

THE PROJECT FOR PROMOTING DEVELOPMENT AND
STRENGTHENING OF THE RULE OF LAW IN THE LEGAL SECTOR

J•ROL PROJECT

Working as a JICA long-time expert in Laos
(How to apply the experience in studying Keio LLM)
Hiroshi SAWAI(KEIO LLM alumni)



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Hiroshi SAWAI JICA Legal Long-term expert in Laos

- December 2012: Registered as a lawyer
- From Sep 2016~until April 2018
Study in Keio LLM program
- June 2018: Financial and Legal Affairs
Division, Japan Bank for International
Cooperation
- November 2021: JICA Governance and
Peacebuilding Department, Law and Justice
Team
- From Nov 11, 2022 to Nov 10, 2024: Work
in Laos as JICA long-term legal expert



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Characteristics of JICA's legal development project in Laos

Basic information about Laos

Area: Approximately 24 square kilometers (almost the size of Honshu)

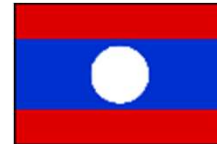
Population: Approximately 7.3 million people (close to the population of Saitama Prefecture)

Capital: Vientiane

Politics: Socialist system under the People's Revolutionary Party

Activity: Human resource development for working group members through the process of creating deliverables related to the basic law

Counterparts are 4 organizations in Laos government



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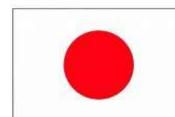
What is the Legal development project ?

- The aim of cooperation for this area: To foster the rule of law
- How to accomplish this: By developing human resources in three areas

1 Establishing rules Ex Support to draft Civil code in Laos(Effective in 2020)

2 **Strengthening capacity building for government agencies(Judges, Procecutors etc) →JICA legal project in Lao is focusing on that points**

3 Improving access to Justice:conducting public awareness, education campaign about the law, offering legal consultation →UNDP, Asian foundation(in Laos)



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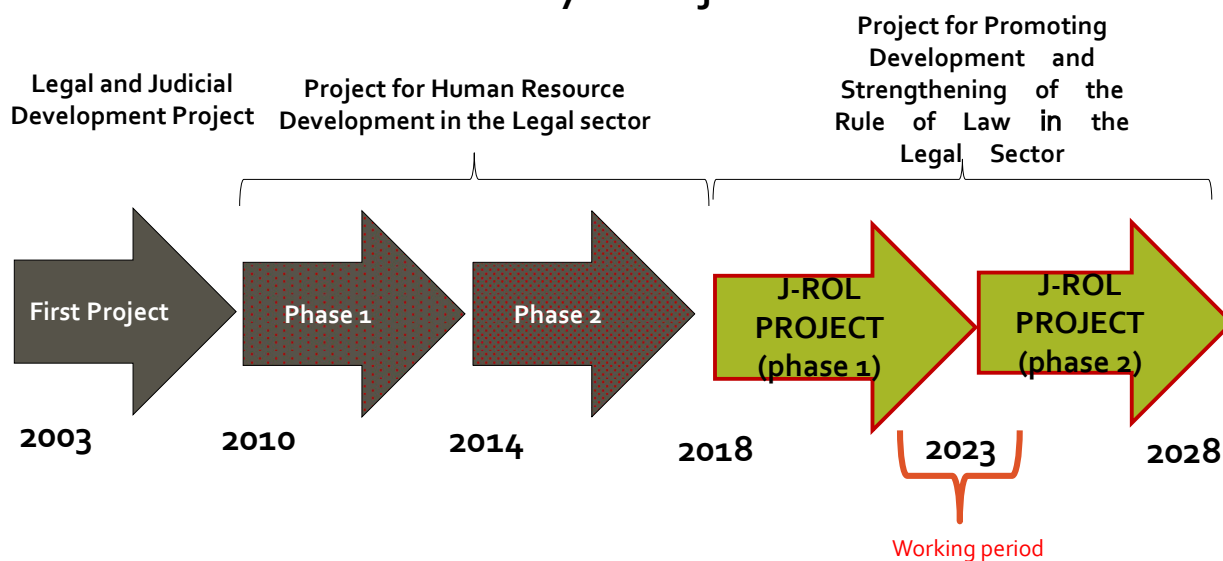
JICA Laos Legal Development Support Project Office

- There were a total of four long-term experts (one prosecutor, two lawyers, and one coordinator) and four Laotian staff members.
- English, Japanese, and Lao were spoken in the office every day!
- Everyone celebrate their birthdays, and the mood was friendly from start to finish.



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Outline of JICA's Legal Project in Lao P.D.R ~History of Project~



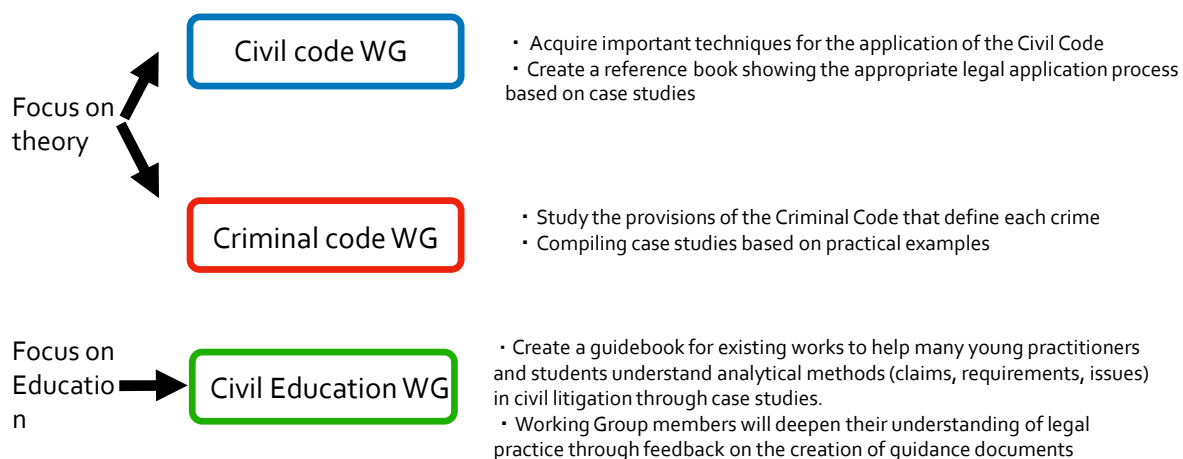
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J●ROL 2 Project summery

- Period : Jul 2023 ~ Jul 2028(5 years)
- Counterpart (same as previous PJ)
- 1) Ministry of Justice
- 2) People's supreme court
- 3) Office of the supreme people's prosecutor
- 4) National University of Laos

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J-ROL₂ Working group



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Activity plan for Civil Education Group (in charge)

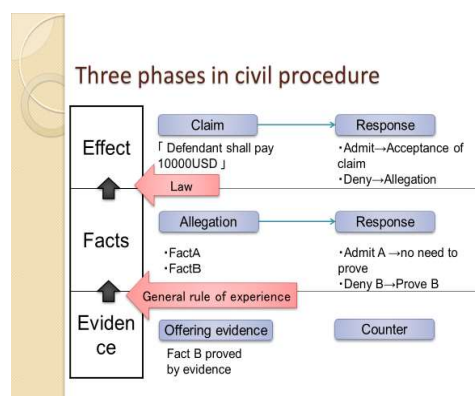
- Many outcomes have been produced through legal projects that have been running for over 20 years, but the challenge remains how to utilize them in educational institutions.
- ① Learn how to analyze simple cases using the fact-finding questions created in the previous project
- ② Through mock case book, try to find the essential facts by the way we learn ①,
- ③ Write a judgment based on organized facts
- Create a handbook that links each deliverable in order to proceed from ① to ③ especially for teachers.



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Contents of the Handbook of Factfinding (Civil)

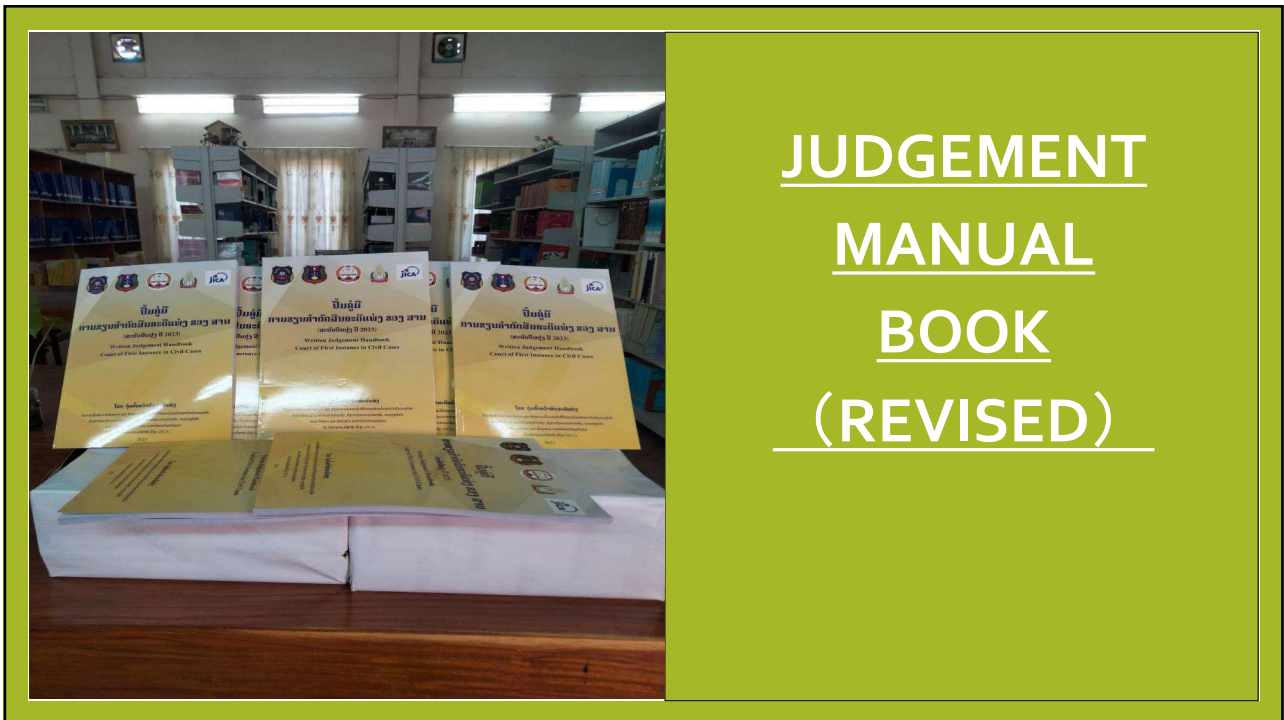
- The facts leading to judgement in Laos are unclear
- The parties' arguments have not been organized in legal aspect, and the essential facts based on the requirement of each claim rights have not been organized.
- The three-stage organization of claims, facts, and evidence as shown in the diagram on the right has not been achieved.
- Regarding cases of sale, loan, lease, and tort
 - 1 What is the argument from the parties
 - 2 What is claim rights, requirement
 - 3 What is the main issue point



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The activity of EDU Group (November 2023 - October 2024)

- We are currently preparing a manual for fact-finding questions (civil cases) in regular meeting (Twice a month 21 member)
- In addition, there will be four small group meetings (twice a month in English) to prepare presentation materials for each case.
- A tentative version of the presentation materials summarizing the contents of the handbook will be prepared for each case by June 2024.
- Mock lessons were given to students at the Supreme Court Training Institute and Luang Prabang (northern part of Laos) until October 2024, and revisions were made based on the lessons.



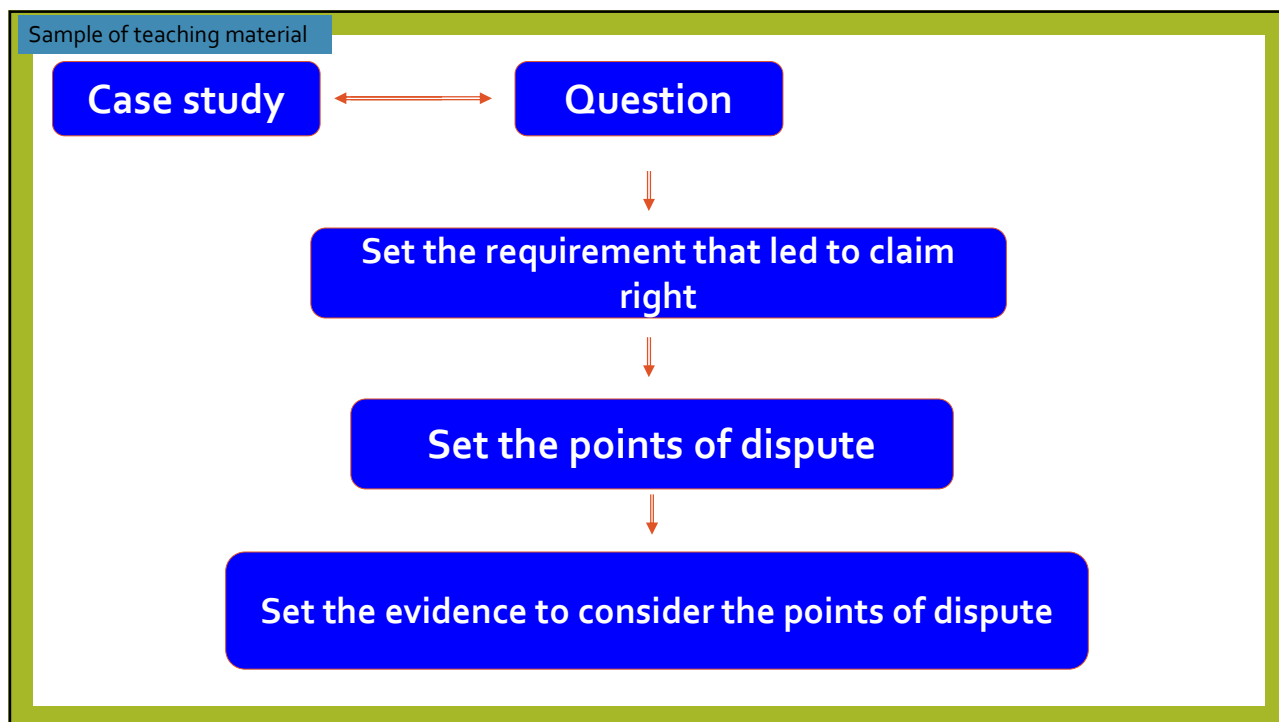
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What is the difficulty of working as a legal expert in Laos

- There are almost no basic books that provide a systematic explanation of each basic law.
Try to explain abstract concepts such as "claims rights", "requirements," and "issues" as best I can.
- Practitioners, including young generation, are not accustomed to reading provisions "carefully."
Have students highlight the wording in each article and imagine how the "requirements" can be based from the articles in civil code.



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Sample of teaching material

What are claim rights, requirement?

- Claim rights are means of exercising rights in civil procedure.

Ex. When we have ownership of our cell phone, we can freely transfer our ownership rights in sales. But we need to use claim rights to return our cell phone based on our rights if someone else bring it without our permission.

- Claim rights are written in articles of civil law and occur when requirements are satisfied(Please see next slide).

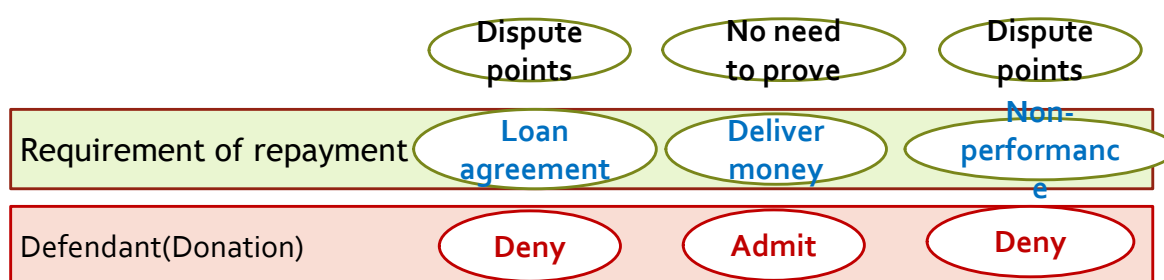
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Sample of teaching material

What are main issues in dispute?

- Through court should narrow down the points which is related to legal requirement of the claim rights, have been admitted or denied by defendants (If counterclaim from defendants, plaintiff should admit or deny).
- Main issues in dispute is the points denied by counterparty, which is primarily related to each requirements of claim rights.

Ex. Loan case



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Sample of teaching material

2. Analyze requirement of loan contract according to article 430 of Civil code.

Article 430 (Loan Contract)

Loan contract is an agreement between contracting parties whereby the lender has provided money or assets to become the assets of the borrower, and the borrower must return the borrowed money or assets in the same quantity and quality as that which was borrowed to the lender at the agreed time as stipulated in the contract.

- Mentioned that 「 Loan contract is an agreement between contracting parties 」 .
 - How about an agreement? If we read through the content of the article..... Agreement about the borrower must return the borrowed money or assets in the same quantity and quality as that which was borrowed to the lender at the agreed time as stipulated in the contract.
 - = ① An agreement on the timing and amount of remittances is one of the requirement that can be exercise of the claim right.
- If we read through an article 「 The lender gave his money to the borrower 」 .
 - Which mean claim right can not be exercise The lender does not give his or her money to the borrower
 - = ② Gave the money is one of the requirement that can be exercise of the claim right.
- Another requirement ??

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How to utilize what you have learned in KeioLLM

- How often I use English as a communication tool
- Keio gave me a lot of chance to get deepen understanding of different culture !
- I was able to adapt more quickly than I expected because of experience for diversity.

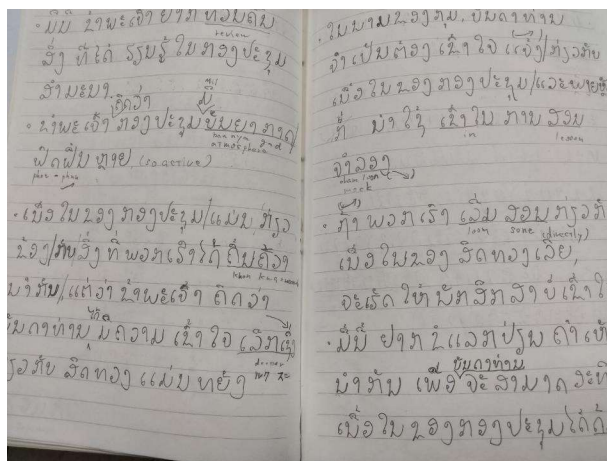


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But I needed to get out my confort zone!

How can you show your activities to your counterparts who are not always in the same workplace and with whom you cannot communicate?

- 1 Delivering speech in Lao
- 2 Talking with Member(with stragling)
- 3 Reading presentation material in Lao and revise at that time



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Please enjoy in KEIO!

1 Please enjoy with your friend in class!

It may improve your English Skill

2 Please get out your comfort zone!

Speak out your opinion in front of your classmates

3 Please find new career in new environment after KEIO!

Exposure yourself in diversity here to dive into different culture

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Japan International Cooperation Agency



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