

The purchase of cheap sweets and sundries at the nearby small store – such everyday activities are a part of the juridical acts set out in the Civil Code under sales contracts. Laws protect people. In Laos, many projects are running with Japan's assistance to make Laotian laws accessible and useful for everyone.

THE HIDDEN BACKBONE OF SOCIETY: ESTABLISHING LAWS THAT FIT WITH THE TIMES

The Civil Code is fundamental law that stipulates interpersonal relations. The Japanese Civil Code covers the rules and regulations on buying and selling, the compensations in case we accidentally damage someone's belongings and the succession of property when a family member passes away. "The Civil Code of Japan is systematized as a single, consolidated law. In Laos, however, the laws of each field, such as contracts or family relations, have been established separately," explains Nalonglith Norasing, Director of Planning and Cooperation Department of the Ministry of Justice of Laos. "We are now trying to draft our Civil Code by sorting out these laws and making up for deficiencies to summarize them as a single code."

The civil law of Laos has several problems including insufficient stipulations, discrepancies between

multiple laws and some laws too old to apply to modern life. "Laws and regulations must be amended so they can contribute to modern society. We are trying to make our rules clear to the legal professionals and also understandable for the general public," says Nalonglith.

In 1998 Japan commenced dialogues with those in the legal profession in Laos; this was a project for quality-improvement in terms of legal education at universities and graduate schools, which was assisted by the Ministry of Justice of Japan. In 2003, the organization of legal textbooks and commentaries was started, and the Civil Code drafting extends this flow.

Nalonglith, who has been working with Japanese legal experts for nearly 20 years since the first Japanese-Lao project, expresses his appreciation for Japan's support saying, "Experts both from Japan and Laos join the projects, and Laotian experts are learning and absorbing the way of thinking from the Japanese experts. We go beyond receiving the completed bills; we think and we reach the answers; the Japanese experts support these processes. This also helps us to cultivate the human resources in the legal circles of Laos."

"As Asian country, Japan's assistance is valuable for us, because Japan has many law experts and also supports us for the drafting work. The Civil Code is the cornerstone of the market economy. While valuing our Laotian tradition, we must form the laws and

regulations that will fit the economic development of the future," says Ketsana Phommachanh, Director of Law Department of the Ministry of Justice of Laos, who has also been involved in projects with Japanese assistance since 1998.

Khamphay Xayavong, Head of the Notary office of the Justice Department of Vientiane Capital says, "In the past, the idea of pledges and mortgages were mixed up in the Laotian Law on Secured Transactions. Therefore, these terminologies, definitions, rules and regulations are being re-organized in the parts I am in charge of, with the laws of other countries as references. When I actually write them down as a text, sometimes it does not feel quite right. The Japanese experts are a great reassurance for us in such moments." Latsamy Sysamouth, Head of the Foreign Affairs Office of the National Institute of Justice, tells us, "Economy-related laws have to be organized in preparation for future economic development. I always keep a mental note; we go beyond just making a law to make a law that really comes into service and functions."

"With some 600 articles, the Civil Code we are currently working on is the culmination of all the civil laws. Completing the Civil Code is not our goal, however," says Somsack Taybounlack, the President of the People's Middle Regional Court. "The handbook of the Law on Resolution of Economic Disputes is almost done. This will be more and more

important as the economy develops. Now we have started to make another handbook: The Labor Law Handbook. Through the process of creating handbooks, We deepen our understanding of laws, which leads more coherence in the practical operation. This is important for establishing the rule of law."

JICA expert Reiko Tanahashi, an attorney supporting the Labor Law handbook team, states, "Laos is a socialist country with a strong sense of workers' rights, and the labor union also keeps its position as a sub-organization of the Party. But there still are things to be done as the Labor Law is not being implemented strictly enough at all workplaces." She continues, "The handbook team includes members from the Ministry of Labor and Social Welfare as well as the labor union. I am trying my best to explain the interests of the workers, which employers must guarantee, in a simple and clear manner."

FOCUS ON THE HUMAN RESOURCES WHO CAN ACTUALLY IMPLEMENT THE SYSTEMS

In Japan's assistance promoting the rule of law, the experts stay in the target country for years. During their stays, the experts create legislative bills and books, while working together with local legal professionals and improving mutual understanding. Attorney Osamu Ishioka, a JICA expert who has been staying in Laos since 2010, explains, "The aim of our support is much more than the actual book: it's cul-



Behind the Scenes of Everyday Life Establishing Laws and Promoting the Rule of Law



The National Institute of Justice (right), adjacent to the facilities of the National University of Laos. Future law experts and court officials are being trained here.

Rule of Law for Sustainable Development and Access to Justice for All: LAOS

tivating human resources who can make the books. Our real goal is to have Laotian legal professionals capable of creating their own laws and books, by thinking for themselves and by understanding.”

A two-hour drive north of Vientiane took place a workshop in Thalat, a city close to the tourist spot of Nam Ngum Dam. The theme of the day was the rights of suspects who cannot speak Lao in criminal cases.

In Laos, as a rule, police questions and trials are done in Lao, the official language of the country. If a person who does not understand Lao, such as an ethnic minority living in Laos or non-Lao nationals, becomes the suspect of a crime, the police questions are supposed to be conducted with interpreters present. If the suspect is a Laotian citizen, that person can still have an attorney or another proxy. Then, is it legally correct to start questioning the suspect after arranging an interpreter, attorney or proxy but before they arrive? The judges, prosecutors, police officers, attorneys and legal theorists who represent Laos held a series of discussions.

“Within 24 hours after arresting a suspect, you must decide whether or not to request a provisional detention. If questioning before the arrival of interpreters or proxies is illegal, can you adhere to this time restriction? Why don't we discuss this point while simulating the actual work?” proposed Hiroshi Suda, a JICA expert who had been listening to the discussions.

The profession of Suda in Japan is a prosecutor: a specialist in criminal procedure. It is easy for him to clearly answer to that question from his experiences, but he has a reason not to do so. “The members of the legal community in Laos do not share

a common legal interpretation; their understanding of laws varies from position to position. Also, they often do not look back at the philosophy of the law that was created at the time of its enactment. Thus, I devote myself to set hares running, trying to encourage them to think about the purpose for which a law has been created,” says Suda.

This workshop is to prepare a Q&A book regarding criminal suits. In this Q&A book, the important points of the criminal proceedings are described in questions and answers, targeting the police officers who actually control or investigate crimes, as well as candidates who may become legal experts. Regarding the Code of Criminal Procedure, the handbook was completed in 2010 and has been well received at places engaged in real criminal proceedings, including courts and police academies. This book contains flowcharts illustrating the steps to take during the procedures, which can be checked at a glance, and also commentaries for a wide range of proceedings. Based on this handbook, a Q&A book is now in preparation by wider members including the police and legal affiliates who have not been involved before, so as to have a consensus for a broader perspective. This book is to help the readers better understand the Code of Criminal Procedure.

Suda emphasized the generous and positive attitudes of Lao legal professionals, saying “At first, I was concerned about disputes as the police, prosecutors and attorneys have conflicting interests at the time of a criminal proceeding. Once discussions kicked off, however, they have been quite open about their respective positions and they share each other's practical experiences as well.”

We interviewed three legal professionals who



In the projects, experts from Japan, coordinators and local staff members are working together as a team.



Legal commentaries, which have been prepared through the project with Japan. They are evaluated highly by the law practitioners.



Meeting for the Q&A book regarding criminal suits. Judges, police officers, prosecutors, attorneys and university professors are in dialogue with their respective professional opinions.

have been engaged in writing books for the Code of Criminal Procedure since 2010. Syvanh Boutthala, Head of criminal chamber of People's Middle Regional Court, used to teach the Code of Criminal Procedure to the general employees of the court. “In the past, the only thing we could refer to regarding the Code of Criminal Procedure was the Code itself; there were no textbooks or other materials. The charts and handbooks are a great help for the staff members to understand laws,” says Syvanh. He believes that this Q&A book being prepared will help to improve understanding of the laws by policemen in the provinces as well as lawyers, and will also reduce unintended illegal investigations.

Souphasith Lovanxay, Deputy Director of Criminal Case Inspection Department, Office of Supreme People's Prosecutor tells us, “The handbooks are now used in law schools as well as procuratorate training centers. Creating the handbook was very difficult as we had no such books and no such know-how then. However, when we distributed the completed handbooks to the provincial organizations of prosecutions, they turned out to be highly effective. I strongly hope to achieve more success with future materials.”

Professor Sengthavy Inthavong, Head of Criminal Law Unit in the Faculty of Law and Political Science of the National University of Lao, explains, “By utilizing the charts, on-site law practitioners came to correctly understand the procedures for criminal suits. The Q&A book also answers the questions of staff in different workplaces, promoting the charts and handbooks.” He continues, “Japan goes beyond producing books to assist Laotian human resources

who will make the books. We can develop our own legal circles even after Japan leaves.”

NURTURING YOUNG LEGAL PROFESSIONALS FOR A JUST SOCIETY

The National Institute of Justice (NIJ) was launched in 2015 to nurture young legal professionals. “Thus far, after choosing a career in law, the candidates for legal experts lacked opportunities to study together. At our NIJ, we offer a 1-year training course including a 4-month internship, targeting law department graduates. The trainees can obtain practical legal affairs capabilities, as well as a better understanding about the standpoints of other legal professions; eventually, they can learn how to contribute to their country” says Bounkhouang Tavissack, the Director of Cabinet of People's Supreme Court. He was engaged in drafting the Civil Code and a member of the working group for enhancing educational training.

From now on, the NIJ will work on educating teachers and improving curriculums. “With highly qualified legal experts, the system as a law-governed state will become stronger; this can surely provide social justice as well as meet our national interests. Establishing a rule of law means establishing a business-friendly environment, and thus the rule of law is essential for the economy to develop,” says Sengphachanh Vongphothong, the Deputy Director of NIJ.

As a member of ASEAN, Laos is seeking further growth along with neighboring countries. Today is another day of legal discussions to underpin Laotian developments for the future.



As the sun goes down, the night markets along the Mekong River get crowded with visitors. Behind the scenes of the rapidly developing Lao economy is the work of Japanese legal experts.