

# *Annual Report* *2000*



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CENTRE FOR INTERNATIONAL LEGAL COOPERATION

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PHOTOGRAPH: ALEXANDER VINOGRADOV

CENTRE FOR INTERNATIONAL LEGAL COOPERATION (CILC)

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# *Preface*

This annual report outlines the many activities, which the Centre for International Legal Cooperation (CILC) carried out in the year 2000. As you can read, CILC's dedication to strengthening the legal systems in developing countries and in the transition countries of Central and Eastern Europe continues unabated. The report should give you a chance to judge yourself whether CILC lives up to its ambition to administer and carry out projects that make a difference for the receiving countries.

Without the numerous Dutch lawyers (academics, attorneys, judges and prosecutors) involved in our projects, CILC efforts would be in vain. I wish to take this opportunity to thank them in particular for their great commitment to the rule of law in countries other than their own. Moreover, we hope that this report encourages more experts to become involved in CILC's projects. From my own experience I know well how inspiring legal cooperation can be for both partners. A 'good' project has 'donors' and 'receivers' at both sides of the partnership.

*Prof. dr. E.M.H. Hirsch Ballin,  
Member of the Council of State and former Minister of Justice,  
Chairman of the Centre for International Legal Cooperation*

# *1. Introduction*

For the Centre for International Legal Cooperation (CILC), the new millennium got off to an excellent start thanks to a sizeable jump in the number of projects launched during 2000 - double the figure for 1998. At the same time, CILC was pleased by the successful conclusion of its longest ongoing project, the compilation of an Indonesian-Dutch Private Law Dictionary, which was published in the fall (for details, see 4.5, below).

CILC's rapid growth had administrative and financial repercussions, however. The rise in the number of activities and the increasing complexity of the projects called for further professionalization and rationalization of CILC's central office. Together with CILC's management, the Executive Board actively explored potential ways to boost income and cut costs.

CILC's sphere of activity is limited by its by-laws to developing countries and countries in transition. Although in 2000 the emphasis continued to be on the Newly Independent States (NIS) of the former Soviet Union, the start of a comprehensive project in Mali marked the expansion of CILC's activities to Africa. Much time was devoted in 2000 to preparing for a European Commission contract to implement a Phare project on "Reinforcement of the Rule of Law" in the ten candidate countries for accession to the European Union. This project, for which the Dutch Ministry of Justice bears political responsibility, is the largest CILC has ever handled. Efforts to step up activities in Indonesia and other Asian countries have not yet yielded substantial new projects. With a project proposal for a comprehensive law project in Yemen close to approval at the end of 2000, CILC is gearing up to extend its activities to the Middle East as well.

As the number of projects related to legislation declined, CILC's involvement in projects targeting the judiciary continued to increase in 2000. CILC supported the founding and strengthening of Judicial Training Centers in many East European countries, and some projects for the first time included activities aimed at sensitizing the public to legal rights issues.

Legal development cooperation takes place against a background of constantly changing policies, players and partners. As a result, it is incumbent on an organization like CILC to take a good look at itself and its position in the field at regular intervals, and if necessary to revise its strategies for the future. At an all-day retreat in October, CILC's Executive Board and some of its staff members discussed CILC's unique experience and expert network and how to take better advantage of both. They also debated what kind of services CILC should provide in the future (project design, project management, development expertise or all of these), and how to improve the selection and management of projects in order to bolster CILC's continued success in the field.

The present Annual Report describes the practical implementation of CILC's policies in 2000. The first two sections deal with CILC's contacts at home and abroad and on CILC's main office. The last section provides information on CILC's entire project portfolio and on projects that were in the process of being developed in the course of the year.

## *2. Contacts in the Netherlands and Abroad*

### **2.1. CONTACTS IN THE NETHERLANDS**

CILC's network in the Netherlands includes university law departments, ministries, professional organizations of judges, prosecutors, barristers and notaries, and specialized academic institutes. They are all represented on CILC's General Board, which meets twice a year. Experts from these institutions are frequently approached to participate in CILC projects. To gain a better picture of the expertise available and make it more readily accessible to CILC's project managers, CILC has embarked on designing and implementing a database in which Dutch experts can register. For a full list of the academic institutions, governmental bodies and organizations that are members of CILC's General Board, and the names of their representatives, see Appendix III.

The Dutch Ministry of Justice remains a key partner for CILC. Relations intensified as preparations got underway for the new EU/Phare project on the Rule of Law. CILC is a member of the Ministry's recently established International NGO Consultation Group, in which the Ministry and participating non-governmental organizations exchange information on their activities in the field of international legal cooperation. The group meets three times a year.

The Ministry provided financial and substantive support for several CILC activities, including the Phare project and the Indonesian-Dutch Private Law Dictionary. In addition, it continued to provide an annual modest grant covering a portion of CILC's general expenses.

CILC partnered with Leiden University's Van Vollenhoven Institute for Law and Administration in Developing Countries (vvi) on a comprehensive project on legal reform in Mali. Vvi hired a researcher for the project with expertise in positive law and the functioning of the Malian legal system. CILC also worked with vvi on developing joint activities in Indonesia and China.

The Mali project is the first occasion on which CILC has worked closely with the African Studies Centre in Leiden, whose director chairs the project's Dutch steering committee.

Collaboration with the Institute for East European Law and Russian Studies in Leiden continued on a project to draft a model securities law for the countries of the former Soviet Union, as well as on developing a model labor law for those countries. The Institute is also a partner in a project on implementation of the Russian Civil Code.

The Judicial Training and Study Center (ssr) in Zutphen is CILC's partner on a number of projects, including "Supporting Moldova's Judicial Development," two projects on the training of judges in Ukraine, and a project in Mongolia.



The Netherlands Association for the Administration of Justice (NVVR) is one of CILC's main partners in the project "Supporting Moldova's Judicial Development," and as such plays an important role in the efforts to strengthen the Moldovan Judges' Association.

In 1998, CILC and the E. M. Meijers Institute, the research arm of the Leiden University Law Faculty, jointly initiated the creation of a database on Dutch law in translation. In 2000 the Meijers Institute published a CD-ROM designed to make Dutch legislation and the literature on it more accessible to non-Dutch speakers by listing the various foreign-language translations available. CILC participated in the project, but all substantive work was carried out by the Meijers Institute.

#### CONTACTS WITH INSTITUTIONS IN THE NETHERLANDS

##### *Institutions represented on CILC's General Board:*

Amsterdam University Law Faculty  
T. M. C. Asser Institute for Private and Public International Law  
Erasmus University Rotterdam School of Law  
Vrije Universiteit Amsterdam Law Faculty  
Groningen University Law Faculty  
Institute for East European Law and Russian Studies, Leiden University  
Leiden University Law Faculty  
Maastricht University Law Faculty  
The Dutch Ministry of Justice  
The Dutch Ministry of Foreign Affairs  
Netherlands Association of the Judiciary (The Hague)/Netherlands  
Training Center for the Judiciary (Zutphen)  
Netherlands Bar Association (The Hague)  
Nijmegen University Law Faculty/Institute for Anthropology of Law  
NUFFIC (Netherlands Organization for International Cooperation in Higher  
Education (The Hague)  
Royal Association of Public Notaries (The Hague)  
Tilburg University Law Faculty  
Utrecht University Law Faculty  
Van Vollenhoven Institute (Leiden)  
Wageningen University Agricultural Law Department

##### *Institutions not represented on CILC's General Board:*

African Studies Centre, Leiden University  
Forum Nederland - Indonesia, The Hague  
International Dialogues Foundation, The Hague  
Netherlands Helsinki Committee, The Hague  
E. M. Meijers Institute, Leiden University

In 2000 CILC worked with the Netherlands Helsinki Committee (NHC) in The Hague on one of its judiciary training projects in Ukraine as well as on preparations for the EU/Phare Rule of Law project. CILC and NHC share their experiences on a regular basis.

CILC continued to work with the T. M. C. Asser Institute in The Hague within a consortium which provides support for the Institute of European Law in Moscow (MGIMO) under the auspices of the European Commission.

## **2.2. INTERNATIONAL CONTACTS**

CILC's cooperation with many foreign and international organizations takes different forms. In the box below you find a complete list of those organizations. With some of them cooperation is ad-hoc and related to only one project. In other cases cooperation is frequent and more structural. The latter ones are described below in more detail. Appendix II lists all local partners in the countries in which CILC executes projects.

CILC continued its close cooperation with Germany's Deutsche Gesellschaft für Technische Zusammenarbeit (German Society for Technical Cooperation) on project acquisition and execution. CILC and GTZ worked together on drafting model securities and labor laws in the NIS countries, on implementation of the Administrative Code and Civil Code in Georgia, and on providing support for the Georgian European Policy and Legal Advice Center (GEPLAC). In addition, CILC cooperated with GTZ on an as yet rather unsuccessful project funded by the European Commission's Tacis programme to strengthen the judiciary in Armenia (for details, see 4.6).

The Stiftung für Internationale Rechtliche Zusammenarbeit (Foundation for International Legal Cooperation), or IRZ, is a key management partner of CILC in the EU/Phare Rule of Law project. IRZ also participates in CILC's civil legislation project in the Baltic states, and is CILC's sub-contractor in the Tacis project on "Strengthening the Judiciary" in Ukraine.

Contacts with the US-based ARD/Checchi Rule of Law Consortium focused mainly on Kyrgyzstan.

The Agence de Coopération Juridique Internationale (ACOJURIS), a French organization with a similar mission as CILC, is involved in the project Supporting Moldova's Judicial Development and in two projects aimed at the training of judges in Ukraine.

CILC cooperates closely with the Constitutional and Legal Policy Institute (COLPI) in Budapest, which is part of the Soros Foundation Network, in Mongolia and Moldova.

## INTERNATIONAL CONTACTS

### *Donor organizations:*

Bureau CROSS (a Dutch Ministry of Education, Culture and Science agency)  
European Bank for Reconstruction and Development (EBRD)  
European Union (Takis and Phare programmes)  
Deutsche Gesellschaft für Technische Zusammenarbeit GmbH (GTZ),  
Eschborn, Germany  
Koninklijke Nederlandse Akademie van Wetenschappen (Royal Netherlands  
Academy of Arts and Sciences)  
The Dutch Ministry of Foreign Affairs and Dutch embassies  
The Dutch Ministry of Justice  
Senter International Den Haag (a Dutch Ministry of Economic Affairs  
agency)  
United Nations Development Programme (UNDP)  
United States Agency for International Development (USAID)

### *Others:*

Agence de coopération juridique internationale (ACOJURIS), Paris  
Amex International, Washington, D.C.  
ARD/Checchi-Rule of Law Consortium, Washington, D.C.  
Association for European Law Enforcement Cooperation (EULEC), Brussels  
Centro de Estudos Judiciários, Lisbon  
Checchi and Company Consulting Inc.  
Catholic University of Leuven  
Centre for European Constitutional Law, Athens  
Constitutional and Legal Policy Institute (COLPI), Budapest  
Council of Europe, Strasbourg  
l'Ecole Nationale de la Magistrature (National School for Judges and  
Prosecutors), Paris  
British Home Office, London  
Istituto Affari Internazionali (Institute of International Affairs), Rome  
Johann Wolfgang Goethe University, Frankfurt  
King's College, London  
The Italian Ministry of Justice  
Stiftung für Internationale Rechtliche Zusammenarbeit (IRZ), Bonn  
University of Paris I  
University of Bremen

### 3. Office Matters

To cope with the demands of its expanding activities, CILC created four new staff jobs, raising the number of full-time positions to 14½ by year's end.

As in the past, CILC is housed under the roof of Leiden University, which also formally employs CILC's staff. All costs incurred by CILC are reimbursed to the University.

CILC published three issues of its newsletter, *Focus on International Legal Cooperation*, in 2000 (for their contents, see box), and continued to publicize its activities on its website ([www.cilc.nl](http://www.cilc.nl)).

Recognizing the need to reexamine some of its internal processes, CILC distributed a questionnaire to all staff members to find out how they perceived the organization's strengths and weaknesses, and in the case of the latter, to elicit recommendations for corrective measures. The survey results revealed general agreement that CILC would benefit from administrative changes, new decision-making procedures and better communication between staff. These issues were discussed in staff meetings and specific strategies for improvements were agreed by the end of the year. As this renewal process continues into 2001, one of its cornerstones will be a stronger focus on effective staff development and training.

ARTICLES PUBLISHED IN  
CILC'S NEWSLETTER FOCUS IN 2000  
([www.cilc.nl/focus.html](http://www.cilc.nl/focus.html))

*Focus No. 7, January 2000:*

- Diamonds and Coals: An evaluation of the Dutch Matra Program
- Ombudsman in Indonesia: Another Step in 'Reformasi'
- The Tacis Program: Setting up a European Law Institute in Moscow

*Focus No. 8, May 2000:*

- The Kyrgyz Judiciary: The Winding Road to True Independence
- Modernizing the Dutch Judiciary
- News from Africa. CILC's First Comprehensive African Project: A Report from Mali

*Focus No. 9, December 2000:*

- Phare Programme for EU Applicants: CILC Coordinates Rule of Law Project
- The JTC Conference in Chisinau: Investing in the Judiciary Legal Reform in Indonesia: CILC Revives Ties



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# CILC'S STAFF:

## *Board of Directors*

Jan van Olden,  
director  
Hester Minnema,  
deputy director

## *Project Managers*

Bernedine Bos  
Renate Hartman  
Anne-Marie Heemskerk  
Dimitry Kounine  
(until November 1)  
Laura Lancée  
Nicole Mathôt  
Jackeline Mekkes  
(until June 1)  
Abdeljalil Taktak  
(as of April 1)  
Eric Vincken  
Ruth de Vries  
(as of December 11)

## *Criminal Law Project*

Marjanne Termorshuizen-Arts,  
researcher

## *EU/Phare Project on the Rule of Law in EU Candidate Countries*

Gert den Hollander, project manager  
(as of December 1)  
Susan Groen, project assistant  
(as of November 1)

## *Indonesian-Dutch Private Law Dictionary*

Ab Massier, editor  
(until September 15)  
Marjanne Termorshuizen-Arts, editor  
(until September 1)

## *Financial Administration*

Henk Gaasbeek, head  
Paul Koster  
(as of November 15)  
Lenie van Rooijen-Peet  
(as of March 13)

## *Secretariat*

Mirjam Driessen,  
documentation and files  
Annemarie Woudstra, office manager

## 4. Projects

It is increasingly difficult to categorize the projects CILC administers due to their increasing complexity and, often, multiple topics. In an effort to present as clear a picture as possible of CILC's wide-ranging activities, here the projects are grouped as follows: (4.1) legislation; (4.2) implementation of legislation; (4.3) the judiciary and public prosecution; (4.4) inter-university cooperation; (4.5) other projects, often more comprehensive and dealing with more than one issue. A summary of CILC's project-acquisition activities in 2000 is given under 4.6.

### 4.1. PROJECTS IN THE FIELD OF LEGISLATION

#### *Baltic States: Modernizing Civil Legislation in Latvia and Lithuania*

January 1, 2000, marked the official start of this cooperation project, funded by the Matra Pre-accession Program of the Dutch Ministry of Foreign Affairs, between the Dutch, Latvian and Lithuanian ministries of justice, following an initial seminar on the general section of the Civil Code and family law held in Vilnius, Lithuania, in 1999. The aim of the project is to aid efforts to reform civil legislation in Latvia and Lithuania by organizing joint seminars in the two Baltic states to give legislators access to Dutch expertise in this field. A further aim is to promote harmonization of the civil laws of all three Baltic countries. Legislators from Estonia were therefore invited to attend the seminars. The Bonn-based IRZ, which was already active in the Baltic states, agreed to support the activities of the Dutch project by sending German civil law experts on request.

In April, a joint seminar on special contracts was held in Leiden. In November Lithuania was the venue of a joint seminar on property law issues, and a seminar on property law and labor law took place in neighboring Latvia. A pair of Dutch experts participated in each of the latter two seminars, which were organized by the ministry of justice in the host country, and IRZ arranged for a German expert to take part in the Latvian seminar. More joint seminars are foreseen before the project ends in October 2001.

#### *Czech Republic: Civil and Criminal Legislation*

At the behest of the Dutch Ministry of Justice, CILC became involved in efforts to initiate legislative cooperation between the Ministry and its counterpart in the Czech Republic. CILC organized two consultations in Prague at which Dutch and Czech experts discussed civil and criminal legislation. The discussions of criminal law were particularly fruitful, but no agreement was reached on follow-up activities.

#### *Eritrea: Civil Code and Code of Civil Procedure*

Throughout 2000, Prof. Jan de Boer continued to assist the Eritrean Ministry of Justice on various titles of the Eritrean Civil Code, in response to the Ministry's

request. Prof. De Boer, who has taught at the University of Amsterdam, now sits on the Court of Justice of the Netherlands Antilles and Aruba. He incorporated the commentaries by the Eritrean Legislative Commission on the first and second drafts of the Civil Code.

A team of Dutch experts, headed by Prof. Jan Vranken from the Catholic University of Brabant, continued their work on the Eritrean Code of Civil Procedure, revising a number of titles. This project continues through March 2001.

Both projects are financed by the United Nations Development Programme (UNDP).

#### *Georgia: Administrative Law II*

Administrative law reform in Georgia got underway in 1997. CILC, in cooperation with the U.S. Agency for International Development (USAID), GTZ and the Council of Europe, has been closely involved from the beginning. Thanks to the strong commitment on the part of Georgian government officials and legal experts to replacing the Soviet-style command system with modern administrative laws, backed by support from the four cooperation partners, a Georgian General Administrative Code was drafted and adopted in a very short period of time. Both the General Administrative Code and the Administrative Procedure Code entered into force on January 1, 2000.

Consequently, CILC decided to undertake a first step towards increasing Georgian expertise in modern comparative administrative law. As mentioned in CILC's 1999 Annual Report, a prominent Georgian lawyer, Zurab Adeishvili, received a grant to enroll in an LL.M. degree program at the University of Groningen in the Netherlands, during the 1998-99 academic year. The original idea was that Mr. Adeishvili's Master's thesis would serve as the basis of an explanatory note to the Georgian General Administrative Code due to be completed in 2000. For various reasons, in particular Mr. Adeishvili's concurrent involvement in numerous legal reform activities, that goal could not be met. Therefore, the Dutch Ministry of Foreign Affairs, which cofunded Mr. Adeishvili's tuition, asked CILC to wind up the project and submit a final substantive and financial report. CILC complied in late 2000. CILC and the other co-financing parties are exploring the possibility of giving Mr. Adeishvili another chance to finish the LL.M. degree and adapt his thesis into an explanatory note in 2001 under a follow-up project on the implementation of administrative legislation (see 4.2).

#### *Georgia: The Georgian European Policy and Legal Advice Center (GEPLAC)*

Under the EU's Tacis Programme, centers were established in several countries of the former Soviet Union to meet the need for local advisory services on a broad spectrum of political and legal issues. As a rule, the centers are staffed by both local and foreign experts.

After a public tender procedure, the execution of the EU's part of the project in Georgia was granted to a consortium headed by GTZ and including CILC. The Georgian European Policy and Legal Advice Center (GEPLAC) opened in spring

1998. The judicial advice it provides focuses on efforts towards harmonization of Georgian legislation with that of the EU as well as on the country's accession to the World Trade Organization (WTO). CILC's role is to find Dutch experts in different legal fields on an ad hoc basis in response to GEPLAC's requests.

The project will end in March 2001. A new tender procedure for a follow-up project over the next three years is expected to start soon.

#### *Hungary: Civil Law Legislation*

CILC won the tender issued by the Dutch Ministry of Foreign Affairs for the execution of a project aimed at reinforcing efforts to reform the Hungarian Civil Code. The project was approved in late 1999 and kicked off with an inception mission to Budapest in March 2000, followed in May by a report finalizing the details. Under the project, Hungarian legislative working groups have recourse to Dutch consultants on an ongoing basis. The regular contact enables identification of key issues on which to focus concrete activities.

The fields of cooperation are company law, securities, insurance law, consumer protection and laws on financial institutions. Project activities include a study trip for ten Hungarian legislators to the Netherlands, a series of seminars in Budapest and a final conference to present the project results. The study trip took place in September 2000. The visitors wrote up reports on their stay and these will be discussed at the seminars scheduled in March 2001.

#### *Kazakhstan: Law on Children's Rights*

On September 15, 2000, an international roundtable meeting was held in Kazakhstan to discuss a proposed bill on Children's Rights drafted by the country's Legislative Drafting Institute. The purpose of the law is to provide broad-based protection of children's rights in line with international legal standards. In particular, it aims at upholding Kazakhstan's obligations as a signatory of the U.N. Convention on the Rights of the Child, as well as complying with other international legal instruments. The meeting was attended by Kazakh government ministries, UNICEF, the Organisation for Security and Co-operation in Europe (OSCE), and NGOs active in the field of children's rights.

Following the meeting, UNICEF asked CILC to assist in the drafting process. CILC submitted a proposal for a three-month project on revising the draft law. A Dutch expert was selected to write a commentary on the draft and spend a week in Kazakhstan working with the Kazakh drafting team on the final revisions.

The Dutch expert duly prepared the commentary. However, CILC was subsequently informed that the government of Kazakhstan was no longer interested in Western assistance in revising the draft law. Consequently, the project was halted before the expert's visit could take place.

#### *Newly Independent States (NIS): Model Legislation*

Two projects follow up on earlier cooperative efforts to assist the drafting of model laws in the countries of the former Soviet Union. Legislative experts from



different NIS countries meet to harmonize their separate but comparable attempts to reform their civil law. The various NIS countries decided to produce model codes which, while not binding, could be used as guidelines for countries as they prepare their own legislation. The support provided by the Dutch Ministry of Foreign Affairs and GTZ from 1995-2000 included funding the provision of assistance by Western experts.

#### *Model Securities Legislation*

The Model Securities Legislation project was launched in autumn 1998 with funding by the Dutch Ministry of Foreign Affairs and GTZ. The European Bank for Reconstruction and Development (EBRD) and GTZ have cofinanced the project since November 1999.

The project goal is to improve the legal environment for market reforms in the NIS region by promoting the development of modern capital markets and safeguarding the rights of securities holders. To this end experts are currently drafting model laws dealing with all aspects of the securities market, including securities transactions, clearance and settlement, capital market participants and regulators, and licensing.

CILC is executing the project jointly with the Scientific Consultative Center for Private Law of the Commonwealth of Independent States (CPL). The Institute of East European Law and Russian Studies in Leiden provides the necessary documentation.

The Securities Working Group is the project's steering committee and monitors its progress. It developed concept papers for two model laws that were then drafted by a five-member team of lawyers representing different NIS countries and the EBRD, and submitted to the Securities Working Group for review.

The EBRD-funded phase of the project began with a drafting session in Bremen in February 2000, and the second drafting session took place in Leiden in July. One of the model laws under discussion was on circulation of investment securities, the other on the securities market. The drafting team discussed their revised drafts with the CIS Working Group in Yerevan, Armenia, in May, and in Almaty, Kazakhstan, in October, and decided to incorporate the two draft laws into one, the Model Securities Law. The project is expected to end with submission of the model law to the CIS Interparliamentary Assembly in December 2001.

The project also envisions the possibility of supporting research in the field. The Dutch experts involved therefore compiled a list of suggested topics. They recommend that the research focus on issues related to implementation of the securities legislation, including, for example, the question of whether financial institutions like the stock exchange should be autonomous or state-controlled.

#### *Model Labor Law*

Launched in January 2000, this project supports labor law reform in the NIS region. CILC, GTZ and CPL designed the project based on the outcome of a seminar on labor law that took place in Bremen in February 1998. The project foresees

two meetings of international experts, a conference, revision and publication of the Model Labor Law, and consultations in a number of NIS countries on its implications for national legislation.

In preparation for the first international experts' meeting in September in Leiden, representatives from ten NIS countries were included in the working group set up at the 1998 Bremen seminar. In Leiden the working group met with labor law specialists from Germany and the Netherlands to review the preliminary version of the Model Labor Law that had been drafted on the basis of the Bremen seminar. The main topics they debated before reaching agreement on major changes to its structure and contents were how labor legislation should be structured, what it should cover, and which issues should be dealt with under civil law and which should be left to collective bargaining. A second draft, currently under preparation by a smaller drafting team, will be discussed with trade union representatives and members of employers' associations at a seminar in June 2001 in St. Petersburg. The project will run until the end of 2001.

#### 4.2. IMPLEMENTATION OF LEGISLATION

##### *Georgia: Implementation of the Civil Code*

CILC has been cooperating with Georgian lawyers on civil law reform since 1995. Dutch experts assisted their Georgian counterparts in the preparation of a new Civil Code, which was adopted by parliament on June 26, 1997. In view of their role in the drafting phase, the Georgian government asked CILC, GTZ and USAID to help implement the code.

In 1998, GTZ, AMEX International and CILC launched a three-year joint project to support the preparation of a commentary on the Civil Code, legal training and the production of training materials, as well as a public awareness campaign. The Dutch Ministry of Foreign Affairs, GTZ and USAID are cofunding the project.

The Georgian project partners are the Judicial Training Center (JTC) in Tbilisi, the Georgian Ministry of Justice, the Civil Code drafting team and the Georgian Young Lawyers' Association (GYLA).

In 2000, a group of authors led by Prof. Lado Chanturia, president of the Georgian Supreme Court, prepared a third volume of the commentary on the Civil Code dealing with family law and the law of succession.

In May 2000, two Georgian experts led a training seminar in Tbilisi on the execution of court decisions. The seminar was organized by GTZ in consultation with CILC.

As expected, in 2000 GYLA successfully campaigned to raise public awareness of the Civil Code through information leaflets, articles in the press and various radio programs.

Two volumes of the commentary on the Civil Code remain to be written before the end of the project in July 2001, and four more seminars for legal professionals are scheduled.

### *Georgia: Implementing Administrative Law*

This project continues the cooperation between CILC, GTZ and Georgia in the field of administrative law (see 4.1). It started in February 2000 and runs through December 2001. The Dutch Ministry of Foreign Affairs provides partial funding.

The purpose of the project is to help Georgia implement its recently adopted General Administrative Code and Administrative Procedure Code. The focus is on those areas where foreign assistance would be most effective: the harmonization of related legislation with the new codes, the training of judges and civil servants, publicizing the codes within the legal profession and the public at large, and the preparation of commentaries on the codes.

In 2000, two members of the Georgian Supreme Court wrote and published a commentary on the Administrative Procedure Code after consultation with a German expert.

A series of seminars for legal professionals as well as for journalists are planned for 2001. In addition, the commentary on the General Administrative Code will be prepared in 2001.

### *Russia: Monitoring and Supporting Implementation of the Civil Code*

This project, funded by the Dutch Ministry of Foreign Affairs, is a follow-up to the long-standing cooperation between Dutch and Russian legal experts in the development of Russian civil legislation. Under the project, CILC and the



PHOTOGRAPH: HESTER MINNEMA

#### **CILC'S EXECUTIVE BOARD:**

Prof. E.M.H. Hirsch Ballin (chairman)  
Prof. C.P.M. Cleiren (Leiden University)  
Judge R.H.M. Jansen (Utrecht District Court)  
Prof. A.H.A. Soons (Utrecht University)  
H.J. Vriesendorp MA (NUFFIC)

Moscow-based Research Center for Private Law, under the auspices of the President of the Russian Federation, jointly organize workshops for legal professionals. The Institute for East European Law and Russian Studies in Leiden is also a partner on the project, which includes the publication of a casebook and commentaries. In addition, a series of public information activities will be carried out in cooperation with the Russian Young Lawyers' Association and the Russian Foundation for Legal Reform.

A workshop on legal entities was held in Moscow in February 2000, with a Dutch legal expert participating. Other workshops scheduled for 2000 were postponed at the request of the Research Center for Private Law after it was asked by Russian President Vladimir Putin to give priority to preparing Part III of the Civil Code for adoption.

In December 2000, the first seminar aimed at informing the general public on the workings of the Civil Code took place in Moscow, organized by the Young Lawyers' Association. Lecturers from the Research Center for Private Law participated. The subjects addressed included legal entities and their representatives, enforcement of contract obligations and liability for harm caused.

The Research Center produced the first three of a series of brochures explaining the new Civil Code. The brochures will be distributed around the country via the Young Lawyers' Association network. Under the project, trainers attend seminars on how to present the brochures and other public information materials to the target users. Some materials are intended for the general public, while others are tailored to the needs of specific groups such as small businesses or consumer organizations.

The project started at the end of 1999 and will run through September 2002.

#### 4.3. JUDICIARY AND PUBLIC PROSECUTION

##### *Armenia: Strengthening the Capacity of the Judicial System of Armenia*

A CILC-led consortium won the tender for this 18-month EU/Tacis project in February 2000. CILC's partners in the consortium are the Dutch Training and Study Center for the Judiciary (SSR), GTZ, Centro de Estudos Judiciários in Portugal, l'Ecole Nationale de la Magistrature in France, and the Yerevan State University Faculty of Law. The project beneficiary is the Armenian Council of Court Chairmen (CCC).

The project is built on four pillars: court organization and management; training (the Armenian Judicial Training Center); drafting commentaries on Armenian laws; and a public information campaign.

The project has been beset by repeated delays and problems in communication. After concluding a difficult candidate search for project leader, CILC found out during a visit to Armenia that the CCC did not share Brussel's and CILC's idea about the profile of the Team Leader. The CCC therefore rejected CILC's proposed candidate, who had been approved by Tacis. Staff changes at both Tacis and

CILC caused further delays. At the same time, communication between CILC and the CCC continued to be difficult, primarily due to differences in their approaches to the project.

In December, a CILC representative went to Armenia hoping to restore contact and work together with the CCC on producing a final inception report, but the mission was unsuccessful. The CCC rejected the project altogether, complaining that Tacis had disregarded CCC's needs when it drew up the terms of reference. After its representatives returned to the Netherlands, CILC submitted a memorandum to Tacis recommending that cooperation with the CCC be discontinued in view of the stance of the body's current members. The memorandum stated that only finding a replacement for the beneficiary could save the project. In March 2001, Tacis and CILC jointly decided to stop the project.

#### *Armenia, Georgia and Tajikistan: Court Administration*

In May 2000, CILC organized a seminar on court administration in The Hague in conjunction with the Washington-based Checchi and Company Consulting Inc. and the Constitutional and Legal Policy Institute (COLPI) in Budapest, Hungary. The seminar was held for Armenian, Georgian and Tajik judges and governmental officials involved in judicial reform, and funded by USAID and COLPI. Among the issues addressed by Dutch and U.S. experts were forms of judicial self-organization, relations of the judiciary with the government and parliament, recruitment, and planning and control. At the end of the seminar the three visiting delegations presented proposals on how these issues could be dealt with in their countries.

#### *Mongolia: Training of Judges*

The Mongolian Foundation for Open Society (MFOS) has been contracted by the Dutch Embassy in Beijing, China, to carry out this project, which was jointly drafted by CILC and MFOS. CILC acts as a subcontractor for the project and as such is responsible for the Dutch contribution to it. Immediately after the start of the project in October 2000, CILC went on an inception mission to Mongolia to hold intensive concrete discussions on the project's work plan. At the beginning of 2001, Dutch resource persons will be identified who will be twinned with Mongolian trainers. The pairs will jointly develop course programs and materials, and the Mongolian trainers will visit the Netherlands to learn about the Dutch judicial training system. The project runs until March 31, 2002.

#### *Ukraine: Strengthening the Judiciary*

This train-the-trainer project for Ukrainian Supreme Court justices is funded by the Matra Pre-accession Program of the Dutch Ministry of Foreign Affairs. CILC's partners in the project are SSR and the Netherlands Helsinki Committee.

Twinning relationships were established between the Dutch and Ukrainian trainers. In the course of 2000, these trainer pairs developed the training program and prepared course material. Ukrainian trainers tried out the materials at

a trial seminar held for fellow trainers in Kyiv in November. The project is running at full speed and the Ukrainians will give the first actual seminars in the first half of 2001.

The activities in themselves are proving quite successful and the original schedule has been adhered to, but the project has experienced some difficulties due to a lack of consensus between the Ukrainian and Dutch trainers as to what the project's "train-the-trainers" concept entails. While working relations are very good, misunderstandings arise during joint preparations for new activities. The challenge for this project is to continue to work towards building bridges between the Ukrainian and Dutch trainers.

#### *Ukraine: Strengthening the Capacity of the Judicial System*

This two-year EU/Tacis-funded project was launched on August 1, 2000. Partners in the project are the Ukrainian Legal Foundation, SSR, IRZ and l'Ecole Nationale de la Magistrature. The local beneficiary is the Ukrainian Supreme Court.

The overall aim of the project is the development of an efficient training system for Ukrainian judges. The immediate goals are to improve the management and training capabilities of the Supreme Court Training Center (SCTC) and four regional training centers, as well as to train a number of judges' trainers from the Arbitration Court Training Center. The project is developing in close cooperation with CILC's other judicial training program in Ukraine, the Matra-funded project "Strengthening the Judiciary," so as to avoid overlap and optimize the mutual benefits for the two projects.

In the course of the project, the project partners will produce a policy paper for the development of a judiciary training system and a strategy for the SCTC, including a realistic budget and a business plan. They will also design training curricula and organize training programs for at least 300 judges and 30 trainers, including trainers for the Arbitration Court. Four regional training centers will be equipped, and staff at both the regional centers and the SCTC will be upgraded.

#### **4.4. INTER-UNIVERSITY COOPERATION**

##### *Indonesia: Joint Criminal Law Research*

Leiden University, CILC and Diponegoro University in Semarang started a joint research project entitled "Common Roots, Separate Developments in Indonesian and Dutch Criminal Law" in 1997. It will continue until April 2001. In 2000, two Indonesian researchers visited the Netherlands to continue their fieldwork, begun during an earlier visit in 1999. The subjects of their research are the role of crime victims in criminal proceedings and the issue of hate speech and freedom of the press.

In 2000, a Dutch researcher working on his thesis on special criminal law continued his fieldwork on narcotics-related crime in Indonesia. Another researcher

continued the work he had started in 1999 on the relationship between adat (traditional law) and the principle of legality. In 2001 he will publish a book based on his research. Research on criminal procedural law continued throughout 2000 and will be finished in December 2001. As planned, the translation into Dutch of the draft Indonesian Criminal Code is currently in progress.

In order to present the preliminary research results to the full team for discussion, a three-day seminar was held in Jakarta in August 2000. One day was open to public. The subject of that day's event, which was organized together with the Indonesian Ministry of Law and Legislation, was "International Criminal Law & Collective Crimes: Problems & Prospects." Dutch and Indonesian team members presented talks to an audience of practitioners, academics and a large number of members of the military. The other two days were reserved for the discussion of the research results among the team members.

*Russian Federation: Cooperation on European Law with the Moscow State Academy of Law*

Since the fall of 1994, the law faculties of the Catholic University of Leuven in Belgium and the Catholic University of Brabant in the Netherlands, and the T. M. C. Asser Institute have been working with the Moscow State Academy of Law (MSAL) on curriculum development in the field of European law.

Project activities were financed by Bureau CROSS, an agency established by the Dutch Ministry of Education, Culture and Science to promote educational cooperation between the Netherlands and Russia. CILC coordinated the project. The Russian partner, MSAL, offers full-time legal education and distance learning. The project's long-term objective was to promote the teaching of European law at universities and to the legal and business communities in Russia and other CIS member states. The short-term aim was to support MSAL's newly established Department of European Law, and to introduce the teaching of European law at MSAL's regional branches.

After two extensions, the project was supposed to finish at the end of 1999. However, some of the activities that were originally envisaged for the project were not carried out completely due to problems at MSAL. Finding enough MSAL teachers and postgraduate students who were qualified to participate in the project proved so difficult that part of the project budget remained unspent. After a joint project evaluation with MSAL, the project was prolonged until December 1, 2000.

One of the activities that took place after the project was extended was an international seminar on "New Trends in the Development of EU Law and Russian Legal Education," held at MSAL. It explored a range of issues related to the teaching of EU law at Russian universities. The participants came from various Russian, Dutch and Belgian universities, Russian high schools, Russian legal research institutes, the Dutch Embassy in Moscow and a number of Russian law

journals. The general opinion of the participants was that teaching European law should be compulsory in every Russian law school, as it is at MSAL.

In 2000, additional legal literature and CD-ROMs were donated to MSAL's EU Documentation Center.

The final activity was the presentation of a new book, *EU Law: Documents and Comments*, at a seminar in Moscow on March 16-17, 2000. As one of the very first Russian-language textbooks on European law, *EU Law* is an essential reference tool for both law students and practicing lawyers in the Russian Federation.

Part of the remaining funds were used for the creation of a website for MSAL's Department of European Law (<http://eulaw.euro.ru>). The website is an important instrument for locating documents and teaching materials. It is especially useful for students at the regional MSAL branches and for distance learners in far-off regions of the Russian Federation.

In general, the project provided ample demonstration that substantial results can be achieved on a relatively small budget provided there is enough flexibility to allow revision of the project as needed.

*Russia: Creation of an Institute of European Law (IEL) at the Moscow State Institute for International Relations (MGIMO)*

This project ended in October 2000 after three and a half years. It was executed by a consortium of German, English, Dutch, French, Italian and Greek organizations, under the auspices of the Johann Wolfgang Goethe University in Frankfurt. CILC was chiefly responsible for financial administration and reporting, as well as logistics.

The objective of the project, which was funded by the EU/Tacis programme, was to create a sustainable teaching and research institution specializing in European law. The project supported numerous guest lectures by law professors from the EU, and study visits by IEL students and professors to European universities. IEL professors carried out research and a large quantity of books and journals were purchased for the IEL's new computer and documentation center. In addition, the project enabled publication of a casebook on jurisprudence of the European Court of Human Rights in Strasbourg and the proceedings of a conference on "Russia and European Law."

#### **4.5. OTHER PROJECTS (INCLUDING COMPREHENSIVE PROJECTS ON MORE THAN ONE TOPIC)**

*Armenia: Support for Civil Service Reform*

The tender for this project was won in 2000 by a consortium led by PLS Consult in Denmark and including CILC and the German Post-Graduate School of Administrative Sciences in Speyer.

The overall purpose of the project is to assist the Armenian government in reforming the country's civil service. The terms of reference specify three



objectives: to develop and institute a uniform personnel policy and to recommend a personnel management structure; to propose relevant mechanisms for central, regional and local self-government; and to create a core base of trained civil servants who can train other civil servants and thus advance the reform of public administration.

An inception report has already been prepared. It covers four project components: institutional development, legislation, human resources strategy and the training of a core group of civil servants to train future trainers. CILC's role as a subcontractor in the project focuses primarily on the legislation component. The project will run for a period of 18 months.

*Indonesia: Cooperation between the Dutch and Indonesian Ministries of Justice*

The action plan for cooperation between the Dutch and Indonesian ministries of justice came to an end in February 2000. CILC was responsible for coordinating the Dutch activities foreseen in the plan. Unfortunately, the action plan could not be implemented to its full extent.

As a result of the political turmoil in Indonesia, many activities under the action plan had to be postponed indefinitely, including the signing of a renewed Memorandum of



PHOTOGRAPH: DIMITRY KOUNINE

*Dr. Alexander Sukharev, Director of the Scientific Research Institute of the General Procuracy of Russia, presents the book EU Law: Documents and Comments.*

Understanding between the two ministries. It seemed appropriate to let the dust settle in Indonesia and await the Netherlands' new foreign policy on Indonesia.

By late 2000, CILC realized that any serious effort to revive cooperation with Indonesia would require extra investment. Therefore, it decided to assign one of its project managers to study the possibilities for legal cooperation and the potential risks and bottlenecks. An action plan to this effect was written before the end of the year. It will be implemented in 2001.

#### *Indonesia: Indonesian-Dutch Private Law Dictionary*

The Indonesian-Dutch Private Law Dictionary was published in early January 2001. Seven years in the making, it is the first comprehensive legal dictionary to pair Dutch, the target language, with a non-Western language. The four Dutch editors who compiled the dictionary - all experts on Indonesia and law - completed the project in the fall of 2000.

The dictionary comes as a set of six volumes covering property law (including agrarian law), commercial law, contract law, civil procedure, family law and law of persons, tax law, labor law and conflict of laws. One of the work's most valuable features is that it provides examples of terminology usage and comparative law analysis.

In August 2000 a seminar on the role of language in legal affairs was held at the Institute for National Law Development (BPHN) in Jakarta. At the seminar, the dictionary's editors and other Dutch experts discussed with Indonesian lawyers and linguistic experts a range of proposals for making the contents accessible to a larger readership, particularly Indonesians. The participants from Indonesia stressed the importance of standardizing the legal terms in their language. They agreed that the database on which the dictionary is based could contribute significantly towards realizing that goal.

The dictionary project was the initiative of CILC's predecessor, the Council for Legal Cooperation with Indonesia. It was launched in 1993 with funding from the Dutch Ministry of Justice. As of 1995, the Royal Netherlands Academy of Arts and Sciences (KNAW) funded 50 percent of the project costs as part of a bilateral agreement on cultural and scientific cooperation. The Ministry of Justice contributed its share of support using funds allocated from the budget of the Ministry of Foreign Affairs.

A modest ceremony to celebrate the publication of the dictionary took place in March 2001. The Dutch Minister of Justice, Benk Korthals, presented a copy of the dictionary to the Indonesian ambassador to the Netherlands, His Excellency Abdul Irsan.

#### *Kyrgyzstan: Strengthening the Rule of Law*

This wide-ranging project provides legal assistance to Kyrgyzstan in three broad areas: implementation of the Central Asian country's new Civil Code; judicial reform; and training in legislative drafting. Launched in late 1998, the project runs until May 2001 and is financed by the Dutch Ministry of Foreign Affairs.

Since June 1999 a working group of seven Kyrgyz judges, attorneys and other legal professionals has met on a weekly basis to write commentaries to the new Civil Code, using examples from legal practice in the country and abroad. The commentaries are expected to be completed by March 2001 and will be ready to go to press in May. In December 2000, CILC organized a seminar for the working group in Bishkek. Two foreign civil law experts, one from Russia and the other from the Netherlands, participated in the seminar, which focused on various issues relating to the interpretation of civil legislation.

Also in 2000, a training seminar on civil law issues was held at the Kyrgyz Judicial Training Center in Bishkek for trainers and higher court judges. Four civil law specialists, two of them Dutch, one American and one Russian, discussed examples drawn from judicial practice in Kyrgyzstan. This seminar will be repeated in 2001.

As part of the project's civil law component, the Kyrgyz Lawyers' Association is close to completing preparations for ten public information brochures on how the new Civil Code will affect citizens. All brochures will be ready for distribution by the end of March 2001.

CILC works closely on the civil law component with the USAID-funded Commercial Law Program run by ARD/Checchi in Bishkek.

Most of the activities in the area of judicial reform took place already in 1999, except for the translation into Russian of laws and articles on the comprehensive judiciary reforms underway in the Netherlands. The translations were provided to Kyrgyz lawyers to serve as reference material for their internal discussions on the reform of their own court system.

In 2000, Dutch legislative drafting experts worked on producing a handbook on legislative drafting together with lawyers from both the USAID-funded Central



PHOTOGRAPH: PAUL KOSTER

*Complete set of six volumes of the Indonesian-Dutch Private Law Dictionary*

and East European Law Initiative of the American Bar Association (ABA/CEELI) and the Kyrgyz Parliamentary Legislative Drafting Center. In addition, in November the Dutch experts held a training seminar in Bishkek for legislative drafters working in the Kyrgyz government and for the parliament. To help participants prepare in advance, the Dutch organizers compiled a reader with study materials and assignments. The seminar was jointly organized by CILC and ABA/CEELI. The component on legislative drafting will be concluded in 2001 with the final revision and distribution of the drafting handbook.

*Mali: Legal Cooperation Between Mali and the Netherlands*

Implementation of this three-year project to reinforce the democratic legal system in Mali began in January 2000. Funding is provided by the Dutch Embassy in Bamako. CILC is executing the project in cooperation with two Leiden University institutes, the Van Vollenhoven Institute (vvi) and the African Studies Centre (asc). The three Dutch partners formed a steering committee headed by asc director Gerti Hesseling. The main partners in Mali are the Law Faculty of the University of Bamako and the country's judicial training institute, Institut National de Formation Judiciaire, both in the Malian capital. A steering committee has also been set up in Mali, made up of representatives of the Law Faculty, the Ministry of Justice and the judicial training institute.

The project began with the Dutch steering committee's visit to Mali in January, followed by a visit by the Malian steering committee to the Netherlands in June. The steering committee members were thus able to get know each other and plan project activities.

The project is made up of four components: setting up a legal clinic linked to the Law Faculty in Mali; bolstering the Law Faculty's research capacity and providing training in research methods; promoting case-based teaching methods; and funding additions to the Law Faculty library's collection of legal resources.

Considerable progress was made in 2000 on the research component in particular. A Dutch junior researcher was appointed at vvi to work closely with two Malian researchers. In the last two months of 2000, the three researchers received training by a vvi staff member on juridical and anthropological research methods. Each researcher then drafted a research project to be carried out in Mali in the first half of 2001 and involving extensive fieldwork. This pattern of providing training in the Netherlands to researchers before they undertake fieldwork in Mali will continue over the next two years.

The project component on teaching began to take shape with the involvement of iclon, a Dutch institute that specializes in designing teaching methods and train-the-trainer courses and has considerable experience in developing countries. Together with vvi, iclon will design a training course for Malian trainers of judges and professors at the Law Faculty, to be held in Bamako in 2001.

Plans for 2001 include setting up a legal clinic at the Law Faculty and supporting the latter's library through the donation of legal resources.

In the start-up phase of the project, communication between the partners did not always function smoothly, and in some instances a common understanding regarding the project goals appeared to be lacking. Nevertheless, efforts were made to overcome these initial shortcomings. A few points of the project had to be redefined, mainly to incorporate needs expressed by the Malian steering committee. This led to a partial revision of the project budget, which was sent at the end of 2000 to the Dutch Embassy in Bamako for approval.

#### *Moldova: Supporting Moldova's Judicial Development*

The project started on November 1, 1999, and will run through the end of October 2002. It is a follow-up project to a UNDP project on "Strengthening Moldova's Judicial and Legislative Systems," which was funded by the Dutch government. The current Moldova project is also being implemented under the auspices of the UNDP, but the main source of its funding comes from the Dutch Embassy in Kyiv in neighboring Ukraine. CILC's project partners are SSR and the Netherlands Association for the Administration of Justice (NVVR), a professional association of judges.

The project goal is to strengthen and support the development of leading legal institutions in Moldova: the Judicial Training Center (JTC) in the capital, Chisinau; the Constitutional Court; the Moldovan Judges' Association (MJA); and the Procuracy, or Public Prosecutor's Office.

CILC assigned one of its project managers, Eric Vincken, to Chisinau as International Project Advisor for the duration of the project.

In 2000, the JTC's board met with Dutch experts in the Netherlands, in Chisinau and in the Romanian capital, Bucharest, to discuss the JTC's legal status, its curriculum and management issues. Project representatives participated in the international conference of JTC directors, which was held in Chisinau on May 12-13. The project financed the attendance of the executive director of the Moldovan JTC at a World Bank conference in June. In November, CILC undertook an assessment mission to Moldova in preparation for developing a training program for court employees and registrars, and producing training materials. In December, the project sponsored and participated in a conference on relations between the judiciary and the press which was attended by judges, prosecutors and journalists.

A package of draft laws regulating the Procuracy was discussed at a conference in Chisinau in May and at an expert meeting in the Netherlands in October. A pilot media training seminar for prosecutors was held in November. Both activities will be followed up in 2001.

A visit to the MJA by an NVVR delegation led to a cooperation agreement between the two associations. In May 2000, the chairperson of the MJA attended the Annual Meeting of the European section of the International Association of Judges, and in September he attended the body's General Assembly, where the MJA was accepted as a member. In early November, an NVVR delegation



PHOTOGRAPH: NICOLE MATHOT

*Dutch steering committee's visit to Mali*

attended the Annual Meeting of the MJA. In the last week of November, an MJA delegation attended the NVVR's Annual Meeting and a meeting of its Council of Members in the Netherlands.

Activities in 2000 regarding the institutional development of the Constitutional Court focused primarily on the drafting of a new Law on the Constitutional Court to replace both the old law and the Code of Constitutional Jurisdiction. Three expert meetings were held in Chisinau to draft the law, which is expected to be ready by spring 2001.

A working visit by judges from the Constitutional Court of Moldova to the Constitutional Court of Romania took place in May.

The project financed a variety of publications in 2000: books on legal doctrine, the JTC's newsletter and Annual Report, the MJA's newsletter and a collection of Constitutional Court cases. A computer network was set up, giving all Procuracy offices in Moldova access to the Moldovan legal database "Jurist."

Despite the long list of activities that have been carried out, the project has so far failed to meet some of its objectives, in particular the planned emphasis on institutional development. That goal turned out to be very difficult to translate into concrete and long-term results.

#### 4.6. ACQUISITION OF NEW PROJECTS

##### *Central and Eastern Europe: EU/Phare Horizontal Programme Project on the “Reinforcement of the Rule of Law” in EU Candidate Countries*

In 1999, the Dutch Ministry of Justice asked CILC to submit a proposal for an EU/Phare-funded project to advance the reform of four key fields of the Rule of Law in the Central and East European countries that have applied to join the EU. These fields will be covered in individual modules: independence of the judiciary; the status and role of the public prosecutor; court procedures and execution of judgments; and the safety of victims, witnesses, judges, prosecutors, defense attorneys and jurors. CILC’s partners in the project are the Netherlands Helsinki Committee, IRZ, the Italian Ministry of Justice, the British Home Office, l’Ecole nationale de la magistrature and the Association pour la coopération juridique et judiciaire internationale (ACOJURIS) in France. Each project partner is responsible for a different module. In addition to managing the project, CILC will handle the Independent Judiciary module. The key CILC expert involved in the project will be Paul Broekhoven, former SSR dean and former president of the Court of Utrecht. The Dutch Ministry of Justice will bear political responsibility for the project.

CILC discussed the draft proposal at regular meetings in Brussels with European Commission officials, project partners and representatives of other interested EU member states. The proposal was approved in September, and in December CILC signed the contract with the EC in Brussels.

In the fall of 2000, CILC recruited a project coordinator, a management assistant and a financial assistant for the project’s Central Coordination Unit (CCU), which became operational in December to prepare for the official launch of activities.



PHOTOGRAPH: ERIC VINCEN

*JTC Conference in Chisinau, May 2000*

The two-year project got underway on January 1, 2001, with an inception phase to identify the specific needs of each of the countries involved.

*China: Civil Law, Law Drafting and the Judiciary*

At the request of Chinese lawyers, vvi and CILC collaborated with the Chinese Academy of Social Science's Institute of Law and the China Law Society to draft a proposal for a project on civil law, lawmaking and the judiciary. The funding proposal was submitted to the Dutch Ministry of Foreign Affairs in May 2000. The evaluation committee turned down the proposal on the grounds that it did not fit in with the Ministry's current focus on environmental and technical issues. Nevertheless, CILC will continue to pursue future opportunities for cooperation with China, preferably in conjunction with vvi.

*Georgia: Rule of Law*

Over the last five years, CILC has developed strong relations with two American-based organizations, ARD/Checci and the Center for Institutional Reform and the Informal Sector (IRIS). CILC was approached by both organizations, independently from each other, with an offer to join their respective consortiums in their bids for a USAID contract for a project promoting the rule of law in Georgia. CILC is therefore competing as a subcontractor of both consortiums. The tender is expected to be awarded in March 2001.

The goals of the project will be to broaden legal access, to set up effective, transparent and fair public and private legal institutions, and to institute policies, laws and regulations promoting democratic processes and market reform. Administrative law will be a key element of the project. In light of CILC's experience in the drafting and implementation of the Georgian Administrative Code, CILC's role in this project could be substantial.

The main Dutch expert who will be involved in the project is Michiel Scheltema, Royal Commissioner for Administrative Law Reform. Prof. Scheltema was involved in earlier CILC projects in the field of administrative law in Georgia.

*Moldova: Reform of the Penitentiary System*

In October 2000, CILC carried out a needs assessment mission in preparation for a cooperation project with the Moldovan Penitentiary Department. The Dutch Embassy in Kyiv and the Soros Foundation in Moldova funded the mission, which resulted in a needs assessment report. It will be followed up by a project formulation mission in spring 2001. Based on its findings, a project proposal will be submitted to the two donors.

It is foreseen that the Netherlands Helsinki Committee will have primary responsibility for the implementation of the future project.

*Yemen: Strengthening the Capacity of the Yemeni Judicial System*

Following a needs assessment mission to Yemen in May 1999, CILC and the Yemeni Forum for Civil Society (FCS) drafted a proposal for a project aimed



at strengthening the judicial system in Yemen. In late 2000, the proposal was submitted to the Dutch Embassy in Sana'a, the contracting authority.

The proposal consists of five modules: establishing a Resource Center for Legal Information; improving the functioning of two courts to serve as exemplary models; upgrading the training of judges; strengthening the Technical Bureau of the Supreme Court; and strengthening the Public Prosecutor's Office.

In its proposal, CILC involved two Dutch subcontracting parties, the Dutch Training Center for the Judiciary (SSR) and the International Institute for the Study of Islam in the Modern World (ISIM).

Upon approval of the Dutch Embassy, the three-year project will get underway in the first half of 2001.



## *Appendices*

**APPENDIX I: SCHEMATIC OVERVIEW OF ALL PROJECTS**  
**PROJECTS EXECUTED IN 2000**

*4.1 Cooperation in the Field of Legislation*

COUNTRY	PROJECT	DONOR	DURATION	REMARKS
Baltic States	Modernization of Civil Legislation	Dutch Ministry of Foreign Affairs/ Matra	January 2000 - October 2001	
Czech Republic	Civil and Criminal Legislation	Dutch Ministry of Justice	ad hoc	
Eritrea	Civil Code and Code of Civil Procedure	UNDP	September 1997 - March 2001	
Georgia	Administrative Law II	USAID/GTZ/Dutch Ministry of Foreign Affairs / IIC Foundation / University of Groningen	December 1998 - December 2000	
Georgia	Georgian European Policy and Legal Advice Center (GEPLAC)	EU/TACIS	November 1997 - March 2001	Main contractor GTZ
Hungary	Civil Law Legislation	Dutch Ministry of Foreign Affairs/ Matra	March 2000 - September 2001	
Kazakhstan	Law on Children's Rights	UNICEF	September 2000	
NIS countries	Model Legislation Civil Law	GTZ/EBRD	Phase III: November 1999 - December 2001	Phase III deals with Securities
NIS countries	Model Legislation Labor Law	Dutch Ministry of Foreign Affairs/ GTZ	January 2000 - November 2001	

*4.2 Implementation of Legislation*

COUNTRY	PROJECT	DONOR	DURATION	REMARKS
Georgia	Implementation of the Civil Code	GTZ/USAID/Dutch Ministry of Foreign Affairs	August 1998 - December 2001	
Georgia	Implementing Administrative Law	Dutch Ministry of Foreign Affairs	February 2000 - December 2001	
Russian Federation	Monitoring and Supporting the Implementation of the Civil Code	Dutch Ministry of Foreign Affairs	October 1999 - September 2002	

### 4.3 Judiciary and Public Prosecution

COUNTRY	PROJECT	DONOR	DURATION	REMARKS
Armenia	Strengthening the Capacity of the Judicial System	EU/Tacis	February 2000 - March 2001	
Armenia, Georgia and Tajikistan	Court Administration	ARD/Checchi/Soros Foundation/ Dutch Ministry of Justice	Single activity May 2000	
Mongolia	Training of Judges	Royal Netherlands Embassy, Beijing, China	October 2000 - March 2002	CILC is sub-contracted by the Mongolian Foundation for Open Society (MFOS)
Ukraine	Strengthening the Judiciary	Dutch Ministry of Foreign Affairs/ Matra	September 1999- September 2002	Jointly with SSR/ Netherlands Helsinki Committee
Ukraine	Strengthening the Capacity of the Judicial System	EU/Tacis	August 2000 - August 2002	Jointly with the Ukrainian Legal Foundation, SSR, IRZ and l'Ecole Nationale de la Magistrature

### 4.4 Inter-University Cooperation

COUNTRY	PROJECT	DONOR	DURATION	REMARKS
Indonesia	Joint Criminal Law Research	Royal Netherlands Academy of Arts and Sciences (KNAW)	April 1977 - December 2001	In cooperation with Leiden University
Russian Federation	Cooperation in the field of European Law with the Moscow State Academy of Law	Dutch Ministry of Education, Culture and Science (CROSS)	1994 - November 2000	In cooperation with T.M.C. Asser Institute, Catholic University Brabant and Catholic University of Leuven
Russian Federation	Creation of an Institute for European Law (IEL) at the Moscow State Institute for International Relations (MGIMO)	EU/TACIS	January 1997 - October 2000	Under the leadership of Goethe University Frankfurt; in cooperation with T.M.C. Asser Institute

#### 4.5 Other Projects (including comprehensive projects on more than one topic)

COUNTRY	PROJECT	DONOR	DURATION	REMARKS
Armenia	Support for Civil Service Reform	Tacis	September 2000 - March 2002	Main contractor PLS Consult in Denmark. In cooperation with German Post-Graduate School of Administrative Sciences in Speyer.
Indonesia	Cooperation between the Dutch and Indonesian Ministries of Justice	Dutch Ministry of Justice	May 1999 - January 2000	
Indonesia	Indonesian-Dutch Private Law Dictionary	Dutch Ministry of Justice/Royal Netherlands Academy of Arts and Sciences (KNAW)	August 1993 - September 2000	
Kyrgyzstan	Strengthening the Rule of Law	Dutch Ministry of Foreign Affairs (DGIS)	November 1998 - October 2001	Partly in cooperation with ARD/Checchi
Mali	Legal Cooperation between Mali and the Netherlands	Royal Dutch Embassy in Bamako, Mali	December 1999 - December 2002	Jointly with the African Studies Centre and the Van Vollenhoven Institute
Moldova	Supporting Moldova's Judicial Development	UNDP/Dutch Ministry of Foreign Affairs (DGIS)	November 1999- November 2002	

#### 4.6 Acquisition of New Projects: Proposals Submitted in 2000

COUNTRY	PROJECT	DONOR	STATUS
Central and Eastern Europe	Reinforcement of the Rule of Law in EU Candidate Countries	EU/Phare	Approved
China	Civil Law, Law Drafting and the Judiciary	Dutch Ministry of Foreign Affairs/Senter	The proposal, submitted in May 2000, was turned down
Georgia	Rule of Law	USAID	Tender proposal submitted early 2001
Moldova	Reform of the Penitentiary System	Dutch Embassy in Kyiv/Soros Foundation in Moldova	Assessment mission was carried out in October 2000
Yemen	Strengthening the Judiciary	Dutch Embassy in Sana'a, Yemen	Submitted late 2000

## **APPENDIX II: LOCAL PARTNERS**

### **ARMENIA**

Court of Cassation  
Council of Court Chairmen/Judicial Training Centre for International  
Legal Cooperation  
Law Faculty of Yerevan State University  
Legal Department of the National Assembly of the Republic of Armenia  
Ministry of Justice  
Research Training Center of the Prosecutor General's Office  
State Committee on Legal and Judicial Reforms

### **BALTIC STATES**

Ministry of Justice of Latvia  
Ministry of Justice of Lithuania  
Ministry of Justice of Estonia

### **BELARUS**

State University of Belarus, Law Faculty

### **COMMONWEALTH OF INDEPENDENT STATES**

Inter-Parliamentary Assembly of the CIS  
Scientific Consultative Center for Private Law of the CIS

### **CZECH REPUBLIC**

Ministry of Justice

### **ERITREA**

Ministry of Justice

### **GEORGIA**

Council of Justice of Georgia  
Georgian European Policy and Legal Advice Center  
Georgian Young Lawyers Association  
Judicial Training Centre  
Ministry of Justice  
Parliament of Georgia  
Prosecutor General's Office  
Supreme Court of Georgia

### **HUNGARY**

Civil Law Codification Commission  
Ministry of Justice

## **INDONESIA**

Badan Pembinaan Hukum Nasional - Indonesian Institute for National  
Law Development  
Centre for Research and Development/Education and Training  
(Puslitbang/Diklat; Indonesian Supreme Court, Jakarta)  
Indonesian Centre for Human Rights, Democracy and the Rule of Law  
(HDS)  
Islamic University Indonesia, Yogyakarta  
Ministry of Justice  
National Law Commission (Komisi Hukum Nasional/KHN)  
University Diponegoro, Semarang  
University Indonesia, Jakarta

## **KAZAKHSTAN**

Senate of Republic of Kazakhstan

## **KYRGYZSTAN**

Council of Judges  
Judicial Training Centre  
Legal Department of the Presidential Administration  
Ministry of Justice

## **MALI**

Faculty of Legal and Economic Sciences, University of Mali  
Institut National de Formation Judiciaire

## **MOLDOVA**

Law Center of the Republic of Moldova  
Ministry of Justice  
Moldovan Constitutional Court  
Moldovan Judges Association  
Moldovan Judicial Training Centre  
Office of the Prosecutor General  
Penitentiary Department of the Ministry of Justice  
Soros Foundation Moldova  
State University of Moldova

## **MONGOLIA**

Judicial Training Center  
Mongolian Foundation for Open Society  
Supreme Court



**R U S S I A N   F E D E R A T I O N**

Academy of Justice  
Foundation for Legal Reform  
Highest Arbitration Court of the RF  
Institute for Legislation and Comparative Law under the President of  
the RF  
Moscow State Academy of Law  
Moscow State Institute for International Relations/ Institute of European  
Law  
Moscow State University  
Research Center for Private Law under the President of the RF  
St. Petersburg Law Institute of the Prosecutor General's Office of the RF  
Young Lawyers' Association

**T A J I K I S T A N**

State University of Tajikistan, Law Faculty

**U K R A I N E**

Supreme Court of Ukraine  
Ukrainian Legal Foundation

**U Z B E K I S T A N**

Institute for Monitoring of Legislation

### APPENDIX III: MEMBERS OF CILC'S GENERAL BOARD

Chairman

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Amsterdam University Law Faculty

*Prof. J.W. Zwemmer*

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T.M.C. Asser Institute for Private and Public International Law (The Hague)

*Prof. F.A. Nelissen*

Erasmus University Rotterdam

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'Vrije Universiteit' Amsterdam Law Faculty

*Prof. Gr. van de Burght*

*Prof. P. Vlas*

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*B.C. Vis LL.M.*

Institute for East European Law and Russian Studies, Leiden University

*Prof. W.B. Simons*

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*Prof. C.P.M. Cleiren*

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*J. Demmink LL.M.*

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*Judge R.H.M. Jansen*

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Royal Association of Public Notaries (The Hague)  
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Van Vollenhoven Institute (Leiden)  
*Prof. J.M. Otto*  
*B.M. Oomen MA*

Wageningen University Agricultural Law Department  
*Prof. F. von Benda Beckman*

**APPENDIX IV: BALANCE SHEET AS ON DECEMBER 31, 2000**

	December 31, 2000		December 31, 1999
<b>Assets</b>	EUR	NLG	NLG
Inventory	27.956	61.606	70.100
Work in progress	158.955	350.291	559.079
Claims	1.075.999	2.371.189	1.112.860
Prepayments and accrued income	4.951	10.911	2.105
	<u>1.267.861</u>	<u>2.793.997</u>	<u>1.744.144</u>
Liquid assets	127.889	281.831	1.071.789
	<u>1.395.750</u>	<u>3.075.828</u>	<u>2.815.933</u>
<b>Liabilities</b>			
Net assets	465.859	1.026.619	863.707
Provisions	42.327	93.277	93.277
Longterm liabilities	24.958	55.000	75.000
Current liabilities			
Other debts	394.415	869.175	356.576
Accruals and deferred income			
Amounts received in advance	468.191	1.031.757	1.427.373
	<u>1.395.750</u>	<u>3.075.828</u>	<u>2.815.933</u>

**STATEMENT OF OPERATIONS**

	Budget 2000	Actual expenditure 2000		Actual expenditure 1999
	NLG	EUR	NLG	NLG
Fees for projects	5.335.000	1.855.155	4.088.223	2.975.163
Direct costs	<u>-4.597.000</u>	<u>-1.538.318</u>	<u>-3.390.006</u>	<u>-2.265.217</u>
Gross results projects	738.000	316.837	698.217	709.946
Indirect costs	<u>-896.000</u>	<u>-359.708</u>	<u>-792.692</u>	<u>-898.275</u>
Net result projects	-158.000	-42.871	-94.475	-188.329
Other profits and losses	<u>165.000</u>	<u>116.797</u>	<u>257.387</u>	<u>206.385</u>
Annual result	<u>7.000</u>	<u>73.926</u>	<u>162.912</u>	<u>18.056</u>

