

Presentation by Ms. Mikine Eto
On the Japanese Justice Sector Assistance to Timor-Leste

1. Introduction

Good morning, ladies and gentlemen. Thank you for attending this press conference. I am Mikine Eto, and I am a professor and government attorney of the International Cooperation Department (ICD) of the Research and Training Institute (RIT) of the Ministry of Justice of Japan.

Today I would like to talk about legal cooperation between Timor-Leste and Japan, especially in the field of capacity-building for drafting laws over the previous four years.

2. Outline of Japanese legal technical assistance

Since the mid-1990s, in response to requests for legal technical assistance from several countries in Asia, Japan has provided assistance to help establish the rule of law and develop a market economy in requesting countries, including: Vietnam, Cambodia, Laos, Nepal, Uzbekistan, Indonesia, China, and Timor-Leste.

The Ministry of Justice of Japan provides legal technical assistance in close cooperation with the Ministry of Foreign Affairs (MOFA), Japan International Cooperation Agency (JICA), and the Embassy of Japan. It also works with other related organizations, including the Supreme Court, Japan Federation of Bar Associations and the academia. Its activities range from assistance in the drafting and revising of basic laws (including civil law and civil procedure law), to the improvement of judicial systems in effectively enforcing and operating enacted laws. This is done through drafting of teaching materials, and the capacity-building of legal professionals. The Ministry develops a wide range of assistance activities which best suit the needs of the requesting countries.

3. Basic policies of Japanese government on legal technical assistance

Its activities have been highly evaluated by the recipient countries. Japan intends to assist and cooperate with those countries with full respect of their “ownership”, on the basis of relationships of mutual trust.

a. Respect for the independence and voluntariness of the recipient country

Instead of imposing the Japanese legal system on the recipient country, Japan explains the benefits for the adoption of its legal system and proposes it as an option to be decided by the recipient country.

b. Assistance which meets the needs of the recipient country

After thorough discussions with the recipient country, Japan formulates an assistance plan that best meets the needs and actual conditions of the recipient country. Even after the commencement of assistance, discussions are continued and the original assistance plan may be revised as necessary.

c. Japan supports not only the drafting of laws, but also the entire legal-development process to establish a well-functioning system, by improving the enforcement and operation of legal system, capacity-building of legal professionals, etc.

In order for the law to be enforced and applied appropriately, personnel and institutional capacity-

building is essential. Japan provides assistance including follow-up support as a package with mid-term and long-term perspectives.

4. Cooperation for Timor-Leste (Assistance in strengthening legislative capacity)

After its independence in 2002, Timor-Leste has been working to rebuild itself. Currently it is undertaking legal reform as the basis of its reconstruction, with the intent to accede to ASEAN. Japan started its assistance to Timor-Leste in 2002, and both countries have maintained a solid relationship for the past 10 years. During these years, Timor-Leste established peace and stability, and has begun a subsequent stage of development for economic growth and good governance, including the rule of law.

As you know, in order to establish the rule of law, it is necessary not only to draft laws, but also to go through an entire legal-development process to establish a well-functioning system. This is made possible through the improvement of law enforcement and operation system, capacity-building of legal professionals, etc.

In 2008, with the aim of acquiring the skills necessary to draft laws without outside support, Timor-Leste requested legislative assistance from Japan. Upon receipt of the request, in 2009, Japan began training programs for officials in charge of legislative drafting in the National Directorate of Legal Advice and Legislation of the Ministry of Justice of Timor-Leste. Since 2011, Japan has organized local seminars to help Timor-Leste strengthen the legislative-drafting capacity of their officers. This time, we have visited your country to conduct a local seminar.

Now I will discuss the history and details of Japanese assistance to Timor-Leste:

- In March 2009, the first training program was held in Japan to provide basic information regarding the legislative process of laws and ordinances in Japan. The program included visits to the Legislative Division of Aichi Prefecture, Nagoya City Government, and other institutions.
- In July 2009, the second training program was held in Japan. This program included lectures and discussions on the main points necessary for legislative drafting, using illegal drugs control law, extradition law, etc.
- In August 2010, the third training program was held to provide basic knowledge on mediation law and advice on the drafting of extradition law.
- In March 2011, the first local seminar was held on mediation law.
- In March 2012, the second local seminar was conducted under the theme of drug trafficking law.
- In September 2012, the 4th training program was organized in Japan. Lectures on the basis of, and skills necessary for legislation, and arbitration law were given, and discussions were held on drug trafficking law. The training also included a visit to the Drug Control Office.
- And now, in December 2012, we have held the third local seminar on the topic of drug trafficking law, and mediation and arbitration law.

Assistance to Timor-Leste began with the aim of strengthening the basic legislative capacity. Current Japanese assistance ranges from the provision of basic legislative knowledge and skills to on-the-job training. This is designed to effectively respond to individual and detailed requests for assistance in legislative drafting, in line with the country's legislative planning.

5. Prospects for the future

Our plan for the next year includes the organization of local seminars by Japanese legal experts and training program in Japan, and/or a field trip to Japan for senior Timor-Leste legal and judicial officers. Through discussions with relevant institutions in Timor-Leste, we are aiming to find the best method to maximize the effects of our assistance.

Japan hopes to continue its cooperative relationships in the legal field with Timor- Leste for the mid-to long-term to help enhance the rule of law.

Thank you very much for your kind attention.

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