

ADB's Law and Policy Reform Activities

ADB's activities in law and policy reform have considerably expanded. These activities have included the following:

- Legislative and institutional reform including legal frameworks for decentralized government; administrative, regulatory, policy, or standard setting reforms; provision of help to DMCs to effectively manage their government legal services; efforts to work with judges and court registrars to ensure more effective court management and production of well-reasoned and legally sound judgments; and efforts to encourage courts to be more transparent in their work practices.
- Making judicial systems work better by ensuring adequate financial and organizational resources, enhancing their management capabilities, introducing modern case management systems that reduce delays in the administration of justice, and supporting other activities that enable citizens to become effective sentinels against corruption and other forms of maladministration in the justice system.
- Transparency and dissemination of information to raise awareness, particularly among poor communities in DMCs, and to help build the capacity for undertaking legal reforms; promotion of transparency of laws, court judgments, and administrative practices and policies by institutionalizing a right to information or obligation to disclose information; creation of an Asian legal database linking English translations of laws, court judgments, and commentaries on laws from DMCs that is accessible via the Internet; and work with courts and public sector institutions to publish information on their roles and performance through annual reports, web sites, or information kiosks within these institutions.
- Capacity building and institutionalizing training by working with government institutions and regulatory agencies to strengthen capacity to deliver services to the poor and others; creating continuing legal education institutions for lawyers, judges, prosecutors, and government officials; and making available training materials on new laws and policies, including the creation of online databases of inhouse training materials for government departments with offices that are geographically isolated.
- Research in strategic areas of law and policy reform and convening key actors from DMCs to consider findings.

Strengthening the Enabling Environment for Economic Growth

ADB's law and policy reform assistance supports a diverse range of activities to strengthen the enabling environment for private sector-led economic growth. ADB supports the drafting of new economic laws, particularly in transition economies; and the modernization and harmonization of existing economic laws in countries where policies are being developed to shape new roles for the public and private sectors.

ADB has devoted significant resources in DMCs to strengthening the knowledge and skills of government officials, lawyers, and judges on how to implement new laws and policies. It has also developed approaches to make this training more sustainable.

ADB has helped DMCs establish legal training institutions. In Maldives, Mongolia, Nepal, Pakistan, and Viet Nam, ADB has provided training and materials for continuing legal education in institutions that will train judges, prosecutors, lawyers, and government officials.

- **Developing training curricula for national training institutions.** ADB has developed training curricula for national training institutions such as judicial colleges and university law courses that cover new laws and policies. Examples of this include a course on new land law reforms at the Judicial Training School in Phnom Penh, Cambodia; and support for the establishment, curricula development, and faculty capacity building of a new law school in the Maldives.
- **Promoting intranet or web-based access to training materials.** In Thailand, ADB has worked with the Legal Execution Department of the Bankruptcy Court to develop a Thai language database of self-training materials on insolvency and business reorganization. This increases access to this information for the staff of more than 2,000 employees who are dispersed among the department's 95 offices country-wide. The database is accessible via the department's

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intranet and the Internet, and allows its employees to easily access notes, checklists, or documents to assist them in their work. A database administration facility allows the host organization to easily amend and update the training materials.

Increasing the Transparency of Laws

Access to information about laws, court judgments, and policies is a core element of good governance. It allows local entrepreneurs, foreign investors, and citizens to know what the law is and how it has been interpreted in court cases. ADB has worked on projects at both the regional and country levels to help DMCs increase the transparency of their laws and legal information.

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ADB has also assisted in developing legal information systems in PRC, Nepal, and Tajikistan. ADB has helped the Tajik Law Reform Commission harmonize, publish, and disseminate a collection of Republic of Tajikistan laws in Tajik and Russian. In Nepal, a project is underway to create a legal information system of laws, regulations, and court decisions to be accessible via the Internet. ADB's support

to the PRC has resulted in a 16-volume, loose-leaf publication of PRC laws and regulations, which also includes an English translation.

New Regulatory Institutions and Mechanisms

In those DMCs that are moving from a centrally planned to a market economy, governments are exploring ways to increase the role of the private sector in the provision of core public utilities and services such as water, energy, roads, and other forms of public infrastructure. ADB has responded to DMC requests for information on how to structure the contractual and financial arrangements for these public-private partnerships as well as the policy implications of different forms of regulation. Training on these issues for government officials from a range of sectoral ministries has been conducted in Bangladesh, PRC, India, Indonesia, and Viet Nam. ADB has also surveyed and evaluated the performance of regulatory frameworks for private sector infrastructure development in Bangladesh, India, Indonesia, Malaysia, Pakistan, and Philippines. The research findings on issues such as price and profitability, service coverage and quality, and investment were incorporated into the training programs conducted in these DMCs.

Assisting DMCs in Legislation Relating to International Trade

The economic and social benefits of increased trade in goods and services are of

central importance to ADB's DMCs. The Doha Development Round of trade negotiations under the WTO will be critical to developing countries seeking significantly enhanced market access for their goods, particularly agricultural goods, in the markets of their developed country trading partners. Of ADB's DMCs, 18 are WTO members, and nine are in the process of acceding to the WTO.

ADB is playing a role in assisting DMCs in their preparations to join the WTO. For example, ADB responded to a request from the PRC for assistance in preparing for accession to the WTO. ADB's technical assistance included helping the then Ministry of Foreign Trade and Commerce draft the key pieces of legislation to ensure consistency with WTO rules, supporting PRC government officials in their understanding of major issues in the WTO Doha Development Agenda and in regional trade and economic integration arrangements. Subsequent to the PRC joining the WTO, ADB responded to a further request for technical assistance to strengthen the ability of the judiciary to conduct an independent judicial review of administrative decisions affecting foreign trade matters as required under WTO agreements. The technical assistance will help with two major challenges for the PRC government in implementing its WTO obligations: how to address the legal and institutional issues arising with judicial review in the PRC context, and how to strengthen the capacity of the court system to conduct judicial review of WTO-related matters. (*next page*)