

International Cooperation on Legal Development in the Socialist Republic of Vietnam

The Project for Enhancing the Quality and Efficiency of Developing and Implementing Laws in the Socialist Republic of Vietnam (hereinafter referred to as “Vietnam”), being implemented for the period from January 2021 to December 2025, is a part of legal development assistance program that has been ongoing since 1996. Kono Ryuzo, chief advisor for this technical cooperation project, gave us an overview of the project.

(Text: Morohashi Kumiko)



The Joint Coordinating Committee (JCC), which brings together all cooperating institutions involved in the project, including the Ministry of Justice of Vietnam

JICA's legal development assistance activities in Vietnam have been constant since the first project was launched in 1996. At that time, the Ministry of Justice of Vietnam was the only official cooperating institution, but later the Supreme People's Court, the Supreme People's Procuracy and other legal institutions joined the project. In 2021, when the current project was launched, the Central Committee for Internal Affairs of the Communist Party, joined the project for the first time as a cooperating institution. Kono says, “It is very meaningful to be able to engage with the structures of the Communist Party, and thus have direct interaction regarding the Party's policies

on legal and judicial reform.”

“Vietnam and Japan have different political systems and governance structures. Vietnam is ruled by a single political party, the Communist Party of Vietnam, while Japan has a multi-party system. Japan has a separation of the three branches of government, while in Vietnam the National Assembly is the highest organ of state power. The Vietnamese government is based on the concept that the power of the National Assembly is distributed to the various state organs. Therefore, the legal system of Japan, which has a different political system, cannot be applied without modification. We provide assistance by comparing



A social survey on local legal development conducted with local attorneys



A seminar for local Vietnamese mediators



Some project deliverables, such as manuals, handbooks and research reports on case law systems, etc.

the political and legal systems of Japan and Vietnam to determine what they have in common and how the principles of the Japanese legal system can be applied.”

The objective of the current project is to improve the quality of Vietnam’s legal normative documents and the effectiveness of their implementation in the light of international standards, in order to contribute to the advancement of legal and judicial reforms and the strengthening of the country’s international competitiveness. Experts dispatched from Japan, including prosecutors, administrative officials from the Ministry of Justice, and attorneys, provide advice and hold seminars on a wide range of issues, including the formulation and revision of basic laws and regulations, the preparation of administrative reference materials, and various types of research.

Recently, there has been an increase in the number of consultations with the project team on drafting new laws, accompanying the continuing economic development of Vietnam in a period of rapid economic growth.

“When JICA first started providing assistance, development agencies from Europe and the United States were also involved, but Japan is the only country that has continued to implement assistance projects on the same scale and in the same seamless manner over all these years. Over the past 25 years, our Vietnamese counterparts have consulted us when revising important laws, and I would say that we have established a relationship of trust with them in supporting legal development.”

As Japan and Vietnam celebrate the 50th anniversary of the establishment of diplomatic ties, relations between the two countries are said to be extremely

good. Kono believes that the process leading up to this point was based on a long-standing relationship of trust regarding legal development assistance.

“Legal development assistance provided in collaboration with the Japanese Ministry of Justice is currently being implemented in ten countries, and Vietnam is in the top group in terms of economic development. I believe that in the future, as our relationship continues to shift from assistance to partnership, the two nations will eventually reach a turning point where they will be able to contribute to one another’s development.”

Reference

Examples of JICA's International Cooperation Projects Concerning legal development and judicial reform assistance in Vietnam

After Vietnam adopted the Doi-Moi (“Renovation”) Policy in 1986, there was an urgent need to establish a new legal system to support the country’s transition to a market economy. Consequently, the Ministry of Justice of Vietnam, in collaboration with the governments of other countries and international organizations, launched efforts to develop laws and regulations. In 1996, Japan initiated a legal development assistance project and in the years since has provided technical cooperation and other forms of support based on three pillars: (1) advice on the drafting of various laws and regulations; (2) advice on the development of the legal system; and (3) human resource development.

- **Cooperation in the Legal and Judicial Field (Phase 3)**
Term of cooperation: July 2003 – March 2007
Outline: The project provided assistance in human resource development, as well as in the drafting of various laws and regulations based on the two pillars of legislative support in the civil and commercial fields and strengthening the legal profession, with a focus on the Civil Code. This has contributed to the strengthening of Vietnam’s legal system.
- **The Project for Harmonized, Practical Legislation and Uniform Application of Law Targeting Year 2020**
Term of cooperation: April 2015 – December 2020
Outline: The project provided assistance in the drafting of civil and commercial legislation, human resource development for legal professionals, and the joint preparation of practice manuals for legal practitioners. Through these activities, the project contributed to the establishment of a foundation for the proper and efficient operation and application of legal normative documents in accordance with the 2013 Constitution and the legal and judicial reforms implemented with 2020 as the target year.

Reference websites
<https://www.jica.go.jp/oda/project/0601721/index.html>
<https://www.jica.go.jp/oda/project/1400640/index.html>