

PREFACE

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PREFACE

With the evolution of the market-oriented economy as well as the increase in cross-border transactions, there is an urgent need to conduct research and comparisons of judicial systems and the role of law in development in Asian countries. The Institute of Developing Economies, Japan External Trade Organization (IDE-JETRO) established two research committees in FY 2000: Committee on “Law and Development in Economic and Social Development” and 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 therefor. 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 affairs. The latter committee has conducted research on judicial systems and the ongoing reform process of these systems in Asian countries, with the aim of further analyzing their dispute resolution processes.

In order to facilitate the committees’ activities, IDE has organized joint research projects with research institutions in seven Asian countries, namely, China, India, Indonesia, Malaysia, Philippines, Thailand and Vietnam. To encourage the sharing of the findings of respective researches on the role of law in development, legal systems and the reform process in Asian countries, and to promote research cooperation and scholarly exchanges among research counterparts, IDE sponsored a roundtable meeting entitled “Law, Development and Socio-Economic Change in Asia” in Manila on November 20-21, 2000. We would like to express our sincere gratitude to the members of College of Law, University of the Philippines, for their cordial cooperation in organizing the meeting. Committee members from Japan and researchers from the seven Asian countries participated in the meeting. Presentations by the respective researchers were followed by lively discussions.

The sessions of the first day of the meeting, titled Judicial Reform in Asia: Current Issues and Challenges, focused on the issue of judicial reform, which has been discussed in recent years both in many Asian countries, and among development assistance donors. The presentations were devoted to the philosophy, social and economic background of judicial reform movements as well as - specific reform plans in each country. The sharing of basic information on judicial systems and the

experiences of judicial reforms contributed to a further understanding of different judicial systems and dispute resolution processes in Asia.

The sessions of the second day, titled Rethinking “Law and Development”: An Asian Perspective, focused on the role of the law in socioeconomic dimensions in Asian countries in its current development process, while taking into consideration the discussions on “Law and Development” held in the 1970s and 1980s. The participants looked into economic laws and the marketization process in Asia, including contract law and legal technical assistance. Studies were also presented in the areas of social laws such as labor law, social security law and environmental law. Critical discussions on “Law and Development” were carried out in order to promote a rethinking of the conventional research framework on Asian law.

This publication is the outcome of the two-day roundtable meeting, and is based on the papers submitted for the meeting and the record of discussions. We believe that this is an unprecedented work in its comprehensiveness, and hope that this publication will contribute as research material and for the further understanding of the legal issues we share.

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