

# Institutional Capacity Development in JICA's Cooperation for "Rule of Law" Promotion

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# Today's Topics

- JICA's Cooperation for "Rule of Law" Promotion
- Examples of JICA's Cooperation for "Rule of Law" Promotion
- Characteristics of JICA's Cooperation for "Rule of Law" Promotion
- Institutional Capacity Development in JICA's Cooperation for "Rule of Law" Promotion



# JICA's Cooperation for “Rule of Law” Promotion

# Definition

- **Definition**

Support of efforts undertaken by developing countries to improve their legal and judicial systems

- **Three Core Elements and Capacity Development**

(a) Supporting the development of rules and regulations

(b) Supporting the improvement of the capacity of public organizations

(c) Supporting the legal empowerment of people and society



(d) Supporting the development of legal professionals, including legal and judicial affairs officers

# Three Pillars and Capacity Development



# Objectives of JICA's Cooperation

## Japan's ODA Charter

Legal Assistance is a means realizing Good Governance  
The support of developing countries' self-help efforts in this sector is 'the most important philosophy of Japan's ODA.'

## 'Rule of Law' Promotion

'Rule of Law' is required to realize Good Governance.

Strong State v. Precluding the abuse of power



Well-balanced partnership among government, the private sector and civil society

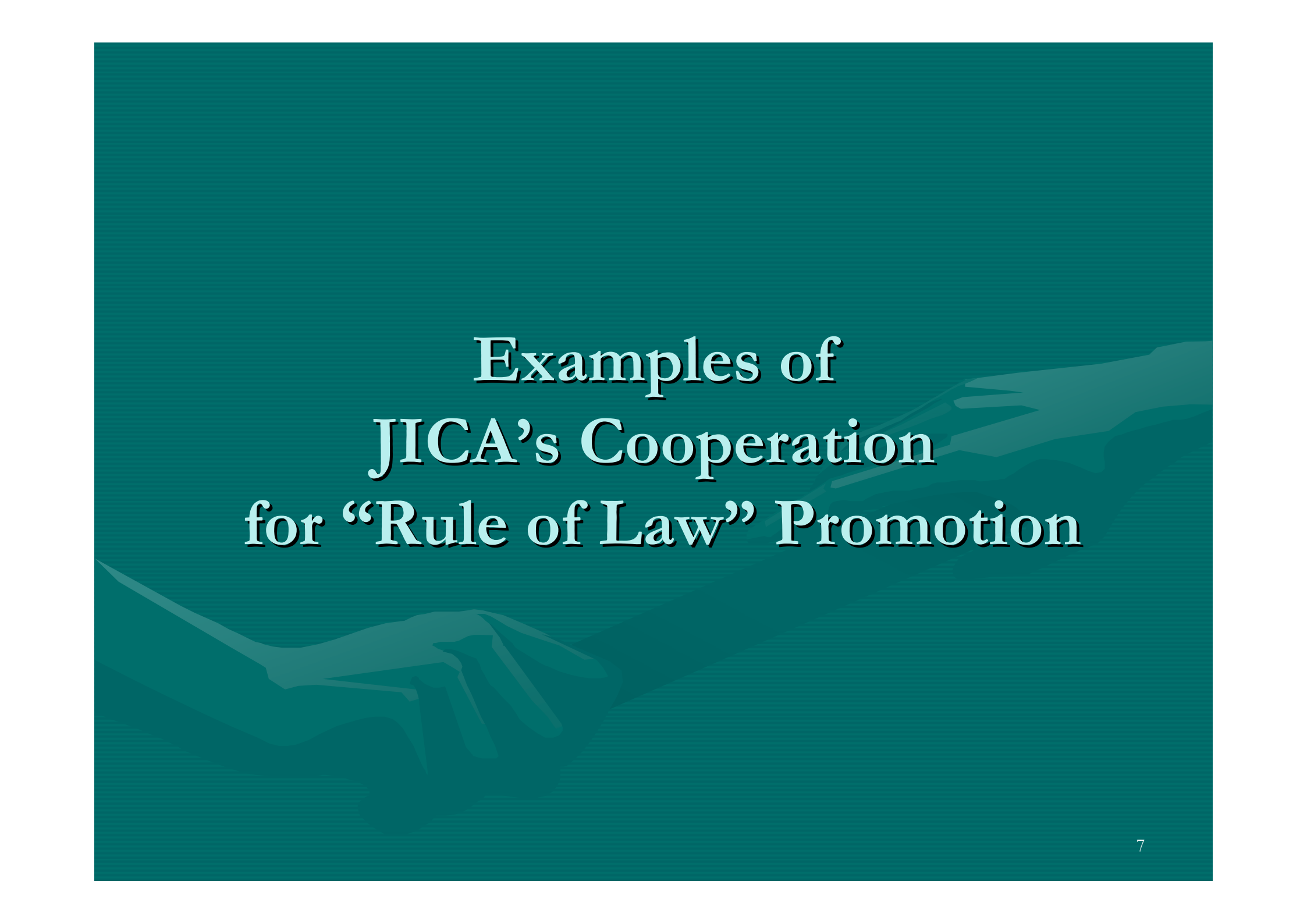


Legitimate rules and regulations

Neutral system incl. dispute resolution

Assurance of access to rules and systems

Capacity Development



Examples of  
JICA's Cooperation  
for “Rule of Law” Promotion

# Standpoint for JICA's Cooperation

(a) Supporting the development of rules and regulations

(b) Supporting the improvement of the capacity of public organizations

(c) Supporting legal empowerment of people and society

Supporting the development of legal professionals

The three core elements complement one another, and establishment of “Rule of Law” would not be possible if any of these elements be missing.

**Cross-cutting and Comprehensive Viewpoint**

The development of human resources to engage in each of the elements (a), (b) or (c) is indispensable.

**Focus on Capacity Development**



# Vietnam Project

Supporting the development  
of rules and regulations



**Assistance in Drafting  
Legal Documents**

Supporting the improvement  
of the capacity  
of public organizations



**Assistance to Supreme Court  
and Provincial/District Court**



**Assistance to Supreme Procuracy  
and Provincial/District Procuracy**



**Assistance to National  
Judicial Academy**

Supporting legal empowerment  
of people and society



**Assistance to Vietnam Bar  
Federation**

Supporting the development  
of legal professionals



**Assistance to the development  
of human resources and  
institutional capacity**

# Cambodia Project

Supporting the development  
of rules and regulations



**Assistance in Drafting  
Legal Documents**

Supporting the improvement  
of the capacity  
of public organizations



**Assistance to  
Ministry of Justice**



**Assistance to Royal School  
for Judges and Prosecutors**



**Assistance to Lawyers  
Training School**



**Assistance in  
Dissemination Program**



**Assistance in Legal Aid**

Supporting legal empowerment  
of people and society



**Assistance to the development  
of human resources and  
institutional capacity**

Supporting the development  
of legal professionals



# Characteristics of JICA's Cooperation for “Rule of Law” Promotion

# Characteristics of JICA's Cooperation (1)

## Focus on Institutional Capacity Development

← Support for the process of the spontaneous development

The cultivation of human resources and the development of institutional capacity so as to be able to engage in each of the core elements [(a)

Development of rules and regulations, (b) Improvement of the capacity of public organizations or (c) Legal empowerment of people and society] are

indispensable for improving legal systems while addressing their harmonization with the cultural and social factors in each developing country.

→ Human resources and institutional capacity are the cornerstones of (a), (b) and (c).

← Long-term dialogue taking into account culture, custom and original systems

Encouraging the creation of specific working groups in the developing country which are able to engage in cooperative work with Japanese experts, as opposed to unilaterally disseminating knowledge.

## Characteristics of JICA's Cooperation (2)

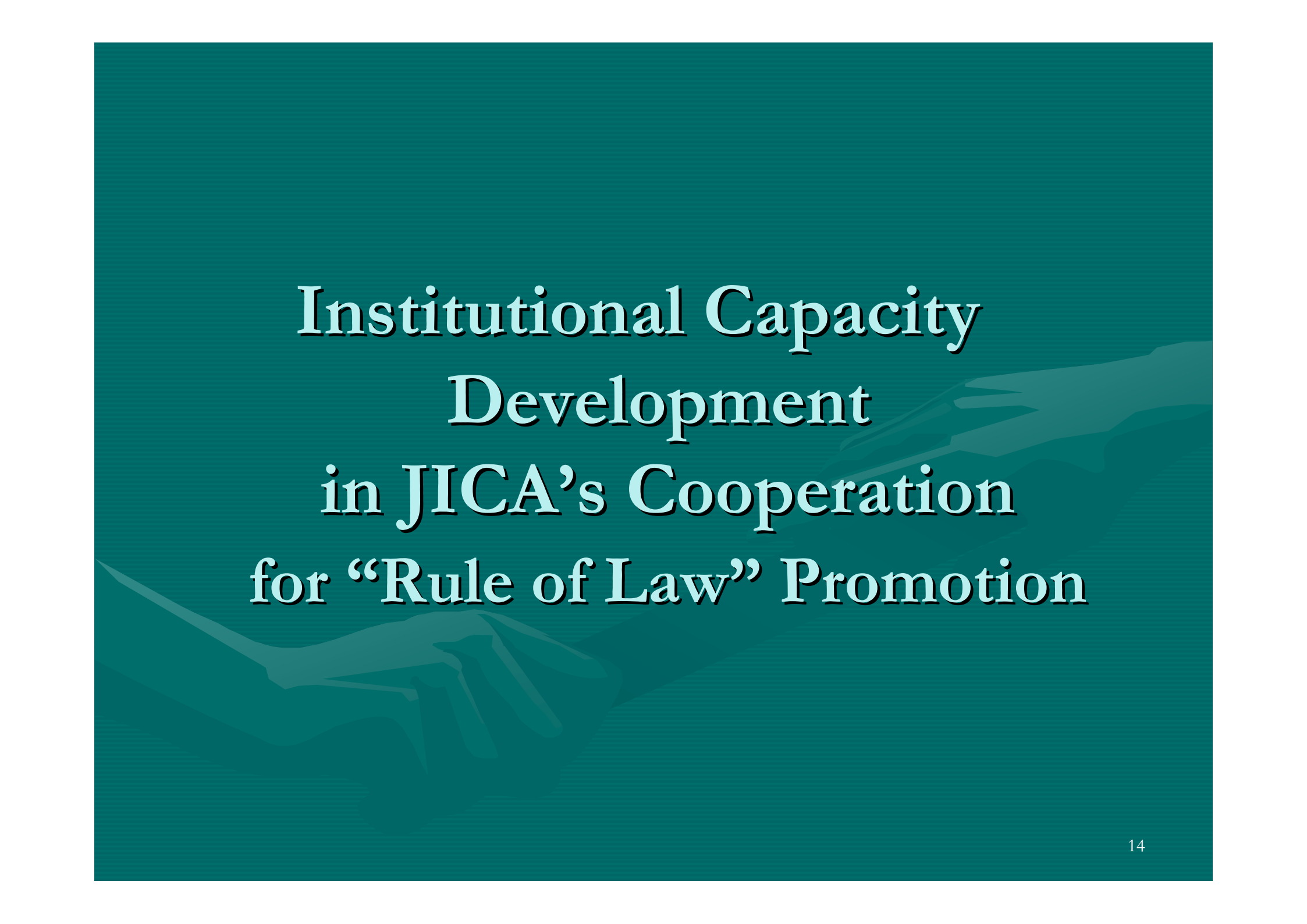
### Support for institutional capacity development based on the experience and knowledge of development of legal system in Japan

← Japan has experience in customizing foreign legal systems to accommodate the cultural and social elements of the existing Japanese systems in their diverse forms.

→ Japanese legal professionals learned the lessons, from Japan's experience, that the ownership and efforts of the people who have deep understanding of their own culture and existing systems are crucial to the effective use of external support.

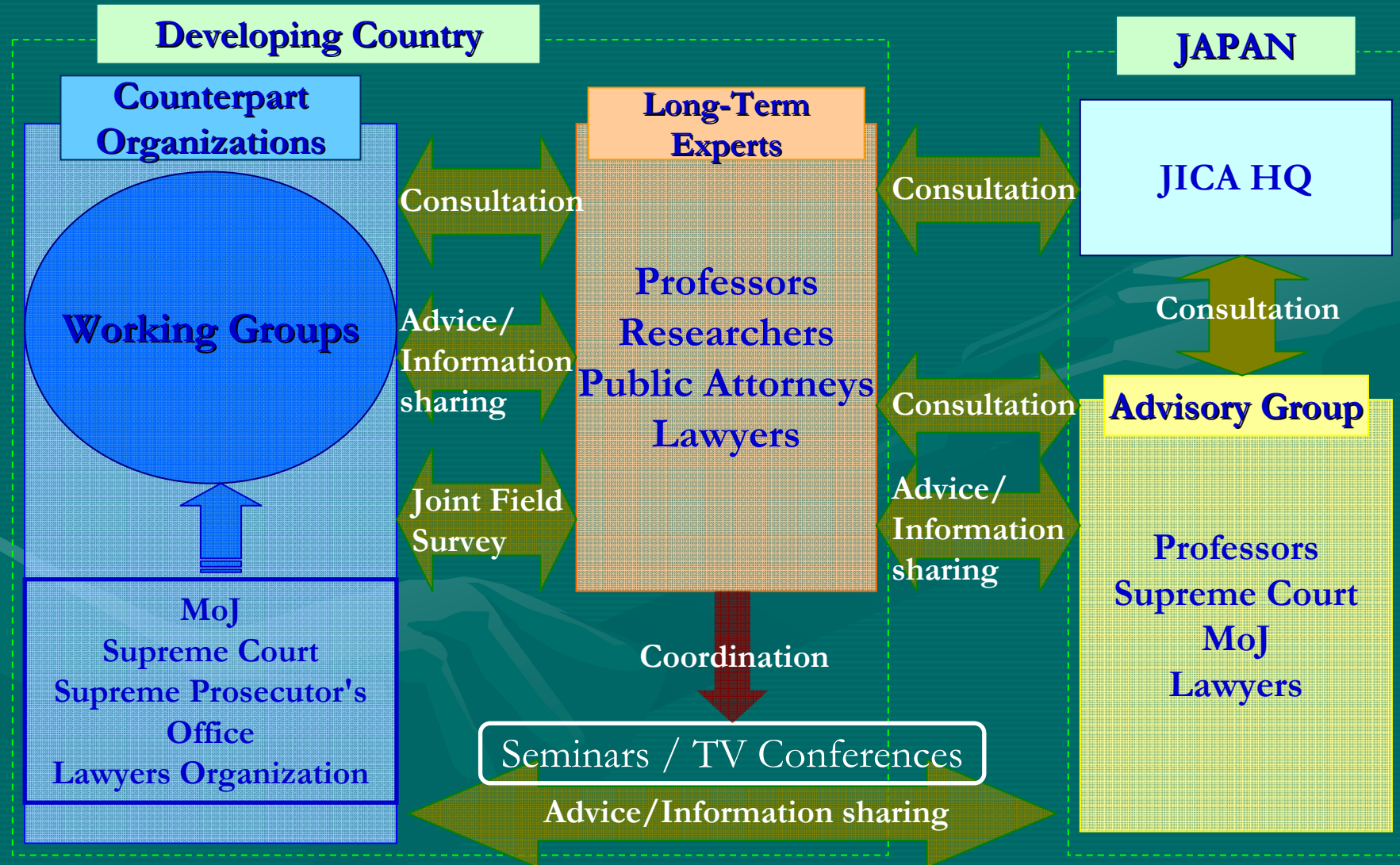
← Japan's experience includes those of drafting and revising laws and systems in accordance with the conditions and changes particular to the development of nations, which has led to the upgrading of the legal systems in line with international standards and the realization of social stability and economic growth.

→ Japan can share its experiences of trial and error with other countries through cooperative works and corporative studies.

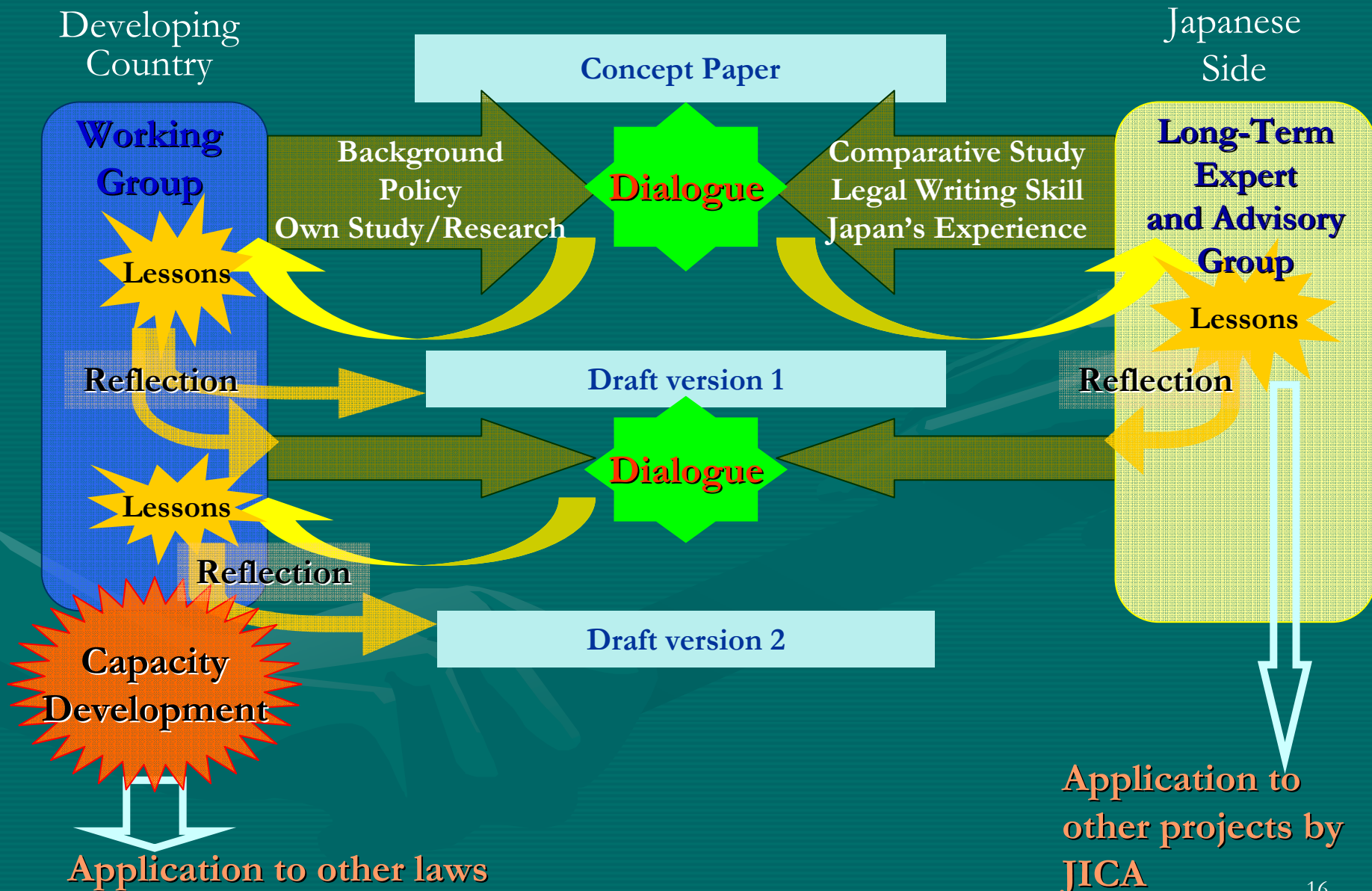


**Institutional Capacity  
Development  
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# Implementation Structure

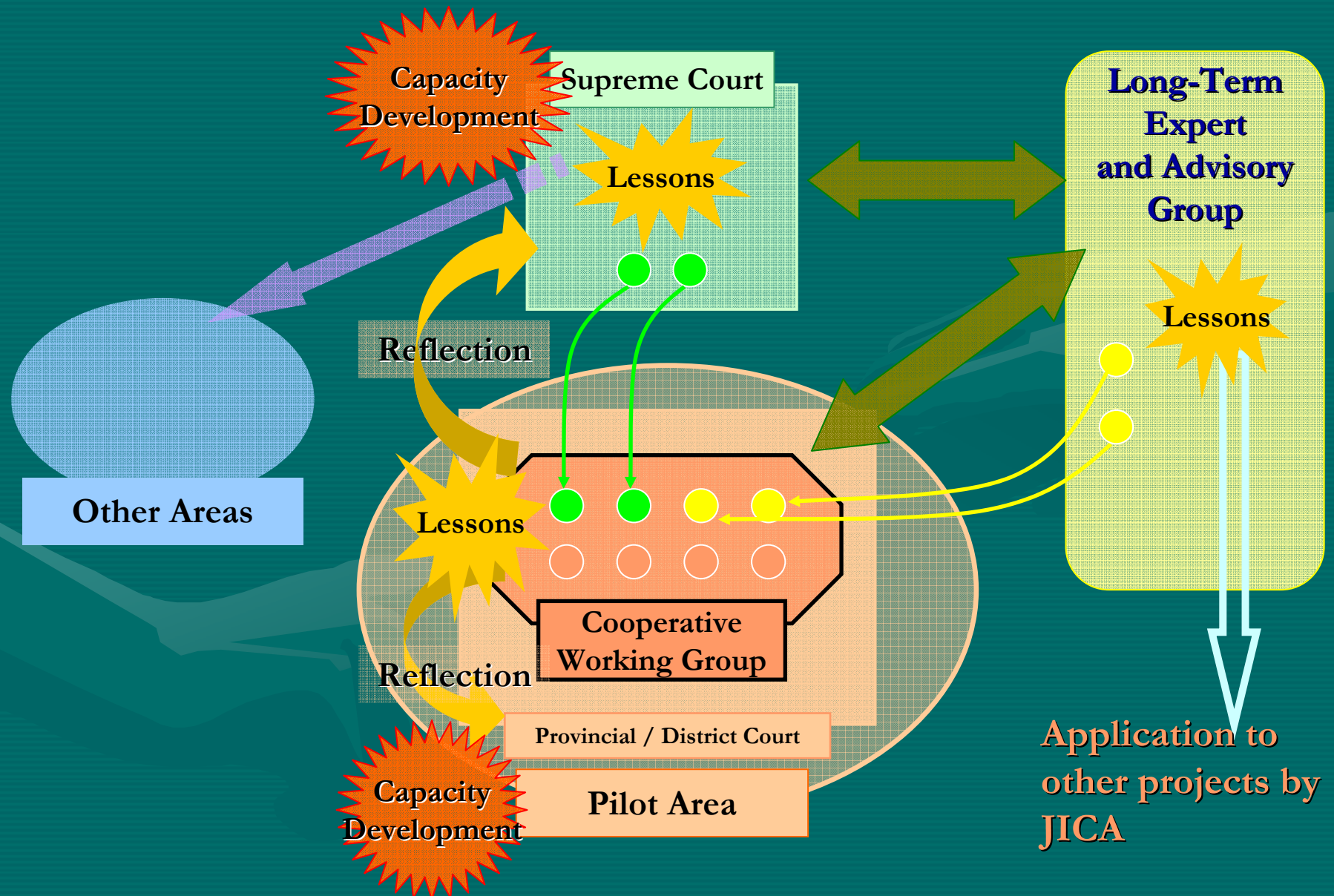


# Institutional Capacity Development (1)





# Institutional Capacity Development (2)



# Case Studies

## Vietnam

Social survey on the Civil Code in Phase 1



Social survey on laws related to the revised Civil Code in Phase 3

Cooperative work between the central organization and local organizations

## Cambodia

Drafting of the Civil Code and the Civil Procedure Code in Phase 1



Drafting of laws related to the Codes in Phase 3

Cultivation of lectures at Royal School for Judges and Prosecutors

# Some Lessons

Cultivation of human resource and Institutional Capacity Development

Involvement in cooperative works

Preservation of records

Information sharing v. Sectionalism

Short-term plan and Long-term vision

(It is a matter of course, but) “Ownership” is crucial.



Thank you

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