Cooperation to Support the Formulation of Key Government Policies". It seems to the author that, at that time, the usage of the terms such as "scheme", "program" or "project" was still not clearly established. Further, as to the first phase, the author could not find any log-frame which later became very much used and usually attached to such documents. Log-frames such as "project design matrices" ("PDM"s) may still have been in the course of development.

to MOJVN officials on relevant topics in the civil law area. Study tours to Japan for them were also organized, and short-term experts including scholars were once in a while sent to Vietnam to give lectures on specific topics at the request of MOJVN. Social research was also added to the task of the project.

The activities focused on issues related to civil law which were the implementation of the new civil code and the drafting of the civil procedure law as well as issues related to commercial law. The launching of the project was a bit late for supporting MOJVN with the drafting of the first-ever civil code, the 1995 Civil Code of Vietnam as to which Professor Morishima had contributed by giving advices. So, with respect to the civil code, the project focused on implementation thereof, but that brought with it a series of support activities for drafting of other laws closely connected with the civil code, such as laws related to land, property registration, secured transactions, deposit and so on. Procedural laws such as the civil procedure law, civil judgment execution law and bankruptcy law were also issues which started to be discussed within the scope of the first phase, but they were more intensively discussed in later phases.

What is quite noteworthy and interesting when looking back at those days is that at the time of planning the first phase of the project, the involved parties seem to have been quite aware of and worried about the problem of legislative inconsistency which is still plaguing Vietnam today. There is a passage in the Record of Discussions signed in 1996 that implies this concern felt by the authorities saying, "....*In addition to legislation of necessary laws and regulations, the country has also addressed the problem of inconsistency between old and new laws*……." The problem of inconsistency has always been an obstacle to the development and transparency of the legal system of Vietnam and a nuisance to economy and operation of business. At the time of the beginning of the first project it looks like it was an issue of inconsistency between the old laws and the new laws, but it has continued up until today with different manifestations forcing the Vietnamese authorities mandated to tackle this problem such as the MOJVN and the Office of the Government (OOG) to do a lot of work.

Although the sole official counterpart in the first phase was the MOJVN, the works had, as a matter of course, relevance to the duties and responsibilities of other Vietnamese authorities, such as the courts, the procuracies and bar associations. And since it was a process of receiving foreign development assistance, the Communist Party's Central Committee of Interior Affairs, the Office of National Assembly,

the Office of the Government, the Ministry of Foreign Affairs and the Ministry of Planning and Investment were definitely stakeholders, and with the perception that the assistance would go beyond the scope of mere legislative drafting but also to human capacity building, the Institute of State and Law and the Hanoi Law University which are under the auspices of MOJVN were also consulted at the time of planning the first phase. Among those stakeholders, the Supreme People's Procuracy (SPP) and the Supreme People's Court (SPC) were particularly important ones, because the procurators played a quite important role of monitoring and supervising the implementation of laws and, needless to say, the courts were the ones who actually had to apply laws in concrete cases. On top of that, the Supreme People's Court was given the mandate to draft those important procedural laws – the civil procedure code and the bankruptcy law. So, quite naturally, they became counterparts along with the MOJVN in the next phase.

ii) Phase Two (1999 – 2003)

In 1999, the last year of Phase One, driven by the strong needs and demand for more cooperation, the governments of both Japan and Vietnam agreed to continue the project for another three years. Although the basic framework of the project remained unchanged, the contents of assistance was far more enhanced, and the project welcomed SPP and SPC as official counterparts, the MOJVN being the main and liaison counterpart. This second phase started seamlessly on 1st December 1999, and two more long-term experts were added. Dispatch of the experts were completed by October 2000, making the project equipped with one judge, one prosecutor, one private lawyer, all Japanese, and a project coordinator who was also a Japanese but had a bar qualification in the U.S. The number of local staff was also increased, and the project office became one of the largest among different donors in the area of legal technical assistance for Vietnam at that time. For the MOJJ and the Supreme Court of Japan, it was the first experience to dispatch a prosecutor and a judge as long-term experts to such projects. Unlike in later years, those experts were sent to Hanoi without any particular preparatory training, so individual capability was what counted.

The modality of rendering assistance was basically the same, which was a combination of daily advices by long-term experts, seminars by short-term experts and study tours to Japan. But the scope of activities became much broader by taking in the requests from three counterparts. The area of laws which were expressly included in the project documents were:

the civil code,

judgement execution law,

law on enterprise bankruptcy,
maritime law,
criminal procedure code,
civil procedure code, and
law on issuance of legal normative documents

and the project was also supposed to respond to other ad-hoc legislative needs from time to time.

Moreover, both sides shared the common view that it would not be enough just to increase the number of laws in order to achieve successful transition. Along with revisions of existing laws and enactment of new ones, capacity building of those who actually implemented and practiced laws was of vital importance. Drafters themselves needed improvement in their capabilities. Therefore, the project also embodied activities towards capacity building of officers, judges and prosecutors which made the scale of the project even bigger.

Notably, the MOJVN had already started considering the revision of the 1995 Civil Code after only a few years after its enactment. The 1995 Civil Code, which was the first-ever comprehensive civil code in Vietnam after its independence, was under a strong influence of the 1993 Russian Civil Code and, therefore, was not liberal enough to cope with the rapidly growing market economy. It was still quite weak in terms of, for example, protection of bona-fide third parties, a system which is of paramount importance in a market economy. And on top of that, the 1995 Civil Code still did not allow the formation of contracts which were not expressly prescribed in the code, which was a serious obstacle to lively business transactions in a developing market. In order to respond to the needs of the MOJVN, the advisory group comprised of a large number of civil law experts who were mainly prominent scholars of civil law convened by professor Morishima worked very hard, hand in hand with the project office, and frequently gave advices through written comments and workshops.

Other laws which were expressly mentioned in the project documents were also important ones. The two procedure codes, criminal and civil, were supposed to undergo a drastic transformation which was not quite an easy task for the drafters at the SPP and SPC. The company bankruptcy law which was supposed to be drafted by the SPC was essential for Vietnam that was in the process of demolishing numerous inefficient state enterprises in order to promote lively competition in the economy. Judgment enforcement also needed a large-scale reform, requiring a big change both in theory and practice. Actually, Vietnam was entering a phase of rapid

transformation of its entire legal system, and not only the basic theories and practices of the traditional socialist-style law but also the mindsets of legal professionals faced huge challenges.

Naturally, the law and justice sector of Vietnam needed foreign assistance more than ever, and this necessity brought a sharp increase of the workload of the project which had to respond to numerous requests from the Vietnamese counterparts. And, when looking at the bigger picture, the later years of the first phase and the early days of the second phase were a time when foreign aid literally poured into the field of law and justice of Vietnam. By the time the second phase was in full gear, all major international donors were present in Hanoi.

In such a period of changes and challenges when there was so much discussion, debate, and sometimes contradiction as to which way the entire legal system of Vietnam should go and how the future should look like, it was quite understandable that the reform process became somewhat chaotic and murky. Perspectives differed from one authority to another, and so were those of the donors. But it was before long that Vietnam started to gain good control over the situation. In 2000, together with the United Nations Development Programme (UNDP) which played a role of a moderator or a facilitator, MOJVN called upon almost every donor in the law and justice sector to participate in a large-scale assessment work on the entire law and justice system of Vietnam to streamline and arrange the issues – problems and shortcomings of Vietnam's legal system, practice and capacity building - which needed to be addressed in the coming years. The long-term experts of Phase Two were also involved in this activity called "Legal Needs Assessment" ("LNA"), which the author considers to be the first big-scale donor coordination and collaboration in the law and justice sector of Vietnam. This activity can be highly evaluated, since not only almost all major donors participated but MOJVN took a good control over the entire process. It was a very good example of good donor collaboration under the ownership of the recipient country. The LNA report[2] was completed in 2002 and submitted to the Communist Party. The significance of the work is proven by the fact that its essence later crystallized as the two important resolutions of the Politburo of the Party's Central Committee, Resolutions No.48 (the "Legal System Development

[2] The full name of LNA is "Comprehensive Needs Assessment for the Development of Vietnam's Legal System to the Year 2010". The report is a huge one, comprising of a general part and four reports covering the areas of 1) legal framework, 2) institutional issues, 3) legal training and 4) information and education. The major donors which contributed to the completion of the report were, among others, UNDP, Swedish International Development Agency (Sida), Danish International Development Agency (DANIDA), Australian Agency for International Development (AusAID), Canadian International Development Agency (CIDA), JICA, the French Government, the World Bank and the Asian Development Bank.

Strategy"[3]) and No. 49 (the "Judicial Reform Strategy"[4]) 2005 which laid down a clear roadmap for Vietnam's legal and judicial reform. But even before the final roadmap was officially announced, the LNA itself had an effect to clear up and show the way forward in the quite murky situation of reform with the assistance of international donors. At least, it became clearer for the donors such as the JICA as to what they should do.

However, the works that were originally planned to be completed within the period of the second phase did not progress as they were expected. The enormous workload imposed on its counterpart institutions and differences in views among relevant stakeholders inevitably led to delays in legislative works and the formation of basis and modalities in the area of capacity building. But it is the author's firm belief that the difficulties which both the Vietnamese and Japanese sides faced during this period of Phase Two was something that any state or society in transition must experience, and such experience was in no way wasteful or meaningless. The dense discussion among stakeholders and the continuous dialogue between the Vietnamese project counterparts and the Japanese experts trying to overcome those difficulties resulted in accumulation of knowledge and experience which, as an invaluable asset, made further big steps towards reform possible.

Still, the second phase of the project seemed to have been a bit too ambitious in that it covered almost all issues which at the time of its beginning was thought to be important. So, quite naturally, the next phase was envisaged, and the drafting of several important laws were carried over to it. Also, the work of laying down the foundation of effective capacity building was still under way and that was also included in the plan of the next phase.

iii) Phase Three (2003 – 2007)

After an extension of the previous phase for four months, from 1st December 2002 to 31st March 2003, the third phase started on 1st April of the same year. Reflecting the lessons learned from the previous two phases and trying to respond to the criticism that the previous phase tended to be something of a please-everyone style, the purpose and the structure of the project became much focused ones. The Japanese side and all the Vietnamese counterparts agreed to divide the project into two sub-projects, one for legislative drafting and one for capacity building and set forth clear targets for each sub-project.

[3] Formally, it is referred to as the "Resolution No. 48-NQ/TW on the Strategy for building and completing Vietnam's legal system through 2010, with orientations toward 2020"

[4] This is formally referred to as the "Resolution No. 49-NQ/TW on the Strategy for Judicial Reform to 2020"

Sub-Project A

This sub-project was support for the drafting of the then still not completed new Civil Code and a number of selected laws which were closely connected with the Civil Code which were, the Civil Procedure Code, the Law on Enterprise Bankruptcy, regulation on intellectual property, law on registration of immovable property, ordinance on secured transactions, state compensation law and the judgment execution law. Out of those eight laws, the project set the final goal at completion of final drafts ready to be submitted to the National Assembly for the Civil Code, the Civil Procedure Code and the Law on Enterprise Bankruptcy, which were already close to the compilation of final drafts. For the other five laws, the target was simply set at "drafts", which meant that completion of final drafts was not necessarily required, considering the heavy workload of the institutions in charge of drafting and the constantly changing situation of the legislative planning and works at the superior organizations such as the Standing Committee of the National Assembly and other relevant organizations. Unlike the second phase, the project was basically not supposed to respond to any other legislative needs on the Vietnamese side, in order to concentrate and input all resources and efforts to the drafting of the laws expressly mentioned in the project documents. Except for the Civil Procedure Code and the Law on Enterprise Bankruptcy as to which the SPC with its drafting team was responsible as the main drafter, drafting works of these laws were conducted by MOJVN's departments and agencies, such as the Civil and Economic Law Department (Civil Code, intellectual property and State Compensation Law), the National Registration Agency for Secured Transactions (immovable property registration and secured transactions) and the Judgment Execution Department (judgment execution law). As to the private international law provisions included in the Civil Code, the International Law Department was also in charge.

Sub-Project B

The other sub-project that was supposed to upgrade human and institutional capacity in the law and justice sector had three components on the project document, which were i) strengthening of judicial training institutions, ii) standardization of judgments and iii) Japanese law education.

Strengthening of judicial training institutions meant support to the curriculum and textbooks development for the Legal Professionals Training School (LPTS) and support for the compilation and publication of the first-ever "prosecutor's manual" reflecting the newly amended criminal procedure code. During the period of the

third phase, LPTS was trying to establish a unified legal education scheme for all legal professionals including judges, procurators and private lawyers, inspired by the unified training system for all three professionals appearing in the courtroom adopted in Japan and some other countries. Up until then in Vietnam, those who wanted to be judges were educated at the Court School, procurators at the Procuratorial College and private lawyers at the LPTS. It was MOJVN's perception that this divided education system might have had negative impacts, hindering the uniform understanding and application of law. The superior organizations of the government shared the same view, and thus the government of Vietnam, besides upgrading the LPTS to the Judicial Academy (JA), requested the cooperation of the Supreme People's Court and the Supreme People's Procuracy for establishing a unified education scheme. And to achieve this purpose, MOJVN requested the Japanese side to help them with forming a new curriculum and developing textbooks to be used under the new education scheme. Considering the workload of the project, the Japanese side agreed to help, but with a limitation to the scope of assistance which covered the development of a new curriculum and the compilation of four textbooks, criminal law theory, criminal case practice, civil law theory and civil case practice.

Compilation of a procurators' manual was an activity with the Procuratorial Science Institute of the SPP. The procurators in Vietnam had not had any comprehensive manual or handbook on criminal procedure before. And on top of that, the criminal procedure code underwent a major amendment at that time, and they needed a handy guide for the field officers as a reference material for their daily work in the criminal justice area. The project responded to such need, and with a team led by the then Deputy Director of the Procuratorial Institute started with the compilation of the first-ever comprehensive manual which was agreed not to be a commentary to the new criminal procedure code, but a handbook addressing issues which the field procurators frequently come across in daily practice. Again, considering the workload of both sides the scope of the manual was limited to cover procedures from the initiation of investigation until the first instance judgment. The development of a manual covering the appeal procedure and judgment enforcement was left to the future.

The assistance for the standardization of judgments comprised of two sub-components which were the compilation of a judgment writing manual and a research activity for the introduction of a "court precedent system". Under the legal system of Vietnam, these activities were quite challenging ones, given the quite rigid

written law system. But by the time of starting the third phase, discussion within the Vietnamese legal community on the topic of court precedents and case law had become more active than ever, and later, even the Communist Party instructed the law and justice sector to explore the possibility of utilizing court judgments as a "supplementary source of law". Moreover, Vietnam was pressed by the outside world to publish court judgments for the sake of transparency of the judiciary and predictability of application of laws. So, the project, based on dense discussion with the Judicial Science Institute of the SPC, decided to address these issues as sub-components. The formation of these sub-components was based on the idea that the function of judgments as supplementary sources of law should be explored and understood by judges and, if such function is to be expected, the way of writing judgments should be improved so as to properly express the logical pathway a court has followed in its application of relevant laws and towards coming to its conclusion. Along with the members of the Judicial Science Institute, a number of Supreme Court justices participated in these activities.

The third component of Sub-Project B which was the education on Japanese law was something totally new, but it had a precursor. During the previous phase, there was a request from the Law Faculty of the Vietnam National University, Hanoi (VNU) which wanted the project's long-term experts to teach Japanese law to their students, and the long-term experts had responded to that in their spare time as private activities outside the project. VNU thought that this was quite beneficial to their students and also the teachers from a comparative point of view and they strongly requested to include it as a formal component of the third project. Since it seemed that it may be worthwhile in that it can facilitate the understanding of the law of a country with a market economy system like Japan by the younger generation and the academy, the Japanese side agreed to respond to this request. Since it was the very first experience for both sides, the overall planning and the development of the curriculum of the course took some time. But it finally came to a start in 2005. As far as the author knows, it is the first-ever formal course at a foreign university which teaches Japanese law using only Japanese language.

In order to support the long-term experts as well as to directly provide inputs to the counterpart institutions, the advisory groups of scholars and practitioners on the Japanese side were maintained. Further, since Sub-Project B had a component of assisting the education of legal professionals at the Legal Professionals Training School under the MOJVN which later upgraded itself to the Judicial Academy, another advisory group headed by the lead professor of the Legal Training and

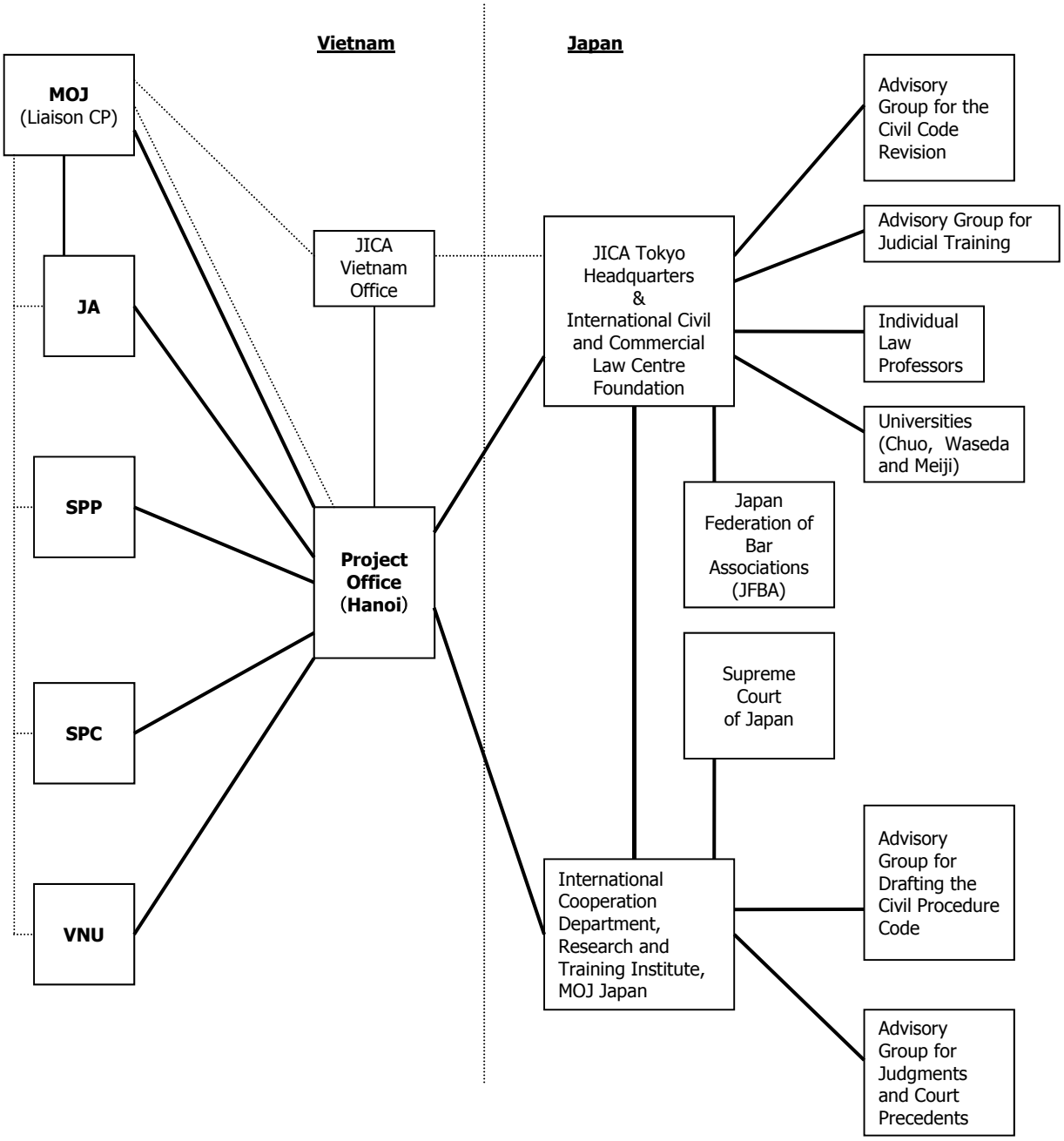
Research Institute of the Supreme Court of Japan was formed.

The composition of the project office in Hanoi also basically remained unchanged, although from the second year of the phase, a professional project coordinator joined the team who released the legal experts from logistic and accounting works. During the period of this phase, MOJVN moved its offices to the present location on Tran Phu Street, Ba Dinh District, while the project office moved to the Daeha Business Center and later on to Da Thoung Street in Hoan Kiem District, quite close to the Supreme People's Court. At the time of its operation in full gear, the project office had as its members four Japanese, one prosecutor, one judge, one private lawyer and one project coordinator, as well as five Vietnamese staff personnel, one of whom worked in the liaison office inside the MOJVN premises for the purpose of securing smooth daily communication with the relevant departments of the MOJVN. The author served as the chief advisor of this Phase Three from May 2004 to March 2007.

The modality of Japanese technical input was also inherited from the previous phases, namely written and oral advices and consultations by resident long-term experts, workshops conducted also by them, oral and written comments by Japanese advisory group members, seminars by short-term experts (most of them being members of advisory groups), study tours to Japan and, occasionally, joint research activities. Most of the seminars and workshops were conducted in Hanoi, but once in a while in other localities, too. What should be noted however, is that the third phase was also a period when the project started making use of the JICA-Net, a worldwide video conference system operated by JICA Headquarters which was quite useful for conducting workshops and seminars at times when it was difficult for Japanese advisory group members to take the time to fly over to Hanoi.

It is the author's view that the composition of the workforce on both the Vietnamese and Japanese sides and the modality and methodology of rendering assistance, and more importantly, the overall style of legal technical assistance adopted by the Phase Three of the project seems to have established a "standard" of Japanese development assistance in the area of law and justice. This style of cooperation was also adopted in activities with other countries as well and was welcomed by client countries although the details differ from country to country given their individual circumstances as well as other factors such as the state apparatus system, availability of human and financial resources on both sides. For the project, multiple Japanese institutions and organizations were involved and made their contributions, not only the MOJJ and JICA, but also the Supreme Court of Japan and the Japan Federation of Bar

Associations as well as Universities and individual scholars were in collaboration. Even if we look at other international donors, such a benevolent cooperation scheme seems to be rare in this area of development assistance. Just to provide a quick overview as an example of Japanese legal technical assistance, the third phase of the project looked like this:[5]



Phase Three ended on 31st March 2007 after an extension for one year. During the entire period, the project achieved several positive results. All of the three laws of which the final drafts were to be completed did actually reach the National Assembly

[5] The International Civil and Commercial Law Centre Foundation (ICCLC) having its office in Tokyo is a non-profit foundation established by donations from a large number of prominent Japanese private enterprises for the purpose of supporting the legal technical assistance activities of the MOJJ and JICA.

and were promulgated. The first-ever comprehensive Civil Procedure Code which was a embodied and unified the three different procedural rules for civil cases, economic cases and labor cases became a fundamental procedural law in the civil law area. The 2005 Civil Code was not merely a revision of the 1995 Civil Code but made a big step towards being a fundamental law of a socialist-oriented market economy by admitting parties to freely stipulate the contents of contracts. Law on Enterprise Bankruptcy became a rather small, but simple and easy-to-use law. Drafts of some other laws were also prepared for further discussions. In the area of capacity building, JA's new curriculum and the four textbooks were competed and printed and so was the procurators manual. Research on court precedents was compiled into a written material VNU's Japanese law course saw the first ten students graduate, given the degree titled "Bachelor of Vietnamese-Japanese Law". But again, the project could not finish all the works which were planned at the beginning for causes in and out of the project, and certain parts of the project were carried over to the next one.

The most epoch-making event that took place during the third phase is definitely the proclamation of the two important resolutions of the Politburo of the Communist Party's Central Committee, Resolutions No. 48 and 49, 2005. As already mentioned, these resolutions were the results of the Communist Party's thorough and careful review of the Legal Needs Assessment conducted in 2002 and has been the pillar of Vietnam's development strategy in the law and justice sector up until today. What was interesting was that while the donor community that was involved in the LNA expected an outcome of a single resolution, the Resolution No. 48, the Politburo, seemingly worried so much about the progress of the reform of the judiciary, added Resolution No. 49 that specifically addressed the issues of judicial reform in very strong wordings as if it were reprimanding the entire judiciary, showing the strong commitment of the Party towards judicial reform[6]. This Resolution No.49 showed that the Communist Party clearly positioned the courts at the center of the judiciary and required to do their duties as such. After the publication of these two resolutions, the reform activities in the law and justice sector of Vietnam were not only accelerated but also rationally streamlined. Donors were also shown a good roadmap and became able to position themselves within the big picture. Planning of the subsequent JICA projects also required careful consideration of these resolutions in order to be on the right track. But the very ambitious aim of these resolutions that required every relevant institution to tackle with huge tasks which they never experienced before, they needed even more help from the outside world.

[6] This Resolution No. 49 seemed to reflect the concerns of the Party that the judicial reform did not progress as it was envisaged by the earlier resolution of the Politburo, the Resolution No. 08-NQ/TW 2, 2002, "on the key tasks of judicial work in the near future"

Also, it may be worthwhile to note that Vietnam, after years of negotiations and preparations as to which also the government of Japan and JICA rendered assistance together with other major international donors, finally joined the World Trade Organization in January 2007, shortly before the end of the first project. With this, the relevant sectors including the law and justice sector of Vietnam became even more burdened in order to meet the commitments it made at the time of accession.

2) The Second Project -

The second project named "Project of Technical Assistance for the Legal and Judicial Reform" started on 1st April 2007, seamlessly after the first one. By the time of starting its planning in early 2006, JICA and MOJJ as well as other relevant authorities on the Japanese side all had already realized that the legal technical assistance to Vietnam was not something to be ended with the first project but has to continue for a much longer period than it was perceived at the very beginning. The author also had written an opinion in 2005 that the then current status of legal technical assistance was at "the end of the beginning" and would need to continue for another fifteen years, given the level of development and the progress of legal and judicial reform in Vietnam. It was the perspective of the state of Vietnam that it expected to see an industrialized nation by the year 2020, and the legal and judicial reform which the Party depicted in its Politburo Resolutions No, 48 and 49 of 2005 also had set the target year on 2020. These rather clear roadmaps actually tapped JICA on its shoulder and made it decide to go on further. It was then, the author guesses, that all the people concerned on the Japanese side finally came to realize that legal technical cooperation is a matter of decades, not years. Other donors seemed to have felt the same way, and the projects they launched in Vietnam in the same area around that time had much longer timeframes than they had before.

Thus, JICA upon consultations with all other relevant authorities on both the Vietnamese and Japanese side including the MOJJ, decided to start a new project with Vietnam. The projects in the past decade had definitely contributed to the renewal of Vietnams legal system as well as the strengthening of human capacity very much. But there was another concern felt by the project office which had worked on the frontline. It was the capacity of legal and judicial professionals including judges and prosecutors at the provincial and district levels. The central authorities such as the MOJVN, SPP and SPC all benefited much from the past JICA projects and interventions by many other donors and it was clear that the human capacity in those central authorities were significantly improved. However, the capacity building of the provincial and

district levels seemed to be still lagging behind and there seemed to be a serious gap in terms of knowledge and skills between the center and the local areas. For the sake of addressing this problem, the second project incorporated a component of a "pilot area" activity. It was the idea of a long-term expert, a Japanese judge, who had worked as a colleague of the author in the last phase of the first project and had knowledge on the experimental "pilot court" activities which some Japanese district courts had conducted in the past during the days of judicial reform in Japan. The basic concept was to make intensive input to the judiciary, prosecution and other relevant legal professionals on a chosen province in order to improve the capacity of the legal and judicial community as a whole and reflect the outcomes in the policymaking, legislative works and capacity building programs to be undertaken by the central authorities, which then could benefit other provinces, too.

i) Phase One (2007 – 2011)

The formal agreement between JICA and the Vietnamese counterpart institutions was signed on the last day of the previous project and the new one started immediately on 1st April 2007. The VNU went out to continue its activity under a different cooperation scheme, so the counterparts at the beginning of the first phase of the project were the MOJVN, SPP and SPC. However, it was already expected that a prospective organization of private lawyers would join the project in the future, since everybody shared the same view that capacity building of private lawyers should be indispensable in trying to upgrade the level and quality of legal and judicial practice in Vietnam as a whole. Judges, prosecutors, private attorneys all had to come together. Therefore, the project document specifically referred to capacity building of private lawyers as well as the institutional capacity building of the "prospective unified central lawyers' organization" which later, during period of the project's first phase finally was established as the "Vietnam Bar Federation" (VBF) on 12th May 2009[7] and officially joined the project. The composition of the project office and the support scheme on the Japanese side remained basically the same, although there was a change in the personnel.

The goal and the project purpose expressed in the project document were as follows:
Overall Goal – *"Adjudication and execution works are impartial, persuasive, transparent, expedient and consistent throughout the country."*

[7] Before the inception of VBF, there was no unified central organization for private attorneys in Vietnam, although there were bar associations in each municipality and province. This was an obstacle for JICA to work with private lawyers since it seemed difficult to launch and manage activities for lawyers nationwide without any unified focal point. But it should be noted that private lawyers were not excluded from the previous project. Many of them participated in their individual capacity. But needless to say, it became much easier for JICA to directly engage in capacity building for private lawyers once the VBF was established.

Project Purpose – "E*xperiences concerning the improvement in capacity of adjudication and execution works as well as tasks of the judicial support subsystem are accumulated in Bac Ninh Province (pilot area) and simultaneously absorbed, analyzed and utilized by central judicial authorities and the unified central lawyers' organization, and thereby the capacity of central judicial authorities and the unified central lawyers' organization concerning supervision over, and/or providing guidance and support to, local judicial authorities and lawyers nationwide as well as the framework supporting adjudication and execution works are improved.*"
Here, one might see that the new project very much focused on capacity building, based on much concern on Vietnam's long-lasting problem which is inconsistent implementation or application of law.

By the day of the commencement of the second project, the Vietnamese side and the Japanese side had already agreed on the selection of a pilot area, for which, as already shown above, Bac Ninh Province[8] was chosen. There was much discussion about how many pilot areas the project should set up, but since working with multiple pilot areas was considered to be simply too much of a workload for the project, everyone finally agreed to make it just one, and an area which was not too far from Hanoi, because quite frequent activities on the site were expected. Moreover, Bac Ninh seemed to be of a good size, the court and the procuracy as well as the justice department of the provincial people's committee there being not too small or too big, and the society there seemed to fit the figure of a "typical local society" of Vietnam. So, the target was set at Bac Ninh and the capacity building activities of the legal and judicial community of that province was set forth in the project document as component 1.

The new project had three more components, components 2, 3 and 4. Component 2 targeted on the capacity building of central authorities based on lessons learned from and experiences of activities in Bac Ninh. Component 3 was a carry-over of legislative works from the previous project plus some new legislative works which had to be finished soon. Final drafts of the revisions of both the criminal and civil procedure codes and laws and legal normative documents related thereto, as well as the final drafts of the still unfinished state compensation law, law on immovable property registration, ordinance on secured transactions and the judgment execution law were stipulated as expected outputs. Component 4 was for the Judicial Academy, the improvement of skills of JA lecturers and the development of education programs,

[8] Bac Ninh Province is a province which the capitol (Bac Ninh City) is located approximately 30 kilometers east-northeast from the center of Hanoi with a population of, now, a bit more than a million. It is famous for its Dong Ho painting and Quan Ho folk songs – beautiful love songs sung in duet by couples.

all reflecting the outcomes of the other three components.

Much activity was required to be done, and the project office had very busy days throughout the phase. But eventually, along with the accumulation of experience, the modality of activities was gradually altered, and the project document was amended in order to reflect the changes. The activities Bac Ninh achieved some favorable results which were highly evaluated especially by the courts and procuracies, and the improvement of the skills of the courts, procuracies and lawyers showed certain progress. The judgment writing manual was revised. Other components also generated certain outcomes such as the enactment of the Civil Judgment Execution Law and the State Compensation Law and some progress in the drafts of other laws. Some materials for further capacity development were also completed, including the revised judgment writing manual for the judges and the procurators' manual volume II which covered the issues pertaining to the procedures after the first instance judgment, i.e., the appeal, cassation and retrial process as well as supervision over criminal judgment execution and offender rehabilitation. Still, with the constantly changing and even increasing needs of the Vietnamese side and the heavy workload of the counterpart institutions which was brought about by the rapid development in both the legislative sector as well as the judicial sector plus the huge influx of other foreign assistance, the project experienced delays and obstacles in some of the components. Again, the project was in need of another phase.

ii) Phase Two (2011 – 2015)

While the first phase very much focused on capacity building of practitioners, at the time of commencement of the second phase, the need for assistance to legislative works again grew big. Still, the project kept its basic structure and continued its work of assistance to legislative drafting and capacity building of practitioners. VBF had already joined, expecting the project to render assistance to not only the capacity building of individual lawyers but also strengthening its institutional capability. In addition to the continuing activities for Bac Ninh, activities began also in Hai Phong City which was designated by the SPP as an "advanced activity area". The project document of the Phase Two was simpler than that of its predecessor. It still focused on capacity building of personnel in the law and justice sector. But what became later some sort of a problem was that the wordings of the project purpose and expected outputs were ones with very broad meanings so that any kind of activity could fall under the described categories.

While the composition of the project office was maintained, it was burdened by

activities such as workshops in and out of Hanoi, and for numerous counterpart organizations. A significant growth in numbers of departments of the MOJVN[9] brought much work to the project and, gradually, it started to become again a kind of multi-purpose project with a characteristic of the once abandoned "please-everyone style" project responding to ad hoc needs and requests. Still, both sides tried their best to achieve favorable results.

The biggest achievement during this project may be the final draft bill of the 2015 Civil Code. Already during the first phase, MOJVN was planning to revise the 2005 Civil Code further to include provisions suitable for market economy as to which it had thought to be premature at the time of the enactment of the 2005 Civil Code. It seems to the author that MOJVN had been looking at the next revision already at the time of the enactment of the 2005 Civil Code, knowing that it was still not complete as a fundamental law in the civil area. MOJVN again requested assistance which made the advisory group on the Japanese side again very busy. The revision work which lasted for about six years was again not a simple, small-scale revision. The most significant change was that it "re-installed" the legal concept of property rights and obligatory rights which was abolished at the time of the 1995 Civil Code. Looking back at the history of substantive civil law of Vietnam, the concept of property rights as opposed to and distinguished from obligatory rights did exist before the 1995 Civil Code when Vietnam was still using fragmented laws such as contract law and property law which still had the remnants and influence of French law under the old colonial regime which has such distinction. But the 1995 Civil Code abolished such distinction, saying "rights are just rights. They're the same." Because of that, the nature and characteristics of rights were ambiguous under the 1995 Civil Code; for example, there was no clear distinction between collateral on property and personal security such as guarantee. That made things quite confusing, and after more than a decade, it seems that Vietnam has realized how inconvenient it is to go without such distinction. Other concepts which the Vietnamese were once quite hesitant to introduce, especially in terms of bona-fide third party protection, such as the concept of ostensible agency were also taken in. Thus, the 2015 Civil Code became more than ever suitable to govern transactions in a market economy.

What was quite interesting for the author was that, during the revision works which eventually achieved the enactment of the 2015 Civil Code was that the Vietnamese side seems to have revisited the advices given by the Japanese professors at the time of drafting the 2005 Civil Code. At the time of the enactment of the 2005 Civil

[9] The number of relevant departments of the MOJVN, besides the International Cooperation Department handling logistic matters, increased from four to nine.

Code, the Japanese side, especially the professors of the advisory group felt a little disappointed when they realized that a large part of their advices was not accepted when drafting the 2005 Code. However, it was found out later that the Vietnamese side did not just throw away those advices but kept them sort of "sealed" for some time, and when the situation was ripe for another revision, they brought them out of the warehouse and studied them again. The author heard that story from a high ranked MOJVN officer and felt rather delighted that the Japanese professors' advices were not wasted at all but was revisited and contributed to the drafting of the 2015 Civil Code.

During the period of the second phase, there were in addition two very important events related to the project activities. One is related to the revision of the Vietnamese Constitution in 2013 for which Vietnam requested assistance. It was a privilege for the Japanese side to be invited to give advices to the drafting works of the supreme law of the country. Therefore, although assistance to the drafting of the constitution was outside the scope of the project, the Japanese side happily assisted Vietnam by accepting a research mission to Japan and with some other activities.

The other, small but meaningful event was what may be called as a tripartite cooperation with the project in Lao People's Democratic Republic. JICA and MOJJ had run projects in the area of law and justice also in Laos. At the request of Laos wanting to study Vietnamese criminal procedure the Vietnamese project counterparts welcomed a research mission from Laos under the JICA project scheme and had a fruitful discussion during a four-day seminar in January 2013. Further, in May of the same year, three Vietnamese procurators were sent to Vientiane to contribute to a seminar on criminal law which was beneficial to the Lao drafters involved in their works of penal law revision. Such cooperative events had significant meaning to the cooperation of Japan in that it opened the door to what JICA calls "south-to-south cooperation" also in the area of law and justice.

3) The Third Project

Although much had been done and certain positive results had been generated, the reform works seemed to have no end. There was still a lot left to be done, and it naturally led to the formation of the next project.

Now, by the end of the second project, the seemingly everlasting issue, legislative inconsistency and inconsistent application of laws came again under focus. In the author's view, it seems to be something like a chronic disease plaguing this socialist

republic for decades. Even at the time of the first project, the problem of inconsistency was regarded as a considerable obstacle impeding development, and certain activities such as the preparation of what was called a "bird's eye view" chart of Vietnams legal normative documents were conducted in order to find clues for its causes. International donors including JICA had also addressed this issue in a number of seminars and workshops. There were also voices from the civil society and business sector that the laws – the legal normative documents – often contradicted each other thus making it difficult to understand the entire system, and worse, their implementation or application were not in uniform, severely diminishing transparency and predictability. So, the Vietnamese side wished that this issue be addressed in the coming project more intensively. Furthermore, it seems that there was a certain amount of concern on the side of the Vietnamese counterparts that they were somewhat in delay in the process of achieving the targets set forth in the 2005 Politburo resolutions No. 48 and 49. The "deadline" prescribed in those resolutions – the year 2020 – was just five years ahead. The counterpart institutions all had it in their minds and hoped that the JICA project would assist them with the works needed to reach those targets. The Japanese side decided to respond to such wishes, and to launch another project.

After a series of discussions, the implementation of the "Project for Harmonized, Practical Legislation and Uniform Application of Law Targeting Year 2020[10]" was agreed upon in February 2015. Since the substance and characteristics of this third project was different from that of the second one, both sides agreed to make it a new project instead of implementing a third phase of the previous project. Indeed, the project was bigger in its size and longer in its period than the previous ones, welcoming the Office of the Government (OOG) that was responsible for final checks of drafts of legal normative documents before their submission to the National Assembly as a new counterpart. The project office was also reinforced during the implementation by adding one more Japanese expert, a prosecutor, to the team. A lot of activities were incorporated in the project document, making it accompanied by a very large and detailed log-frame. The counterpart institutions were, MOJVN, OOG, SPC, SPP and VBF who were not only supposed to address their own issues within their individual responsibilities but also were called upon to engage in collaborative activities. The project purpose read like this:

"Institutional capacity for legal and judicial authorities /organization is developed for minimizing and rectifying inconsistency in legal normative documents as well as for promoting appropriate understanding and undertaking uniform implementation and application of legal normative documents in line with the 2013 Constitution and

[10] The title of the project had an abbreviation "PHAP LUAT 2020". "PHAP LUAT" means "law" in the Vietnamese language.

the Resolution No. 48-NQ/TW and No.49-NQ/TW 2005 of the Politburo of the Central Committee of the Communist Party of Vietnam; thereby, appropriate and efficient process and application of legal normative documents are realized."

As one can see from the above narrative summary of the project purpose, the project was about, again, capacity building of its counterpart institutions for the sake of consistent legislation and uniform application of laws, all in line with the two important Politburo resolutions. Still, the "outputs" which were expected to serve for achieving the project purpose included drafting of specific laws. Moreover, under the column of "outputs" in the log-frame, the project also envisaged continuous efforts by the counterparts even after the end of the project and called upon them to think about how to utilize the results to be generated by the project towards the future. In order to achieve such quite ambitious purpose and expected outputs, a vast variety of activities were agreed to be conducted.

Under such a broad scope, specific requests from the counterpart institutions started to pour into the project when it started on 1st April 2015. The project office tried its best to respond to them, but it seemed just too much of a workload. Eventually, the Japanese experts started to feel the negative aspects of such kind of a broad-scoped project. The problem was that large number of activities such as seminars, workshops and surveys made it difficult for the experts to input sufficient knowledge and expertise to each individual activity, thus impairing the effects of project activities. Moreover, with the progress of the project, it became apparent that for some activities there were differences in understanding on what the project should actually do. While the Japanese side had imagined that the experts and the advisers on the Japanese side are supposed to give general advices from theoretical and technical points of view regarding a limited area of law – basic civil and criminal law -, the Vietnamese side demanded more and expected the project to help them with their daily work which the Japanese side did not consider to be within the scope of the project. This kind of hidden disagreement surfaced in the course of the project making the entire cooperation to somewhat lose track.

But both the Vietnamese side and the Japanese side were, of course, capable enough to mend such situation based on good communication and mutual trust that was fostered through the almost 20 years of cooperation. In the midway of the third project, they analyzed the situation, streamlined the issues and agreed to narrow down the scope of activities in order to achieve expected results. The project document was amended so as to reflect such changes, and the project was back on the track again. Although the

worldwide COVID-19 outbreak heavily impacted the project shortly after that, the project somehow managed to generate major outcomes, if not all, and came to an end after a nine-month extension on 31st December 2020, paving its way to the next one.

The third project again provided both the Vietnamese side and the Japanese side a simple but important lesson. It reminded all those who were involved how crucially important it is to have in-depth and thorough discussions among concerned parties and stakeholders at the time of planning and preparation of such a project, and to form a clear and precise common understanding as to what the project is mandated to do. Thoughtful planning is required, and it needs to be based on precise estimate of the capacity and workload of not only the project but of those who participate in the activities on the counterpart side. Also, it is the author's view that, when planning such kind of project or program, it is of vital importance that each side has a clear understanding as to what the other side wants and what it can give, which the author sometimes refers to as "resource matching". At the time of planning the third project, the Japanese side should have made more efforts to precisely grasp what the counterparts needed. The Vietnamese counterpart should have had more accurate understanding on what intellectual resource Japan can provide and what it cannot. Vietnam may not always want what Japan can offer. Japan may not always be able to provide Vietnam what it wants. Offer and acceptance, demand and supply must meet exactly. Excessive expectation and excessive and unrealistic generousness never do any good. It only overburdens the project and leads to dysfunction of it. Luckily, the third project somehow managed to avoid such risk thorough endeavors of both sides based on mutual trust, without which such dysfunction might have been unavoidable.

III. Challenges and the Future

As mentioned above, the third project came to an end on 31st December, and on the next day, the period of another new, five-year project started. Preparatory works for the fourth project had already started in 2018, and after frequent discussions and completing lots of troublesome work on both the Vietnamese and Japanese sides, the prospective project was officially approved by the Prime Minster of Vietnam on 13th November 2019. The new project titled "Enhancing the Quality and Efficiency of Developing and Implementing Laws in Vietnam" has some new features which the past projects did not have.

First, it is unique in that it does not at the beginning specify what concrete activities should be undertaken during the project. It is designed so as to spend its first year exclusively for identifying the most important issues that have to be addressed in order to improve the quality of the Vietnamese legal system and its practice. Such identification is supposed to be

based on thorough analysis of what has been achieved and what has not during the 15 years period under the directives given by the Politburo Resolutions No. 48 and No. 49 of 2005 and by taking stock of the knowledge and experience accumulated through the cooperation between Vietnam and Japan in the law and justice sector which has lasted for more than a quarter of a century since 1994. And only after identifying the most important and pressing issues as to which the counterparts are responsible to address and solve, concrete activities will commence in the second year by "working groups" to be formed for each counterpart institution, MOJVN, OOG, SPC, SPP and VBF, to which the Japanese experts including the long-term experts will render intellectual assistance.

Second, the new project, unlike the previous ones, has aspects of some policy dialogue which is expected to make the efforts for legal and judicial reform more effective and efficient. The past projects tended to focus mainly on legal technical inputs and did not step in too much into the area of policymaking issues. However, since legal and judicial reform of a country can never be apolitical and heavily depends on overall policy and political commitment, the project was designed to incorporate elements of policy dialogue, not too much, but to some extent. Therefore, it was agreed that the Central Committee for Internal Affairs of the Communist Party of Vietnam should participate in the project as a counterpart institution expected to monitor the activities and to give necessary advices, thus enhancing the positive impact of the project on the overall policy of Vietnam in the area of law and justice.

The third notable feature of the new project might be that it expects itself to serve as a bridge for transition from a donor-recipient relationship to an equal partnership of Vietnam and Japan. During the 25 years of cooperation with Japan, Vietnam has remarkably improved its legal and judicial system and its competence and capability and seems to have almost reached a level that it is ready to have dialogues and cooperate on an equal footing with other developed countries including Japan. So, in order to promote a wider range of mutual exchange and cooperation between the relevant authorities and organization in Vietnam and in Japan, the project plans to undertake activities aimed at strengthening ties between stakeholders of both countries for the future.

Whether the unprecedented, quite ambitious project will be successful or not, time will tell. But it is carefully designed in order to contribute to further development of Vietnams law and justice sector and to Vietnam's international integration on its own initiative.

It is the author's personal view that, during the period of the new project, individuals and organizations involved in the project will face challenges which they sometimes may

feel hard to overcome. Vietnam seems to be in the very last phase towards achieving the long-awaited reform aiming at completing a transition into a rule-of-law state with a socialist-oriented market economy and seems to be already quite close to it. But still, there are fundamental problems standing in its doorway which the author thinks will become clearer than ever. They are not the minute, technical issues, but rather basic matters of law as to some of which the individuals and organizations of Vietnam may need some drastic change in their mindset. The seemingly prevailing aspiration for a perfect, impeccable, but at the same time too much detailed written law system leaving no room for flexibility combined with the notion that interpretation of laws should not be left to the judges may be a good example, having the possibility to make the laws overly rigid so as to impede the proper implementation and application of laws taking the actual situation of the society and the economic activities in a rapidly developing, dynamic market. It leads to the author's concern that it may have some sort of a "chilling effect" to social life and economy, especially when the too much detailed written norms create the notion or atmosphere that people are allowed to do only what is written and not allowed to do what is not expressly written on a normative document. There are several other kinds of concepts or obsolete notions Vietnam may have to overcome by exerting efforts such as, for example, further developing and enriching its legal theories and jurisprudence as well as accumulating good practices, but here, the author does not wish to go too far into them.

Still, it is the firm belief of the author that the current Vietnamese legal community has enough ability to remove such obstacles and move towards the establishment of a well-functioning legal system and practice meeting international standards and compatible with other developed systems and practice in other parts of the world. As long as Vietnam maintains its passion for reform and continues its intensive efforts as it has done so up until now, the goal is right in front. Together with JICA and all the relevant Japanese institutions, ICD wishes to see the Vietnamese counterparts reaching the goal triumphantly, and looking forward to that, it will continue to stand by them as their old friend.

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

As of January 31, 2021

Year	Month	Vietnam
1991		The Minister of Justice of Vietnam requested assistance from the Ministry of Justice of Japan
1992		
1993		Prof. Akio Morishima of Nagoya Univ. (then) visited Vietnam to introduce Civil Code [CC] of Japan through cultural exchange project
1994	Oct.	Training course in Japan (on CC of Japan; etc.)
1995	Aug. Oct.	・"Survey on development policy to assist transition to market economy" (so-called Ishikawa Project)(1995 – 2001) ・Training course in Japan (on Nationality Act; etc.)
1996	Aug. Sep. Dec. Dec.	・Training course in Japan (on Penal Code and Criminal Procedure Code[CRPC]) ・Training course in Japan (on Commercial Code; etc.) ・Cooperation Program in Legal Field, Phase I commenced ・Long-term expert (private attorney) was dispatched

1997	Jun. Oct.	・Training course in Japan (on family register, registration, deposition) ・Training course in Japan (on Civil Procedure Code [CPC] and Civil Execution Act)
1998	 Jun. Oct.	・Local seminar ・Training course in Japan (on Companies Act;etc.) ・Training course in Japan (on intellectual property right)
1999	 Jun. Oct. Nov. Dec.	・Local seminar ・Training course in Japan (on criminal procedure) ・Training course in Japan (on civil liability) ・Training course (on criminal procedure and roles of prosecutors)(JICA and UNDP joint project) ・Japan-Vietnam Civil and Commercial Law Seminar ・Phase I of Above Project terminated ・Cooperation Project in Legal Field, Phase II commenced - Joint study to amend Civil Code (CC) of Vietnam - Formulation of a bird's-eye view of laws - Human resource development ・Supreme People's Court (SPC) and Supreme People's Procuracy (SPP) were added as counterpart organizations ・Long-term expert (program coordinator) was dispatched
2000	 Jun. Jul. Sep. Oct. Nov.	- Local seminar ・Three long-term experts (public prosecutor, former judge and private attorney) were dispatched ・Training course in Japan (on judicial system in Japan; etc.) ・Joint study group to amend CC commenced ・Training course in Japan (on lawyer system; etc.) ・Training course in Japan (on criminal procedure; etc.) ・Training course in Japan (on judiciary; etc.)
2001	 May Jun. Sep. Nov.	・Two long-term experts (public prosecutor and private attorney) were dispatched ・Local seminar ・Training course in Japan (on legal training of prosecutors) ・Training course in Japan (on capacity development) ・Training course in Japan (on CPC) ・Phase II of Above Project was extended until Mar. 2003
2002	 Feb. May Jun. Sep.	・Former Minister of Justice of Vietnam was invited to Japan by JICA ・Long-term expert (former judge) was dispatched ・Local seminar ・Training course in Japan (on CC) ・Training course in Japan (on penal provisions concerning economy for developing market-oriented economy) ・Training course in Japan (on laws and rules concerning stock exchange; etc.) ・Training course in Japan (on CPC)
2003	Feb. Jun. Jul. Dec.	・Training course in Japan (on laws and rules concerning secured trading system) ・Phase II of Above Project terminated ・Phase III of Above Project commenced - Joint study group to amend CC - Joint study group on CPC - Joint study group on legal training (composed of MOJ, Supreme Court [SC] and Japan Federation of Bar Associations [JFBA]) - Joint study group (composed of MOJ, SC and JFBA) commenced to establish judgment-writing and judicial precedents ・Seminar to assist amendment of Bankruptcy Law ・Long-term expert (public prosecutor) was dispatched ・Local seminar (on CC, CPC, legal training) ・Minister of Justice and other delegates were invited to Japan by Research and Training Institute (RTI) and JICA

2004	Feb.	・Training course in Japan (on legal training) ・Course on Japanese law at Vietnam National University commenced ・Four long-term experts (public prosecutor, former judge, private attorney and program coordinator) were dispatched ・Local seminar (on CC, CPC, legal training, judgment-writing/judicial precedents)
	Jun.	・CPC was enacted
	Jun.	・Amended Bankruptcy Law was enacted
2005	Jan.	・Training course in Japan (on legal training)
	Feb.	・Training course in Japan (on joint study to amend CC) ・Long-term expert (former judge) was dispatched ・Course on Japanese law at Vietnam National Univ. ・Local seminar (on judgment-writing/judicial precedent, Judgment Execution Law, legal training)
	Jun.	・Amended CC was enacted
	Sep.	・Training course in Japan (on standardization of judgment-writing)
2006	Feb.	・Training course in Japan (on legal training)
	Jun.	・Phase III of Above Project was extended until Mar. 2007 ・Long-term expert (program coordinator) was dispatched ・Course on Japanese law at Vietnam National Univ. ・Local seminar (on judgment-writing/ judicial precedents)
	Oct.	・Training course and joint study on Japan-Vietnam judicial systems (on judgment-writing/ judicial precedent, inviting four justices from SPC to Japan)
2007	Mar.	・Phase III of Above Project terminated
	Apr.	・Project for Legal and Judicial Reform commenced ・Joint study group on CC commenced ・Study group to improve court practices commenced ・Four long-term experts (public prosecutor, former judge, private attorney, program coordinator) were dispatched ・Course on Japanese law at Vietnam National Univ. ・Research and Education Center for Japanese Law was established at Hanoi Univ. of Law by Nagoya Univ.
	Sep.	・Local seminar (on State Compensation Law)
	Nov.	・Training course in Japan (on drafting State Compensation Law)
2008		・Joint study group on CC and study group to improve court practices ・Course on Japanese law at Vietnam National Univ.
	Jun.	・Training course in Japan (on criminology)
	Aug.	・Training course in Japan (on improvement of court practices and measures for providing information of judicial precedent, etc.)
	Nov.	・Civil Judgment Execution Law was enacted
2009	Mar.	・Training course in Japan (on amendment of CRPC) ・Joint study group on CC, study group to improve court practices ・Course on Japanese law at Vietnam National Univ.
	Jun.	・State Compensation Law was enacted
	Aug.	・Training course in Japan (on drafting Immovable Property Registration Law and Secured Transaction Registration Law)
	Oct.	・Training course in Japan (on organization and activities of JFBA)
	Dec.	・Training course in Japan (on drafting amended CRPC and guidance on operation of Civil Judgment Execution Law) ・Local seminar (on Administrative Procedure Law, organization and management of bar federation, etc.)

2010	Feb.	・Training course in Japan (drafting Administrative Procedure Law) ・JICA Survey Team was dispatched for project-end evaluation and project detailed planning survey ・Joint study group on CC and study group to improve court practices ・Course on Japanese law at Vietnam National Univ.
	Jun.	・Joint study on Japan-Vietnam judicial systems
	Aug.	・Local seminar
	Sep.	・Training course in Japan (on attorney's business basic rules, roles of each bar association, etc.)
	Oct.	・Vice-Minister of Justice was invited to Japan
	Nov.	・Training course in Japan (on drafting Family Registration Law)
	Nov.	・Administrative Procedure Law was enacted
	Dec.	・Training course in Japan (on drafting amended CRPC)
2011	Jan.	・Training course in Japan (on drafting amended CPC)
	Mar.	・Phase I of Above Project terminated ・Amended CPC was enacted
	Apr.	・Phase II of Above Project (2011 - 2015)　commenced ・Joint study group on CC and study group to improve court practices ・Course on Japanese law at Vietnam National Univ.
	Jun.	・Joint study on Japan-Vietnam judicial systems
2012	Feb.	・Training course in Japan (on organization of bar associations, strengthening capacity of attorneys, and countermeasures against depopulation of attorneys)
	Mar.	・Training course in Japan (on amendment of Court Organization Law） ・Joint study group on CC, and study group to improve court practices ・Course on Japanese law at Vietnam National Univ.
	Jun.	・Joint study on Japan-Vietnam judicial systems ・JICA Survey Team was dispatched (survey for guidance on project management)
2013	Feb.	・Training course in Japan (on establishment of rights of defense counsel in criminal justice, amendment of CC)
	Mar.	・Training course in Japan (on amendment of Court Organization Law)
	May	・JICA Survey Team (mid-term evaluation) ・Joint study group on CC, and study group to improve court practices ・Course on Japanese law at Vietnam National Univ.
	Aug.	・Joint study on Japan-Vietnam judicial systems (Prosecutor General of SPP was invited to Japan at the same time)
	Oct.	・Training course in Japan (on Bankruptcy Law; organization and management of bar associations and law firms in the province, and autonomy of private attorneys)
2014	Feb.	・JICA Survey Team (Joint Coordinating Committee [JCC])
	Mar.	・Training course in Japan (on amendment of CC - amendment of international-private related law) ・Field survey by ICD (for preliminary survey to assist in amendment of Penal Code) ・Joint study group on CC, and study group to improve court practices
	Jun.	・Joint study on Japan-Vietnam judicial systems (on amendment of CC)
	Jul.	・Joint study on Japan-Vietnam judicial systems (on training of prosecutors)
	Aug.	・JICA survey team was dispatched (for project-end evaluation)
	Sep.	・JICA survey team was dispatched (for pre-project detailed planning survey) ・Local seminar (on summary procedure, appeal system, amendment of CPC, etc.)
	Nov.	・JICA survey team was dispatched (for project detailed planning survey)
	Dec.	・Training course in Japan (on training of prosecutors)
	Dec.	・JICA survey team was dispatched (for 3rd project detailed planning survey)

2015	Mar. Apr. Jun. Sep. Oct. Nov. Dec.	・Training course in Japan (on amendment of CC) ・Project for Harmonized, Practical Legislation and Uniform Application of Law Targeting Year 2020 commenced (2015 - 2020) ・The Office of the Government (OOG) was added as a new counterpart in this project in addition to pre-existing four counterparts ・Additional long-term expert (prosecutor) was dispatched in addition to pre-existing four long-term experts ・Joint study group on CC, and study group to improve court practices ・Joint study on Japan-Vietnam judicial systems (on criminal policy;etc.) ・Training course in Japan (on enhancing consistency of legal normative documents) ・JICA Survey Team was dispatched (for participating in JCC) ・Training course in Japan (on enhancing consistency of legal normative documents) ・Training course in Japan (on training of prosecutors)
2016	Apr. Jul. Sep. Nov. Nov. Nov.	・JICA survey team was dispatched (for participating in JCC) ・Training course in Japan (on enhancing consistency of legal normative documents and training of prosecutors) ・Training course in Japan (on property registration act) ・Training course in Japan (on training of judges) ・Local survey(on Property Registration Act) ・JICA survey team was dispatched (for survey for Property Registration Act)
2017	Feb. Apr. May Sep. Sep. Oct. Nov.	・Local seminar (on Property Registration Act, etc.) ・Local survey(for Property Registration Act) ・Training course in Japan (on judicial precedent) ・Training course in Japan (on property registration act) ・Local seminar (on judicial precedent) ・Local seminar (on family court) ・Training course in Japan (on civil execution system and registration system)
2018	Jan. May Jun. Sep. Oct. Oct.	・JICA survey team was dispatched (for Mid-term Review) ・JICA survey team was dispatched (for participating in JCC) ・Training course in Japan (on settlement and conciliation) ・Local seminar (on judicial precedent) ・Training course in Japan (on enhancing consistency of legal normative documents) ・Local seminar (on family court)
2019	Jan. Apr. Aug. Aug. Sep. Oct.	・JICA survey team was dispatched (for participating in JCC) ・JICA survey team was dispatched (for participating in JCC) ・Local seminar (on hearing from women and children victims) ・Local workshop (on forensic interviews) ・JICA survey team was dispatched (for project detailed planning survey) ・Above Project was extended until Dec. 2020 ・Training courses in Japan (on adversarial principle in the criminal court practices)
2020	Jan. Feb.-Mar. Dec.	・JICA survey team was dispatched (for project detailed planning survey) ・Training courses in Japan (on enhancing consistency of legal normative documents) ・Above Project terminated
2021	Jan.	・Project "Enhancing the Quality and Efficiency of Developing and Implementing Laws in Vietnam" commenced (2021 - 2025) ・The Central Internal Affairs Committee (CIAC) was added as a new counterpart in this project in addition to pre-existing five counterparts
Year	Month	Cambodia
1993		
1994		・Seminar "Actual Situation of, and Challenges for Judicial System in Cambodia" by JFBA
1995		
1996		・Joint organization of training course in Japan by MOJ, SC and JFBA (annually)
1997		

1998		・Survey team was dispatched to JICA Office in Cambodia ・Agreement on assistance in drafting Civil Code (CC) and Code of Civil Procedure (CCP)
1999	Mar.	・JICA Legal and Judicial Development Project, Phase I began ・Two long-term experts (including a private attorney) were dispatched to MOJ of Cambodia ・Workshops held by CC and CPC working groups in Japan and in Cambodia to assist drafting of the two codes
2000	 Apr. May Oct.	・Training course in Japan for assistance in legislative drafting, mainly through discussions with working groups (twice) ・Friendship agreement between JFBA and Cambodian Bar Association (CBA) ・Judicial survey team was dispatched by JFBA ・Judicial survey team was dispatched by JFBA
2001		・Judicial assistance project for CBA by JFBA (JICA small-scale development partnership project) commenced ・Seminar on continuous education of attorneys (1st to 4th) organized by JFBA (joint project with Canadian Bar Association [which held seminar three times] and Lyon Bar Association [which held seminar once], and seminars were held eight times in total)
2002		・Commemorative seminar on completion of draft CC and CCP (speech given by Prime Minister Samdech Hun Sen) ・Draft CC and CCP were completed ・Judicial assistance project for CBA by JFBA (JICA Development Partnership Program) commenced (until 2005) ・Training course in Japan (assistance in legislative drafting, legislative assistance)
2003		・Training seminar in Japan (legislative assistance) ・JICA survey team was dispatched ・JICA short-term expert was dispatched by MOJ of Japan to Royal School for Judges and Prosecutors (RSJP) of Cambodia
2004		・Phase II of above JICA Project commenced (until Apr. 2007) - Legislative assistance - Drafting ancillary laws ・Two long-term experts (including one private attorney) were dispatched to MOJ of Cambodia ・Training course on legal training for counterpart organizations ・JICA short-term expert (public prosecutor) was dispatched to RSJP
2005	Feb. Oct.	・Training course in Japan (CC, CCP) ・Two long-term experts (including one private attorney) were dispatched to MOJ of Cambodia. ・Local seminar (mock trial) ・Study group on legal training was established ・JICA Project for Improvement of Training on Civil Matters at RSJP (RSJP Project) commenced (until Mar. 2008) ・Two long-term experts (including public prosecutor) were dispatched to RSJP ・Judicial assistance project for CBA by JFBA (JICA Development Partnership Program) terminated ・Training course in Japan (legal training)

2006	Feb.	・Training course in Japan (CC, CCP) ・Two long-term experts (including private attorney) were dispatched to MOJ of Cambodia ・Minister of Justice of Cambodia and other delegates were invited to Japan by RTI and International Civil and Commercial Law Centre Foundation (ICCLC) ・JICA Legal Development Project, Phase II was extended (until Apr. 2008)
	Apr.	・JICA-Net seminar
	Jul.	・CPC was enacted
	Aug.	・Short-term experts were dispatched
	Aug.	・Local seminar (special lecture on CC)
	Aug.	・Local seminar (judgment-writing)
	Dec.	・Remote seminar
	Dec.	・JICA-Net seminar
2007	Feb.	・Training course in Japan (legal training)
	Mar.	・Local seminar (special lecture on CCP) ・Additional long-term expert (private attorney) was dispatched to MOJ (three long-term experts in total) ・JICA survey team was dispatched ・JICA survey team was dispatched
	May	・JICA-Net seminar
	Jul.	・Application of CCP commenced
	Jul.	・Training course in Japan (legal training and CCP)
	Aug.	・Remote seminar (CCP)
	Sep.	・JICA-Net seminar
	Sep.	・Local seminar (CC)
	Dec.	・CC was promulgated
	Dec.	・Local seminar (civil mock trial)
2008	Jan.	・Local seminar (CCP) ・JICA Judicial Assistance Project for CBA commenced ・JICA Legal Development Project, Phase III commenced - Drafting ancillary laws ・JICA survey team was dispatched ・JICA RSJP Project, Phase II commenced ・Advisory group on legal training was established
	Sep.	・JICA-Net seminar
	Oct.	・Training course in Japan
	Dec.	・Remote seminar (CCP)
	Dec.	・Local seminar
2009	Feb.	・Training course in Japan (Immovable Property Registration Law)
	Feb.	・Local seminar
	Mar.	・Training course in Japan
	May	・JICA-Net seminar
	Jun.	・Local seminar
	Aug.	・Local seminar
	Oct.	・Training course in Japan
	Nov.	・Training course in Japan
	Dec.	・Local seminar (CCP)
2010	Feb.	・Training course in Japan (on immovable property registration) ・Dispatch of two long-term experts to RSJP continued, one long-term expert was added (two of total three were from MOJ)
	May	・JICA-Net seminar (CCP)
	May	・Field survey by RTI (needs assessment)
	May	・JICA Judicial Assistance Project for CPA terminated.
	Sep.	・Local seminar (CC)
	Oct.	・Training course in Japan (legal training)
	Dec.	・JICA-Net seminar (corporate registration)

2011	Mar.	・Local seminar (CC)
	Jun.	・Civil Code Application Law was promulgated
	Jun.	・Training course in Japan (legal training)
	Aug.	・Local seminar (on CC in Aug., Sep., Nov.)
	Sep.	・JICA survey team was dispatched (for project-end evaluation)
	Oct.	・Training course in Japan (legal training)
	Oct.	・JICA survey team was dispatched (for project detailed planning)
	Dec.	・Application of CC commenced; commemorative ceremony
	Dec.	・Local seminar (dissemination of CC)
2012	Jan.	・Local seminar (CC)
	Feb.	・Training course in Japan (corporate registration)
	Mar.	・JICA Legal Development Project, Phase III terminated.
	Apr.	・JICA Project for Dissemination of CC and CCP commenced - Assistance in drafting Joint Ministerial Ordinance on Immovable Property Registration - Personnel capacity-building of MOJ, RSJP, CBA, and National University of Law and Economics
	Sep.	・Local seminar (immovable property registration)
	Nov.	・JICA survey team was dispatched (to participate in JCC)
	Dec.	・Local seminar (immovable property registration)
2013	Feb.	・Local seminar (Family Inheritance Law)
	Feb.	・Training course in Japan (human resource development) ・JICA Project for Assistance in legislative drafting terminated ・Dispatch of an expert (private attorney) terminated
	Sep.	・Local seminar (CCP)
	Sep.	・JICA survey team was dispatched (for guidance on project management)
	Oct.	・Training course in Japan (on human resource development)
	Dec.	・JICA survey team was dispatched (to participate in JCC)
2014	Feb.	・Training course in Japan (on human resource development)
	Mar.	・Local seminar (CC)
	Jun.	・Training courses in Japan
	Aug.	・JICA survey team was dispatched (for mid-term review)
	Sep.	・Long-term expert (prosecutor) was dispatched, dispatch of an expert ended
	Oct.	・Training courses in Japan
	Dec.	・JICA survey team was dispatched (to participate in JCC)
	Dec.	・Local seminar (publication of judgments)
2015	Feb.	・Training courses in Japan
	Mar.	・Local seminar (Registration of Immovables)
	Jul.	・Local seminar (Joint Prakas on Registration of Immovables)
	Sep.	・Training courses in Japan
	Dec.	・JICA survey team was dispatched (to participate in JCC)
2016	Jan.	・Local seminar (Civil Provisional Remedies)
	Mar.	・Training courses in Japan
	Oct.-May	・Dispatch of a short-term expert (public prosecutor)
	Aug.	・Local seminar (Problems in practice in Aug.)
	Aug.	・JICA survey team was dispatched (for project-end evaluation)
	Sep.	・JICA survey team was dispatched (for project detailed planning in Sep.)
	Oct.	・Training courses in Japan (Oct.)
	Dec.	・JICA survey team was dispatched (to participate in JCC)
2017	Jan.	・Local seminar (Problems in practice)
	Feb.	・Local seminar (Compulsory execution)
	Mar.	・Above JICA Project continued terminatended
	Apr.	・JICA Legal and Judicial Project Phase V commenced
	Aug.	・Working groups on CC terminated
	Aug.	・Local seminar (Problems in practice) ・Advisory group on Immovable Property Registration was formed

2018	Jan. Mar. Mar. Aug.	・Japan Federation of Bar Association (JFBA)・Bar Association of Kingdom of Cambodia (BAKC)・ICD seminar (Division of Inheritance) ・RULE・ICD seminar (Divorce) ・Japan Federation of Bar Association (JFBA)・Bar Association of Kingdom of Cambodia (BAKC)・ICD seminar (Divorce) ・JFBA・BAKC・ICD seminar (Compulsory execution of Real Property)
2019	Jan. Feb. Feb. Mar.	・JICA survey team was dispatched (to participate in JCC) ・Training courses in Japan ・Workshop in Cambodia (Immovable Property Registration) ・JFBA・BAKC・ICD seminar (Civil Provisional Remedies)
2020	Jan. Jan. Jan. Mar.	・JICA survey team was dispatched (to participate in JCC) ・Training course in Japan ・Workshop in Cambodia (Court enforcement officer act) ・Online workshop (Immovable Property Registration)
Year	Month	Laos
1995		
1996		Minister of Justice of Laos requested assistance during his visit to Japan
1997		
1998	 Dec.	・Training course held in Japan by Nagoya Univ. and RTI as commissioned organizations ・Local seminar & survey
1999	Feb. Nov.	Training course in Japan Training course in Japan
2000	Feb. Jun. Nov. Dec.	・Local seminar ・Field survey on local judicial system (for 3 months) ・Local seminar ・Training course in Japan ・JICA survey team was dispatched for project formulation
2001	Apr. Oct.	・Judicial system survey team was dispatched by JFBA ・Judicial advisor-style short-term expert was dispatched (8 months in total) ・Training course in Japan ・Local seminar (twice)
2002	Mar. Oct.	・Training course in Japan ・Long-term expert (public prosecutor) was dispatched ・Local seminar (four times) ・Training course in Japan
2003	Mar. May. Nov.	・Training course in Japan ・JICA Project commenced - Creation of law database - Assistance in publication of statute book - Assistance in drafting of law textbooks and dictionary - Assistance in drafting of prosecutor's manual - Training of trainers ・Long-term expert (public prosecutor) was dispatched ・Training course in Japan
2004	Feb. Jul.	・Training course in Japan ・Two long-term experts (public prosecutor, private attorney) were dispatched ・Training course in Japan (twice) ・Local seminar
2005		・Two long-term experts (public prosecutor, private attorney) were dispatched ・Training course in Japan (twice) ・Local seminar (on civil law textbook, judgment-writing manual, prosecutor's manual) ・Prosecutor's manual and judgment-writing manual completed

2006	 Nov.	・Local dissemination seminar (on judgment-writing manual, prosecutor's manual, civil and commercial law textbook) ・Training course in Japan (on project wrap-up, distribution of deliverables, new judicial reform master plan)
2007	May May-Dec.	・Extension of above project terminated ・Follow-up dissemination workshop by each local counterpart organization, monitoring by JICA local office
2008	Sep. Nov. Dec.	・Legal technical assistance simulation workshop held jointly with Nagoya Univ. ・Above workshop held jointly with Nagoya Univ. ・Above workshop held jointly with Nagoya Univ.
2009	Jan. May May Jun. Sep. Sep. Nov.	・Local survey ・Legal technical assistance simulation workshop held jointly with Nagoya Univ. ・Field survey ・Above workshop held jointly with Nagoya Univ. ・Local seminar (Sep.) ・Field survey ・Above workshop held jointly with Nagoya Univ.
2010	Feb. Mar. May. Jul. Jul. Jul. Aug. Oct. Dec.	・Legal technical assistance simulation workshop held jointly with Nagoya Univ. ・Field survey ・JICA-Net seminar (on CC) ・JICA-Net seminar (on CC) ・Field survey by RTI (on judicial system) ・Project for Human Resource Development in Legal Sector (Phase I) commenced ・Three long-term experts (prosecutor, private attorney, program coordinator) were dispatched ・Advisory groups were formed in Japan (on CC, CPC, CRPC) ・Field survey by RTI (on judicial system) ・JICA-Net seminar (on CC) ・JICA-Net seminar (on CC)
2011	Feb. Mar. Jun. Jul. Aug. Sep. Oct.	・Local seminar ・Training course in Japan (on CC) ・JICA-Net seminar (on CRPC) ・JICA-Net seminar (on CC and CPC) ・Local seminar (on CC) ・Local seminar (on CPC) ・Training course in Japan (on CRPC) ・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
2012	Jan. Mar. Jun. Jul. Aug. Oct. Oct. Nov.	・Training course in Japan (on CPC) ・Local seminar (on CRPC) ・Local seminar (on CC) ・JICA survey team was dispatched (for mid-term evaluation) *Assistance in drafting CC was added to project ・Local seminar (on CC) ・Training course in Japan (on CRPC) ・JICA-Net seminar (on CRPC) ・Training course in Japan (on CPC)

2013		・Additional long-term expert (prosecutor) was dispatched (four experts in total: two prosecutors, private attorney, program coordinator)
	Feb.	・Local seminar (on CPC and CRPC)
	Feb.	・Training course in Japan (on CC)
	Mar.	・Local seminar (on CC)
	Mar.	・Training course in Japan (on CC)
	Apr.	・JICA-Net seminar (on CRPC)
	May	・JICA-Net seminar (on CC)
	May	・JICA survey team was dispatched (for guidance on project management)
	Jul.	・JICA-Net seminar (on CRPC and CC)
	Jul.	・Training course in Japan (on CRPC)
	Aug.	・Local seminar (on CC)
	Oct.	・Training course in Japan (on CCP)
	Nov.	・JICA-Net seminar (on CRPC and CC)
	Nov.	・Local seminar (on CC)
	Dec.	・JICA-Net seminar (on CC)
	Dec.	・Local seminar (on CRPC)
2014	Jan.	・JICA-Net seminar (on CC)
	Feb.	・JICA survey team was dispatched (project-end evaluation)
	Feb.	・Training course in Japan (on CC)
	Mar.	・Training course in Japan (on CC)
	Mar.	・Local seminar (on CCP)
	Mar.	・JICA-Net seminar (on CRPC)
	Apr.	・JICA-Net seminar (on CC)
	May.	・JICA-Net seminar (on CC)
	Jun.	・JICA-Net seminar (on CC)
	Jul.	・Above Project, Phase I terminated
	Jul.	・Above Project, Phase II commenced
	Jul.	・JICA-Net seminar (on CC)
	Jul.	・Local seminar (on human resource development)
	Aug.	・Local seminar (on CC)
	Sep.	・JICA-Net seminar (on CC)
	Oct.	・Additional long-term expert (private attorney) was dispatched
	Oct.	・JICA survey team was dispatched (in Oct. to participate in 1st JCC)
	Oct.	・JICA-Net seminar (on CC)
	Nov.	・Training course in Japan (on CC)
2015	Jan.	・JICA-Net seminar (on CC)
	Feb.	・JICA-Net seminar (on CC)
	Feb.	・Training course in Japan (on CC)
	Mar.	・JICA-Net seminar (on CC)
	Mar.	・Local seminar (on CRPC)
	Apr.	・JICA-Net seminar (on CC)
	Aug.	・Minister of Justice was invited to Japan
	Sep.	・Training course in Japan (on human resource development)
	Nov.	・Training course in Japan (on CRPC)
	Dec.	・Training course in Japan (on Civil and Economic Law)
2016	Feb.	・Local seminar (on CRPC)
	Mar.	・Local seminar (on human resource development)
	May.	・JICA survey team was dispatched (to participate in 1st JCC)
	Sep.	・Training course in Japan (on Civil and Economic Law)
	Nov.	・JICA survey team was dispatched (to participate in 2nd JCC)
	Nov.	・Training course in Japan (on CRPC)
	Dec.	・Local seminar (on human resource development)

2017	Feb. Feb. Feb. Mar. May. Jun. Aug. Aug. Nov. Dec.	・Training course in Japan (on human resource development) ・Local seminar (on CRPC) ・Japan-Laos joint study (CC), Symposium "Enactment of Civil Code of Laos and Challenges in Practice" held ・Local seminar (on Civil and Economic Law) ・JICA survey team was dispatched (to participate in JCC) ・Local seminar (on human resource development) ・Local seminar (on CC) ・Training course in Japan (on Civil and Economic Law) ・JICA survey team was dispatched (Project detailed planning survey) ・Training course in Japan (on human resource development)
2018	Jan. Jan. Feb. Mar. Mar. Jun. Jul. Jul. Jul. Aug. Aug. Nov. Dec. Dec. Dec.	・JICA survey team was dispatched (Project detailed planning survey) ・Training Course on the Enforcement of Intellectual Property Rights for Judges in Lao P.D.R ・Local seminar (on CRPC) ・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 ・Training course in Japan (on CC) ・Local seminar (on human resource development) ・Above Project Phase Ⅱ terminated ・The project for promoting development and strengthening of the rule of law in the legal sector of Lao P.D.R commenced ・JICA survey team was dispatched (to participate in JCC) ・Local seminar (on CC) ・Local survey and Local seminar on Legislation Procedure and real property registration ・Local seminar (on human resource development) ・Training course in Japan (on human resource development) ・Civil Code was approved at the 6th Lao National Assembly consideration ・RTI and NIJ exchanged a memorandum of cooperation in the field of legal and judicial training
2019	Mar. May. Jun. Aug. Sep. Oct. Dec.	・Training course in Japan (on CC) ・Training courses in Japan (on CRPC) ・Local survey (to Jul.) ・Local seminars (on Civil Judgment) ・Local seminars (on CC) ・Criminal Law Forum with Vietnam and Japan ・Criminal Code Joint Seminar with NIJ ・Training courses in Japan (on human resource development)
2020	Jan. Feb. Feb. Mar. Nov.	・Joint Seminar with the Prime Minister's Office ・Local seminars (on CC and Civil Related Law) ・Local seminars (on CRPC) ・Training courses in Japan (on CC) ・Civil Law Joint Seminar of Fact Finding
Year	Month	Indonesia
1997		
1998	Oct. Nov.	Seminar on Economic Law
1999		
2000	Jun. Oct.	・Study group on Antimonopoly Law of Indonesia organized by Japan External Trade Organization (JETRO) ・Symposium on APEC Economic Law System held by JETRO, etc.
2001		
2002	Jan. Jul. Jul.	・JICA Survey Team was dispatched ・Training course in Japan ・Symposium on APEC Economic Law System held by JETRO, etc.

2003	Jan.	・JICA Survey Team was dispatched
	Mar.	・Chief Justice of Supreme Court of Indonesia was invited to Japan by Ministry of Foreign Affairs and JICA
	Jun.	・Training course in Japan
	Sep.	・JICA long-term planning researcher was dispatched (private attorney)
	Oct.	・Japan-Indonesia ADR Comparative Study Seminar (training course in Japan)
2004	Jun.	・Training course in Japan
	Jul.	・Project on competition policy and deregulation in Indonesia commenced (by Fair Trade Commission)
	Sep.	・JICA planning researcher was dispatched
2005	Dec.	・Training course in Japan
2006	Mar.	・ADR local seminar in Aceh (by JICA and JFBA)
	Mar.	・Remote seminar on ADR in Aceh (five times in total) (by JICA and JFBA)
	Jul.	・Training course in Japan
	Sep.	・JICA Survey Team was dispatched and Minutes of Meeting was signed
	Oct.	・Project on competition policy and deregulation in Indonesia terminated(by Fair Trade Commission)
2007	Mar.	・JICA Project on Improvement of Mediation System commenced, long-term expert (private attorney) was dispatched
	Jun.	・Advisory group was formed in Japan
	Aug.	・Local seminar
	Oct.	・Training course in Japan
2008	Mar.	・Local seminar
	Jul.	・2nd training course in Japan
	Jul.	・amended regulation of Supreme Court of Indonesia, PERMA No.1, 2008 was enforced (on court-annexed mediation and rules on mediation procedure)
	Nov.	・Local seminar
	Nov.	・JICA Survey Team was dispatched for project-end evaluation
2009	Mar.	・JICA Project on Improvement of Mediation System terminated
	Sep.	・Field survey
	Nov.	・JICA Country-focused training course (on court-annexed mediation)
2010	Mar.	・Discussion meeting with Supreme Court of Indonesia on future cooperation
	Aug.	・Field survey by RTI
	Nov.	・Judges of Supreme Court were invited to Japan by RTI
	Dec.	・Deputy Chief Justice and others of Supreme Court were invited to Japan by RTI
		・RTI cooperated in JICA Project on Intellectual Property Rights
2011	Aug.	・Field survey on dissemination of mediation system and actual judicial system
	Nov.	・Joint study in Japan for strengthening judicial training in Indonesia
2012	Aug.	・Field survey
	Nov.	・2nd joint study in Japan for strengthening judicial training system in Indonesia
2013	May.	・Field survey
	Nov.	・JICA survey for information collection and confirmation in legal and judicial field
2014	Feb.	・3rd joint study in Japan for strengthening judicial training in Indonesia
	Apr.	・Local survey
	Oct.	・Project-end evaluation survey of JICA Project on Intellectual Property Rights
	Dec.	・Study on small-claims system with Supreme Court of Indonesia
2015	Feb.	・JICA survey team is to be dispatched
	Feb.	・4th joint study in Japan for strengthening judicial training in Indonesia
	Jul., Aug.	・JICA signed memorandum on cooperation with the Supreme Court in Indonesia (Jul.) and the Ministry of Justice and Human Rights (Aug.)
	Dec.	・JICA Project on Intellectual Property Rights Protection and Consistency for Improving Business Environment commenced
	Dec.	・JICA survey team was dispatched
		・Two long-term experts (prosecutor, judge) were dispatched

2016	Mar. Apr.-May May May Jun., Oct., Feb. Jul. Jul., Aug. Oct.	・Local survey ・Local survey ・Minister of Justice of Japan visited Indonesia for the Ceremony ・Joint study with the Ministry of Justice and the Human Rights ・Advisory group meeting ・Training course in Japan ・JICA survey team was dispatched (in Jun. to participate in the International Conference in Aug., to participate in JCC) ・Training courses in Japan
2017	Feb. Mar. Apr. Jun. Jul. Sep. Nov. Nov.	・Training course in Japan ・Local seminar ・JICA survey team was dispatched ・Local seminar ・Training course in Japan ・Minister of Justice of Japan visited Indonesia ・Training course in Japan ・Advisory group meeting
2018	Jun. Feb. May, Aug. Jul. Oct. Dec.	・Local seminar ・Training course in Japan ・JICA survey team was dispatched (to attend the JCC in May, to attend the International Conference in Aug.) ・Local seminar ・Training course in Japan ・Advisory group meeting
2019	Jan., Feb. Feb. Apr. Jun. Jun. Jul., Sep. Nov.	・Training courses in Japan ・Local seminar ・Advisory group meeting ・JICA survey teams were dispatched (to attend the JCC, to attend the International Conference) ・Local seminars ・Training courses in Japan ・Advisory group meeting
2020	Jan. Jan. Nov.	・Local seminar ・Training course in Japan ・JCC was held (online)
Year	Month	Mongolia
1993		
1994		・Prof. Akio Morishima was dispatched as JICA short-term expert to give advice on amendment of Civil Code
1995		
1996		・Assistance regarding registration system by Japan Federation of Shiho-Shoshi Lawyer's Associations
1997		
1998		・Seminar on registration for registrars of Immovable Property Registration Agency of Mongolia (held by judicial scriveners as JICA short-term experts)
1999		・Same as previous year
2000		
2001	Aug.-Sep. Oct.-Nov.	・Preliminary survey on legal technical assistance to Mongolia ・Seminar on Japan-Mongolia comparative judicial systems held in Japan by RTI ・Assistance regarding registration system in Mongolia by Japan Federation of Shiho-Shoshi Lawyer's Associations
2002	Feb.	・Training course for Mongolia held in Japan by Nagoya Univ.
2003	Mar.	・Short-term experts were dispatched to Mongolia (from Nagoya Univ., private attorney)

2004	Mar. Sep.	・Long-term expert (private attorney) was dispatched to Ministry of Justice and Home Affairs of Mongolia (2004 - 2006) ・International symposium held in Mongolia by Nagoya Univ.
2005	Sep.	・International symposium held in Mongolia by Nagoya Univ. ・Sociology of law study project on land law system in Mongolia commenced (by Nagoya Univ.)
2006	Sep.	・Project for Strengthening Mongolian Advocates Association commenced (2006 - 2008) ・Long-term expert (private attorney) was dispatched (from JFBA) ・Research and Education Center for Japanese Law was established at National Univ. of Mongolia by Nagoya Univ.
2007		
2008	Nov.	・Above Project terminated
2009	Jun. Sep.	・Survey team was dispatched for project detailed planning for strengthening mediation system in Mongolia ・3rd-year Celebration Event of Research and Education Center for Japanese Law in Mongolia by Nagoya Univ.
2010	May	・Project for Strengthening Mediation System commenced (2010 - 2012) ・Long-term expert (private attorney) was dispatched from JFBA
2011		
2012	Oct. Nov.	・Survey team was dispatched for detailed planning of Above Project, Phase II ・Above Project terminated
2013	Apr. Jul.	・Above Project, Phase II commenced (2013 - 2015) ・Long-term expert (private attorney) was dispatched (from JFBA) ・Short-term experts (private attorney, ICD Prof.) were dispatched to Mongolia
2014		
2015	Dec.	・Above Project, Phase II terminated
2016		
2017	Mar. Sep.	・Field survey by ICD ・Field survey by ICD
2018	Aug.	・Field survey by ICD ・Joint study (on Trade Laws)
2019	Jun. Sep. Oct.	・Field survey by ICD ・Field survey by ICD ・Joint study (on Trade Laws 2nd)
Year	Month	Central Asia
1999		
2000	 Jul. Aug.	[Uzbekistan] ・Local seminar held by Cabinet Legislation Bureau ・Academic exchange agreement was signed between Nagoya Univ. and three univ. in Uzbekistan
2001	 Sep.	[Uzbekistan] ・JICA Survey Team was dispatched
2002	 Feb. Mar. Apr. Sep. Oct. Oct. Oct.	[Uzbekistan] ・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. ・Training course in Japan ・JICA Survey Team was dispatched ・Local symposium by Nagoya Univ. ・Local survey by JFBA ・Local seminar (by RTI and Nagoya Univ.)

2003		[Uzbekistan]
	Mar.	・JICA Survey Team was dispatched
	Mar.	・Field survey and local symposium (by Nagoya Univ.)
	Sep.	・Expert was dispatched (by Hokkai Gakuen Univ.)
	Oct.	・Training course in Japan
	Dec.	・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		[Uzbekistan]
	Jun.	・Expert was dispatched to MOJ of Uzbekistan (by Mie Univ.)
	Jul.	・JICA Survey Team was dispatched
	Jul.	Minutes of Meeting was signed (on assistance in drafting commentary on Bankruptcy
	Oct.	Law) ・Training course in Japan (on commentary on Bankruptcy Law)
	Oct.	・Assistance in drafting Civil and Commercial Code continued (by Nagoya 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		[Uzbekistan]
	May. Nov.	・Training course in Japan (commentary on Bankruptcy Law)
	May.	・Research and Education Center for Japanese Law was established at Tashkent State Institute of Law (by Nagoya Univ.)
	Aug.	・Short-term experts were dispatched (from MOJ, Osaka Univ., etc.)
	Nov.	・Project for Drafting Commentary on Bankruptcy Law commenced (by MOJ, until Sep. 2007)
	Oct.	・Project to improve civil-related and administrative-related laws for development of corporate activities commenced (by Nagoya Univ.)
	Oct.	・Long-term expert was dispatched (by Nagoya Univ.) ・Local symposium (by Nagoya Univ.) [Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan] ・Comparative Study Project on Constitutional Courts in Central Asia commenced (by Nagoya Univ.)
2006		[Uzbekistan]
	Apr.	・Project for Drafting Commentary on Bankruptcy Law continued (by MOJ until Sep. 2007)
	May.	・Long-term expert (private attorney) was dispatched through Above Project (by MOJ, until Sep. 2007)
	Aug. Sep. Nov.	・Training course in Japan on commentary on Bankruptcy Law ・Additional long-term expert was dispatched (by Nagoya Univ.)
2007		[Uzbekistan]
	Jun, Feb.	・Short-term experts were dispatched (from MOJ, Osaka Univ., etc.)
	Mar.	・Commentary on Bankruptcy Law, Russian version was published
	Jul. Dec.	・Seminar on dissemination of commentary in Uzbekistan
	Sep	・Workshop to promote use of commentary
	Sep	・Commentary, Japanese and Uzbek versions were published
	Sep.	・Project for Drafting Commentary ended
2008		[Uzbekistan]
	Jun.	・Presentation ceremony to commemorate publication of commentary in Uzbekistan
	Mar.	・Commentary, English version was published
	Dec.	・Project to improve civil-related and administrative-related laws for development of corporate activities terminated (by Nagoya Univ.) [Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan]
	Dec.	・Seminar on Central Asia Comparative Legal System Study

2009	Nov.	・Cooperation preliminary survey team was dispatched for Project to Improve Civil-related and Administrative-related Laws for Development of Corporate Activities (Phase II) [Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan]
	Dec.	・Seminar on Central Asia Comparative Legal System Study
2010		[Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan]
	Dec.	・Seminar on Central Asia Comparative Legal System Study
2011		[Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan]
	Dec.	・Seminar on Central Asia Comparative Legal System Study
2012		[Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan]
	Nov.	・Seminar on Central Asia Comparative Legal System Study
2013		[Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan]
	Nov.	・Seminar on Central Asia Comparative Legal System Study
2018		[Uzbekistan]
	Mar.	・Japan-Uzbekistan Joint Study in Tokyo
	Sep.	・Seminar on Administrative Laws in Tashkent
2019		[Uzbekistan]
	Feb.	・Seminar on Administrative Laws in Tashkent
	Mar.	・Japan-Uzbekistan Joint Study in Tokyo
	Jul.	・Signing MOC between the Academy of the General Prosecutor's Office of Uzbekistan and Research and Training Institute
	Jul.	・Seminar on Administrative Laws in Tashkent
2020		[Uzbekistan]
	Apr.	・JICA Project for Enhancement of Judicial Ability of the Protection of Rights and Liberalization of Economy commenced
	Jun.	・Joint Project for Uzbekistan White Paper commenced
Year	Month	China
1995		
1996	Nov.	・Japan-China Civil and Commercial Law Seminar held by ICCLC (annually)
1997	Oct.	・Japan-China Civil and Commercial Law Seminar held by ICCLC (annually)
1998	Nov.	・Japan-China Civil and Commercial Law Seminar held by ICCLC (annually)
1999	Jun.	・Japan-China Civil and Commercial Law Seminar held by ICCLC (annually)
2000	Nov.	・Japan-China Civil and Commercial Law Seminar held by ICCLC (annually)
2001	Sep.	・Japan-China Civil and Commercial Law Seminar held by ICCLC (annually)
2002	Sep.	・Japan-China Civil and Commercial Law Seminar held by ICCLC (annually)
2003	Nov.	・Japan-China Civil and Commercial Law Seminar held by ICCLC (annually)
2004		・Legal technical assistance to China on Economic Law by Ministry of Economy, Trade and Industry (METI), etc.
	Sep.	・Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC
		・Lecture presentation on Japan-China intellectual property legal systems held in Tokyo and Osaka by RTI and ICCLC
2005	Sep.	・Japan-China Civil and Commercial Law Seminar held by ICCLC (annually)
2006	Sep.	・Japan-China Civil and Commercial Law Seminar held by ICCLC (annually)
2007	Jun.	・JICA Survey Team was dispatched
	Sep.	・Japan-China Civil and Commercial Law Seminar held by RTI, ICCLC and JETRO
	Nov.	・Record of Discussions (R/R) was signed on JICA Project for Improving Civil Procedure Law (CPL) and Arbitration Law of China
	Nov.	・Training course in Japan
	Nov.	・Study group was established in Japan

2008	Mar. May., Nov. Oct.	・Local seminar ・Training course in Japan ・Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC ・Long-term expert (private attorney) was dispatched by JICA (for two years)
2009	May, Jul. Sep. Nov. Dec.	・Local seminar ・Lecture on International Private Law and International CPL of China (inviting prof. from Tsinghua University） ・Japan-China Civil and Commercial Law Seminar held by RTI, ICCLC and JETRO ・Training course in Japan ・Tort Law was enacted
2010	Mar. May. Jul. Jul. Oct. Oct. Nov.	・Local seminar ・Project-end evaluation of Project for Improving CPL and Arbitration Law ・Country-focused training course in Japan on "CPL and Civil-related Laws" ・Country-focused training course in Japan on "Judicial personnel training" ・Training course in Japan on Project for Improving CPL and Arbitration Law ・Law on Application of International Private Law was enacted ・Local seminar on Administrative Procedure Law in China
2011	Jan. Mar., Oct. Nov. Nov.	・Long-term expert (private attorney) was dispatched ・Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC ・Training course in Japan (on judicial personnel training) ・Local seminar (on CPL)
2012	Jan. Jun. Jul. Jul. Aug. Oct.	・Training course in Japan (on CPL and civil-related laws) ・Local seminar on Inheritance Law in China ・Country-focused Training Program on "Administrative Procedure Law and administrative-related laws" commenced ・Training course in Japan (on Administrative Procedure Law and administrative-related laws in Jul. ・CPL was amended ・Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC
2013	Jan. May., Oct. Aug. Oct. Oct. Dec. Dec.	・Training course in Japan (on CPL and civil-related laws(Consumer Rights Protection Law)) ・Training course in Japan (on CPL and civil-related laws (Consumer Rights Protection Law) in May, (Copyright Law) in Oct.) ・Local seminar on Inheritance Law in China ・Country-focused training program on "CPL and civil-related laws" terminated ・Consumer Rights Protection Law was amended ・Japan-China Civil and Commercial Law Seminar held by RTI, ICCLC and JETRO ・JICA Survey Team was dispatched for project detailed project planning.
2014	May Jun. Jun.	・JICA survey team was dispatched to participate in JCC ・Project for Legal Development for Improvement of Market Economy and People's Wellbeing commenced ・Long-term expert (private attorney) was dispatched (from JFBA)
2015	Oct., Nov., Jun. Oct. Feb.	・Training course in Japan (on Crime Victim's Rights Protection Act in Oct. and Nov., on Industrial Accident Compensation Insurance Act etc in Jun.) ・JICA survey team was dispatched to participate in JCC ・Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC
2016	Jan. Apr. Sep., Nov. Nov.	・Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC ・JICA survey team was dispatched to participate in JCC ・Training course in Japan (on Patent Act in Sep., on CC in Sep. on Administrative Procedure Act in Nov.) ・Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC
2017	Jun. Nov.	・JICA survey team was dispatched to participate in JCC ・Local seminar on CC

2018	Apr., Sep. May Jul., Nov.	・Training course in Japan (on CC in Apr., on Patent act in Sep.) ・JCC was held ・Japan-China Civil and Commercial Law Seminar held by RTI, ICCLC and Japan-China Economic Association
2019	Jan. May Jun., Nov. Sep. Nov.	・Local seminar on CC ・JCC was held ・Training courses in Japan (on CC in Jun., on Patent act in Nov.) ・Local seminar on CC ・Japan-China Civil and Commercial Law Seminar held by RTI, ICCLC and Japan-China Economic Association
2020	May Oct.	・Civil Code was enacted. ・the fourth amended Patent Law was enacted
2021	Jan.	・Online seminar (Civil Code and amended Patent Law)
Year	Month	Nepal
2007		
2008		・Local seminar on criminal-related law comparative study (twice)
2009	Jul. Oct.	・Field survey in Nepal ・Local seminar on criminal-related law comparative study
2010	Jul. Jul. Aug.	・Country-focused training course in Japan on "Comparative Study of Criminal Justice System and Criminal Procedure" ・Legal technical assistance advisory long-term expert (private attorney) was dispatched ・Country-focused training course in Japan on "Civil Code and related laws"
2011	Feb. Sep. Nov.	・Field survey in Nepal ・Japan-Nepal joint study on investigation and prosecution practice ・Field survey in Nepal
2012	Jul. Aug. Sep. Nov.	・Japan-Nepal joint study on criminal justice ・Training course in Japan on drafting of commentary on Civil Code ・Training course in Japan on case management ・Field survey in Nepal
2013	Aug. Sep. Sep. Dec.	・Japan-Nepal joint comparative study on judicial system ・Project for Court Capacity-building for Expeditious and Fair Dispute Resolution in Nepal commenced ・Long-term expert (private attorney) was dispatched for above project ・1st training course in Japan for above project
2014	Mar. Jun. Sep. Sep. Nov. Dec.	・Field survey in Nepal ・JICA survey team was dispatched (survey for guidance on project management) ・Japan-Nepal joint comparative study on judicial system ・2nd training course in Japan for above project ・Local survey & seminar ・3rd training course in Japan for above project
2015	Feb. Oct. Dec. Nov.	・Field survey in Nepal ・Local seminar ・4th training course in Japan for above project ・Field survey in Nepal
2016	Feb. Mar. Jul. Sep. Nov. Dec.	・Field survey in Nepal ・Japan-Nepal joint comparative study on judicial system ・Invitation to support for enacting, disseminating and enforcing Civil Code ・5th course in Japan for above project ・JICA survey team was dispatched (for project-end evaluation) ・6th training course in Japan for above project ・Field survey in Nepal
2017	Mar. Nov.	・Japan-Nepal joint comparative study on judicial system ・Field survey in Nepal

2018	Feb. Mar. Mar. May Aug. Dec.	・Wrap-up seminar for above project ・Japan-Nepal joint comparative study on judicial system ・Above project terminated ・Local seminar on Code of Criminal Procedure ・Local seminar on Code of Criminal Procedure and Civil Code ・Field survey in Nepal
2019	Mar. Aug. Nov. Dec.	・Japan-Nepal joint comparative study on judicial system ・Local seminar on contract law, tort law, private international law and pre-trial conference ・Field survey in Nepal ・Local seminar on property law, tort law and private international law
2020	Feb. Dec.	・Japan-Nepal joint comparative study on judicial system ・Online seminar on tort law, private international law and pre-trial conference
Year	Month	Timor-Leste
2008		
2009	Jul.	・Training course in Japan for legislative drafting capacity-building
2010	Aug.	・Training course in Japan for legislative drafting capacity-building (Phase 2)
2011	Mar.	・Field survey in Timor-Leste
2012	Mar. Sep. Dec.	・Field survey in Timor-Leste ・Joint study on legal system of Timor-Leste ・Local seminar and field survey in Timor-Leste
2013	Apr.-Mar.2014 Jun. Sep. Dec.	・Advice on legal system of Timor-Leste (for legislative-drafting capacity-building) ・Field survey and local seminar in Timor-Leste (on mediation law) ・Local seminar in Timor-Leste (on mediation law) ・JICA-Net seminar (on mediation law)
2014	Mar. Jul. Dec.	・Local seminar in Timor-Leste (on mediation law) ・Field survey in Timor-Leste ・Joint study on legal system of Timor-Leste (on juvenile law)
2015	Mar. Sep. Dec.	・Local seminar and field survey in Timor-Leste (on juvenile law) ・Joint study on legal system of Timor-Leste (on mediation law and marriage law) ・Local seminar and field survey in Timor-Leste (on mediation law)
2016	Mar. Aug.	・Joint study on legal system of Timor-Leste (on mediation law and nationality law) ・Field survey in Timor-Leste
2017	Feb. Mar. Aug. Nov.	・Joint study on legal system of Timor-Leste (on civil registration law and marriage law) ・Local seminar and field survey in Timor-Leste (on juvenile law) ・Field survey in Timor-Leste ・Local seminar and field survey in Timor-Leste (on immovable property registration law)
2018	Jan. Mar. Aug. Nov. Dec.	・Joint study on legal system of Timor-Leste (on land related law) ・Field survey in Timor-Leste ・Local seminar and field survey in Timor-Leste (on immovable property registration law) ・Local seminar and field survey in Timor-Leste (on correction system) ・Joint study on legal system of Timor-Leste (on immovable property registration law)
2019	Mar. Jul. Nov.	・Local seminar in Timor-Leste (on judicial system) ・Local seminar and field survey in Timor-Leste (on immovable property registration law and judicial system) ・Field survey in Timor-Leste (on immovable property registration law)
2020	Feb. Nov.	・Joint study on legal system of Timor-Leste (on immovable property registration law and judicial system) ・Online seminar (on immovable property registration law)
2021	Jan.	・Online seminar (on immovable property registration law and land dispute resolution)
Year	Month	Myanmar
2011		

2012	Jul.	・Joint comparative study of legal systems in Japan and Myanmar, 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)
	Aug.	・Policy Research Institute of Ministry of Finance and Central Bank of Myanmar signed memorandum on cooperation for development of capital market
	Aug.	・Local seminar on Legal System of Public Companies and Corporate Governance Reform (by JICA and Union Attorney General's Office (UAGO))
	Nov.	・Joint comparative study of judicial systems in Japan and Myanmar inviting five judges including Chief Justice of SC (by RTI and Keio Univ.)
	Dec.	・Local seminar on Legal Aspects in Privatizing State Companies (by JICA and UAGO)
2013	Feb.	・Meetings with UAGO and SC (by RTI and JICA)
	Apr.	・Local seminar on Commercial Arbitration (by JICA and UAGO)
	Jun.	・Joint comparative study of legal systems in Japan and Myanmar inviting six officers including Attorney General and Chairman of Drafting Committee on Bills in Hluttaws (by RTI, JICA and ICCLC)
	Jul.	・Small-scale local seminar on Intellectual Property (IP) Law and Legal Training (by RTI and JICA)
	Jul.	・Securities Transaction Law of Myanmar was established with assistance from Policy Research Institute of Ministry of Finance
	Aug.	・Agreement on "Project for Capacity-Development of Legal, Judicial and Relevant Sectors in Myanmar (The Project Phase 1)" was signed between JICA and UAGO/SC on Aug.22
	Sep.	・Small-scale local seminar on IP Law, Bankruptcy Law and Legal Training (by RTI and JICA)
	Oct.	・Field survey on Correction (by RTI and JICA)
	Nov.	・Small-scale local seminar on IP Law (by RTI, JICA and Japan Patent Office)
	Nov.	・The Project Phase 1 commenced on Nov. 20
2014	Jan.	・Long-term expert (Attorney at Law) was dispatched
	Feb.	・Small-scale local seminar on Companies Act several times in and after Feb.
	Feb.	・Small-scale local seminar on Copyright Law
	Mar.	・Local survey and small-scale local seminar on Handling of Electromagnetic Records in Criminal Procedure and Investigation Methods of Intellectual Property Cases (by RTI)
	Apr.	・Small-scale local seminar on Handling of Electromagnetic Evidence in Civil Procedure
	May	・Long-term expert (Program coordinator) was dispatched
	May	・Long-term expert (Prosecutor) was dispatched
	May	・Small-scale local seminar on Outline of Securities Market and Capital Market, etc. (by Japan Securities Exchange)
	May	・1st Study Tour in Japan on Judicial System of Japan
	Jun.	・Working group activities held on an ad-hoc basis in and after Jun.
	Jul.	・1st Joint Coordinating Committee (JCC)
	Jul.	・Local seminar on IP Law (by JICA and Japan Patent Office)
	Aug.	・Local seminar on Arbitration Law
	Oct.	・Meeting of Advisory Group on Companies Act
	Nov.	・2nd Study Tour in Japan on Human Resource Development
2015	Feb.	・2nd JCC
	Feb.	・3rd Study Tour in Japan on Legislative Procedure
	Jun.	・4th Study Tour in Japan on Companies Act
	Jul.	・Mid-term evaluation and 3rd JCC
	Nov.	・5th Study Tour in Japan on Techniques of Training and IP
	Nov.	・Local seminar on IP System

2016	Feb.	・Local seminar on IP System (jointly hosted by Japan Federal Bar Associations and IP-Net etc.)
	Feb.	・6th Study Tour in Japan on IP System
	Mar.	・4th JCC
	May	・Small-scale seminar on IP System (jointly hosted by IP-Net etc.)
	Jun.	・7th Study Tour in Japan on Bankruptcy Code.
	Jul.	・Local seminar on Dispute Resolution including Arbitration and Mediation
	Aug.	・Local seminar on Drafting Policy Document of IP System
	Oct.	・Survey of management & instruction / Discussion on next project with JICA
	Nov.	・Small-scale seminar on Bankruptcy Code
	Nov.	・8th Study Tour in Japan on Dispute Resolution including Arbitration and Mediation
	Dec.	・Change of Long-term expert (Prosecutor)
2017	Feb.	・Local seminar on IP system
	Feb.	・9th Study Tour in Japan on Bankruptcy Code
	Mar.	・5th JCC
	Mar.	・Local seminar on Mediation System
	May	・Change of Long-term expert (Attorney at Law)
	Jun.	・Field survey on Legal System of Estate (by RTI)
	Jun.	・10th Study Tour in Japan on Legislation and Training System of Legal Professionals
	Aug.	・Joint study on Legal System of Estate (by RTI)
	Oct.	・Local seminar on Drafting Textbook of IP Law for Judges (newly appointed)
	Oct.	・11th Study Tour in Japan on IP System
2018	Feb.	・Field survey on Legal System of Estate (by RTI)
	Feb.	・Local seminar on IP System
	Mar.	・12th Study Tour in Japan on New Types of Evidences
	May	・The Project Phase 1 terminated on May 31
	Jun.	・"The Project for Capacity Development of Legal, Judicial and Relevant Sectors in Myanmar Phase2" commenced on Jun. 1
	Jul.	・13th Study Tour in Japan on Efficient Dispute Resolutions
	Aug.	・Local Seminar on IP Law System
	Sep.	・Local Seminar on Mediation System
	Sep.	・Field survey and Local Seminar on Immovable Property Registration-related Legal System (by RTI)
	Nov.	・14th Study Tour in Japan on Improvement of Training of Legal Professions
	Dec.	・Local Seminar on IP Law System
2019	Jan.	・Local seminar on Textbook of Business-related Laws for Judges
	Jan.	・Joint Study on Immovable Property Registration-related Legal System (by RTI)
	Jun.	・Local seminar on IP Law System
	Jul.	・6th JCC
	Jul.	・16th Study Tour in Japan on Legislative Process
	Sep.	・Field survey and local seminar on Immovable Property Registration-related Legal System (by RTI)
	Oct.	・Local seminar on IP Law System
	Oct.	・17th Study Tour in Japan on Mediation System
	Nov.	・Joint study on Immovable Property Registration-related Legal System (by RTI)
	Dec.	・Local seminar on Textbook of Business-related Laws for Judges
	Dec.	・Local seminar on IP Law System

2020	Jan. Jan. Jan. Feb. Mar. Jun. Jul. Aug. Dec.	・Local seminar on Textbook of Business-related Laws for Judges ・Small-scale local seminar on Copyright Law ・Local seminar on Mediation (Mediator Training) ・Field survey on Immovable Property Registration-related Legal System (by RTI) ・18th Study Tour in Japan on Actual Practice of IP Law (canceled halfway due to COVID-19) ・7th JCC (UAGO) ・7th JCC (SC) ・Online seminar on Effective Enforcement of Trademark Law ・Online seminar on Immovable Property Registration-related Legal System (by RTI)
2021	Jan.	・Online seminar on Mediation
Year	Month	Bangladesh
2015	Jun.	・Field survey in Dhaka
2016	Mar. Oct.	・Preliminary tour for joint study ・Joint study on court proceedings and ADR
2017	Jul. Dec.	・Field survey in Dhaka ・1st study trip to Japan of country-focused training course for "Capacity Building of the Members of the Subordinate Judiciary" (mainly on ADR)
2018	Jul. Nov.	・Local seminar in Dhaka ・2nd study trip to Japan (mainly on mediator training)
2019	Mar. Jul. Nov.-Dec.	・Field survey in Dhaka and Narsingdi ・Local seminar in Dhaka ・3rd study trip to Japan (mainly on mediator training and case management)
2020	Oct. Nov.	・Online seminar on mediation ・Online seminar on case management
Year	Month	SriLanka
2019	Aug.	・Field survey and local seminar in Colombo
2020	Jan. Jan.-Feb.	・Preliminary local seminar in Colombo for 1st study trip ・1st study trip to Japan of country-focused training course for "Improvement of the Practice of Criminal Justice Proceedings in Sri Lanka"
2021	Mar.	・Country-focused training course for "Improvement of the Practice of Criminal Justice Proceedings in Sri Lanka" (online)
Year	Month	Others
1995		
1996		・International Civil and Commercial Law Centre Foundation (ICCLC) was established ・International Civil and Commercial Law Symposium held by ICCLC (twice)
1997	Feb.-Mar. Nov.	・Region-focused training course held by RTI (with participation from Mongolia, Myanmar, Vietnam) ・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
1998	Feb.-Mar.	・Region-focused training course continued (with participation from Cambodia, China, Laos, Mongolia, Myanmar, Vietnam)
1999	Feb. Feb.-Mar. Sep.	・2nd International Civil and Commercial Law Symposium (on corporate bankruptcy, mortgage law system) ・Region-focused training course continued (with participation from same countries as in previous year) ・Japan-Korea Partnership Program held by RTI (with focus on comparative study of registration system)

2000	Jan.-Feb.	・Region-focused training course continued (with participation from same countries as in previous year)
	Jan., Oct.	・1st and 2nd Annual Conference on Technical Assistance in Legal Field ・Global Conference on Legal Technical Assistance held by World Bank
	May.-Jul.	・Region-focused training course held jointly by RTI and ADB
	May and Sep.	・2nd Japan-Korea Partnership Program held by RTI
2001	Jan.-Feb.	・Region-focused training course continued (with participation from same countries as in previous year)
	Apr., Nov	・International Cooperation Department (ICD) was established within RTI (Apr.), and relocated to Osaka (Nov.)
		・Participation in ADB Conference (in the Philippines)
	Sep.	・3rd Annual Conference on Technical Assistance in Legal Field
	Jul.	・2nd Global Conference on Legal Technical Assistance by World Bank
	Jun. and Sep.	・3rd Japan-Korea Partnership Program held by RTI
2002	Feb.	・3rd International Civil and Commercial Law Symposium (on ADR)
	Feb.-Mar.	・Region-focused training course continued (with participation from same countries as in previous year)
		・International workshop "Changes in Law, Development, Economy and Society in Asia" held by Institute of Developing Economies (IDE-JETRO)
		・Training course for the Philippines held in Japan jointly by RTI and ADB
	Jun. and Oct.	・4th Japan-Korea Partnership Program held by RTI
2003		・Lecture presentation on Japan-Korea Intellectual Property Rights lawsuit held by RTI and ICCLC (Tokyo and Osaka)
		・General meeting on "legal technical assistance to Asia" held by Nagoya Univ.
		・Study Council for Promoting Translation of Japanese Laws and Regulations into Foreign Languages
		・Legal technical assistance requested from Iran
	Jan.	・4th Annual Conference on Legal Technical Assistance in Legal Field
	Jan.	・Symposium on Legal Systems of Intellectual Property Rights in Asia
	Jan.-Feb.	・Region-focused training course continued (with participation from Cambodia, China, Kazakhstan, Laos, Mongolia, Myanmar, Thailand)
	Jun. and Oct.	・5th Japan-Korea Partnership Program held by RTI
2004		・General meeting on "legal technical assistance to Asia" by Nagoya Univ.
		・Legal technical assistance (training course in Japan) to Iran begun by Nagoya Univ.
	Jan.	・5th Annual Conference on Technical Assistance in Legal Field
	Feb.-Mar.	・Region-focused training course in Japan on international civil and commercial law (for Cambodia, Laos, Vietnam).
	Mar.	・4th International Civil and Commercial Law Symposium (on intellectual property rights) held by RTI, ICCLC and JETRO
	Jun. and Oct.	・6th Japan-Korea Partnership Program held by RTI
2005	Jan.	・6th Annual Conference on Technical Assistance in Legal Field
	Feb.-Mar.	・Region-focused training course in Japan on International Civil and Commercial Law (for Cambodia, Laos, Myanmar, Vietnam)
	Jun. and Oct.	・7th Japan-Korea Partnership Program held by RTI
2006	Feb.	・5th International Symposium on Civil and Commercial Law (on international corporate law) held by RTI, ICCLC and JETRO
	Feb.-Mar.	・Region-focused training course in Japan on International Civil and Commercial Law (for Cambodia, Laos, Myanmar, Vietnam)
	Mar.	・General meeting on "Legal Technical Assistance to Asia" held by Nagoya Univ.
	Mar.	・7th Annual Conference on Technical Assistance in Legal Field
	Jun. and Oct.	・8th Japan-Korea Partnership Program held by RTI
2007	Jan.	・General meeting on "Study of Legal Technical Assistance Strategies" held by Nagoya Univ.
	Jan.	・8th Annual Conference on Technical Assistance in Legal Field
	Feb.-Mar.	・Region-focused training course in Japan on International Civil and Commercial Law (for Cambodia, Laos, Myanmar, Vietnam)
	Jun. and Oct.	・9th Japan-Korea Partnership Program held by RTI

2008	Jan.	・9th Annual Conference on Technical Assistance in Legal Field
	Feb.-Mar.	・Region-focused training course in Japan on International Civil and Commercial Law (for Cambodia, Laos, Myanmar, Vietnam)
	Feb.	・"Seminar on Derivative Action in Asia" held by RTI and ICCLC
	Feb.	・"Kanazawa Seminar" held by Ishikawa International Civil and Commercial Law Center
	Dec.	・General meeting on "Study of Legal Technical Assistance Strategies" held by Nagoya Univ.
	Jun. and Oct.	・10th Japan-Korea Partnership Program held by RTI
2009	Jan.	・10th Annual Conference on Technical Assistance in Legal Field.
	Mar.	・6th International Civil and Commercial Law Symposium on Derivative Action in Asia held by RTI, ICCLC and JETRO
	Mar.	・"Kanazawa Seminar" by Ishikawa International Civil and Commercial Law Center
	Dec.	・General meeting on "Study of Legal Technical Assistance Strategies" held by Nagoya Univ.
	Aug.	・Symposium, "Our Legal Technical Assistance - Let's Think Together about International Cooperation in Legal Field" held jointly by RTI, ICCLC and JICA
	Jun. and Oct.	・11th Japan-Korea Partnership Program held by RTI
2010	Jan.	・11th Annual Conference on Technical Assistance in Legal Field
	Mar.	・"Kanazawa Seminar" held by Ishikawa International Civil and Commercial Law Center
	Aug.	・Internship by MOJ
	Aug.	・Seminar on "Audit System in Asia" held jointly by RTI and ICCLC
	Sep.	・Summer Symposium "Our Legal Technical Assistance 2010" held jointly by RTI, ICCLC and Nagoya Univ.
	Jun. and Oct.	・12th Japan-Korea Partnership Program held by RTI
2011	Jan.	・12th Annual Conference on Technical Assistance in Legal Field.
	Mar.	・Internship for law school students by National Personnel Authority
	Mar.	・"Kanazawa Seminar" held by Ishikawa International Civil and Commercial Law Center
	Mar.	・Mini-symposium to study Japan-Korea cooperation in legal technical assistance
	Aug.	・Internship by MOJ
	Sep.	・Summer Symposium "Our Legal Technical Assistance 2011" held jointly by RTI, ICCLC, Nagoya Univ., Keio Univ., Kobe Univ. and ITP
	Sep.	・7th International Civil and Commercial Law Symposium on "Audit System in Asia" held jointly by RTI and ICCLC
2012	Jan.	・13th Annual Conference on Technical Assistance in Legal Field
	Mar.	・Internship for law school students by National Personnel Authority
	Mar.	・"Kanazawa Seminar" held by Ishikawa International Civil and Commercial Law Center
	Aug.	・Internship by MOJ
	Nov.	・"Our symposium 'Access to Justice' in Asia'" held jointly by RTI, ICCLC, Nagoya Univ., Keio Univ., Kobe Univ. and others
	Jun. and Oct.	・13th Japan-Korea Partnership Program held by RTI
2013	Jan.	・14th Annual Conference on Technical Assistance in Legal Field.
	Feb.	・Internship for law school students by National Personnel Authority
	Mar.	・"Kanazawa Seminar" by Ishikawa International Civil and Commercial Law Center
	Nov.	・"Collaborative Project 'International Cooperation for Asia in the Legal Field'" held jointly by RTI, ICCLC, Nagoya Univ., Keio Univ. and others
	Jun. and Oct.	・14th Japan-Korea Partnership Program held by RTI
2014	Jan.	・15th Annual Conference on Technical Assistance in Legal Field.
	Feb.	・Internship for law school students by National Personnel Authority
	Mar.	・"Kanazawa Seminar" held by Ishikawa International Civil and Commercial Law Center
	Nov.	・"Collaborative Project 'International Cooperation for Asia in the Legal Field'" held jointly by RTI, ICCLC, Nagoya Univ. and Keio Univ.
	Sep.	・8th International Civil and Commercial Law Symposium on "Information providing system" held jointly by RTI and ICCLC
	Jun. and Oct	・15th Japan-Korea Partnership Program held by RTI

2015	Jan.	・16th Annual Conference on Technical Assistance in Legal Field
	Feb.	・Internship for law school students by National Personnel Authority
	Mar.	・"Kanazawa Seminar" held by Ishikawa International Civil and Commercial Law Center
	May, Aug., Nov.	・"Collaborative Project 'International Cooperation for Asia in the Legal Field'" held jointly by RTI, ICCLC, Nagoya Univ. and Keio Univ.
	Sep. and Oct.	・16th Japan-Korea Partnership Program held by RTI
2016	Jan.	・17th Annual Conference on Technical Assistance in Legal Field
	Mar.	・"Kanazawa Seminar" held by Ishikawa International Civil and Commercial Law Center
	Jun., Aug., Dec.	・"Collaborative Project 'International Cooperation for Asia in the Legal Field'" held jointly by RTI, ICCLC, Nagoya Univ. and Keio Univ.
	Jun. and Oct	・17th Japan-Korea Partnership Program held by RTI
2017	Jan.	・18th Annual Conference on Technical Assistance in Legal Field
	Jun., Aug., Dec.	・"Collaborative Project 'International Cooperation for Asia in the Legal Field'" held jointly by RTI, ICCLC, Nagoya Univ. and Keio Univ.
	Jun.	・"Kanazawa Seminar" held jointly by Ishikawa International Civil and Commercial Law Center
	Jun. and Nov.	・18th Japan-Korea Partnership Program held by RTI
	Aug.	・Internship for law school students by National Personnel Authority
	Sep.	・9th International Civil and Commercial Law Symposium on "Corporate-Governance in Four Southeast Asian Countries" held jointly by RTI and ICCLC
	Oct.-Nov.	・Judicial Symposium on Intellectual Property 2017 ～IP Dispute Resolution in ASEAN+3（Japan-China-Republic of Korea）～
	Nov.	・"Japan-Korean Judicial Partnership / Immovable Property Registration Seminar" held by RTI and ICCLC
2018	Jan.	・19th Annual Conference on Technical Assistance in Legal Field
	Jun., Aug., Dec.	・"Collaborative Project 'International Cooperation for Asia in the Legal Field'" held jointly by RTI, ICCLC, Nagoya Univ. and Keio Univ.
	Jun. and Oct.	・19th Japan-Korea Partnership Program held by RTI
	Jul.	・"Kanazawa Seminar" held jointly by Ishikawa International Civil and Commercial Law Center
	Nov.	・Judicial Symposium on Intellectual Property Advanced Seminar for ASEAN+3 2018
2019	Feb.	・20th Annual Conference on Technical Assistance in Legal Field
	Jun., Aug., Dec.	・"Collaborative Project 'International Cooperation for Asia in the Legal Field'" held jointly by RTI, ICCLC, Nagoya Univ. and Keio Univ.
	Jun. and Oct.	・20th Japan-Korea Partnership Program held by RTI
	Jun.	・"Japan-Korean Judicial Partnership 20th Memorial International Academic Conference" held by KTICO and RTI
	Aug.	・"Kanazawa Seminar" held jointly by Ishikawa International Civil and Commercial Law Center
	Aug.	・Internship for law school students by National Personnel Authority
	Sep.	・Judicial Symposium on Intellectual Property 2019～IP Dispute Resolution in Asia - Pacific Region～
2020	Feb.	・21st Annual Conference on Technical Assistance in Legal Field
	Dec.	・"Collaborative Project 'International Cooperation for Asia in the Legal Field'" held jointly by RTI, ICCLC, Nagoya Univ. and Keio Univ.
2021	Jan.	・JSIP Follow-Up Seminar (Laos, Myanmar)

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