

## CONCEPT NOTE FOR THE SYMPOSIUM ON A COMPARATIVE APPROACH TO A CULTURE OF LAWFULNESS

### I. PURPOSES OF THE SYMPOSIUM

The purposes of the Symposium are to deepen the understanding of a culture of lawfulness among ASEAN Member States and to discuss how to promote a culture of lawfulness from various perspectives. At the beginning of the Symposium, the introductory remarks and a keynote speech will present a framework and a theoretical foundation of the main theme of the Symposium that will contribute to the whole programme. After the remarks and the speech, panellists from the Member States and Japan will share perspectives on a culture of lawfulness and the challenges faced by these countries in promoting a culture of lawfulness. After the presentations by the panellists, the keynote speaker and the panellists will further discuss measures to resolve these challenges.

### II. BACKGROUND AND DISCUSSION TOPICS

#### A. Definition of the Rule of Law

There have been various definitions of the “rule of law” – from narrow to broad. The narrow definition emphasizes equality before the law. It explains that all members of a society, including rulers, are considered equally subject to the law and the procedural protections of due process. What is important here is that the rule of law is fundamentally a principle of governance to which state power itself is also subject. The broader definition seeks to ensure substantive outcomes based on the rule of law and incorporates the values of democracy and fundamental human rights.<sup>1</sup> Hence, the broader definition includes measures to ensure these important values – fairness in the application of law, avoidance of arbitrariness and legal transparency.

Considering the importance of these measures, this Symposium adopts one of the broader definitions offered by the United Nations. In the 2004 UN Secretary-General’s report on “The rule of law and transitional justice in conformance and post-conformity societies”, the Secretary-General described the rule of law as follows:

The rule of law is a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires measures to ensure adherence to the principles of supremacy of the law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness, and procedural and legal transparency.<sup>2</sup>

Although public institutions are responsible for ensuring the rule of law by implementing specific measures, they alone cannot secure the rule of law. A culture which supports the rule of law will be required to implement the principle of the rule of law. The linkage between the rule of law and a culture of lawfulness is explained, for example, in a report about the multi-sector success in Pereria, Colombia, published by the National Strategy Information Center as follows:

<sup>1</sup> International Commission of Jurists. (1959). *The Rule of Law in a Free Society: A Report on The International Congress of Jurists*

<sup>2</sup> The rule of law and transitional justice in conflict and post-conflict societies.(2004). *Report of the Secretary-General*, S/2004/616, para. 6. 6 <<https://www.securitycouncilreport.org/un-documents/document/pcs-s-2004-616.php>>

A culture of lawfulness (CoL) exists in a society when the majority of its people believe in and act in accordance with the rule of law. Individuals understand the importance of their participation in helping to create, oversee, and respect the laws that govern them. They become empowered, recognizing that no person or institution is above the law – including government officials and local elites. They recognize that the rights of every citizen are to be protected, no matter which faction or group happens to be in power.<sup>3</sup>

The report explains that the principle of the rule of law can be closely linked to a culture of lawfulness because a culture of lawfulness is a culture that supports the rule of law. That is to say, a culture of lawfulness may be regarded as one of the important elements that underpins equality, human rights, the principle of governance and procedural justice.

### **B. Efforts to Foster a Culture of Lawfulness**

In societies where a culture of lawfulness exists, the majority of citizens have a strong commitment to the rule of law. They support the law, legal institutions and law enforcement agencies, as well as their administration. Such support is based on citizens' belief that these institutions and their operations are fair, transparent and in the best interests of society and individuals. In other words, unless ensuring fairness and transparency, laws and institutions will not be trusted or supported by citizens. A culture of lawfulness will not take root in such a society.

Therefore, a culture of lawfulness must be promoted through initiatives and efforts from both the government institutions and the civil society. That is, governments and public authorities must make their laws, legal systems, and law enforcement agencies trustworthy and transparent to citizens. Every member of the public, including those in vulnerable groups, must have effective access to justice, and citizens should be proactively involved in the formation and operation of legal norms.

The most important element to foster a culture of lawfulness is cooperation between the government institutions and civil society: they work together as two wheels of the cart.<sup>4</sup> Taking into account the importance of efforts by both sides, the public and the private sectors, in promoting a culture of lawfulness, the following measures could be addressed during the Symposium: (i) building transparent, fair and responsible government institutions; (ii) promoting public participation and access to justice; and (iii) promoting rule-of-law education and justice literacy.

### **C. A Culture of Lawfulness and Cultural Diversity**

In paragraph 6 of the Doha Declaration adopted at the 13th U.N. Congress on Crime Prevention and Criminal Justice (Doha Congress), Member States strive to promote a culture of lawfulness while respecting the cultural diversity of each state. The paragraph explains that the promotion of a culture of lawfulness is based on the protection of human rights and the rule of law,

while respecting cultural identity, with particular emphasis on children and youth, seeking the support of civil society and intensifying our prevention efforts and measures targeting and using the full potential of families, schools, religious and cultural institutions, community organizations and the private sector in order to address the social and economic root causes of crime.<sup>5</sup>

As such, efforts to promote or establish a culture of lawfulness must take local history and culture into account. Accordingly, this Symposium will address practical measures to promote law-abiding cultures that accommodate the cultural diversity within the ASEAN states, sharing the current state of a culture of lawfulness in the respective countries.

<sup>3</sup> National Strategy Information Center. (2011). *Fostering a Culture of Lawfulness: Multi-Sector Success in Pereira, Colombia 2008-2010*

<sup>4</sup> Godson, Roy. (2018). "Revitalizing Urban Civic Culture", *Resource Material Series*, 105:207-210.

<sup>5</sup> *Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels and Public Participation*. (2015). <[https://www.unodc.org/documents/congress/Declaration/V1504151\\_English.pdf](https://www.unodc.org/documents/congress/Declaration/V1504151_English.pdf)>

#### **D. Keynote Speech**

In the beginning of the Symposium, a keynote speaker will make a comprehensive presentation from a broad perspective to place the presentations by panellists and the joint discussion into context. The speaker will give presentations based on his rich experience, knowledge, and expertise about the rule of law and a culture of lawfulness. The topics addressed in the keynote speech may include, but are not limited to:

1. Role of international organizations in promoting the rule of law and fostering a culture of lawfulness
2. Promotion of the rule of law based on diversity of legal systems and legal principles
3. Measures to establish an inclusive, fair and just criminal justice system
4. Civil participation in the criminal justice system
5. Training of criminal justice practitioners to foster a culture of lawfulness
6. Promotion of a culture of lawfulness while respecting cultural diversity

#### **E. Panel Discussion**

During the panel discussions, 10 panellists (one from each country) will be divided into the following two panels to introduce the current situation and efforts in each country regarding a culture of lawfulness. Afterwards, all panellists will participate in a Joint Discussion where they will exchange their opinions on a culture of lawfulness and receive comments from the presenter of the introductory remarks and the keynote speaker at the end.

1. Panel 1: “Civil Society Engagement in Fostering a Culture of Lawfulness”
  - The panellists are expected to introduce examples of civil society engagement in the criminal justice system from the viewpoint of fostering public trust and understanding of the criminal justice system.
  - In light of the diversity and characteristics of the countries and regions, the panellists are expected to introduce measures to promote a culture of lawfulness.
2. Panel 2: “Institutional Development and Training of Practitioners to Foster a Culture of Lawfulness”
  - The panellists are expected to introduce specific efforts and initiatives being made to improve access to justice and to make access to justice more inclusive.
  - The panellists are expected to introduce specific efforts and initiatives to increase public trust in the law, the legal system and law enforcement agencies.

The Symposium intends not to find unified conclusions or solutions but to contribute to the promotion of a culture of lawfulness among countries by sharing challenges and good practices among countries. As noted above, the existence of a culture of lawfulness may differ according to each culture of each country or region. Participants are expected to discuss the topics with the understanding that respect for the historical background and culture of the country or region is essential for promotion of a culture of lawfulness.

## ANNEX

Since the 1970s, the importance of the rule of law and a culture of lawfulness began to be recognized and efforts were made to take measures to foster a culture of lawfulness. This annex introduces two of these initiatives as references.<sup>6</sup>

### A. Hong Kong<sup>7</sup>

In Hong Kong, corruption was rampant in the public sector prior to the 1970s, and the internal anti-corruption departments did not function adequately. Corruption was particularly serious in the Police Force, and it became a major social problem. To tackle the problem, an independent anti-corruption agency, the Independent Commission against Corruption (ICAC), was established in 1974 under the direct control of the Governor of Hong Kong. The establishment of the ICAC was triggered by a massive scandal involving a British Chief Police Superintendent in 1973. The then governor of Hong Kong established an investigative committee that established the ICAC at the Legislative Bureau based on the committee's recommendation.<sup>8</sup>

The ICAC's defining characteristic is its strong power and independence. Investigations, arrests and prosecutions of suspects can be carried out independently without the cooperation of the police. Weapons are also permitted in case of need. ICAC investigates and cracks down on corruption cases involving public officials as well as those of private companies with the consent of management. Investigations are conducted at the discretion of the ICAC, in addition to reports from citizens. Since the establishment of the ICAC, a number of corruption incidents have been uncovered and the state of corruption in Hong Kong has improved significantly.<sup>9</sup>

More importantly, the ICAC has been committed to fighting corruption using a three-pronged approach of law enforcement, prevention and education. The ICAC has worked not only to investigate and prosecute corruption, but also to reach out to its citizens to build a culture and values that do not tolerate it. The Community Relations Department (CRD) within the ICAC is working in a variety of ways to reach out to the public, including through strategies to promote public support for anti-corruption initiatives and using modern social media tools such as Facebook and Instagram. These efforts suggest that voluntary participation by citizens is effective in promoting a law-abiding culture.

### B. Thailand<sup>10</sup>

Huai Pla Lod village in Tak Province of Thailand was home to about a thousand members of the ethnic group "Black Muser (Lahu People)". The community used to be reliant on opium cultivation, which caused deforestation, barren soil and regular drought as well as illegal drug trafficking and various other crimes. In fact, a culture of *unlawfulness* prevailed in the community. Triggered by His Majesty the late King Bhumibol Adulyadej's visit to the community, the members of the community came to realize the negative effects of

<sup>6</sup> In Colombia, there are examples of efforts to incorporate culture of lawfulness into projects and curriculums of police schools in Pereira. Details can be found in the following literature.

Finckenauer, J. O. (2008). Culture of Lawfulness Training for Police. *Publication Series-European Institute for Crime Prevention and Control*. 53, 203-214.

National Strategy Information Center. (2011) *Fostering a Culture of Lawfulness: Multi-Sector Success in Pereira, Colombia 2008-2010*.

<sup>7</sup> Chung, Lawrence. (2021). Independence and Integrity of Judges, Prosecutors and Anti-Corruption Officials: Their Roles in Hong Kong's Fight against Corruption. *Fourteenth Regional Seminar On Good Governance For Southeast Asian Countries: Integrity and Independence of Judges, Prosecutors and Law Enforcement Officials*, UNAFEI.

Wong, Corinna. (2019). Effective Practices of Anti-Corruption Education: Hong Kong's Experience. *UNAFEI's Resource Material Series*, 107. UNAFEI.

<sup>8</sup> After Hong Kong was returned to the UK in 1997, it became an agency under the direct control of the Chief Executive of Hong Kong.

<sup>9</sup> According to the world's rule of law index, Hong Kong ranked ninth in 2022 in the absence of corruption.

<<https://worldjusticeproject.org/rule-of-law-index/global/2022/Absence%20of%20Corruption/>>

<sup>10</sup> Statement submitted by the Government of Japan, *Annex: List of documents before the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice*. (2021)

<A/CONF.234/RPM.1/CRP.1>

in *Report of the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice*

<A/CONF.234/16>

opium cultivation on their community and on the environment. It was also realized that using law enforcement to respond to this drug trafficking would harm the ethnic group.

A series of initiatives were subsequently undertaken, including a shift from opium production to coffee production, the introduction of forest management techniques, and community consensus as land managers. The Thai government provided health services, social services and educational opportunities to the socially vulnerable, not only in the village but also in a wider area of development. In the village of Huai Pla Lod, the result of the above efforts was the creation of a community spirit to refuse drug trafficking and the emergence of a consciousness to improve the standard of living of the community as a whole. This case demonstrates not only the importance of a culture of lawfulness for sustainable development, but also the importance of a sustainable development-driven approach to crime prevention and criminal justice.



**PROGRAMME FOR THE SYMPOSIUM ON A COMPARATIVE APPROACH  
TO A CULTURE OF LAWFULNESS**

**I. SYMPOSIUM**

**DATE AND VENUE**

Thursday 6 July 2023

1:30 p.m. – 4:30 p.m. (JST)

Banquet Room “Tsuru” West, Hotel New Otani, Tokyo / Online (Zoom Webinar)

**OPENING REMARKS**

*Mr. UETOMI Toshinobu, President, Research and Training Institute, Ministry of Justice of Japan*

**INTRODUCTORY REMARKS**

*Mr. MORINAGA Taro, Director, UNAFEI*

**KEYNOTE SPEECH**

*Mr. MATSUO Hiroshi, Professor, Keio University Law School*

**PANEL DISCUSSION I**

**“Civil Society Engagement in Fostering a Culture of Lawfulness”**

*Mr. Nuon Sothimon, Anti-Corruption Unit of Cambodia*

*Mr. Vanhnakone Chanthapanya, Ministry of Justice of Lao PDR*

*Ms. Giselle Marie Santos Geronimo, Department of Justice of the Philippines*

*Mr. Augusto Da Costa Castro, Anti-Corruption Commission of Timor-Leste*

*Mr. NAKAYAMA Noboru, Professor, UNAFEI*

**PANEL DISCUSSION II**

**“Institutional Development and Training of Practitioners to Foster a Culture of Lawfulness”**

*Mr. Anak Agung Oka Parama Budita, The Supreme Court of Indonesia*

*Mr. Norulekhsan Bin Abdul Rahim, Malaysia Prison Department*

*Ms. Chotima Suraritthidham, Department of Juvenile Observation and Protection of Thailand*

*Ms. Le Thi Kim Oanh, Supreme People’s Procuracy of Viet Nam*

*Ms. MIYAGAWA Tsubura, Professor, UNAFEI*

**SPEAKERS’ COMMENTS**

*Mr. MATSUO Hiroshi, Professor, Keio University Law School*

*Mr. MORINAGA Taro, Director, UNAFEI*

**CLOSING REMARKS**

*Mr. YAMASHITA Terutoshi, Vice Chairperson and Secretary General, ACPF*

## II. PLENARY

### DATE AND VENUE

10 July 2023, 10:00-11:15 (JST)  
UNAFEI, Tokyo, Japan

### SPEAKERS

*Panellists of the Symposium*  
*Ms. IRIE Junko, Deputy Director, UNAFEI*  
*Ms. FURUKAWA Yuho, Professor, UNAFEI*  
*Mr. Tom Schmid, Linguistic Advisor, UNAFEI*

### CLOSING REMARKS

*Mr. MORINAGA Taro, Director, UNAFEI*



**INTRODUCTORY REMARKS**

*Mr. MORINAGA Taro, Director, UNAFEI*

**KEYNOTE SPEECH**

*Mr. MATSUO Hiroshi, Professor, Keio University Law School*

**REPORT OF PANEL DISCUSSION AND PLENARY**

*Ms. MIYAGAWA Tsubura, Professor, UNAFEI*



## INTRODUCTORY REMARKS

Mr. MORINAGA Taro, Director of the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) delivered his introductory remarks at the beginning of the Symposium on a Comparative Approach to a Culture of Lawfulness. He began the remarks by explaining that definitions of the rule of law and a culture of lawfulness are diverse and seemingly controversial, and then clarified the definitions used in the Symposium. He highlighted the importance of disseminating knowledge and building trustworthy systems and practices which can lead to either a positive spiral of improving systems and increasing trust or a negative spiral of deteriorating systems and growing mistrust. Significant roles of international institutions, including the UN and related organizations in fostering a culture of lawfulness were also explained. As conclusion, he mentioned possible measures that would include education, awareness-raising activities, building and maintaining information-sharing systems, legal system reform, and ensuring the ethics and integrity of public servants through anti-corruption measures.

## KEYNOTE SPEECH

Mr. MATSUO Hiroshi, Professor of Keio University Law School, delivered his keynote speech titled “The Culture of Lawfulness as a Foundation of the Rule of Law”. He mainly addressed three basic issues on a culture of lawfulness: what is a culture of lawfulness, why does it matter, and if it matters, how can it be developed?

First, in guidelines and resolutions issued by the United Nations, the concept of a culture of lawfulness has emerged in the context of crime prevention and anti-corruption efforts and is closely linked with the promotion of rule of law and human-rights protection. A culture of lawfulness has been understood as a consciousness, attitude or behaviour of both general public in the civil society and government officials including those of police and other law enforcement organizations. It is also thought to be fostered through education and participation, and it is recognized as compatible with respecting cultural diversity.

Second, a culture of lawfulness is critically important in building the rule of law, because it will determine not only the enforcement of laws and regulations but also the other components of the rule of law including the control of government powers and the protection of the basic rights of the people. A culture of lawfulness matters because it is the foundation of the rule of law. From this perspective, the rule of law needs to be understood flexibly so that it can be constructed on a diversified cultural base by overcoming the controversy over the definition of the rule of law. The flexible concept of the rule of law can be described as the multi-story, staged and dynamic process where the rule of law can be promoted, and through the deliberate and trial-and-error efforts. In terms of the Asian context, the construction of the rule of law is a complicated process built on the foundation of Asian political cultures, where authoritarian rule lasted long, and influences of Hinduism, Buddhism, Muslim, Legalism, Confucianism and so forth. The rule of law is understood flexibly in accordance with the cultural foundation which may be built in various patterns. There may be different types of combinations of the rule of law and cultures of lawfulness that can be accepted.

The third issue consists of two aspects: the content and methods of fostering a culture of lawfulness. As for the content, it must contain the basic understanding of the equal respect for the dignity of each individual, protection of individual rights, property rights compatible with the public interest, freedom of contract compatible with consumer protection and fair dealings, and other rights based on human dignity. As for the method, rich accumulation of measures invented include the necessity of community- and school-based education by using participatory, interactive and communication method. In addition to the national level facilities, the roles of the private sector and international organizations are crucial.

In conclusion, he mentioned that fostering a culture of lawfulness by considering the historical development of legal cultures of each country is crucial for building the rule of law, because it will strengthen the structural foundation on which the rule of law is built. However, the relationship between a culture of lawfulness and the rule of law is not unilateral but interactive. The identification of basic components and core values of the rule of law may also give impetus for a gradual change of existing cultures, thus creating

a culture of lawfulness leading to the rule of law.

## REPORT OF PANEL DISCUSSION AND PLENARY

*MIYAGAWA Tsubura\**

### PANEL I

#### CIVIL SOCIETY ENGAGEMENT IN FOSTERING A COL

The first panel focused on civil society engagement. Presenters shared experiences from Cambodia, Laos, Philippines, Timor-Leste and Japan. Key points included the role of anti-corruption efforts, village mediation committees, justice sector reforms, a multi-sector approach after conflict, and lay participation in criminal trials in promoting a culture of lawfulness.

Mr. Nuon Sothimon, Anti-Corruption Unit of Cambodia, delivered his presentation on the theme of *Culture of Lawfulness in the Context of Anti-Corruption*. He provided an overview of the structure of the Anti-Corruption Unit of Cambodia, which was established as an independent organization in 2010. The Unit has the exclusive power to investigate corruption in all fields such as forestry, public service delivery and in court. If the court orders the Unit is permitted to conduct investigations into any other crimes if so ordered by the court. For investigation, the president of the ACU usually plays the role as the prosecutor. Although the Unit has been performing well in tackling corruption, he emphasized the need to do better through cooperation with international partners regionally and internationally.

Mr. Vanhnakone Chanthapanya, Ministry of Justice of Lao PDR, delivered his presentation on the theme of *Culture of Lawfulness Development and Civil Society Organization in the Lao PDR*. He presented the main missions and goals of civil society organizations relating to law and access to justice in Lao PDR, and he introduced the village mediation committee which has responsibility to educate and disseminate law and regulations as well as provide legal knowledge and information. Currently there are 7,376 village mediation committees. In terms of implementation of law and access to justice, there are 14 civil society organizations with the mission and main goal of implementation of law and access to justice in 2022 in Lao PDR. He highlighted some of the missions and goals, for instance, gender equality, access to justice, promotion of justice, strengthening the rule of law and reducing violence against women.

Ms. Giselle Marie Santos Geronimo, National Prosecution Service of the Department of Justice of the Philippines, delivered her presentation on the theme of *Culture of Lawfulness in the Philippines*. She started her presentation with a story of an unfortunate woman prisoner who could not post bail because of her poverty. In order to restore the people's faith in the criminal justice system, Filipinos have started significant progress in structural reforms aimed at making the criminal justice system more efficient and accessible, such as the creation of justice zones in key cities and the pro-active involvement of prosecutors in the case build-up procedure in investigating criminal cases. It is a declared policy of the Philippine government to promote social justice in all phases of national development, including the promotion of restorative justice as a means to address the problems confronting the criminal justice system. Some reforms may seem small, but she highlighted the potential to significantly improve the criminal justice system and eventually foster a culture of lawfulness among Filipinos.

Mr. Augusto Da Costa Castro, Anti-Corruption Commission of Timor-Leste, delivered his presentation under the theme of *Timor-Leste from Past to Present – The Ways of Creating the Culture of Lawfulness*. Timor-Leste went through hardships such as conflict, corruption, human trafficking, and so forth, for decades. They also had prominent difficulties in the economy, social infrastructure and human resources as well as the underdeveloped justice sector. Under these circumstances, it was difficult to pursue a culture of lawfulness. However, the nation has been making great efforts to overcome the challenges. He highlighted the importance

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\* Professor, UNAFEI.

of staying committed to creating conditions through the establishment of legal and institutional frameworks, social cohesion and public awareness building and access to social and economic opportunity.

Mr. NAKAYAMA Noboru, Professor of UNAFEI, delivered his presentation on the theme of *Civil Society Engagement in the Criminal Justice System in Japan*. He explained a lay judge system called the *Saiban-in* trial which came into operation in 2009. Only some serious crimes, such as homicide and smuggling of stimulants, are subject to this. In a *Saiban-in* trial, 6 lay judges are randomly selected among the public by lot in each case. They form a panel with 3 professional judges and engage in the process of determining whether the defendant is guilty or not guilty, and deciding the sentence if found guilty. He concluded that the system promoted trust in the criminal justice system by the public, contributing to fostering a culture of lawfulness.

**PANEL II**

**INSTITUTIONAL DEVELOPMENT AND TRAINING OF PRACTITIONERS TO FOSTER A CULTURE OF LAWFULNESS**

The second panel addressed institutional development and practitioner training. Presenters discussed rehabilitation and corrections programmes in Indonesia and Malaysia, community participation in Thailand, the use of artificial intelligence in Viet Nam and correctional officer training in Japan. Emphasis was placed on public-private cooperation, technology, and integrity and professionalism of justice system officials.

Mr. Anak Agung Oka Parama Budita Gocara, Chief Judge of the Metro District Court from the Supreme Court of the Republic of Indonesia, delivered his presentation on the theme of *Fostering a Culture of Lawfulness in Indonesia*. To promote a culture of lawfulness in Indonesia, the Indonesian government has undertaken several key initiatives: first, establishing an anti-corruption institution called the *Komisi Pemberantasan Korupsi (KPK)* in 2002; second, strengthening the integrity and professionalism of judges by the Indonesian Supreme Court through the Supreme Court Education and Training Agency, which has provided various educational and training programmes for judges and court employees; and third, offender rehabilitation, which is the process of re-educating and preparing those who have committed crimes to re-enter society. Building on these initiatives, the Indonesian government should consider the following as next steps toward a culture of lawfulness: first, educate the younger generations, as educational institutions greatly influence the formation of one's character in order foster understanding of and respect for the importance of the law; second, provide access to mass media because it is an important accountability mechanism and also has an important role in stimulating governments to take action; third, empowering NGOs, as they can be a bridge between society and the state by overseeing state administration from a different perspective; fourth, cooperate with other countries and institutions to address transnational crime. He concluded by focusing on the importance of creating awareness which leads to building or strengthening the culture of lawfulness in society and preventing abuse of power by the government.

Mr. Norulekhsan Bin Abdul Rahim, Malaysia Prison Department, delivered his presentation under the theme of *Civil Society Engagement in Fostering a Culture of Lawfulness*. He introduced a programme called "3M Strategic Partnership" as an example of the civil society engagement in rehabilitation of offenders. The partnership consists of three agencies: the Ministry of Youth and Sports, the Malaysian Prison Department and a private company, Malaysian Resources Corporation Berhad. They transfer selected prisoners from prison to resettlement and provide job skills training and job offers at the end of their sentences. As of 26 June 2023, more than 400 prisoners have successfully completed the programme. Through the programme, the prisoners are able to serve their sentences more productively and increase their quality of life. At the end of his presentation, he played a short film about the programme.

Ms. Chotima Suraritthidham, Department of Juvenile Observation and Protection of Thailand, delivered her presentation under the theme of *Promoting Community Participation in Preventing Children and Youths from Recidivism*. She introduced an action plan by the Department of Juvenile Observation and Protection (DJOP), which engages in social cooperation at different levels. The plan can help achieve the goal of reducing recidivism and helping young people who enter the juvenile justice system return to normal life in the community. She presented two challenges in achieving the goal. The first challenge is motivating and retaining partners, and to solve that she identified the need to establish a more effective communications structure by training staff to become better communicators for maintaining relationships and sharing information with partners. The second challenge is seeking comprehensive partners to meet needs of young people. The partners can support practitioners to have relevant services responding to youth need. She concluded that it is necessary to develop performance evaluation that can clearly and completely demonstrate the success of each process of the operation.

Ms. Le Thi Kim Oanh, Supreme People's Procuracy of Viet Nam, delivered her presentation under the theme of *Enhancing Judicial Efficiency in Viet Nam through Artificial Intelligence*. She introduced an AI programme called Visual Assistant (VA) that was launched in 2021. It is now mandatory for the justice sector to use VA in their decision-making process. Judges and other court officers of the Supreme Court input data into the VA system, and when judges use this system, the programme will provide similar cases

to refer to and also draft the judgment. In the next seven years, the Supreme Court will update this AI programme so that it can even predict the outcome of cases. It is expected that VA functions as a smart court clerk, which could help to reduce workloads and improve the quality of judgments.

Ms. MIYAGAWA Tsubura, UNAFEI professor, delivered her presentation under the theme of *Efforts and Initiatives to Promote a Culture of Lawfulness through Corrections in Japan*. She explored efforts and initiatives by Japanese corrections to promote a culture of lawfulness introducing three elements: respect for human rights and international standards and norms, transparency of management of correctional facilities and professional integrity of correctional personnel. Japanese corrections have been more proactive in efforts to open correctional institutions and to gain the public trust. The trust earned from the public encourages citizens' involvement in corrections. For example, in Japan, *hogoshi*, community volunteers, engage in offender rehabilitation in cooperation with probation officers. In conclusion, she emphasized that promoting a culture of lawfulness in corrections requires a multifaceted approach.



## **PLENARY**

### **I. INTRODUCTION**

After the symposium closed, a plenary was held at UNAFEI on 10 July 2023. The plenary highlighted the importance of a culture of lawfulness and civil society role by bringing together all the panellists, who emphasized the value of culture of lawfulness. Some of the panellists emphasized that civil society has a vital role in promoting it through cooperation with government and justice systems. It was also agreed by many of them that fostering a culture of lawfulness contributes to the development of communities, promotion of the rule of law and peaceful societies.

### **II. RELATIONSHIP BETWEEN GOVERNMENT AND CIVIL SOCIETY ORGANIZATIONS**

Comments on the relationship between government and civil society organizations were made by many of the panellists. It was agreed that, in order to foster a culture of lawfulness, communication and collaboration between the two parties are necessary – the government and civil society organizations. The role of the government in fostering a culture of lawfulness is providing care and protection, or to create an environment where culture of lawfulness can grow and develop. At the same time, civil society is very important for generating a culture of lawfulness – ideas and practices and solutions – because the idea of respect for law needs to come from the people themselves. Civil society organizations will be, locally or internationally, a good platform to support the justice system of the government because civil society organizations will appear to be neutral, and they can help in establishing lines of communication.

In this regard, one of the panellists expressed concern over the negative possibilities of interference by civil society organizations in the government's work, which would ruin collaboration. To avoid such failure, it is expected that all parties must respect the law and understand their own roles. Also, sharing experience and working together would reduce potential misunderstandings and conflicts among those parties.

### **III. DO ASIAN VALUES EXIST IN THE CONTEXT OF A CULTURE OF LAWFULNESS?**

In the Symposium, Professor Matsuo talked about the philosophical and religious roots of culture and identity in Asia, explaining the role of Hinduism, Buddhism, and Confucianism. Afterwards, in the plenary, the question of Asian values emerged from the discussion on cultural identity and cultural diversity: Do Asian values exist? And if so, how do they impact a culture of lawfulness? Some proposed that there are distinctive Asian norms that reflect each region's own cultures. It was argued, in Asia, legal systems have evolved with their unique cultural, historical and philosophical foundations. For example, in East Asian countries, Confucianism has played a significant role in shaping legal and social norms, emphasizing concepts such as social harmony and mutual support of family.

However, it was also suggested that universal ideas of human rights and rule of law principles are shared by all and that cultural relativism should not undermine these ideas. From this viewpoint, Asian values, even if they exist, would not make a significant difference in terms of what a culture of lawfulness means and how it is cultivated. Asian states may have cultures different from other states around the world, but all people share a common belief in the importance of respecting human rights, upholding the rule of law and in fostering a culture of lawfulness. A culture of lawfulness is possible despite the presence of Asian, or even Western, values.

#### **IV. BRIDGING DIVIDES KEY IN DIVIDED SOCIETIES**

In a society where there are inequalities or wide gaps in wealth, discrimination based on race, gender or religion, there are several reasons why establishing the rule of law can be challenging: first, establishing the rule of law requires broad consensus and agreement on fundamental principles, values and rights, and in deeply divided societies, achieving consensus on such matters can be difficult; second, prejudice and bias within the legal system itself can undermine the rule of law, and if the legal institutions are biased towards certain groups, marginalized communities may be further disadvantaged. Addressing these challenges requires a multifaceted approach that includes promoting access to justice, education, awareness-raising and advocacy for policies and programmes that empower people. Ideally, it is expected that ordinary citizens from diverse backgrounds will work together, in collaboration with the public sector, towards the goal of changing society for the better.

#### **V. RESOLVING CONFLICT - BEYOND DISCRIMINATION AND PREJUDICE**

It was agreed by all the panellists that the government has a responsibility to create conditions for a culture of lawfulness to thrive. However, in societies divided by conflicts, there are tremendous challenges. It was pointed out that, when we talk about culture of lawfulness, it is a common assumption that society is not in an open form of conflict. However, while we tend to assume that there is some significant degree of peace in society, we have ongoing open conflict around the world. In these cases, it is clear that the ruling government has lost moral legitimacy in the eyes of a certain group of people. These conflicts help underscore the costs of not taking a culture of lawfulness seriously, which, ultimately, results in the downward spiral mentioned in the Symposium.

On this issue, the panellists discussed possible countermeasures to tackle the challenges caused by conflicts. While it is doubtful that there are simple solutions that would immediately end these conflicts, promoting a culture of lawfulness could in the long run lead to a more peaceful, inclusive and law-abiding society. For example, consensus building through dialogue among groups, education and empowering people is highly important to establish rule of law. One of the panellists suggested having a key organization in each country responsible for facilitating inter-agency cooperation to establish a culture of lawfulness. Prejudice and discrimination within the society also must be addressed. Ultimately, they are driven by people's values, attitudes and behaviours within the social context.

#### **VI. CLOSING REMARKS**

Mr. MORINAGA Taro, Director of UNAFEI, delivered his closing remarks at the end of the plenary. He confirmed that the culture of lawfulness has to be distinguished from the rule of law, as it pertains to the attitudes and behaviours of individuals within a society. Cultures of lawfulness are not universal but are specific to certain regions of the world, influenced by their unique histories and traditions. He introduced an example of Asian legal systems which have been significantly influenced by Buddhism and Confucianism. In conclusion, he suggested that individuals should explore their own countries' historical development of the culture of lawfulness to gain insights into the present state. The panellists were encouraged to find elements that will show them how the culture of lawfulness has developed in their countries.