

Using the Experience of Japan to Develop Legislation in Developing Countries

Assistance for the Development of Legal and Judicial Systems

Japan, which took its first step toward becoming a modern nation state in the Meiji Era, has undertaken wide-ranging efforts toward modernization, and built the basic structure of the country. In this process, while learning from the Civil and the Common law, Japan advanced the development of a modern legal and judicial system that fit with its traditional culture and social systems. Based on these experiences, Japan has provided support for the development of legal and judicial systems in developing countries including in Asia, by supporting their lawmaking, system development, and so forth. These assistance provide support for the self-help efforts of developing countries, based on the rule of law, as well as the establishment of the foundations that are essential for developing countries to achieve sustainable growth.

In particular, we put effort in the dispatch of legal experts from Japan, to advance dialogue and coordination with counterpart organizations in developing countries, based on Japan's experiences and knowledge, while respecting the culture, history, society and ownership of those countries, and supporting the development of legal and judicial systems that correspond to their circumstances and needs. Furthermore, in order to enable those countries to operate the legislation themselves, our assistance goes beyond preparing and revising of laws, and provides support in developing the basis for proper operation and execution of legal systems, training legal professionals, assisting legal education, and strengthening practical capabilities relating to operations.

Japan's support for the development of legal and judicial systems in Vietnam began in the 1990s. In Vietnam, although a policy called "Doi Moi (Reform)" that hinged on the introduction of a market economy, was introduced in the 1980s, the country's legislation and legal systems including the civil law, did not correspond to a market economy. Hence, the Government of Japan and JICA cooperated with Japanese legal experts to support the drafting of a new civil law by the Government of Vietnam, and supported the development of legal professionals in the country. As a result, in 2015, a new civil law was finally enacted, which reflected many recommendations by the Japanese experts, and incorporated clauses relating to modern trade. In addition, Japan has provided support for various legislation and legal systems, including the civil procedure law and administrative litigation law. Japan continues to support Vietnam in the development

of legal and judicial systems even today, and in recent years, it has implemented cooperation aimed at developing systems to ensure consistency between legal documentations.

Japan is also supporting the development of legal and judicial systems in various countries other than Vietnam. Recently, on December 6, 2018, Laos' first civil law was approved by the National Assembly and enacted. Since 1998, Japan has been supporting Laos in improving its legislations, and has dispatched active prosecutors, lawyers, and others, to disseminate know-how on legislation, as well as to train legal professionals in the country. Furthermore, since 2012, Japan has worked tirelessly to support the people of Laos in the process of drafting a civil law, which reflects their own society and culture. Consequently, a civil law was enacted, comprising of more than 600 articles. This is Japan's fourth success story in supporting the drafting of a civil law, following Cambodia, Nepal, and Vietnam.

Furthermore, since 2013, Japan has also been cooperating with Myanmar, with an emphasis on improving the business environment for Japanese companies, etc. Specifically, Japan is working to produce textbooks on business dispute settlement for judges, and introduce a civil mediation system, among other efforts.

Recently, the support for developing countries in the development of legal and judicial systems has been expanding beyond civil laws and civil procedure laws, to areas such as intellectual property rights. Going forward, Japan will continue to provide a variety of assistance to developing countries, utilizing the lessons learnt through its own modernization process, including the support for the development of legal and judicial systems.



Review session on drafting the civil law with members of the National Assembly in Laos (Photo: JICA)