

Preface

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Preface

The evolution of the market-oriented economy, and the increase in cross-border transactions, have brought an urgent need for research and comparisons of judicial systems and the role of law in the development of Asian countries. The Institute of Developing Economies, Japan External Trade Organization (IDE-JETRO), has conducted a three-year project titled "Economic Cooperation and Legal Systems" regarding the above issue. There were two main themes in this project: first, to rethink the role of law in the socio-economic changes in Asia, and second, to examine the judicial systems and their reform as one of the key dimension of the socio-economic changes. We organized domestic research committees and joint research projects with research institutions in Asia, and held roundtable meetings, to deepen our study. To conclude our project, we held a workshop entitled "Law, Development and Socio-Economic Changes in Asia," last year in Chiba, and we now present you with this book, as the final outcome of the project. Other outcomes of the project have been published separately, as listed: the outcomes of the domestic research committee, in the Economic Cooperation Series (in Japanese), and the outcomes of the joint research projects, in IDE Asian Law Series (in English).

In the first year (FY 2000), we established two domestic research committees: the Committee on "Law and Development in Economic and Social Development," and the Committee on "Judicial Systems in Asia." The former has focused on the role of law in social and economic development, and sought to establish a legal theoretical framework. Studies conducted by member researchers have focused on the relationship between the law and marketization, development assistance, trade and investment liberalization, the environment, labor, and consumer issues. The latter committee has conducted research on judicial systems and the ongoing reform process of these systems in Asian countries, aiming to further analyze their dispute resolution processes.

In the second year (FY 2001), we established two research committees: the Committee on "Law and Political Development in Asia," and the Committee on "Dispute Resolution in Asia." The former committee focused on legal and institutional reforms following democratic movements in

several Asian countries. The democratic movements in the 1980s resulted in the reforms of political and administrative systems to ensure transparency and accountability of the political and administrative process, human rights protection, and the participation of people to those processes. The latter committee conducted a comparative study on availability of the court system and out-of-court systems (namely Alternative Dispute Resolutions), aiming to determine underlying problems in the courts. As social and economic conditions drastically change, Asian countries face challenges to establish systems to fairly and effectively resolve the variety of disputes that arise increasingly in our societies.

In the third year (FY 2002), based on the achievements of the previous years, we carefully reorganized our findings and concentrated our discussions on three parts: (1) Law and Socio-Economic Changes in Asia, (2) Governance and Judicial Review in Asia, and (3) Judicial System and ADR in Asia. In the first part, we examined the conceptual framework of "Law and Development," to understand the basics of the legal system in Asia. In the second part, we took strong academic interest in the role of law, especially in the process of consolidating democracy in Asian countries. In the third part, we focused on the development of judicial reforms, where we found sophistication of ADR in Asian countries.

We are grateful to all the members and counterparts who contributed to our project during the past three years, and to the participants who attended the roundtable meetings and workshop and gave us valuable comments. We would also like to thank all the individuals and organizations that accepted our visits and shared with us their precious time and information.

We wish to express our sincere gratitude to the members of the College of Law, University of the Philippines, for their cordial cooperation in organizing the roundtable meetings in Manila on November 20-21, 2000, and the members of the Central Intellectual Property and International Trade Court and the Faculty of Law, Thammasat University, for their generous work in arranging the meeting in Bangkok on November 19-20, 2001.

Special thanks go to Ms. Yukie Hoshina, who devoted herself as the

secretary of our project for three years, and to the anonymous referee who gave us valuable comments to improve our papers.

Any opinions expressed in this book are those of the authors and not their organizations.

We believe that this work is unprecedented in its scope, and we hope this publication will contribute to the academic circle and toward further understanding of the legal issues we share.

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