JICA’s Cooperation for Rule of Law Promotion

Photos: Koji Sato (Top right, bottom left) / JICA
Rules make countries abundant and ensure the safety of the lives of people. JICA is focusing on the development and establishment of legal systems in developing countries.

The development and functioning of legal and judicial systems are foundations for people to live abundantly with ease of mind, and also represent the core elements of nation-building. In developing countries in particular, in order to realize economic growth, guarantee of human rights and poverty reduction, justifiable rules that reflect the will of the citizens must be executed, implemented and put into effect in a neutral and appropriate manner.

JICA supports developing countries’ efforts toward the development and improvement of legal and judicial systems, and expands activities that center on the fostering of human resources involved in the development and implementation of rules, in accordance with the needs and challenges of each country.

Characteristics of JICA’s Cooperation for Rule of Law Promotion

Respecting partner countries’ ownership, and emphasis on capacity development

Based on dialogues and collaborative work that take culture, customs and existing systems into consideration, JICA is carrying out support that respects partner countries’ ownership in cooperation with the Japanese Ministry of Justice, Supreme Court, Japan Federation of Bar Associations and universities (law scholars). In addition, JICA is also aiming for improved long-term capacity in order to enable for partner countries to autonomously carry out capacity development in legal and judicial sectors after JICA’s support has ended.

<table>
<thead>
<tr>
<th>Long-term advisors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advisors (experienced judges, prosecutors, lawyers, researchers, etc.) are dispatched for long periods of time to partner countries. Together with comprehending the partner country’s culture, customs and existing systems, daily collaborative work (joint implementation of group workshops and local surveys, co-hosting of training and seminars, etc.) is carried out, and knowledge and know-how is shared with competent persons in the partner country.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Establishment of advisory groups</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advisory groups (comprised of law scholars, practitioners with abundant experience, etc.) have been established in Japan, and knowledge and know-how collected from across the nation are shared by using methods such as training programs in Japan, TV conferences, seminars in each partner country, etc.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cooperation of peers (Peer to Peer)</th>
</tr>
</thead>
<tbody>
<tr>
<td>By having specialists in each sector be involved, such as “judges (ex-judges) are involved in cooperation with the partner country’s courts,” “prosecutors are involved in cooperation with the public prosecutor’s office,” “lawyers are involved in cooperation with bar associations,” and “people experienced in drafting of Japanese laws and researchers are involved in joint work in drafting of bills,” sharing of concerns and experience is carried out.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Use of Japan’s own experience and knowledge on “capacity development” in legal and judicial sectors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Japan’s past knowledge and experience on capacity development in legal and judicial sectors where foreign laws have been incorporated into Japan by customizing them so that they conform to Japan’s society, culture and existing systems are utilized in capacity development in each partner country. Support that emphasizes the ownership of partner countries and capacity improvement is conducted.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>History of JICA’s Cooperation for Rule of Law Promotion</th>
</tr>
</thead>
<tbody>
<tr>
<td>1960s – Implementation of training in Japan in the criminal justice sector (to present day)</td>
</tr>
<tr>
<td>1966-7 Full-fledged initiation of cooperation in Vietnam (Initiation of support for the development of legal and judicial systems as a part of support for development of market-oriented economy)</td>
</tr>
<tr>
<td>1999- Full-fledged initiation of cooperation in Cambodia (Implementation of support for the development of legal and judicial systems for post-conflict countries/conflict affected countries)</td>
</tr>
<tr>
<td>2003-4 Full-fledged initiation of cooperation in Laos</td>
</tr>
<tr>
<td>2004- Full-fledged initiation of cooperation in China</td>
</tr>
<tr>
<td>2005- Full-fledged initiation of cooperation in Uzbekistan</td>
</tr>
<tr>
<td>2006- Full-fledged initiation of cooperation in Mongolia</td>
</tr>
<tr>
<td>2008- Full-fledged initiation of cooperation in East Timor</td>
</tr>
<tr>
<td>2009- Full-fledged initiation of cooperation in Nepal</td>
</tr>
<tr>
<td>2013- Full-fledged initiation of cooperation in Myanmar</td>
</tr>
</tbody>
</table>
The Three Pillars of JICA’s Cooperation for Rule of Law Promotion in Developing Countries

1. Supporting the improvement of the capacity of organizations responsible for law implementation
   - Support in the development of organizational capacity and the improvement of the professional practice

2. Supporting the development of rules and regulations
   - Support of drafting of laws and legislative activities

3. Supporting the legal empowerment of people and society
   - Supporting the dissemination of laws, people’s access to legal and judicial systems, and the development of legal-aid systems

Supporting the development of human resources in legal and judicial sector
- Supporting cultivation and training for legal professionals, judicial officials, legal organization members and others who are involved in the development of the above three pillars

Cooperation for Rule of Law Promotion as the Japanese Government’s Priority Policy

— “Basic Policies on Legal Technical Assistance (Revised)” : May 2013 —

Basic concept of “Legal Technical Assistance” in developing countries
Legal technical assistance contributes to self-help efforts of developing countries toward good governance and building of integral foundations to attain sustainable growth.

Establishing the rule of law in developing countries through sharing universal values, including freedom, democracy and basic human rights

Improving the environment for sustainable growth and assuring compliance of global rules

Sharing Japan’s experience and systems, strengthening their economic ties with Japan, and establishing a platform for regional cooperation and integration

Improving the trade and investment environment, which is beneficial for Japanese enterprises in expanding their businesses overseas, and assisting in the introduction of environmental and safety regulations

Enhancing the effectiveness of Japanese economic cooperation, and contributing to developing countries in achieving international development goals, through enhancement of governance

Target sectors | Japan will actively provide assistance for legal development and operation in the law fields relevant to basic and economic laws
Eight priority countries | Indonesia, Vietnam, Myanmar, Mongolia, Cambodia, Laos, Uzbekistan and Bangladesh

Vietnam

Development of a Functional Centre for Administration of Legal and Judicial Affairs. (South China Sea (Dongsha) Islands Dispute Resolution Center) (2009-2015)

Laos

Improving Staff’s Administrative and Legal Development Ability through the Establishment of an Administration and Legal Affairs Sector (2009-2015)

Mongolia


China

Bohai Law Development and Legal Education Center (2009-2015)

Cambodia


Myanmar

Reform of the Administration and Natural Resource Capacity for Law Reform (2010-2015)

Nepal

Activity Involving the Management System of Drug Treatment and Rehabilitation Institutions (2010-2015)

Uzbekistan

Implementation of the “Law and Life” Management System (2010-2015)
Realization of “Rule of L

Vietnam

Development of a Functional Cycle for Improvement of Legal and Judicial Systems Through Collaborative Works with Local Agencies

The Project for the Legal and Judicial System Reform (Phase 2) : April 2011 to March 2015

- Vietnam has moved towards a market-oriented economy that was sparked by the introduction of the Đổi Mới economic reforms in 1986, and the Vietnamese government has progressed with the development of a legal system suitable for a market-oriented economy. JICA full-fledgedly launched the Project in the Legal and Judicial Field in Vietnam in 1996, mainly providing cooperation with support for the drafting of legal normative documents in civil and commercial law fields and their implementation, as well as with the fostering of legal professionals. JICA has also contributed to the completion of various legislative bills and development of practical manuals up to now.
- Since it was observed that some legal normative documents were not being sufficiently understood in local-level administrative agencies and judicial authorities, in the previous phase of the current project, JICA and the partner organizations conducted activities aiming to strengthen the capacity of institutions and human resources at the local level. In addition, a pilot district was selected, and the lessons learned from the analysis of actual practices, such as court procedures, etc. in the same district, were provided as feedback to the central judicial authorities/organizations, and an aim was made to reflect those lessons in the improvement of systems for fostering legal professionals and creating rules.
- As a result, the central judicial authorities/organizations accumulated know-how on dealing with issues by taking current local conditions and challenges into consideration. In the current phase, the central judicial authorities/organizations are using this know-how and conducting activities to expand field-oriented approaches toward capacity improvement at the local level on a nationwide scale. Through such activities, an aim is made to enhance institutional and human resource capacity to improve legal and judicial systems in Vietnam, by having the central judicial authorities/organizations create rules that take the challenges and needs of the country into consideration, and establishing a daily work flow consisting of a cycle where the issues that actually arise in implementation are linked to improvement of actual practices and revision of laws.

Cambodia

Enrooting Basic Laws That Are Cohesive to Livelihood

Legal and Judicial Development Project Phase 4 : April 2012 to March 2017

- Starting in the mid-1970s, the Pol Pot regime caused a complete abolition and collapse of Cambodia’s laws and legal systems. Many intellectual figures were murdered, and it is believed that there were no more than 10 lawyers who survived at the time.
- Afterwards, the political situation stabilized and Cambodia became a democracy in 1993, however, it was not possible to reestablish a legal system on its own due to a lack of human resources.
- Thus, the Cambodian government requested Japan, which had been supporting capacity development in legal and judicial sectors in its neighboring country Vietnam, to support the development of a civil code and a code of civil procedure, that are most cohesive laws to civilian life. Based on this, JICA full-fledgedly started supporting legal and judicial development in Cambodia in 1999. JICA supported the drafting of legislative bills, starting with the civil code and the code of civil procedure, and approximately 20 laws related to the codes have been newly enacted. In addition, JICA has also simultaneously supported the strengthening of the capacity of the Ministry of Justice to promote activities to disseminate laws, and fostering of judges and lawyers, all of which are essential for such civil-related laws to be put into effect appropriately.
- In the project that is currently underway, support to promote understanding of the new civil code, the new code of civil procedure and other related laws, in order to enroot these basic laws in Cambodia is being carried out, targeting university lecturers, who play an important role in fostering future lawyers, along with Ministry of Justice officials, judges and lawyers.

<Partner Organizations>
Ministry of Justice, Supreme People’s Court, Supreme People’s Procuracy, Vietnam Bar Federation (Hanoi)

<Past Projects>
The Projects in the Legal and Judicial Field Phase 1 to 3 December 1996 to March 2007
The Project for the Legal and Judicial System Reform Phase 4 April 2007 to March 2011

<Partner Organizations>
Ministry of Justice, Royal Academy for Judicial Professions, Bar Association of the Kingdom of Cambodia, Royal University of Law and Economics (Phnom Penh)

<Past Projects>
Legal and Judicial Development Projects Phase 1 to 3 1999 to 2012
The Project for the Improvement of Training on Civil Matters at the Royal School for Judges and Prosecutors of the Royal Academy for Judicial Professions Phase 1 to 2 2005 to 2012
The Project for Legal and Judicial Cooperation for the Bar Association of the Kingdom of Cambodia 2007 to 2010
Laos

Laos had undergone reform based on the pillars of economic liberalization and transition to a market-oriented economy. Laos is progressing towards participation in global frameworks. For instance, Laos acceded to the Association of Southeast Asian Nations (ASEAN) in 1997 and the World Trade Organization (WTO) in 2013. Legal and judicial development to promote the transition to a market-oriented economy also moved forward, and approximately 100 laws have been enacted up to now. However, the development of basic laws necessary for smooth and successful transition to a market-oriented economy is insufficient, and the laws that currently exist have not been systematized. In addition, the Lao government faces difficulties to implement laws in an efficient and unified manner.

Thus, the Lao government requested Japan for support for the Ministry of Justice People’s Supreme Court and Supreme People’s Prosecutor Office. Based on this, JICA full-fledgedly started support for legal and judicial development in Laos in 2003, and developed reference materials for officials involved in legal and judicial affairs, as well as practical manuals.

What lies at the root of the challenges Laos is faced with is a lack of systematic understanding of laws and a lack of human resources who can carry out adjudication work and legal training/education while taking both theory and actual practice into consideration.

In the project that is currently underway, relevant agencies bring their own knowledge and experience, and analysis of issues and joint work are implemented in a cross-organization manner, with the National University of Laos as a new partner. Through developing reference materials that link legal theories with issues in actual practice and through drafting a civil code, this project is aiming to have relevant agencies, their officials and trainers/lecturers acquire the capacity to improve legal education and training, as well as actual practice.

Myanmar

In Myanmar, since the inauguration of the new government in March 2011, reforms founded on the three pillars of “democratization,” “economic reform,” and “peace with minorities” have been moving forward. The establishment of Rule of Law is recognized as being an essential element in moving forward with these reforms, and in particular, the development of a legal and judicial system for promoting the transition to a market-oriented economy and the development of an investment environment in an aim for accession of the ASEAN Economic Community in 2015 is a pressing issue.

Current “Myanmar Laws” consist greatly of out-of-date laws that do not correspond to the complex and advanced market-oriented economy of the present day. In addition, the legal system as a whole is not systematized, and conflict and duplication of laws can be seen. In legal and judicial agencies, there is a lack of staff members who possess legal qualifications with regard to the drafting and implementing of laws, and opportunities for practical training are also extremely limited.

Thus, in November 2013, JICA initiated support, with the Union Attorney General’s Office, which is in charge of scrutinizing work and advice related to the development and implementation of laws, and the Supreme Court of the Union, which holds jurisdiction over laws in the civil law field and is ultimately responsible for application of laws, as partner organizations. This project is aiming to improve institutional and human resources capacity in legal and judicial organizations so that they can develop and implement appropriately laws that follow socioeconomics and global standards.
Mongolia

Promotion of the Development and Establishment of a Mediation System as a Means for Dispute Resolution
The Project for Strengthening Mediation System Phase 2: April 2013 to December 2015

In Mongolia, since the transition to a market-oriented economy in 1990, needs for diversifying means for dispute resolution and developing a legal system that guarantees the rights of citizens and corporations has increased, in order to respond to troubles among citizens that had been increasing in number in association with the vitalization of economic activities. However, in Mongolia, a mediation system allowing for smooth dispute resolution of simple incidents that is economical and rational, where citizens can be satisfied after talking about the incident with each other, did not exist.

As part of support for provision of high-quality legal services to citizens by lawyers, JICA first supported the establishment of the “Legal Consultation and Mediation Center” in the Bar Association in 2004, and cooperated in the fostering of mediators, etc. Based on the results of this cooperation, Mongolia requested that a mediation system be introduced even in the courts of Mongolia; in 2009, JICA implemented support to root a mediation system within the legal and judicial system in Mongolia; in May 2012, the Law on Mediation passed and the introduction of a national mediation system was officially decided.

In the current project, which was initiated in April 2013, progress is being made with developing the rules, systems and facilities, and fostering the mediators necessary for introduction and operation of the national mediation system, in an aim for implementation of mediation in courts throughout the country, and its function as a means for dispute resolution. In addition, publicity campaigns of mediation system to citizens are conducted; the state of implementation of the mediation system is monitored after it is introduced; and operational improvements are made in order to establish the system.

Nepal

Aim to Improve the Case Management System and Mediation System, and Strengthen Court Functions
The Project for Strengthening the Capacity of Court for Expedientious and Reliable Dispute Settlement: September 2013 to March 2017

In Nepal, the annual percentage of closed cases in relation to the number of cases received is about 40%, and the percentage of cases that require more than three years until conclusion is rising to 40%; the serious delays in lawsuits cause the public’s loss of faith in the courts. Even the court-related mediation system, for which there are expectations as a simple means for dispute resolution instead of the court procedures, is not being actively used due to a lack of understanding of the system, and there is a large discrepancy in usage frequency among regions in Nepal. In addition, since the number of disputes that are resolved by court-related mediation is low due to a lack of capacity of mediators, the use of the court-related mediation system is not alleviating the burden on the courts.

Thus, in this project, a proposal to improve the civil and criminal case management system will be created, and trial operation at three district courts in Nepal will be carried out. In order to introduce and disseminate this improvement proposal to the nation, reference materials for judges, prosecutors and lawyers will be made, and training and seminars will be held. In addition, in order to promote dispute resolution through court-related mediation, reference materials for judges, lawyers and mediators will be created, and training and seminars will be held. Through these activities, this project aims at improving the case management system and its operation, promoting appropriate dispute resolution through court-related mediation, and improving the capacity of courts for expeditious and reliable dispute resolution.
China

Backup for Legal and Judicial Development That Supports Rapid Economic Growth

In China, the number of cases associated with the rapid development of the economy and society has been increasing; in particular, new types of cases have been increasing, and as the court procedural laws cannot keep up with the needs of the citizens, in the Five-Year Plan (2009 to 2013) submitted at the 11th National People’s Congress (hereinafter “NPC”) session, revision of the three major court procedural laws for criminal procedure, civil procedure and administrative procedure is an issue to be addressed. In particular, administrative lawsuits in China have been on a significantly increasing trend in recent years and the cases are diversifying; however, more than 20 years have passed since the enforcement of the current Administrative Procedure Law, and needs for improvement have been arising in various points based on development of the economic society.

Up to now, Japan has provided support for the drafting of various laws based on requests by China, such as Law on Responsibility for Infringement of Rights, Civil Procedure Code, Law on Protection of Consumers’ Interests, Inheritance Law and Copyright Law.

In “Administrative Procedure Law and Other Administrative Laws (Training),” study tours in Japan and seminars in China are not only the Administrative Procedure Law but also other administrative laws (such as the Environmental Protection Law) that are selected by taking the Chinese legislative plan into consideration are being implemented, with the Department of Administrative Law, Legislative Affairs Commission, Standing Committee the NPC as a partner organization. These laws are basic rules that form the important components of “Chinese Distinctive Socialist Legal System” and since these laws are not adapted to the large changes that occurred in China's economic society, the necessity of all-around changes in a prompt manner has been pointed out. This project is aiming to share the knowledge and practices of legal systems in Japan, to utilize these in China's legislative works and to contribute to the resolution of issues that China faces.

Uzbekistan

Contribution to the Improvement of the Business Environment Through Legal Development Support

Uzbekistan possesses the largest population within the central Asia region (approximately 28.64 million people), and has been playing a central role in this region since the days of the former Soviet Union. Uzbekistan is blessed with natural resources, and based on resources development led by the government, and combined with the effects of an increase in export of natural gas, gold and cotton, which are major exported goods, as well as ongoing public investment, robust economic growth has been continuing. However, in maintaining the current level of high economic growth, problems such as a lack of human resources who have a leading role in the industrial sector after the transition to a market-oriented economy, and the lack of development of legal systems, etc. present obstacles.

Up to now, JICA has supported legal and judicial development in Uzbekistan through the development of the Commentary of the Bankruptcy Law and the Commentary of Law on Mortgage, establishment of a legal database, and development of a practical guide on administrative procedures for administrative officials and entrepreneurs, etc. In particular, JICA has focused on the development of a business environment, Past supports have contributed to the improvement of the business environment, and the ranking of Uzbekistan in “Doing Business,” which is published by the World Bank (International Finance Corporation), is rising.

Currently, as the Licensing Law for which support was being provided in the “Project for Improvement of Administrative Procedure for the Development of Private Sector Activities,” which was completed in September 2012, was passed, JICA is supporting the development of a manual for effectively implementing this law. By development and utilizing this manual, it is expected that the capacity of the Ministry of Justice in appropriately implementing licensing procedures be enhanced.
Cooperation for Rule of Law Promotion as Only Japan Could Conduct
-Think and endure together with the partner country-

Laws and the judicial system must be developed in such a way as to ensure harmonization with the culture, customs and existing systems of the respective country, while following international standards. This is where difficulties lie with developing countries. In Japan, since the Meiji Restoration, the laws and judicial systems of Europe and the United States have been customized and incorporated so that they harmonize with Japan's culture, customs and existing systems, enabling for the development of a legal foundation that is highly transparent and reliable, and for the realization of stable social development and economic progress. The process of trial and error that was carried out in this process is very instrumental in resolving the challenges that developing countries are faced with in the process of their own "Rule of Law Promotion" in an aim for peaceful and stable national development and sustained economic growth.

JICA is meticulously implementing cooperation that is based on Japan's experience and that takes the current situations and needs of the partner country's society into consideration. The sharing of concerns that Japan itself is directly faced with and the approaches based on collaborative thinking, both of which are utilized in JICA's cooperation, have gathered empathy from many developing countries, and their recognition in donor communities is also increasing. In the future, JICA will continue to make efforts to implement more effective cooperation for "Rule of Promotion", based on dialogues with partner countries.

Support for various countries
JICA supports East Timor through the dispatch of advisors, and also implements supports based on training in Japan aimed at Iran, central Asian countries, and the African region.

Training on specific issues (criminal justice sector)
In addition to cooperation aimed at individual countries, JICA, in cooperation with other organizations such as The United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), carried out support through training programs in Japan targeted at government and judicial officials of many countries from around the world, with a focus on the criminal justice sector in particular. In handling issues such as improved investigative abilities, prevention of corruption, improvement in treatment of criminals, and measures against transnational organized crime such as drugs, human trafficking and terrorism countermeasures, JICA's supports based on the framework of multiple nations contribute to spread out the effects of training programs.

Other Cooperation in legal sector
JICA also implements support that contributes to the development of legal systems in various law fields as listed on the right, such as in the economic law sector.

New approaches
In addition to support based on cooperation with government and judiciary agencies, in recent years, JICA is conducting collaboration works with vibrant private corporations, such as surveys on legal systems that contribute to the development of a business environment in the Asian region, which are being implemented in coordination with think tanks and law firms.

Hosting of conferences/meetings related to Cooperation for Rule of Law Promotion within and outside of Japan
Once a year, JICA, jointly with the Ministry of Justice, hosts conferences on cooperation for Rule of Law promotion that bring together a range of people from Japan who are involved in the cooperation and is strengthening networks and information-sharing with relevant agencies and relevant persons in Japan. In addition, even at international conferences concerning "Rule of Law," JICA provides information on its project for cooperation for Rule of Law promotion, and facilitates information-sharing and promotes linkage with other donor institutions in order to maximize the effects of support.

For questions related to JICA's Cooperation for Rule of Law Promotion, please inquire below.
Japan International Cooperation Agency (JICA)
Law and Justice Division, Governance Group,
Industrial Development and Public Policy Department
Nibancho Center Building 5-26, Niban-cho, Chiyoda-ku, Tokyo 102-8012
TEL: 03-5226-6687 FAX: 03-5226-6332
E-mail: jicassd-gov-legal@jica.go.jp

Search