



CENTRE FOR INTERNATIONAL LEGAL COOPERATION



*Annual Report*  
*1997*



*The Centre for International Legal Cooperation is a Dutch non-commercial organisation, whose object it is to contribute to legal reform within developing countries and countries in Central and Eastern Europe by making available Dutch expertise and professionalism. Seats on the General Board are held by representatives of virtually all law faculties in the Netherlands, the Ministry of Justice, the Netherlands Bar Association, the Netherlands Association for the Judiciary, and various institutes specializing in foreign law, e.g. the Van Vollenhoven Institute for Law and Administration in Developing Countries and the Institute for East European Law and Russian Studies. The Centre runs a modest office specializing in the formation of effective teams of experts drawn from a supporting reservoir of individual jurists, each of whom contributes his or her expert knowledge. Among them, the office staff members have a wide range of experience, e.g. in the management of legal cooperation projects, fundraising, knowledge of countries and languages and financial management. For expert knowledge in other fields, the Centre draws on the various law faculties, ministries, professional organisations and specialized institutes affiliated with the Centre.*

*The Centre has an extensive network of international contacts available for initiating and implementing projects. Major sources of project funding include the Dutch government, the European Union and USAID (United States Agency for International Development).*

*For the purpose of developing projects the Centre's staff members hold meetings with potential partners in receiving countries to analyse their needs and wishes. They draw up concrete action plans and seek funding sources to finance the implementation of projects. Ultimately, the Centre will assume contractual responsibility for the fulfilment of a project, for progress and quality control, and for reportage to the agencies and authorities involved in the project.*

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## I. Introduction

The Centre for International Legal Cooperation (CILC) was able to further consolidate its position in 1997. The positive trend of the past few years with respect to the size of the organization's project portfolio and the financial base has continued. It became widely apparent last year that the transition to a democratic market economy in Eastern European countries would take longer than the five-year period that many predicted in 1990. This means that legal cooperation with these countries, to which the majority of CILC's projects are related, will be continued for several years. In this context, it was announced in 1997 that the Dutch Ministry of Foreign Affairs' Matra program (Social Transition Program in Central and Eastern Europe) and the European Commission's Tacis and Phare programs would be prolonged and intensified.

The forthcoming entry of a number of Central European countries into the European Union is another important development. As a consequence, adaptation of the legal systems of the candidate member states to EU law is of great urgency, resulting in increasing demand for foreign experts to make a contribution.

For this reason, CILC began making preparations in 1997 for collaboration with several candidate member states: the Czech Republic, Latvia, Estonia and Poland. CILC decided to focus on the *basic reform* needed to establish and preserve a democratic constitutional state with a market economy. As yet, CILC tasks do not include meeting requests for highly specialized advice on legal technicalities that arise from the forthcoming entry into the EU of new member states.

The demand for knowledge of European Union (EU) law also increased dramatically in other countries in 1997. A concrete result of this is the project for the founding of an institute for European law in Moscow, which began in Russia in 1997 and in which CILC is participating. EU law plays a much smaller role in coun-

*Photo below:*

*Cilc's staff, from left to right: Ab Massier, Marjanne Termorshuizen, Jan van Olden, Laura Lancée, Hester Minnema, Ingrid Butter, Bernedine Bos, Anne-Marie Heemskerk, Eric Vincken. Absent: Caroline Supriyanto and Els Heij. (Photo: Loek Zuyderduin)*



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tries in the Caucasus and Central Asia. For those countries, the treaties with the Council of Europe are much more important. Therefore, in dealing with countries in these regions, CILC has invested further in its contacts with the Council of Europe. In 1997, CILC started pilot-projects in several regions where it had never carried out projects. The objective is to use the experience acquired in Eastern Europe, Indonesia and elsewhere. At the same time, this allows CILC to spread the risk, to some extent, in its project portfolio. This is not ill advised, considering the many unpredictable political factors which legal cooperation always depends on. In 1997, this resulted in a new project in Africa: advising on the formulation of a new Civil Code for Eritrea.



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

### 2.1. CONTACTS IN THE NETHERLANDS

With the entry of University of Amsterdam to the General Board of CILC in 1997, the law faculties of all Dutch universities had joined CILC. CILC further strengthened its ties with these and other organizations represented in its General Board in 1997. This was all the more important now that CILC had increasing need for Dutch experts because of the growth in the number of projects under its management. For this reason, CILC devoted extra attention to raising awareness of CILC's activities among the experts in the legal field. Among other activities, a newsletter was set up in 1997 and the first issue was published in October of that year. *Focus on Legal Cooperation* appears three times a year and is distributed free of charge to several hundred interested parties in the Netherlands and abroad.

CILC has joint projects or regular contact on an ad-hoc basis with nearly all the law faculties of the Dutch universities. In the area of legislation in particular, the close ties with the Institute for East-European Law and Russian Studies at Leiden University were further strengthened. In addition to combined work on projects like those on model legislation with the CIS states, the knowledge of the Institute's jurists of the legal systems in the post-communists countries was a factor essential for success in formulating project proposals. Furthermore, the Institute is a valuable source of information at the briefings of Dutch experts who participate in other CILC projects in Eastern Europe.

The substantive and financial support of the Dutch Ministry of Justice is vital to CILC. From time to time, the Ministry calls in CILC to develop and execute legal cooperation programs. CILC also takes part in the Ministry's regular consultation on Eastern Europe. CILC and the Ministry regularly harmonize activities in various areas. CILC works together with the T.M.C. Asser Institute in The Hague within a con-

#### CILC'S INTERNATIONAL CONTACTS

- *Amex International (USA)*
- *Constitutional and Legislative Policy Institute (COLPI, Hungary)*
- *European Union (Tempus, Tacis and Bistro programs)*
- *Gesellschaft für Technische Zusammenarbeit (GTZ, Germany)*
- *Catholic University of Leuven (Belgium)*
- *Council of Europe*
- *Rule of Law Consortium (USA)*
- *Stiftung für Internationale Rechtliche Zusammenarbeit (Germany)*
- *United Nations Development Program (UNDP, USA)*
- *United States Agency for International Development (USAID, USA)*

sortium which, under the authority of the EU, is supporting the founding of an Institute for European Law in Moscow (MGIMO). CILC's collaboration with this Institute also helped complete cooperation with the Law Faculty in Minsk (Belarus). CILC worked intensively with the Judicial Training and Study Center (SSR) in Zutphen on a project entitled *Judicial and Legislative Reform in Moldova* and on the preparation of judge training courses for judges in Mongolia and Ukraine. CILC works with the Netherlands Helsinki Committee (NHC) in The Hague to develop and execute projects. CILC and NHC exchange experiences regularly and along the way an effective and flexible division of tasks has evolved.

#### CILC'S CONTACTS IN THE NETHERLANDS

##### Members of the CILC General Board:

- *Amsterdam University Law Faculty*
- *Erasmus University Rotterdam Law Faculty*
- *Free University Amsterdam Law Faculty*
- *Groningen University Law Faculty*
- *Leiden University Law Faculty*
- *Van Vollenhoven Institute, Leiden*
- *East-European Law and Russian Studies, Leiden*
- *Maastricht University Law Faculty*
- *Institute for Anthropology of Law, Nijmegen*
- *Nijmegen University Law Faculty*
- *Open University (Heerlen)*
- *Tilburg University Law Faculty*
- *Utrecht University Law Faculty*
- *Wageningen University Agricultural Law Department*
- *T.M.C. Asser Institute for Private and Public International Law (The Hague)*
- *NUFFIC (Netherlands Organization for International Cooperation in Higher Education, The Hague)*
- *Netherlands Association for the Judiciary (The Hague)*
- *Netherlands Bar Association (The Hague)*
- *Royal Association of Public Notaries (The Hague)*
- *Judicial Training and Study Center of the Netherlands (SSR, Zutphen)*
- *Ministry of Justice (The Hague)*

##### Other contacts:

- *Netherlands-Indonesia Forum (The Hague)*
- *Ministry of Foreign Affairs (The Hague)*
- *Ministry of Education, Culture and Science/CROSS (The Hague)*
- *Netherlands Helsinki Committee (The Hague)*
- *Royal Dutch Academy of Sciences (The Hague)*

As in previous years, Jan F. van Olden, CILC's director, was vice-chairman of the Law and Administration Working Group of the Netherlands-Indonesia Forum in 1997. Hester Minnema, deputy director, participated in the Netherlands Coordinating Council on behalf of CILC. This forum was founded to harmonize the activities of Dutch organizations running democratization and legal reform projects in Central and Eastern Europe. Leiden University made office space and other facilities available for hire in 1997. Negotiations on the continuation of CILC's relationship with the university and what form it should take were not finished by the end of the year.

## 2.2. INTERNATIONAL CONTACTS

In recent years, CILC has been playing an increasing role in the multilaterally and bilaterally coordination of activities carried out in different countries to support the legal reform process. In this context two coordination meetings in relation to Georgia, took place in the Netherlands in 1997.

CILC's intensive cooperation with the German *Gesellschaft für Technische Zusammenarbeit* (GTZ) in the field of project acquisition and execution continued in 1997. The collaboration primarily concerns civil law model legislation for the CIS countries and a number of projects in the Caucasus, including the founding of the Georgian Policy and Legal Advice Center (GEPLAC). CILC worked together with another German organization, *Stiftung für Internationale Rechtliche Zusammenarbeit*, within the framework of the Ukrainian European Policy and Legal Advice Center (UEPLAC).

A cooperation project with the Training Institute of the Russian *prokuratura* was developed and projects in Armenia and Georgia were acquired together with the American Rule of Law Consortium.

New contacts were established with the American consultancy firm, Amex International, which, like the Rule of Law Consortium, manages large-scale legal cooperation programs for the United States Agency for International Development (USAID). CILC worked together with the Catholic University in Leuven, Belgium, within the framework of some inter-university cooperation projects, for example with the Moscow State University and the Moscow National Academy of Law.

Cooperation with the Council of Europe, particularly in relation to countries in the Caucasus region, has acquired greater depth. The Council of Europe continued to be involved in the judge training component within the broad UNDP project *Strengthening of the Judicial and Legislative System of Moldova*. The same is true of the judge training project in Ukraine.

CILC maintains regular contact with the European Union on projects financed within the framework of the Tacis program and the tenders in which CILC has participated. The sudden death of David Bronheim was a great blow to the staff of CILC. He was killed in a car accident in Tbilisi, Georgia in October 1997. Bronheim was the genius behind American-European cooperation in the area of legal reform in the former Soviet Union. Cooperation with David Bronheim and, via him, with USAID, contributed significantly to CILC's development.

### 3. Projects

A number of long-term large-scale projects were continued in 1997, including the Indonesian-Dutch Legal Dictionary and the project for legal reform in Moldova. A number of other large-scale projects were completed, including the TEMPUS project with the law faculty of Moscow State University.

Numerous new projects were launched, including the founding of the Institute for European Law at Moscow State University for International Relations (MGIMO), the research project on Indonesian criminal law entitled *Common Roots, Separate Developments* and a project *Administrative Law for Georgia and Armenia*.

In 1997, CILC devoted a great deal of attention to acquiring new projects, many of which would not be implemented until 1998. Two EU tenders for the founding of European Policy and Legal Advice Centers in Ukraine and Georgia were won by consortiums in which CILC participated. CILC also submitted several new project proposals to the Dutch Ministry of Foreign Affairs.

The following sections comprise descriptions of all projects carried out in 1997, divided into the categories of legislation, university cooperation, implementation of legislation and 'other projects'. The section 'other projects' discusses projects of an integrated structure which involve several types of cooperation. The appendix provides a summary overview of all projects in four tables, including information about the duration of the project, the donors and the participating partners.

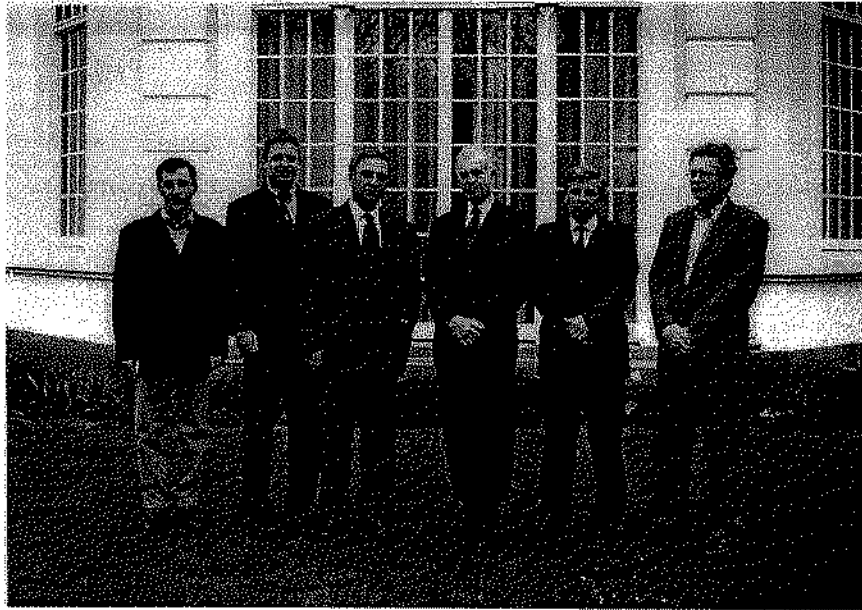
#### 3.1. COOPERATION IN THE AREA OF LEGISLATION

##### *Armenia: Civil Code Legislation*

This project, which was launched in December 1995, recorded its first results in 1996 when the first section of the Armenian Civil Code – General Stipulations, Subjects of Civil Law, Objects of Civil Law and the General Section of Contract Law – was completed. In 1997, the second section on Special Agreements was finished. The third section – Intellectual Property, Inheritance Law and International Private Law – is expected to reach completion in 1998. The activities carried out in 1997 comprised a session in The Hague in April, which focused primarily on the second section of the Civil Code. The Armenian legislation jurists were able to pose questions to Dutch, German and American experts and to discuss bills. The parties agreed to schedule a session on the third section of the Civil Code early in 1998. Funding was provided by USAID, GTZ and the Dutch Ministry of Foreign Affairs.

##### *Armenia: Criminal Procedure Law*

Following up on the session in Leiden in October 1996, CILC co-organized two consecutive consultative sessions in the Armenian capital of Jerevan in June 1997 on the subject of the law pertaining to the Public Prosecutor and on the Penal



*Georgian Administrative Law: Georgian delegation visiting The Hague for discussions on administrative law with Professor M. Schelema and Associate Professor B. Vit, third and first from right. (photo: Alexander Vinogradov)*

Code. The sessions were carried out in cooperation with the Council of Europe and commissioned by USAID.

In preparation for the consultative sessions, the Armenians drew up a list of questions and the Council of Europe provided translations of both bills. CILC selected a Dutch and a German expert for participation in the sessions.

#### *Armenia and Georgia: Administrative Law*

In October, CILC held a session on administrative law, intended for the three Caucasian republics. Unfortunately, the Azeris were not represented because the necessary funding could not be found. However, delegates from Armenia and Georgia were present.

Administrative law is virtually non-existent in both countries. As a result, the session was of an exploratory nature. The main objective was to set out general principles, for which purpose the Dutch, German, French and American situations were presented. The European Convention on Human Rights was discussed in depth.

Other objectives of the session were to discuss with both parties the national process of the creation of a new system of administrative law, to arrive at a plan and to shape the contributions made by foreign experts. A plan was indeed achieved with the Georgian delegation, which consisted mainly of members of parliament. However, the Armenian delegation consisted largely of university jurists, who first wanted to secure the necessary domestic political support for this approach towards administrative legal reform. As this annual report was being written, CILC learned that the Armenian government would support reform and that a draft paper had been drawn up by the group of university jurists.

The Georgians have already made a dynamic start with CILC and the other partners in the project (USAID, GTZ and the Council of Europe). A seminar took place in

Tbilisi, Georgia, in December. The objective of the seminar was to familiarize a broad group of Georgian jurists with the general principles of modern administrative law. An additional goal was to inform the leading players from the West about the local situation. A range of activities has also been planned for 1998. The expenses will be shared by USAID, GTZ, the Council of Europe and the Dutch Ministry of Foreign Affairs.

#### *Eritrea: Civil Law Legislation*

After Eritrea became independent from Ethiopia in 1991, the Ethiopian Civil Code remained in force during the transition. However, this Civil Code, which was written by a French civil-law expert, did not satisfy the ambitions of Eritrea. Nor did it comply with the modern international standards in the area of civil law.

On the request of the Eritrean government, CILC selected a team of Dutch experts to rewrite Eritrea's Civil Code. The World Bank pointed out to the Eritrean government the Netherlands' successful experiences in international cooperation in the area of civil legislation. Although CILC is generally of the opinion that it is not practical to have outsiders write legislation for other countries, that is in fact what happened in this case. It was the express wish of the Eritreans to have the concepts and objectives they described, translated into concrete legal texts.

The Eritreans asked the Dutch experts to devote special attention to the unequal treatment of men and women as reflected by the current Eritrean Civil Code. In August, the first talks took place with the Eritrean Minister of Justice and the Eritrean legislation team, after which the Dutch group made a start. The first section of the rewritten Civil Code was sent to the Eritrean legislation team in December 1997. The Eritrean government is paying for the project from funds made available by the UNDP.

#### *Commonwealth of Independent States (CIS): Assistance in the drafting of Civil Law Model Legislation*

This project, launched and financed in 1995 by USAID, has been continued with funding provided by the Dutch Ministry of Foreign Affairs since 1996. The objec-

*Professor Joachim Hermann of Augsburg University, Germany on the division of tasks between the public prosecutor and the police:*

*"When the preparation of an ordinary criminal case is compared to the preparation of a pizza, then in the US and most of Europe, the police force is the chef in the kitchen of the pizzeria, the prosecutor stands in the door of the kitchen and receives the pizza once it is ready for baking and puts it in the oven (before court). Whereas in the old Soviet system, the prosecutor is the chef."*



*Model Mortgage  
Law Session for the  
CIS, Kyrgyzstan.  
From left to right:  
Prof. E. Feldbrugge,  
M. Gorbunov,  
J.F. van Olden,  
W. Snijders (photo:  
Eric Vincken)*

tive is to provide the assistance of Dutch and other foreign experts for a process of legislation that was initiated by the Interparliamentary Assembly of the CIS.

In this process legislation jurists from different countries in the CIS gather together to harmonize their separate but comparable attempts to reform their civil law. It was decided to produce model codes which could be used by the different states as a guideline in preparing their own legislation. The model codes are not binding and, in practice, are used in very different ways by individual states. Some countries, such as Armenia, base their national civil law chiefly on the Model Civil Code, while others, including Georgia, take an entirely different route.

After completion of the three separate sections of the Model Civil Code between 1994 and 1996, a start was made on the *Model Law on Joint-Stock Companies* project in 1996. This was continued in 1997 during a follow-up meeting in St. Petersburg. In view of the complexity of the issue, only part of the Model Law on Joint-Stock Companies was drafted and it was decided to discuss bankruptcy law and mortgage law in the following sessions. It was not until November that another consultation session took place to discuss joint-stock companies, this time in Leiden with Dutch, German and American experts. A First Draft of the model law was the result, however one or two more sessions will be needed in 1998 to complete this complex matter.

On February 24 and 25, a conference was held in St. Petersburg on national developments in the civil law of the separate member states of the CIS. A conference took place in Bremen in early March, organized by the *Gesellschaft für Technische Zusammenarbeit (GTZ)* and the *Stiftung für Internationale Rechtliche Zusammenarbeit*. The objective was to harmonize the different initiatives in support of the model legislation process and the national codification of civil law. In the final statement, the participants, including representatives of the CIS member states, USAID, the Council of Europe, the World Bank, the EU and the Dutch Ministry of Foreign

Affairs, expressed the wish that national parliaments would accept the new laws as soon as possible and for international organizations to harmonize their activities as closely as possible in order to avoid counterproductive competition.

On that occasion, Jan F. van Olden, CILC's director, emphasized that such coordination at donor-institute level can only lead to optimum results if the various executive bodies work together effectively during implementation. Since the conference in Bremen, the German GTZ has contributed to the financing of the project.

The first consultation on Bankruptcy Law took place in Tbilisi (Georgia) from May 12 to 21. Finally, a session was held in Cholpon Ata (Kyrgyzstan) from June 30 to July 7 on mortgage legislation, resulting in a Model Mortgage Act.

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

Within the framework of the EU's Tacis program, centers to meet the need for advice on a broad spectrum of political and judicial issues are being founded in several countries of the former Soviet Union. 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 in which CILC participates and that is headed by the German organization GTZ. The center will probably be operational by spring 1998. The judicial advice will focus on the harmonization of legislation with EU law and on Georgia's entry into the World Trade Organization (WTO).

*Georgia: Penal Code and Code of Criminal Procedure*

In 1997, contacts with Georgia and the American Rule of Law Consortium resulted in CILC being asked to organize a consultation in the Netherlands on Penal Law and Criminal Procedure Law. The meeting took place in Leiden in February. Unfortunately, CILC did not receive the information from Georgia that was needed to compile a well-directed program on time. Both draft codes were revised after the session, but the sessions could have been more effective if more information had been available beforehand.

The presence of a number of key figures in the judicial reform process in Georgia prompted the calling of a coordination meeting with the representatives of the Council of Europe, USAID, GTZ and CILC. During the meeting, agreements were made concerning future cooperation.

A second consultation on law of criminal procedure took place in Tbilisi in May and was organized in cooperation with the Council of Europe and USAID. This gathering, too, was used to call simultaneous coordination meetings.

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*Moldova: Civil Law Legislation*

On request of the German organization GTZ, Dutch experts were asked to give advice on a draft Civil Code for Moldova. CILC found two experts willing to provide written commentary on the draft. One of them took part in a discussion of the draft in Chisinau, Moldova. It is expected that two more similar sessions



will be held on an ad-hoc basis, but due to uncertainty on the Moldovan side about the composition of the legislation team, no appointments could be made.

*Mongolia: Participation in the Model Legislation Project for the CIS*  
Although Mongolia is not a member of the CIS, the country participates in the CIS sessions for the creation of civil law model legislation. The processes that Mongolia has undergone are comparable to those in the CIS countries. On the request of CILC, the Dutch Ministry of Foreign Affairs funded the participation of the Mongolian legislation jurists in the model legislation sessions as in previous years.

*Ukraine: Ukrainian European Policy and Legal Advice Center*  
The Ukrainian Policy and Legal Advice Center (UEPLAC) in Kiev, comparable to GEPLAC mentioned above, opened its doors in April 1997. CILC is a member of the consortium charged with the execution of this project and which is headed by the German *Stiftung für Internationale Rechtliche Zusammenarbeit*. CILC's main role is to deploy and support a Dutch 'long-term expert'. The project, which is being financed by the Tacis program of the European Union, is due to terminate in April 1998 but is very likely to be extended.

### 3.2. INTER-UNIVERSITY COOPERATION

*Indonesia: Cooperation in Criminal Law Research*

CILC is the contract holder of the *Common Roots, Separate Developments* project, which was launched in 1997 and focuses on comparative research into the Indonesian and Dutch legal systems. In April, two Dutch researchers began their doctoral research on penitentiary law and criminal procedure.

CILC took on a project coordinator for one day a week to coordinate the activities and contacts with the organization's Indonesian counterpart. The coordinator is also responsible for the translations, including the translation of the Indonesian Penal Code into Dutch. The first draft of Volume I was completed in 1997.

During a working visit to Indonesia in June, talks were held with the Indonesian counterparts: the *Universitas Diponegoro* in Semarang, the *Konsorsium Ilmu Hukum*, the *Universitas Indonesia* and other involved parties. During this visit, the first selection was made of the Indonesian research candidates to conduct criminological research in the area of juvenile criminal law. One other Indonesian research candidate was selected later in the year and will be carrying out research into 'Hatred-inciting articles and the critical role of the press' and 'Victims of crime and the penal system'.

During the visits to the Netherlands of three of the Indonesian professors involved in the research, the different research topics were discussed with the Dutch researchers involved and agreements were made as to the continuation of the project. It is the intention that three Indonesian researchers come to the Netherlands for three months in 1998 and a Dutch researcher goes to Indonesia for a period of the same length. The Royal Dutch Academy of Sciences is financing the research.

*Russia: Cooperation with the State University of Moscow in curriculum development*

This three-year project ended at the end of August 1997. The project was financed by the EU's TEMPUS program and the administrative and organizational management was in the hands of CILC. The project got off to a slow start, but enjoyed an enormous increase in activity in the final year. Interest in participating in the exchange program increased with raised awareness of the program.

With the goal of developing new educational material, twenty Russian professors and lecturers stayed for periods varying from two weeks to three months at the law faculties of one of the three participating universities at Leiden, Nijmegen and Leuven (Belgium). Two future lecturers at the faculty in Moscow stayed in Leiden and Nijmegen for eleven months and twenty Russian university students studied at one of the three aforementioned universities for a period of three months.

In April, a group of ten Russian students visited the Netherlands and Belgium to familiarize themselves with the most important institutions in the Dutch and Belgian legal systems. In addition, they visited the EU institutes in Brussels.

Five law students from the Netherlands and Belgium attended a course on Russian law in Moscow for six months and several Dutch professors and lecturers gave guest lectures at the law faculty in Moscow. Material support, in the form of books, computers, copiers and other technical aids, was made available to the faculty.

**A RUSSIAN AND A DUTCH PROFESSOR  
IN THEIR EVALUATION REPORTS ABOUT THE EXCHANGE  
PROGRAM OF THE TEMPUS PROJECT:**

*Yu. Kozlov, Professor of Criminology at the Law Faculty of Moscow State University about his stay at Leiden University:*

*"I spent a lot of my time in the Leiden law faculty library and I attended the LLM course on criminology. I discussed problems of criminology with my Dutch colleagues and learned about some interesting new crime prevention programs. I will use the information collected in Leiden in my criminology course next semester. In addition, I'm going to write a new criminology textbook using all the materials I have gathered in Leiden."*

*C. Kortman, Professor of Constitutional Law at Nijmegen University on his stay as a guest lecturer at Moscow State University:*

*"My teaching at my home university will increasingly cover aspects of Russian constitutional law. I appreciated the interest shown by the Russian teachers and students. It was a fruitful stay, but too short."*

Despite the increase in activity in the final year, the project did not come close to achieving the number of visits planned. At an early stage it became clear that the quantitative goals that had been set were too ambitious and that there was less manpower available for the project in Moscow than had been originally estimated. However, it was impossible to adjust the goals within the guidelines of the TEMPUS program. In spite of this, the project was considered highly useful by the law faculty in Moscow and the other faculties involved.

*Russia: Cooperation in the area of European Law with the Moscow State Academy of Law*

This project, which was considerably smaller in scale than the aforementioned TEMPUS project, is a joint project with the Moscow State Academy of Law (MSAL). This institution operates under the auspices of the Russian State Committee (Ministry) for Higher Education and offers full-time education and distance learning. The project focuses specifically on assisting the institute in the founding of a chair for European Law. The project was extended for one year in 1996 and was wound up at the end of September 1997.

In the previous academic year, a considerable effort was made in Moscow to produce a textbook on European Law. It was completed in October and was offered to representatives of the Russian State Committee for Higher Education and the Dutch Embassy during a seminar. It is the first textbook on European Law written by Russians to be published in Russia, and meets the increasing need among Russian jurists for knowledge of the EU.

A major investment was made in the founding of a European Law Documentation Center at the MSAL. In addition to a large quantity of literature, computers, data banks on CD-ROM and subscriptions to periodicals were purchased, on the recommendations of the Dutch T.M.C. Asser Institute.

The objectives of the project were achieved with money to spare. Currently, proposals are being formulated for follow-up activities that can be undertaken with the surplus funds.

*Russia: The founding of an Institute for European Law at the Moscow State Institute for International Relations*

This large-scale project is being executed by a consortium of German, English, Dutch, French, Italian and Greek organizations under the auspices of the Johann Wolfgang Goethe University in Frankfurt. As a partner in the consortium, CILC is chiefly responsible for financial administration and logistics. The project, which is being funded by the EU's Tacis program, was launched in January 1997 and is scheduled for completion in January 2000. In the first year, a great deal of time was spent on writing an inception report and drawing up the definitive budget. In addition, agreement had to be reached by all the parties involved on a number of crucial points. From September, a start was made on planning guest lectures and exchanges involving computer experts from the Dutch T.M.C. Asser Institute and MGIMO and involving EU and Russian lecturers.

*Belarus: Cooperation with Minsk State University*

The T.M.C. Asser Institute is the main Dutch player in this project, the objective of which is to facilitate the entry of Minsk State University into Asser College Europe. The activities included post-doctoral study visits to the Asser Institute, the sending of legal literature and the participation of a Belarussian documentalist in a course for law librarians. CILC's contribution consisted of the organization of a number of guest lectures at the State University in Minsk. The project was finished at the end of 1997. No follow-up has been planned.

### 3.3. IMPLEMENTATION OF LEGISLATION

*Mongolia: Judge Training Program*

In May, a proposal was submitted to the Dutch Ministry of Foreign Affairs for multi-year cooperation with the judiciary in Mongolia. The objective of the collaboration was to provide support for the Mongolian judiciary in its efforts to improve the education and further training of judges. By 'twinning' Dutch and Mongolian judges, training programs in six different areas will be developed, which can subsequently be used by the Mongolian trainers in their courses.

CILC is the contract holder of the project; the other Dutch participants are the Netherlands Helsinki Committee (NHC) and the Judicial Training and Study Center of the Netherlands (SSR). In the course of 1997, CILC was asked to clarify a number of points in the proposal. Approval is expected soon, after which the project can begin in September 1998.

*Mongolia: Organizing court administration*

As part of a larger American program on court administration with Kyrgyzstan, Kazakhstan and Mongolia, a Dutch expert addressed a seminar in Washington in September on the independence of jurisprudence in a changing economic situation.

As a follow-up to that seminar, two other Dutch experts visited the Mongolian capital city of Ulaanbaator from December 16 to 24 in order to gain greater insight into the organization of local court administration and to make further recommendations. It is the intention to continue working together in 1998 in this area with the Rule of Law Consortium in Washington and the Constitutional and Legislative Policy Institute (COLPI) in Budapest. The project will be incorporated as much as possible into a project with Kyrgyzstan to be submitted in 1998.

*Ukraine: Judge Training Program*

This joint project of the Netherlands Helsinki Committee and CILC was financed by the Matra program of the Dutch Ministry of Foreign Affairs and ended on December 31, 1997. From September 1995 a series of short, intensive courses were held for judges in various towns in Ukraine on these subjects: civil and commercial law and the role of the judiciary in a democratic society.



*Delegation from St. Petersburg Law Institute of the Russian Prosecutor's Office with the Dutch experts Professor M. Groenhuijsen (fourth from left) and Professor N. Keijzer (third from right) in The Hague, September 1997. (photo: Alexander Vinogradov)*

In January, June and November 1997, the final three civil-law seminars in Ukraine were held, which, in addition to providing training, were intended to generate greater support among judges for the implementation of the new Ukrainian Civil Code. Several Dutch experts took part in the seminars.

In September, the project was evaluated in Kiev and the final seminar on fair trials took place. The project ended on December 31, 1997. A proposal for a follow-up project will be submitted to the Matra program of the Dutch Ministry of Foreign Affairs in 1998.

#### *Ukraine: Implementation of the new Civil Code*

This one-off activity was financed by the EU's Bistro program and the Ukrainian Legal Foundation (ULF). CILC's contribution consisted of providing a Dutch expert for a meeting in Bonn in March to discuss the interim provisions that must be used for the implementation of the new Civil Code in Ukraine.

#### *Russia: Training of the Russian 'Prokuratura'*

This project was developed in 1996 in close cooperation with USAID. For political reasons, USAID later decided to provide less support for the program, after which CILC sought further funding from the Matra program (Dutch Ministry of Foreign Affairs). The funding was allocated in May 1997. The project concentrates on the modernization of the educational program of the Training Institute of the Public Prosecutor's Office of Russia (*Prokuratura*) in St. Petersburg.

With this objective in mind, a Dutch expert in criminal law selected 1,500 pages of judicial literature containing modern western concepts on criminal law and law of criminal procedure. These texts were translated into Russian by a Muscovite group of specialized translators. The resulting set of four

## TENDERING PROCEDURES

*A new development in CILC's work of recent years is its participation in tendering procedures for European Union and World Bank legal-reform projects. For participating in a tendering procedure, usually a consortium is formed consisting of organizations from at least two EU countries. This often results in intensive and interesting contacts with fellow organizations in the EU that one would otherwise not be aware of.*

*The preparations for participating in a tendering procedure require a considerable time investment. Suitable EU partner organizations have to be found in order to form a consortium, task divisions must be negotiated, experts selected and a detailed program and budget drawn up, without there being any guarantee of success.*

*A significant difference from other projects is that there is no involvement at the early stage of the drafting of terms of reference and the selection of the partner organization in the target country. In other cases, without competitive bidding, CILC develops a project at the request of, and together with, a partner organization with which it already has contact before it approaches a donor organization for project funding.*

*In 1997 CILC co-managed as member to a consortium an EU project aimed at the founding of an institute for European Law in Moscow; won, as member to a consortium, two EU tenders for the establishment of European Policy and Legal Advice Centers in Georgia and Ukraine; and participated in a number of other EU and World Bank tenders, some of which were lost, others with a result as yet unknown.*

bundles with unique Russian-language material served as background material for lecturers at the training institute for the purpose of deepening their knowledge and understanding of new concepts in criminal law. Later a select group of lecturers visited the Netherlands in September in order to discuss the material they had studied with a number of experts and to lay the foundation for the new educational material they would be developing. The project, which runs until the end of 1998, should result in a series of twenty booklets on different criminal-law subjects. The booklets will be distributed on a large scale in Russia, also to target groups other than the Public Prosecutor. Because the cooperation with the training institute was described as successful by those involved, plans are currently being developed for follow-up activities.

### 3.4. OTHER PROJECTS

#### *Indonesia: Indonesian-Dutch Legal Dictionary*

This multi-year project began in August 1993 with financial support from the Dutch Ministry of Justice. Since 1995, the Dutch KNAW has contributed half of the cost of the project within the framework of Dutch-Indonesian Cultural and Scientific Cooperation.

Four part-time editors, employed by CILC, are working on the dictionary. In Indonesia, the National Institute for Legal Development (BPHN) is working on a Dutch-Indonesian Thesaurus, which is more limited in scope than the dictionary.

In 1997, those involved worked hard to enter and process the legal terms. However, the comparative nature of the dictionary made it difficult to set a realistic schedule, which caused the project to further delay in 1997. For every term, time-consuming comparative-law research must be carried out before the best translation can be selected. In order to make up for lost time, a great deal of time was spent evaluating and adjusting the working method used on the basis of the experience acquired.

#### *Indonesia: Dutch-Indonesian Legal Dictionary*

In the 1996 Annual Report it was announced that this dictionary would appear in 1997. The project represents the continuation of an activity from the collaboration with Indonesia dating from before 1992. What was initially begun as a glossary has grown into a full-size dictionary. Although the dictionary was completed some time ago, it could not be published due to problems with the publisher in 1997. It is likely to be published in 1998.



*Moldovan judges in the Netherlands with deputy procurator general in Amsterdam B.E.P. Myjer (with pipe), November 1997 (photo: Alexander Vinogradov)*

*Indonesia: Cooperation between the Ministries of Justice*

Unfortunately, the anticipated ministerial cooperation with Indonesia, in which CILC would be playing a coordinating role, did not get off the ground in 1997. At the time of the writing of this report, positive new developments are taking place. The new Indonesian Minister of Justice, Professor H. Muladi SH, has announced that he wishes to give the cooperation high priority and to get started as soon as possible.

*Moldova: Strengthening Judicial and Legislative Systems*

This project, carried out under the auspices of the UNDP, is being funded by the Dutch Ministry for Foreign Affairs. It is part of a broader UNDP program entitled *Governance and Democracy in Moldova* and was launched in August 1996. CILC is coordinating the Dutch contribution of experts to the project, which is comprised of three components. The first is the legislation component, which was altered considerably in 1997 at the request of the Moldovan Ministry of Justice. Legislation courses and the appointed legislative-advice coordinator were dropped from the project. Dutch experts wrote five commentaries on bills, including the Law on the Bar, the Law on the Public Notaries and the Election Law.

QUOTES BY DUTCH JUDGES WHO PARTICIPATED  
IN A SEMINAR FOR MOLDOVAN JUDGES  
IN THEIR EVALUATION REPORT ON MOLDOVA

*J.J. Makkink: "There is a lot going on and one can only respect the small number of judges, bereft of support, who endeavor to shape those changes conscientiously and with obvious courage. It is refreshing and it makes you realize what an enormous achievement a mature legal system with an inherent judicial culture is."*

*K. Kleinrensink: "In addition, we have the feeling that it has become a real intercultural exchange, which was useful for the Moldovans and the Dutch. In our opinion, this seminar has led to mutual understanding and insight into each other's position."*

*Willy M.E. Thomassen: "The contribution made by the Moldovan experts as speakers played an important role. It was interesting to discuss and compare the Moldovans' experiences and the Dutch and European experiences. In general, this set-up seemed to bring about a greater degree of equality and activate the discussion. Everyone showed great commitment to every component. Emotions ran so high during the discussion on family law, particularly when the subject was orphans, children's homes and the adoption of Moldovan children by foreign parents, that the program ran over time."*



The second component, a judge training program, began in 1997 with a visit by a number of Moldovan judges to the Netherlands for the purpose of developing material for a course in Moldova and studying the Dutch judicial system. In the course of 1997, the course on the European Convention on Human Rights was given four times in different locations in Moldova. At the end of the year, a start was made on the development of a follow-up course, which is to be given six times in Moldova. This course aims to deepen the knowledge acquired during the first course.

The third component of the project comprises the cooperation between the University of Chisinau in Moldova and Maastricht University in the Netherlands. Within this framework, different grants for short and long-term stays in the Netherlands were given to Moldovan lecturers and researchers. Two Dutch experts visited Chisinau in order to select candidates for the grants and to make agreements on the further implementation of the inter-university cooperation.

In November, an interim evaluation of the project was carried out. In a series of talks with the Moldovan partners in the project and representatives of the UNDP, it emerged that the parties were generally satisfied with the project. However, it was observed that the objectives of the inter-university cooperation had not been met and that extra effort on that component of the project was needed.



*Appendix*  
*Schematic overview of all projects*

## Legislation

Country	Project	Donor	Duration	Remarks
Armenia	Civil Law Legislation	USAID/Rule of Law Consortium	Dec. 1995 - Jan. 1998 (sessions financed on ad-hoc basis)	Partly jointly with the <i>Gesellschaft für Technische Zusammenarbeit</i> (GTZ)
Armenia	Legislation Criminal law and Criminal Procedural Law	USAID/Rule of Law Consortium	Oct. 1996 - present	Partly jointly with the Council of Europe
Armenia	Legislation Administrative Law	USAID/Amex	Oct. 1997 - present	Partly jointly with the Council of Europe
CIS-countries	Model Legislation Civil Law	Dutch Ministry of Foreign Affairs (Matra) and GTZ	Jan. 1995 - Nov. 1998	Jointly with GTZ/IOERR
Eritrea	Civil Law	UNDP	Sept. 1997 - present	Jointly with University of Amsterdam
Georgia	Legislation Criminal Law and Criminal Procedural Law	USAID/Rule of Law Consortium	Jan. 1997 - present (sessions financed on ad-hoc basis)	Partly jointly with the Council of Europe
Georgia	Legislation Administrative Law	USAID/Amex/Dutch Ministry of Foreign Affairs (DGIS)	Oct. 1997 - present	Partly jointly with the Council of Europe
Georgia	Policy and Legal Advice Centre (GEPLAC)	GTZ/Tacts	Nov. 1997 - May 1999	Main contractor: GTZ
Mongolia	Participation in the Model Legislation Project for the CIS	Dutch Ministry of Foreign Affairs (DGIS)	Jan. 1995 - June 1999	Funding not yet approved for the period of Sept. 1997 and onwards
Ukraine	Policy and Legal Advice Center (UEPLAC)	European Union (Tacts)	May 1997 - May 1998	<i>Stiftung für Int. Rechtliche Zusammenarbeit</i>

## Implementation

Country	Project	Donor	Duration	Remarks
Mongolia	Judge Training Program	Dutch Ministry of Foreign Affairs (DGIS)		Proposal submitted in 1997
Russia	Training <i>Prokuratura</i>	Dutch Ministry of Foreign Affairs (Matra) and USAID	June 1996 - December 1997	Jointly with the University of Tilburg
Ukraine	Judge Training Program	Dutch Ministry of Foreign Affairs (MATRA)	Terminated as of Oct. 1997	Jointly with the Dutch Helsinki Committee
Ukraine	Implementation of New Civil Code	Ukrainian Legal Foundation	Terminated as of March 1997	<i>Stiftung für Internationale Rechtliche Zusammenarbeit</i>

## Universities

Country	Project	Donor	Duration	Remarks
<b>Belarus</b>	Cooperation with the State University of Minsk	Dutch Ministry of Foreign Affairs (Matra)	Terminated as of September 1997	In cooperation with T.M.C. Asser Institute, The Hague
<b>Indonesia</b>	Joint Criminal Law Research	Royal Netherlands Academy of Sciences (KNAW)	April 1997 - April 2001	In cooperation with Leiden University
<b>Russia</b>	EU/Tempus project with Moscow State University	European Union (Tempus)	Terminated as of September 1997	In cooperation with Nijmegen, Leiden and Leuven universities
<b>Russia</b>	Cooperation with the Moscow State Academy of Law	Dutch Ministry of Education, Cultural Affairs and Sciences (CROSS)	Terminated as of October 1997	In cooperation with Open University, Erasmus University, Universities of Tilburg and Leuven
<b>Russia</b>	Founding of an Institute of European Law at Moscow State Institute for International Relations (MGIMO)	European Commission (Tacis)	January 1997 - January 2000	In cooperation with Goethe University and T.M.C. Asser Institute, The Hague

## Other projects

Country	Project	Donor	Duration	Remarks
<b>Indonesia</b>	Indonesian-Dutch Legal Dictionary	Dutch Ministry of Justice/Royal Dutch Academy of Sciences	August 1993 - December 1999	
<b>Indonesia</b>	Dutch-Indonesian Legal Dictionary	Foundation for Legal Scientific Cooperation between Netherlands and Indonesia	May 1993 - May 1997	
<b>Indonesia</b>	Cooperation between the Dutch and Indonesian Ministries of Justice	Dutch Ministry of Justice	Depends on Indonesian Funding	"Memorandum of Understanding" established
<b>Moldova</b>	Strengthening Judicial and Legislative Systems	UNDP/ Dutch Ministry of Foreign Affairs (DGIS)	November 1995 - November 1999	

