

# *Annual Report* 2003



CENTER FOR INTERNATIONAL LEGAL COOPERATION



## MISSION STATEMENT

*The Center for International Legal Cooperation (CILC) is a Dutch non-profit organization, which provides Dutch expert assistance to developing and transition countries engaged in legal and judicial reform.*

*The Board of Trustees has seats for representatives of the various Dutch law faculties, ministries, professional bodies and other institutions and organizations whose work is relevant to CILC's mission.*

*Using these and other resources, CILC can draw on a large pool of legal specialists to build expert teams for individual cooperation projects. To initiate and execute projects, CILC collaborates with an extensive international network of organizations. Major project funding sources include the Dutch government, the European Union, and the United Nations Development Programme. CILC's staff are highly experienced in project management, fundraising, and financing. Each of them also contributes regional and country knowledge and strong language capabilities. Access to expertise in specific fields is provided through CILC's affiliation with Dutch ministries, academic institutes and departments, and professional organizations.*

*The development of a project begins with meetings between CILC staff and potential project partners in a beneficiary country to assess needs. CILC then designs an action plan and seeks funding sources for its implementation. When CILC contracts to manage a project, it assumes responsibility for implementing the project, hiring the best-qualified experts, quality control, and reporting to the financing agency involved.*

*Center for International Legal Cooperation  
Annual Report 2003*



# *Annual Report* **2003**



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# Introduction



PHOTO: ALEXANDER VINOGRADOV

In 2003, CILC made striking progress towards meeting its perennial challenges. We affirmed our identity as a nonprofit organization which seeks to strengthen the rule of law in developing and transition countries. We substantially advanced appreciation in the Netherlands' legal and the international cooperation communities of the need for

aid to legal development in these countries. Having adjusted to a highly competitive market and the effects of an economic slowdown, we achieved a turnaround in the number of projects acquired. And finally, we laid the groundwork for renewed involvement in Indonesia, the focus of CILC's predecessor organization in the 1980s.

Looking beyond CILC, international affairs in 2003 were dominated by the war in Iraq, which left the Iraqi people with the formidable challenge of establishing new political structures. The events in Iraq and the threat of terrorism underline the importance of building stable democracies based on the rule of law.

For the Netherlands, 2003 was the first of two consecutive years during which the country has a special role to play in the international arena through its chairmanship of the Organization for Security and Co-operation in Europe (OSCE) in 2003 and the Council of Europe from November 2003 to May 2004. In addition, the Netherlands will hold the Presidency of the European Union in the second half of 2004.

This will be my last CILC Annual Report. My new position as chairman of the Judicial Division of the Dutch Council of State leaves too little time for CILC. Therefore, after six rewarding years as chairman of CILC, I will hand over my responsibilities to my successor, Marten Oosting, on April 29, 2004. The year 2004 already looks like it will be a very successful one for CILC and its dedicated staff.

CILC will continue to send out an unambiguous message to people in developing and transition countries: "If you feel there is a need to advance the rule of law in your country, and if you think that experience from abroad may help you do so, CILC can offer you competent assistance based on our proven track record in managing legal and judicial change and our extensive network of leading legal professionals."

Ernst M. H. Hirsch Ballin  
CILC Chairman

# 2.

## CILC in 2003

The year 2003 was a turning point for the Center for International Legal Cooperation (CILC). As reported in the 2002 Annual Report, the decision had been taken to introduce major changes aimed at creating a leaner, tightly focused and therefore more competitive organization, without affecting CILC's nonprofit status. CILC implemented the planned reforms over the course of 2003.

Management responsibilities were concentrated in the hands of the director. Kees Kouwenaar formally took up this position in January 2003. The position of deputy director was abolished.

Under a new charter adopted in July, CILC reformed its governance structure by streamlining its Executive Board and establishing the Council for International Legal Cooperation to serve as CILC's board of trustees. At the same time the Council acts as a broad platform for all public bodies, non-governmental organizations, institutions and individuals in the Netherlands that see enhancement of the rule of law as a key factor in sustainable development.

At its first meeting, held in December 2003, the Council voted to appoint Prof. Marten Oosting as CILC's new chairman, replacing Prof. Ernst Hirsch Ballin, who had announced that he would resign the chairmanship in 2004.

The Council also appointed Prof. Christel Grundmann-van de Krol to the Executive Board.

Servaas Feiertag joined CILC in June, replacing Project Manager Laura Lancée. In line with CILC's new leaner structure, Project Director Hester Minnema and Mirjam Driessen, who was responsible for documentation, were not replaced after they left CILC in fall 2003. By the end of the year, CILC employed 11 people, who filled the equivalent of 8.2 full-time staff positions.

CILC continued its good relationship with Leiden University, where CILC's offices are located.

### Relations with the Government

Two decisions by the Dutch government underscored both its awareness of the importance of aiding legal and judicial reform in developing and transition countries, and its appreciation of the vital role CILC plays in this field.

In October 2003, the Dutch Ministry of Justice approved a grant for 2004 to strengthen CILC's role as a center of expertise in efforts to reinforce the rule of law in developing and transition countries. Unlike the institutional funding CILC received from the ministry until 2002, this was the first grant specifically linked to expertise.

The minister for development cooperation at the Dutch Ministry of Foreign Affairs, Agnes van Ardenne, invited CILC in May 2003 to submit a proposal for a three-year "Rule of Law" project under her Theme-based Program for Development Cooperation. CILC's initial proposal was rejected, but in December CILC was asked to put forward an amended proposal, which was approved in March 2004.

In 2003, the Ministry of Justice and the Ministry of Foreign Affairs supported CILC's efforts to obtain "mandated body" status from the European Commission. As a result, CILC is now empowered to act in lieu of public administrations in the implementation of EU projects, which will improve CILC's position in EC government-to-government projects on strengthening the rule of law.



CILC Conference on "Law and Development," held in The Hague in December 2003

PHOTO: ALEXANDER VINOGRADOV

Articles published in the CILC newsletter, *Focus on International Legal Cooperation* (available at [www.cilc.nl/focus.html](http://www.cilc.nl/focus.html)), in 2003:

**Focus No. 13 (April 2003):**

- *Rule of Law Project in CEE: Countdown to EU Accession*
- *CILC Seminar in Honor of Jan van Olden: Confronting the Corruption Factor*
- *Administrative Law Reform in Estonia: Benefiting from the Dutch Experience*
- *Legal Training in Mali: Helping a Law Faculty Get Back on Track*
- *Indonesia: Legal Reform Body Expands Activities*
- *Work in Progress: Reforms in Serbia and Turkey Deserve Support*

**Focus No. 14 (November 2003):**

- *Jurisprudence Project in the Czech Republic: Making the Case for Case Law*
- *Central and Eastern Europe: Successful Conclusion of a Highly Complex Project*
- *Model Legislation in the CIS: Guidelines for Compatibility*
- *Work in Progress: To Save Indonesia's Legal Heritage, Invest in the Next Generation*
- *The Growing Appeal of ADR*

## Projects

Project volume grew in 2003. To highlight just a few of the CILC projects described in Section 3 of this Annual Report: The EU/Phare project on “Reinforcement of the Rule of Law” in ten EU acceding and candidate countries was among the largest and most complex projects CILC has ever handled. Its final phase was concluded in June 2003. In Ethiopia, the government commissioned CILC to undertake a baseline study that will set the agenda for comprehensive reform of the justice system. CILC’s first full EU twinning project, “Building Competence in EU Law in the Estonian Judiciary,” was approved. A project launched in the Czech Republic allows CILC to take the next step in the process of legislative drafting and implementation by working in the area of jurisprudence.

Dutch policymakers indicated increasing interest in seeking legal development cooperation with Indonesia. Potential projects with Surinam and Guatemala raised the possibility of expanding CILC’s activities to the Western Hemisphere.

## Conferences & Publications

CILC’s newsletter *Focus on Legal Cooperation* is published twice a year. Issue No. 13, which came out in April 2003, is available on the CILC website [[www.cilc.nl](http://www.cilc.nl)], along with a forum for readers’ reactions to a commentary that appeared in the issue. Starting with issue No. 14 (November), *Focus* can now be downloaded in PDF format.

For the second year in a row, CILC hosted a year-end conference. On December 16, coinciding with the new Council’s inaugural meeting, CILC organized a conference on “Law and Development,” cofinanced by the National Committee for International Cooperation and Sustainable Development (NCDO), a Dutch NGO. The well-attended conference sought to bridge the gap between the worlds of development cooperation and legal reform.

The papers delivered at the December 2002 seminar on “Legal Development and Corruption” were published in June 2003. The publication is available on the CILC website in PDF format. The “Law and Development” conference papers will be published in spring 2004.

CILC staff were invited to participate in diverse conferences and workshops. In April 2003, CILC Project Manager Anne-Marie Heemskerk took part in a workshop held by the Van Vollenhoven Institute’s Association for Law and Administration in Developing and Transition Countries (Aladin) on the conduct of public affairs at local and regional level. In September, Senior Project Manager Abdeljalil Taktak discussed CILC’s project in Ethiopia in his presentation at the 2003 Aladin annual conference, which focused on local government. During a course for junior diplomats at Clingendael (the Netherlands Institute of International Relations), in November Abdeljalil Taktak and Senior Project Manager Eric Vincken conducted a workshop on the importance of assisting legal reform in developing and transition countries. In December, CILC and the New York-based Vera Institute of Justice cohosted a session at the Annual Conference of the International Criminal Law Network (ICLN) on international support for national legal reform. CILC Director Kees Kouwenaar cochaired the workshop. The speakers included Judge Jean-Jacques Heintz, president of the Tribunal de Grande Instance in Mulhouse, France, and Prof. Ferdinand Feldbrugge from Leiden University, as well as Abdeljalil Taktak (on Georgia) and Eric Vincken (on Vietnam).

# 3.

## Regions, Countries & Projects

This section provides an overview of CILC's international legal cooperation projects in 2003. CILC's activities are not restricted to a particular region. The geographical focus of the CILC project portfolio can shift over time depending on the projects undertaken. When CILC matches legal experts to a specific project, it briefs them on the political and sociopolitical conditions in the country with which they will be working. Reflecting this contextual approach, the individual projects described here are introduced with background information on the regions and countries in which they were implemented.

### 3.1 Europe

#### EU ACCEDING AND CANDIDATE STATES

In 2003, the ten countries acceding to the European Union on May 1, 2004, intensified their final preparations for membership. The negotiated terms under which Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia are joining the EU were set out in the EU Accession Treaty which they and the EU member states signed in Athens in April 2003.

For Bulgaria and Romania, the target date for accession is 2007. Turkey and the EU have not yet agreed a roadmap or date for Turkey's accession.

Supported by the EU, over the past decade the candidate countries made substantial progress in overhauling their legal and judicial systems. From key legislative changes they moved on to structural and institutional reform, practical implementation and increased openness towards the media and the public. Despite the common denominator of their Communist past, the Central and East European acceding and candidate countries have distinct legal and judicial traditions. They inevitably made different choices

According to the EC, effective enforcement of the *acquis communautaire* in the new member states will depend on their continuing to reform their judiciaries.

during the process of aligning their legal systems with those of Western European countries and incorporating EU law into their national legislation.

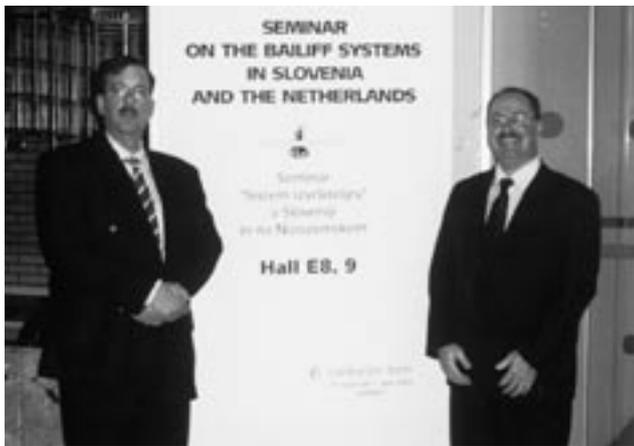
As the European Commission made clear in November 2003 in its comprehensive monitoring report on the acceding countries' state of preparedness for EU membership, the judicial reforms must continue in order to ensure effective enforcement of the *acquis communautaire*.

## CILC PROJECT IN THE EU CANDIDATE STATES

### *EU/Phare Horizontal Program on the "Reinforcement of the Rule of Law" in the EU Candidate States*

Ten candidates for EU membership (Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia) received assistance under this EU-funded project. Launched in December 2000, it comprised four modules: independence of the judiciary; the status and role of the public prosecutor; court procedures and execution of judgments; and the safety of participants in court cases. CILC managed the project together with the Netherlands Helsinki Committee, the Bonn-based Stiftung für Internationale Rechtliche Zusammenarbeit (IRZ), the Italian Ministry of Justice and the British Home Office. Judge Paul Broekhoven from the Netherlands served as CILC's key expert on the project.

The execution of this complex project required repeated adjustments. Neither the planned horizontal approach nor the clear separation of the modules was sustainable in practice. The desk studies compiled for each country, based on documents available from the EC,



Dutch experts Ton Jongbloed (left) and Jos Uitdehaag (right) at a seminar on bailiff systems held in Ljubljana in April 2003 under the "Rule of Law" project

needed to be supplemented by firsthand information. Due to these changes, the originally two-year contract was extended by half a year. The project formally ended in June 2003.

The first project phase was concluded in summer 2002 with the completion of a voluminous 1st Phase Final Report containing in-depth needs assessments for the individual countries and recommendations for assistance, which were approved by the judicial authorities in each country. The proposed activities – a series of workshops, seminars and study visits – were implemented during the final project phase, which ran from fall 2002 through June 2003. In nearly all the participating countries, activities were conducted in the fields of judicial training, execution law and court management, as well as in other areas related to the rule of law.

After presenting its Final Report in August 2003, CILC satisfied the EC's last requests by December, bringing this major project to a successful end.

## BULGARIA

As CILC's activity in Bulgaria in 2003 was limited to a specialized mission, a country profile of the EU candidate is not included here.

### CILC PROJECT IN BULGARIA

#### *Fact-finding Mission to Bulgaria on Securities Market Supervision*

The Dutch Ministry of Finance contracted CILC to assess possible cooperation with Bulgaria on strengthening supervision of the country's securities market. CILC organized a fact-finding mission in June 2003, during which meetings were held at the Bulgarian Ministry of Finance, the parliament, the Stock Exchange and the Securities Commission, as well as with investment banks and brokerage companies. On the basis of the resulting mission report, the Dutch Ministry of Finance offered to assist Bulgarian Securities Commission regulators when they have questions, particularly regarding the interpretation of EU law.

## CZECH REPUBLIC

Following the 1989 "Velvet Revolution" and the peaceful breakup of Czechoslovakia, the Czech Republic became an independent state in 1993. Western-oriented from the beginning, it applied for membership in the EU and the North Atlantic Treaty Organization (NATO). It joined

NATO in 1999 with Hungary and Poland, and at the end of 2002 it was invited to join the EU, together with nine other front-line candidates, in May 2004.

In addition to enshrining civil rights, the Czech Constitution, which came into effect upon the country's independence, defines the relations between the executive and legislative branches, and provides for an independent judiciary. The Czech legal system has undergone major changes over the past decade to make it compatible with those of other European countries and establish a legislative framework for a market economy. In 1999, the government presented a plan for judiciary reform covering civil procedural law, criminal procedural law and the court system. Significant legislative changes within the first two areas were adopted in August 2001. In April 2002, the new Act on Courts and Judges came into force. It created the Judicial Academy of the Czech Republic and advisory judicial councils, new rules for the evaluation of judges' professional competence, and new procedures for the selection of judicial trainees. However,



PHOTO-ALENKA BAJC

The project's Czech team leader Petr Bělovský (left), coeditor of the journal *Jurisprudence*, and EMP Project Manager Maarten Koning (right), holding the first project-funded issue in August 2003

in June 2002 the Constitutional Court invalidated key provisions of the Act and suggested that further changes may be necessary to create a truly independent judicial system in line with constitutional principles regarding the separation of powers. The decision made clear that an executive-centered model for governance and administration of the judicial branch is inappropriate and requires revision.

## CILC PROJECTS IN THE CZECH REPUBLIC

### *Strengthening the Role and Use of Jurisprudence in the Czech Republic*

At the behest of the Dutch government, in 2003 CILC joined up with EMP, a foundation based in both the Netherlands and the Czech Republic, to implement a project in the Czech Republic in conjunction with the Judicial Academy in Stráž pod Ralskem and the Dutch-Czech Hugo Grotius Foundation. The aim of the project, which is funded by the Dutch Ministry of Foreign Affairs' Matra program, is to increase the use of case law. The target groups are legal academics, lawyers and judges. Activities include incorporating case law into the curricula of the law faculties and the Judicial Academy, and supporting the journal *Jurisprudence*, which publishes commentaries on judgments of Czech courts and of the European Court of Justice.

Project workshops were held in June and November 2003. The official kickoff meeting took place in October. The three-year project runs through May 2006.

### *Strengthening the Judicial Academy and the Czech Judiciary's Knowledge of EU Law*

In November 2003, CILC submitted a proposal for this Matra project to Senter International, a subsidy agency of the Dutch Ministry of Economic Affairs. The project was approved for implementation as of January 2004. It will assist the Judicial Academy in setting up a curriculum for Czech judges and prosecutors on the effects of EU legislation on their daily practice; in establishing a permanent pool of trainers; and in general in developing its role as a regionally deployed training institution. The commitment of Czech justice officials will be a key factor in the achievement of the project goals by June 2005.

## ESTONIA

Along with neighboring Latvia and Lithuania, Estonia regained its independence from the Soviet Union in 1991. Estonia became a member of the Council of Eu-

Estonia has some of the most advanced administrative legislation in Europe.

rope in 1993. In November 2002, the three Baltic states were invited to join NATO on March 29, 2004. In December 2002, the date of May 1, 2004, was set for their accession to the EU.

The process of integrating the *acquis communautaire* into Estonia's legal system continues and related training for legal professionals is still required.

Since 2002, Estonia has some of the most advanced administrative legislation in Europe. The next step is to familiarize local officials with the new laws.

### CILC PROJECTS IN ESTONIA

#### *Implementation of Administrative Law Reform in Estonia*

To help local public administrations apply Estonia's new administrative law framework, a handbook for civil servants is being compiled under the project, which began in December 2002. The other project focus is the organization of training courses for municipal secretaries.

Funded by the Dutch Ministry of Justice, the project will run through June 2004. An Estonian delegation visited the Netherlands in February 2003 to discuss the format and methodology for the handbook and to prepare the courses. A draft of the handbook was ready by the end of the year, with the final version expected in April 2004. The first training courses took place in the Estonian capital, Tallinn, and Tartu in October 2003. The CILC project manager went to Tallinn in November to chart the project's progress.

#### *Professional Recognition Legislation in Estonia*

Estonia sought Dutch cooperation on an EU/Phare Twinning Light project aimed at aligning Estonia's professional recognition regulations with EU standards. The project began in November 2003 and runs through April 2004. Dutch experts conducted missions to Estonia in November and December to share experiences, with a further mission planned for January 2004. In March, training sessions will be held in Estonia for legal experts working in the Estonian public authorities on the assessment and recognition of qualifications from other EU member states and the effect of EU regulations. A study visit to the Netherlands and Germany will take place in April.

#### *Building Competence in EU Law in the Estonian Judiciary*

In mid-December 2003, the Dutch Ministry of Justice contracted CILC to carry out this EU/Phare Twinning



PHOTO: KEE KOUWENAAR

Historic center of Tallinn, Estonia

project starting May 2004. Under the two-year project, CILC will work with the Estonian Law Center Foundation (ELCF) in Tartu to train judges, public prosecutors and future trainers in EU law. A CILC project manager will be based at the ELCF for a year as Pre-Accession Advisor.

### LITHUANIA

The three Baltic states scheduled to join the EU in 2004 were sovereign countries from 1918 until their forcible annexation by Stalin in 1940. Unlike Estonia and Latvia, Lithuania had been an independent nation in the past, as a powerful medieval Grand Duchy which was later incorporated into a union with neighboring Poland.

After it gained independence from the Soviet Union in 1991, Lithuania joined the Council of Europe in 1993 and applied for EU membership in 1995. Judicial reforms have included the establishment of new institutions, such as the Council of Courts in 2002. Lithuania lost no time in modernizing its civil legislation, and sought Western legal assistance in drafting and implementation. An entirely new Civil Code came into force in mid-2001, followed by a new Code of Civil Procedure which took effect in January 2003.

### CILC PROJECTS IN LITHUANIA

#### *Implementation of the New Lithuanian Code of Civil Procedure*

Funded by the Dutch Ministry of Foreign Affairs' Matra program, this project builds on an earlier CILC project in Lithuania. Together with the Lithuanian Ministry of Justice and the Lithuanian Association of Judges, CILC is

organizing courses to familiarize judges, judicial officers and trainers with the Code of Civil Procedure, and will also develop a training manual. The project was launched in September 2003. Its first event was a study visit to the Netherlands by Lithuanian judges' trainers in November. In 2004, three training sessions will take place in the Lithuanian capital, Vilnius, where a closing conference will be held before the project ends in March 2006.

#### *Training Program in EU Administrative Law for Lithuanian Administrative Court Judges and Legal Staff*

In 2003, the Dutch Ministry of Justice contracted CILC to carry out a six-month EU/Phare Twinning Light project starting January 2004. The tailored training program will improve the knowledge of judges and legal staff of Lithuanian administrative courts regarding EU laws on agriculture, energy, taxation and competition.

Drafted with Western assistance, Lithuania's Code of Civil Procedure went into effect at the beginning of 2003.

Poland's Civil Code drafters would welcome Dutch expertise.

years. The Commission indicated that it needed to review the recent experiences of other countries, particularly the Netherlands and Germany (primarily in preparation for a new law of obligations), as well as developments in European contract law, among other areas.

#### **CILC PROJECT IN POLAND**

##### *Support for the Drafting of the New Polish Civil Code*

At the request of Poland's Civil Law Codification Commission, in September 2003 CILC submitted a proposal for a three-year Matra-funded project to support the Commission's work on re-codification of the Polish Civil Code. The project, which would start by the end of 2004, builds on the activities of Prof. Paul Meijknecht from the Dutch Ministry of Justice during his four-year secondment to the Polish Ministry of Justice. A decision on the project proposal was expected in the first half of 2004.

## **POLAND**

Poland's transition to a market economy began with the Communists' defeat in the June 1989 democratic elections. What to do with the legal and judicial system – should they be simply purged of “socialist elements” or completely overhauled – became the subject of debate. During this period many legal provisions from the pre-Communist era were revived, including company law and insolvency law.

The second stage of legal reform was influenced by Poland's application in 1993 for EU membership and by the drafting of the new Constitution, which came into force in 1997. The Civil Law Codification Commission was established to modernize Polish civil law, but due to the time pressure imposed by the accession negotiations, the Commission was forced to be selective and focus on areas directly affected by EU directives: company law, other private law related to economic activities, consumer protection law, procedural bankruptcy law, and private international law. Although the Commission achieved a great deal – new legislation was drafted or adopted in nearly all these areas – Polish civil law remained fragmented. There was no time to tackle fundamental and structural aspects of the Civil Code as a whole.

In July 2003, the Polish Ministry of Justice asked the Commission to prepare a timetable for the next three

## **SOUTHEAST EUROPE**

The 1990s wars in former Yugoslavia dramatically revived the historical image of the Balkans as the powder keg of Europe. They also drove home the message that the rest of the continent must make every effort to help ensure stability and prosperity in its southeastern corner. Today's hopes for a more peaceful future are anchored in the 1995 Dayton Accords, which ended the war in Bosnia; the 2001 Ohrid Framework Agreement for Macedonia; and the March 2002 Belgrade Agreement, which led to the establishment of a state union between Serbia and Montenegro one year later. Yet the evolution from the rule of force to the rule of law as a guiding social principle is far from complete. Relative stability has been achieved, but it continues to be threatened by domestic disputes and regional tensions. International support for local initiatives to strengthen the rule of law remains essential.

Southeast Europe's prospects will be critically influenced by the future direction of two key countries, Turkey and Serbia and Montenegro, as the Federal Republic of Yugoslavia was renamed in February 2003 as a result of the Belgrade Agreement. Political turmoil in either country could destabilize the entire region. The transition to democracy in Serbia and Montenegro suffered a major setback in 2003 with the assassination of Serbian

Prime Minister Zoran Djindjić in March. At the end of the year ultranationalists won the most seats in Serbian parliamentary elections. Among the positive developments in 2003, in April Serbia and Montenegro became a member of the Council of Europe, and in July Serbia set up a special prosecutor's office and a court to investigate war crimes committed in the 1990s.

## MACEDONIA

### *Court Modernization in Macedonia*

The Macedonia Court Modernization project, funded by the U.S. Agency for International Development (USAID), works with the Macedonian judiciary and with NGOs to enhance judicial capacity and improve court operations. Increased transparency and accountability are among the goals. CILC was asked to provide Dutch and other European short-term expertise on a case-by-case basis during the project, which began in 2002 and ends in 2007. In September and November 2003, a Dutch expert conducted missions on funding and administrative structures for the judiciary. A second CILC expert went to Macedonia in December to assist a working group with its revision of the Civil Procedure Code, and will undertake followup missions in 2004. Also in 2004, CILC may provide experts on the selection and status of judges, judicial specialization and an overall judicial reform strategy.

## SERBIA

### *Strengthening Administrative Justice in Serbia*

In cooperation with the Serbian Judges' Association, in March 2003 CILC submitted a proposal for this project to the Dutch Ministry of Foreign Affairs' Matra program, for which Serbia had become eligible at the beginning of the year. The project covers legislative advice, judges' training, strengthening court administration, in particular the new Administrative Court, and support for a publication on administrative justice. Approval was expected in the first half of 2004.

The March 2003 assassination of Prime Minister Zoran Djindjić was a setback for Serbia's transition to democracy.

## TURKEY

After the defeat of the Ottoman Empire in 1918, Mustafa Kemal Atatürk led the Turkish national liberation struggle which led to the founding of a modern, pro-Western secular republic in 1923. Under Atatürk's 15-year presidency, Turkey embarked on sweeping political, legal and social reforms. A new Constitution was adopted, followed by the adoption of the Penal Law, the Civil Code and the Law on Obligations.

The military has played an influential role in domestic politics, staging coup d'états in 1960, 1971 and 1980, and conducting a brutal war against Kurdish separatists in the southeast.

A NATO member since 1952, Turkey is a key Western ally. Turkey joined the Council of Europe in 1949 and ratified the European Convention on Human Rights in 1954. Joining the EU has been a major foreign policy goal since an Association Agreement was signed in 1963, but the EU has so far refused to set a timetable for accession, and has criticized Turkey's record on human and minority rights as well as the power of the military. Many Turks believe the EU is reluctant to admit a large Muslim country.

At its 1999 meeting in Helsinki, the European Council recognized Turkey as "a candidate State destined to join the Union on the basis of the same criteria applied to the other candidate States," and promised support for the country's ongoing reforms. Turkey has adopted seven legislative reform packages in the past five years. The most important law passed on the judicial system introduces a three-tier system for courts of appeal.

## CILC PROJECT IN TURKEY

### *Proposed Turkish Association of Judges*

In May 2003, CILC undertook an identification mission to Turkey for the Dutch Ministry of Justice. The mission resulted in a CILC proposal for a Matra project to support the establishment of a Turkish Association of Judges in cooperation with the Turkish Ministry of Justice and Turkish judges. After consultation with the Turkish Ministry of Justice, the Dutch government decided that a Matra project would be premature but it would support a symposium on setting up an association. This symposium will be held in the Turkish capital, Ankara, in 2004. CILC and the Turkish Ministry of Justice will submit a new proposal depending on the outcome and on the future adoption of a law providing for the association.

## 3.2 Commonwealth of Independent States (CIS)

The Commonwealth of Independent States (CIS) is an alliance of 12 of the 15 former Soviet republics that gained independence following the collapse of the Soviet Union in 1991. (The other three successor states, Estonia, Latvia and Lithuania, were never CIS members.) In September 2003, Russia, Belarus, Kazakhstan and Ukraine signed an agreement establishing a Single Economic Space (SES) aimed at integrating their markets.

While most of the CIS countries have made impressive progress in bringing their legislation in line with international standards, much still remains to be done. Administrative law reform lags behind civil and criminal law reform. Some countries face problems implementing their new legislation, and it is not always easy to induce attitude changes in judges and other magistrates. Continued improvements are needed in many other areas as well, including the independence of the judiciary; reform of the Procuracy, or Public Prosecutor's Office, a legacy of the Soviet era; Judicial Training Centers; and open communication between the legal system and both the media and the general public.

Russia, Belarus, Kazakhstan and Ukraine agreed to set up an economic union.

### CILC PROJECT IN THE CIS

#### *Model Investor Protection Law for the CIS*

Legislative experts and representatives of the national parliaments and the CIS Interparliamentary Assembly (IPA) in St. Petersburg are working with an international group of CILC experts to draft a Model Investor Protection Law for the CIS member countries. Funded by the European Bank for Reconstruction and Development (EBRD), the project began in February 2003 and will end in December 2004 with the IPA's adoption of the model provisions. In 2003, meetings were held by the international drafting team and by the IPA working group. An analysis of existing legislation in the member states and a concept paper were produced as a basis for the drafting process.

### THE RUSSIAN FEDERATION

Russian President Vladimir Putin has pursued a policy

of liberal reform by authoritarian rule. In 2003 he continued to strengthen executive power to advance the government's economic and legal reform program, gaining further control over the State Duma (the lower house of parliament), the media, provincial governors and Russia's "oligarchs." As a result, democracy was further weakened. The pro-government party United Russia and its allies won nearly two-thirds of the seats in the December 2003 Duma elections. The Organization for Security and Co-operation in Europe (OSCE) criticized the election campaign for failing to meet international standards of fairness.

Steps have been taken over the last few years to initiate some judicial reforms. But the judiciary is only slowly asserting its constitutionally mandated independence from other branches of government. The courts, especially at regional level, are still subject to political manipulation. Large case backlogs and trial delays are common.

The Russian economy has shown continuous growth since the financial crisis of 1998. Inflation remained moderate. Russian businesses have stepped up investment and they increasingly turn to the courts to resolve disputes. Nevertheless, the lack of clear rules and ineffective law enforcement pose an obstacle to further growth. Government decisions affecting businesses are often arbitrary and inconsistent, and corruption continues to be a serious problem. In his annual speech to parliament in May 2003, President Putin underlined his commitment to civil and administrative law reforms aimed at improving the business climate.

### CILC PROJECTS IN THE RUSSIAN FEDERATION

#### *Study Visit to the Netherlands on Court Administration*

At the request of the Russian Foundation for Legal Reform (RFLR) and Russia's Judicial Department, in September 2003, CILC organized a one-week visit to the Netherlands for Russian judges and court administrators. To learn about the Dutch court system, the delegation visited the Council for the Judiciary in The Hague, the Training and Study Center for the Judiciary (SSR) in Zutphen, a district court, a court of appeal, the Supreme Court and the Council of State.

#### *Civil and Administrative Law Reform in Russia*

In September 2003, CILC submitted a proposal to the Dutch Ministry of Foreign Affairs' Matra program for a three-year project on drafting civil and administrative legislation aimed at strengthening legal protection for companies and individuals in Russia. If approved, the

project will be carried out in conjunction with Russia's Presidential Council for the Codification of Civil Legislation and the Higher Arbitration Court of the Russian Federation. Dutch civil and administrative law experts will provide assistance to Russian legislative drafters. The civil legislation concerns property law and trade in immovables, corporate law and the general part of the law of obligations; the administrative procedural legislation will focus on economic cases heard by Russia's arbitration (commercial) courts. The project is expected to start in mid-2004.

#### **Assistance to Arbitration Courts in the Russian Federation**

A consortium led by the German Foundation for International Legal Cooperation (IRZ) and including the British Council, the Russian Institute of Law and Public Policy, and CILC, submitted a proposal for this EU/Tacis project in November 2003, and was awarded the contract in January 2004. The project will train judges, court administrators and court clerks in various substantive law areas and court administration. CILC is to provide short-term experts and organize study tours, and will manage the component on training court administrators. CILC has a longstanding relationship with the Russian project partner, the Supreme Arbitration Court of the Russian Federation, the highest court for commercial disputes.

Putin vowed to improve the legal framework for business.

## **MOLDOVA**

Moldova is the smallest CIS member state after Armenia and the poorest country in Europe. Wracked by political tensions and rampant corruption, Moldova is struggling to reverse its economic tailspin. Communist leader Vladimir Voronin became president in 2001 after his party regained power in parliamentary elections. In 2002, critics questioned the government's commitment to the rule of law. The judicial reform process appeared to have stalled but in 2003 it received new impetus with the passage of legislation to reorganize the judiciary into a three-tier system, which went into effect in June. The tribunals were replaced by regional courts of appeal and the existing court of appeal was abolished. The Supreme Court was enlarged and a separate chamber for economic disputes established. In an address to parliament in October, President Voronin sharply criticized judicial

corruption and announced the creation of a working group on judicial reform.

The new Criminal Code, Criminal Procedure Code, Civil Code and Civil Procedure Code entered into force in June.

## **CILC PROJECT IN MOLDOVA**

### ***The Civil and Commercial Judiciary Project***

This EU/Tacis project on strengthening the civil and commercial judiciary in Moldova focuses on the implementation of recent legislation, court management and court infrastructure. Key activities include a training program for judges on the new Civil Code, consultancy on judicial administration issues and the provision of equipment to various Moldovan courts and bailiff offices.

The project was launched in January 2003 and runs through December 2004. The Eschborn-based Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) is the lead partner. As Mid-Term International Project Advisor, CILC's Eric Vincken advised the project director and undertook three missions to Moldova in 2003. CILC organized a number of short-term consultancy missions on judges' training and on court administration. Under the project, in December CILC provided trainers for a judges' training course held at the German Judicial Academy in Trier.

## **UKRAINE**

Ukraine's extensive legislative package on judicial reform in 2001 did not include adequate provisions for the independence of the judiciary or for meeting training needs. To fill this gap, under a new law in 2002 a State Judicial Administration was created as an independent body responsible for the organization of the courts, and an Academy of Judges was established under its aegis. Neither institution was fully operative by the end of 2003.

In March 2003, President Leonid Kuchma finally signed the new Ukrainian Civil Code into law, after having vetoed an earlier version. Due to take effect on January 1, 2004, the Code provides for a wholly new legal framework for private law relationships.

## **CILC PROJECTS IN UKRAINE**

### ***Strengthening the Judiciary in Ukraine***

CILC managed this Matra-funded train-the-trainers project from September 1999 through 2002, delivering the final project and financial reports in early 2003.

More than 300 Ukrainian judges received training in seven subject areas of criminal procedural law and court administration of civil law. Teaching materials were specially developed for the training courses. The project also included the organization of seminars on civil law, the European Convention on Human Rights and European Court of Human Rights jurisprudence.

### **Implementation of the Ukrainian Civil Code**

In 2003, CILC, together with the Center for Judicial Studies in the Ukrainian capital, Kyiv, and other Ukrainian partners, submitted a proposal for a Matra project aimed at familiarizing judges, notaries and law professors with Ukraine's new Civil Code. Although the Dutch Ministry of Foreign Affairs rejected the proposal, it explicitly encouraged its resubmission, with some modifications, in 2004.

Ukraine's new Civil Code was finally signed into law.

## **THE CAUCASUS**

Like other former Soviet republics, the newly independent states in the Caucasus region have no democratic tradition. Their political institutions are fragile. The strong cultural and religious identities of the peoples of the Caucasus have led to often violent ethnic tensions as well as all-out war. Fighting continues in the breakaway Russian republic of Chechnya. The war between Armenia and Azerbaijan over the region of Nagorno-Karabakh ended in a ceasefire in 1994, but the OSCE is still mediating a solution to the dispute.

With the exception of Chechnya, the region has seen some improvement in political stability. Georgia joined the Council of Europe in 1999, followed by Armenia and Azerbaijan in 2001. In 2003, parliamentary elections took place in Armenia and Georgia, and a presidential election was held in Azerbaijan.

Vast natural oil and gas reserves are the focus of geo-strategic interests in the Caspian Sea basin and Central Asia. The Caucasus is destined to play a crucial role in the future transit of energy supplies from the Caspian region and Central Asian countries.

## **GEORGIA**

A protracted political crisis came to an end with the adoption of a new Georgian Constitution in mid-1995,

and the government of President Eduard Shevardnadze embarked on legal and judicial reforms. A new Civil Code, Civil Procedure Code, Criminal Code, Criminal Procedure Code, Administrative Code and Administrative Procedure Code were introduced. Mandatory recertification led to the replacement of the judiciary, while at the same time judges' salaries were raised. But the reforms gradually came to a halt as the government lost much of its momentum and public support.

Fraudulent parliamentary elections on November 2, 2003, provoked anti-government demonstrations led by a young former justice minister, Mikhail Saakashvili. Three weeks later Shevardnadze bowed to domestic and international pressure and resigned as president. The victorious opposition leaders guaranteed his physical protection and vowed to respect the Constitution. Parliamentary Speaker Nino Burdzhanadze became interim president until the holding of presidential elections in early 2004. The peaceful overthrow of the Shevardnadze government entered history as the "Rose Revolution." Georgia had reached a major turning point.

## **CILC PROJECTS IN GEORGIA**

### ***Strengthening the Rule of Law in Georgia***

The four-year project is being carried out by the University of Maryland's Center for Institutional Reform and the Informal Sector (IRIS) and funded by USAID. It will conclude in August 2005. Its objective is to enhance the transparency and accountability of Georgian administrative and legal processes. As a member of the consortium, in 2003 CILC was asked to contribute to the assessment and revision of the Georgian Code of Administrative Violations. But the timing for this activity was not convenient and IRIS decided to postpone it.

### ***Reform of the Georgian Procuracy***

In December 2003, CILC led a consortium with the Cologne-based ICON Institute and East West Consulting in Brussels in a bid for an EU/Tacis project on the Georgian Procuracy, or Public Prosecutor's Office. The outcome of the bid is still pending. The project comprises four key areas: review of the structure and administrative organization of the Procuracy; introduction of information technology and a statistical system; training and curricula development; and assistance in the transfer of

The "Rose Revolution" was a major turning point for Georgia.

criminal justice records from the Georgian Ministry of the Interior to the Procuracy.

## **AZERBAIJAN**

Azerbaijan's first years as an independent state were overshadowed by war with Armenia over Nagorno-Karabakh, and the resettlement of displaced persons from neighboring countries, who make up an estimated 12% of the population. Today, Azerbaijan enjoys relative political stability.

The 1995 Constitution provides for the division of powers between the executive, legislative and judicial branches. Many of the laws passed since 1995 dealt with the legal and judicial system. Nine codes were adopted, including the Civil Code, Civil Procedure Code, Criminal Code, Criminal Procedure Code, Code of Administrative Offences and Penitentiary Code. Putting this legal framework in place was a precondition for membership in the Council of Europe, which Azerbaijan joined in 2001. Full understanding and implementation of the new laws have lagged as the judiciary struggles to keep pace with the rapid reforms.

In October 2003, Ilham Aliyev, son of former President Heidar Aliyev, was elected president in a election criticized by international observers for falling short of international standards. His father, a former Communist Party leader, had been in and out of power for three decades before stepping down in October due to ill health. He died two months after the election.

### **CILC PROJECT IN AZERBAIJAN**

#### ***Drafting and Implementation of the Azerbaijani Administrative Procedure Code***

In 2003, the Dutch government asked CILC to submit a proposal for a project on Azerbaijan's planned Administrative Procedure Code. On a visit to the Netherlands in 2002, Azerbaijani Minister of Justice Fikret Mammadov had signed a memorandum of understanding with the Dutch Ministry of Justice. In June 2003, CILC Senior Project Manager Abdeljalil Taktak participated in a reciprocal visit by a Dutch Ministry of Justice delegation to the Azerbaijani capital, Baku, during which the Azerbaijani hosts expressed interest in Dutch cooperation on the Code. If approved, the project will provide assistance to the drafters, train judges to implement the finished Code and support a public awareness campaign. CILC will work closely with Germany's GTZ, which has experience with the administrative reforms in Azerbaijan.

## 3.3 Asia

Ever since its founding, CILC has played an active role in legal reform and development in Indonesia, even after the breach in Indonesian-Dutch relations and during the turbulent years that followed the downfall of the Suharto regime. In 2003, there were signs that the political climate in Indonesia was becoming more amenable to international projects focusing on improvement of the rule of law. The results of the general elections scheduled for summer 2004 will have an impact on the outlook for legal cooperation.

Elsewhere in Asia, in fall 2003 CILC explored opportunities for cooperation projects in Cambodia and Vietnam.

### INDONESIA

Indonesia still faces severe economic problems stemming from lack of public security, secessionist movements, corruption, legal uncertainty, internal conflicts and weaknesses in the financial sector.

Unrest increased in the wake of the terrorist attack in Bali in October 2002 and the bombing of a hotel in the Indonesian capital, Jakarta, in August 2003.

A controversial draft revision of the Indonesian Criminal Code that includes amendments outlawing certain sexual practices was submitted to parliament in fall 2003. The proposed articles are based on Sharia, or Islamic law. Their passage was expected to hinge on the outcome of the general election in mid-2004.

In 2003, some observers viewed the legal reform process as having stalled, while others noted progress.

The Indonesian government is working together with major donor organizations in the Partnership for Governance Reform program. The program's focal points for legislative reform are decentralization, civil society, elections, discrimination and gender issues. In addition, special attention is accorded to judicial development. Donor organizations commissioned several fact-finding missions and announced a number of new legal cooperation projects which will be open for tender in 2004.

### CILC PROJECT IN INDONESIA

#### *Framework for Legal Cooperation Between Indonesia and the Netherlands*

The Dutch Ministry of Justice commissioned CILC to implement this project as a continuation of the long-standing ties between Dutch and Indonesian lawyers. The aim was to maintain a foothold for further bilateral legal cooperation. The project encompassed a variety of unrelated activities, with the focus on support for the National Law Commission (NLC) in Jakarta.

The project was extended to the end of 2003 to compensate for its slow start in May 2002, which was largely due to the fact that the main counterpart, the NLC's Research and Opinion Section, was not formally established until July. Activities included setting up the NLC website, and the annotated translation into Bahasa Indonesia of the standard reference work *Introduction to Dutch Criminal Law* by D. Hazewinkel-Suringa, revised by Prof. J. Remmelink. A copy of the published translation was presented to the Indonesian Minister of Justice in October 2003.

#### *Feasibility Study on Legal Education Reform in Indonesia*

In June 2003, the Dutch Ministry of Foreign Affairs asked CILC to propose a feasibility study on ways to improve the quality of legal education in Indonesia. In preparation, in October CILC organized a seminar with Indonesian law students studying in the Netherlands to take stock of their views on curricula, education materials and teaching methods at Indonesian law faculties. The seminar participants urged stronger legal and academic cooperation between Indonesia and the Netherlands. CILC expected to conduct the feasibility study in the first half of 2004.

A draft revision of the Indonesian Criminal Code includes principles of Islamic law.

## 3.4 Africa

### ETHIOPIA

After 17 years of Marxist rule imposed by the Derg junta, in 1991-95 a transitional government embarked on transforming Ethiopia from a strongly centralized state under military control into a free and democratic federation. The first-ever multiparty elections were held in May 1995. The Federal Democratic Republic of Ethiopia was formally proclaimed the following August.

The 1994 Constitution provides for the separation of powers and establishes a federal structure comprising nine states, each with its own legislative, executive and judicial branches. The Constitution guarantees the independence of the judiciary at federal and regional level, as well as equal rights and freedom of expression for all Ethiopian citizens.

#### CILC PROJECT IN ETHIOPIA

##### *Baseline Study for Ethiopia's Justice System Reform Program*

In November 2002, the Ethiopian government met with CILC and other international consultants to discuss possible cooperation on the country's comprehensive Justice System Reform Program. CILC's proposal for a baseline study of the justice system was accepted in March 2003, and two months later CILC signed a contract with the Ministry of Capacity Building.

The areas to be assessed for the baseline study were legal education; law enforcement; the judiciary; law making and revision; and information flow within and outside the judiciary. Work got under way in June with the appointment of a resident project leader, who later had to leave the project for health reasons and was replaced. Dutch, French and Swedish experts undertook numerous missions to Ethiopia, where they worked closely with local experts to identify needs. Based on the teams' findings, in spring 2004 CILC will draft its report recommending reform strategies and a work plan for their implementation. The final study will be submitted to the Ministry of Capacity Building and officially presented in June at a stakeholders' meeting in the Ethiopian capital, Addis Ababa.



PHOTO: KEES KOUWENAAR

Ethiopia's State Minister of Capacity Building, Ato Fekru Desalgne, signing the project contract in May 2003

# CILC's Executive Board and Board of Trustees

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Judge R. H. M. Jansen (Utrecht District Court)  
H. J. Vriesendorp (Nuffic)

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## APPENDIX II

# CILC's Staff

### BOARD OF DIRECTORS

Kees Kouwenaar, *Director*  
Hester Minnema, *Deputy Director/Policy Coordinator* (until October 1)

### PROJECT MANAGERS

Marieke Breimer  
Servaas Feiertag (as of June 1)  
Anne-Marie Heemskerk  
Gert den Hollander (until June 20)  
Marja Lenssen  
Abdeljalil Taktak  
Eric Vincken  
Ko Winters

### FINANCIAL ADMINISTRATION

Alenka Bajc  
Lenie van Rooijen-Peet

### SECRETARIAT

Mirjam Driessen, *Documentation and Files*  
(until November 1)  
Annemarie Woudstra, *Office Manager*

### INTERN

Nicky To Nguyen (February 3 – June 20)



PHOTO: ALEXANDER VINOGRADOV

CILC's staff

## APPENDIX III

# Partners in Beneficiary Countries

### **BULGARIA**

The Bulgarian Ministry of Justice  
Institute for Political and Legal Studies  
Magistrates' Training Center  
Supreme Judicial Council

### **COMMONWEALTH OF INDEPENDENT STATES (CIS)**

Interparliamentary Assembly of the CIS

### **CZECH REPUBLIC**

Charles University Law Faculty, Prague  
Czech Bar Association  
The Czech Ministry of Justice  
EMP o.p.s., Brno  
Judicial Academy of the Czech Republic  
Masaryk University Law Faculty, Brno  
Palacký University Law Faculty, Olomouc  
University of West Bohemia in Pilsen Law Faculty

### **ESTONIA**

Centre for Public Service Training and Development  
Estonian Law Centre  
The Estonian Ministry of Justice

### **ETHIOPIA**

The Ethiopian Ministry of Capacity Building  
The Ethiopian Ministry of Justice

### **HUNGARY**

The Hungarian Ministry of Justice

## **INDONESIA**

Hukum Online  
The Indonesian Ministry of Justice  
National Law Commission  
Parahyangan Catholic University, Bandung  
Working Group on Maritime Law

## **LATVIA**

Latvian Judicial Training Center  
The Latvian Ministry of Justice

## **LITHUANIA**

Council of Courts  
Lithuanian Association of Judges  
The Lithuanian Ministry of Justice  
National Courts Administration

## **MACEDONIA**

Court Budget Council  
Macedonia Court Modernization Project  
The Macedonian Ministry of Justice

## **MALI**

La Clinique Juridique DEME-SO  
L'Institut National de Formation Judiciare  
University of Mali, Faculty of Legal and Economic  
Sciences

## **MOLDOVA**

Economic Court of Appeal  
Judicial Training Center of the Republic of Moldova  
Moldovan Judges' Association  
The Moldovan Ministry of Justice  
Soros Foundation – Moldova  
Superior Council of Magistrates  
Supreme Court

## **POLAND**

Civil Law Codification Commission  
The Polish Ministry of Justice

## **ROMANIA**

The Romanian Ministry of Justice

## **RUSSIAN FEDERATION**

Institute of Law and Public Policy  
Moscow State Academy of Law  
Research Center for Private Law under the President of  
the RF  
Russian Foundation for Legal Reform  
Supreme Arbitration Court of the RF

## **SERBIA AND MONTENEGRO**

Judicial Center for Professional Education and Advanced  
Training (JTC, Serbia)  
Serbian Judges' Association  
The Serbian Ministry of Justice  
Supreme Court of Serbia

## **SLOVAKIA**

The Slovak Ministry of Justice

## **SLOVENIA**

The Slovenian Ministry of Justice

## **UKRAINE**

Supreme Court of Ukraine  
Center for Judicial Studies

## APPENDIX IV

# Donor Organizations

The Dutch Ministry of Foreign Affairs and Dutch embassies

The Dutch Ministry of Justice

European Bank for Reconstruction and Development (EBRD)

European Union (Takis and Phare programmes)

International Monetary Fund (IMF)

Senter International

United Nations Development Programme (UNDP)

United States Agency for International Development (USAID)

The World Bank

## APPENDIX V

# Partners and Contacts in the Netherlands

Africa Legal Aid (AFLA) Maastricht  
African Studies Centre, Leiden University  
Council of State of the Netherlands  
E. M. Meijers Institute, Leiden University  
EMP Nederland  
Hugo Grotius Foundation  
International Criminal Law Network  
Supreme Court of the Netherlands  
Trade and Industry Appeals Tribunal

*The Dutch institutions that are represented on CILC's Board of Trustees are listed in Appendix I.*

# International Partners and Contacts

Agence de Coopération Juridique Internationale (ACOJURIS), Paris  
American Bar Association, Central European and Eurasian Law Initiative (CEELI), Washington, D.C.  
Association for European Law Enforcement Co-operation (EULEC), Brussels  
The British Council, London  
Catholic University of Leuven  
Center for Institutional Reform and the Informal Sector (IRIS), University of Maryland  
Constitutional and Legal Policy Institute (COLPI), Budapest  
Council of Europe, Strasbourg  
Deutsche Gesellschaft für Technische Zusammenarbeit GmbH (GTZ), Eschborn  
Deutsche Stiftung für Internationale Rechtliche Zusammenarbeit (IRZ) (German Foundation for International Legal Cooperation), Bonn

Deutscher Akademischer Auslandsdienst (DAAD) (German Academic Exchange Service), Bonn  
Ecole Nationale de la Magistrature (ENM) (National School for Judges and Prosecutors), Paris  
European Institute of Public Administration (EIPA), Antenna Luxembourg  
The Home Office, London  
ICON Institute, Cologne  
Institut International de Paris La Défense (IIPLD), Paris  
International Association of Prosecutors (IAP), The Hague  
International Criminal Court (ICC), The Hague  
International Union of Judicial Officers (UIHJ), Paris  
Trade and Industry Appeals Tribunal of the Netherlands  
University of Bremen

## APPENDIX VII

# Financial Data

### BALANCE SHEET AS OF DECEMBER 31, 2003

	December 31, 2003	December 31, 2002
	€	€
<b>Assets</b>		
Inventory	9,634	19,300
Claims	1,125,610	676,373
Liquid assets	369,147	455,064
	<u>1,504.391</u>	<u>1,150.737</u>
<b>Liabilities</b>		
Net assets	486,762	432,587
Longterm liabilities	0	6,806
Current liabilities		
Other debts	829,676	507,545
Accruals and deferred income		
Amounts received in advance	187,953	203,799
	<u>1,504.391</u>	<u>1,150.737</u>

## STATEMENT OF OPERATIONS

	Actual expenditure 2003	Budget 2003	Actual expenditure 2002
	€	€	€
<b>Expenditures</b>			
Incidental staff	5,229	5,000	20,505
Regular staff	522,076	583,000	588,073
Depreciation	9,666	10,000	10,616
Provisions	-164,168	0	140,168
Other costs	1,506.766	1,079.000	1,867.541
<b>Operating costs</b>	<b>1,879.569</b>	<b>1,677.000</b>	<b>2,626.903</b>
Interest costs	875	0	1,067
Exchange rate costs	63,725	0	0
<b>Financial costs</b>	<b>64,600</b>	<b>0</b>	<b>1,067</b>
<b>Net result</b>			
Positive result	0	0	23,198
<b>TOTAL</b>	<b>1,944.169</b>	<b>1,677.000</b>	<b>2,651.168</b>

	Actual expenditure 2003	Budget 2003	Actual expenditure 2002
	€	€	€
<b>Income</b>			
Turnover	1,801.866	1,552.000	2,505.027
Other operational income	20,148	120,000	138,331
<b>Total operational income</b>	<b>1,822.014</b>	<b>1,672.000</b>	<b>2,643.358</b>
Interest income	1,830	5,000	5,582
Exchange rate income	0	0	2,228
<b>Financial income</b>	<b>1,830</b>	<b>5,000</b>	<b>7,810</b>
<b>Net result</b>			
Negative result	120,325	0	0
<b>TOTAL</b>	<b>1,944.169</b>	<b>1,677.000</b>	<b>2,651.168</b>



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