

COOPERATION FOR THE RULE OF LAW PROMOTION: HOW IT STARTED

Law is the foundation for all the people to lead safe and enriched lives. Our life is full of legal issues such as marriage, divorce, establishment of a company, payment of medical fees after traffic accidents and for countless other occasions. In many developing countries, however, the rights of the people – including physical freedom and property rights – are not fully protected because of lacking of laws and appropriate judicial system. Establishing a legal system leads to social and economic development of the country which then contributes to the prosperity of the entire region as well as eventually to peace and security of the international community as a whole.

Under such circumstances of developing countries, Japan launched its first full-scale Cooperation for the Rule of Law Promotion in 1996. The year 2016 marked the 20th anniversary. Over the past twenty years, the number of partner countries as well as the areas of cooperation has steadily increased, and Japan is currently supporting eight countries, mainly in Southeast

Asia, toward the development and improvement of legal and judicial systems. The first country that Japan assisted under ODA framework was Viet Nam. Following the introduction of the Doi Moi (Renovation) Policy in 1986, Viet Nam then was in an urgent need to develop civil laws to accommodate to its transition to a market economy. Japan started the full-scale assistance in 1996 to support the drafting of basic laws and regulations, as well as the human resource development of legal professionals who are in charge of implementation of the laws. In other countries, Japan has been providing assistance in many different fields including support for a judge/prosecutor training school (Cambodia), the assistance for service improvement of the bar association and introduction of the mediation system (Mongolia), and assistance for intellectual property rights protection (Indonesia).

MAKING THE MOST OF JAPAN’S EXPERIENCE AND STRENGTH

Following the Meiji Restoration, Japan adopted the Occidental legal systems and strived to apply it by adapting it to ac-

commodate Japanese cultural and social norms. Japan learned from other countries and developed its legal system through trial-and-error. This experience now constitutes the distinctive strength of Japan’s Cooperation for the Rule of Law Promotion. Wide-ranging human resources for assistance is also the advantage of Japan’s cooperation. Legal professionals such as judges, prosecutors and lawyers are dispatched to stay in the partner countries as long-term experts to work together with local counterparts. The counterparts especially appreciate the opportunities to consult practical matters with such Japanese experts as their fellow legal professionals. Inside Japan also, the backup structure consisting of legal practitioners and academics are organized to support and monitor the projects.

Laws become visible only when they are described in specific words in the text of law. Therefore, the experts engaged in the projects work closely with interpreters to carefully verify the exact meanings of the words used. Japanese experts respect ownership of the partner countries so that they can develop legal systems that best suit their own societies and continue to

implement the laws in the future of their own accord. Japanese experts try not to force the Japanese way onto them, but rather, support their counterparts’ own efforts by providing information on other countries’ law, and sometimes by raising meaningful questions to let them think on their own. It is also essential to notify the context of law to the local people through promotion activities such as seminars or publicity leaflets.

Enactment of law is not the end, but is only the beginning. The ultimate purpose of the projects is to make the laws accessible and usable for everyone in the country. By making the most of its distinctive experience and strength, Japan provides assistance throughout the process from drafting of laws to the phase in which the laws are actually “used”, while respecting the partner country’s own initiatives. Such attitudes and methods of Japan’s cooperation have firmly taken root, and made its own progress over the past two decades. Japan’s Cooperation for the Rule of Law Promotion, beyond its 20th anniversary, will continue to pursue further progress to better contribute to the development of many more countries in the world.

Rule of Law

for Sustainable Development and Access to Justice for All

Recent Projects

Viet Nam	The Project for Harmonized, Practical Legislation and Uniform Application of Law Targeting Year 2020
Cambodia	Legal and Judicial Development Project (Phase 4)
Laos	The Project for Human Resource Development in the Legal Sector (Phase 2)
Uzbekistan	The Project for Improvement of administrative procedures for the Development of Private Sector Activities
China	The Project on Legal Development for Improvement of Market Economy and People’s Wellbeing
Mongolia	The Project for Strengthening Mediation System
Indonesia	The Project on Intellectual Property Rights Protection and Legal Consistency for Improving Business Environment
East Timor	Legal Support Advisor
Nepal	Legal Support Advisor / The Project for Strengthening the Capacity of Court for Expedious and Reliable Dispute Settlement
Iran	Development of Legal System III
Central Asia	Seminar on Comparative Study of Law for Central Asia
Democratic Republic of the Congo	Community Justice Training Project in Bas-Congo Province
Myanmar	The Project for Capacity Development of Legal, Judicial and Relevant Sectors in Myanmar
Cote d’Ivoire	Legal Advisor / Training on Criminal Justice