

THE BUREAUCRATIC SECTIONALISM OF JAPAN'S TECHNICAL  
COOPERATION  
IN THE LEGAL AND JUDICIAL FIELD:  
THE CASE OF LEGAL ASSISTANCE IN LAOS

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## ABSTRACT

In 2000, Japan lost its position of top ODA donor to the United States because of its economic stagnation. Yet at the same time, Japan recognized that foreign diplomacy was even more important given that China had become increasingly powerful in the region. In addition, the international climate, especially after the September 11<sup>th</sup> terrorist attacks, had put additional pressure for Japan to provide ODA. It is within this context that Japan began its legal assistance to the Mekong countries.

Various multilateral and bilateral donors have engaged in judicial reform assistance since the early 1990s. The efficiency of such assistance depends in large part on the political economy of donor assistance. In order to analyze the effectiveness of Japan's legal assistance, it is necessary to examine the polity behind the assistance. Japan's general ODA has been criticized for its bureaucratic segmentation, lack of coherent strategy, and human resource shortage. These three aspects provide a foundation for analyzing the political economy surrounding Japan's legal assistance. I posit that the bureaucratic system itself is the main impediment to ODA efficiency, and the other two aspects magnify the system's deficiencies.

Several studies have been conducted on the political system behind Japanese ODA. Rix and Orr argue that bureaucratic sectionalism causes the lack of a coherent strategy over the segmented system. However, due to its short history of legal assistance, there is no empirical research on the political economy of Japan's foreign aid in the legal and judicial sector.

Each of the three aspects (system, strategy and resource) can be divided into two levels, ODA in general and legal assistance specifically. As an example of a system for legal assistance, the Ministry of Justice as a new player in the ODA polity will be analyzed.

Lastly, a long list of ODA reforms are currently being discussed and implemented. This thesis may be able to contextualize scattered reform menus and to provide a framework for examining the menus' potential for improving the efficiency of legal assistance.

## TABLE OF CONTENTS

### **CHAPTER I: Introduction**

- A Background
  - 1 **The political economy of international aid**
  - 2 **Environment in which Japan's judicial reform assistance operates**
  - 3 **Polity among ministries and other actors behind Japan's ODA**
- B Methodology
- C Thesis structure

### **CHAPTER II: Japan's ODA**

- A History of Japan's ODA
- B Characteristics of Japan's ODA

### **Chapter III: Bureaucratic sectionalism of ODA**

- A System of Japan's ODA
  - 1 **Basic structure for ODA in general**
  - 2 **Types of ODA and power-balance among relevant ministries**
  - 3 **System for technical cooperation**
  - 4 **Mandate of ministries**
- B Overarching philosophy and strategies of Japan's ODA
  - 1 **Unclear vision of Japan's ODA**
  - 2 **Government efforts to address criticisms**
  - 3 **The ODA Charter**
  - 4 **Each ministry's basic policies on technical cooperation**
- C Human Resources - staff shortage

### **CHAPTER IV: System, Strategy and Resource for Legal Assistance**

- A System for Legal Assistance
  - 1 **Overview of Japan's legal assistance**
  - 2 **Related parties and relationships among them**
  - 3 **Basic principles of legal assistance**
  - 4 **A shortage of human resources**

### **CHAPTER V: Case study - Legal Assistance Project in the Lao P.D.R.**

- A Japan's legal assistance in Laos
  - 1 **The preparation period leading up to the current project**
  - 2 **Project contents**
- B Project operation
- C Project findings
  - 1 **The lack of project coordination among Japanese ODA projects**
  - 2 **Lack of coherence between principles and project substance**
  - 3 **Slow and unclear decision-making system causes delay of the project**
  - 4 **Inefficient staffing**

### **CHAPTER VI: Conclusion and Necessary Reforms**

- A Summary of the analysis
- B Can legal assistance be improved and how?

- 1 Overview of Current Reforms**
- 2 Reflection on the reforms**