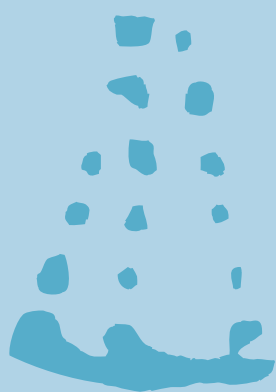


CENTER FOR INTERNATIONAL  
LEGAL COOPERATION

# *Annual Report* 2005



1985 2005



## MISSION STATEMENT

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

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

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

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

*Center for International Legal Cooperation*  
*Annual Report 2005*



# *Annual Report* **2005**



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CENTER FOR INTERNATIONAL LEGAL COOPERATION

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# Introduction

The Center for International Legal Cooperation (CILC) provides expert assistance to development and transition countries engaged in legal and judicial reform. Our activities are predicated on stakeholder commitment to reform and the desire for outside assistance. As CILC's expanding project portfolio shows, these preconditions exist and the number of requests for cooperation continues to rise. The growth also reflects the respect which CILC has earned as a valuable partner in its field.

In 2005, CILC handled a total of 62 projects and prospective projects in 28 countries, compared to 42 projects in 25 countries in 2004.

To meet the increased demand for Dutch expertise, we called on more judges, academics, lawyers, bailiffs and other legal professionals than ever to share their experience with their peers in developing and transition countries. CILC is fortunate indeed that so many of these distinguished experts, who form the backbone of our work, are prepared to take time off from their usual commitments, or their vacation time, to participate in our missions.

Perhaps their willingness to do so indicates a longing for the kind of personal reward that cannot be calculated in billable hours or caseloads managed. Gaining a firsthand impression of how legal professionals in other countries work, often under appalling conditions, certainly provides a fresh perspective on what is most important about individual contributions to the legal and judicial fabric of society.

In 2005, CILC celebrated the 20th anniversary of its founding as an organization dedicated to international legal cooperation. The well-attended seminar held to mark the occasion was a great success, and I commend CILC's staff for having worked very hard to achieve that goal. My thanks also go to speakers Jan Michiel Otto, Maria Dakolias, Menberetsehai Tadesse and Halyna Freeland, and to Ruud

Treffers, who opened the seminar on behalf of the Dutch Ministry of Foreign Affairs.

Looking ahead, it is clear that CILC's work is far from done. As the world becomes a global village in terms of trade, politics, migration and the biosphere, strengthening the rule of law in developing and transition countries is a vital challenge. CILC's aim is to be a relevant resource center for legal and judicial reform. I can see some shifts in geographical focus as well: from Central to Southeastern and Eastern Europe, and, increasingly, to Africa, Asia and the Arab world.

Rule of law activities have concentrated on legislation, the functioning of the judiciary, and academic legal education and professional training. In the future, the role of paralegals, mediation, legal aid and legal assistance will also require our attention.

It is incumbent on CILC to adapt to its environment. But that is not a bad thing.

A final word on our Annual Report: This year we break with the tradition of summarizing the legal and judicial reforms in the countries and regions in which we are active. That attempt to provide a context for our activities eventually became too repetitious in view of the inevitably slow nature of the reform process. Instead, CILC reports on two broader areas of interest: Senior Project Manager Eric Vincken looks at the impact of European law and legal standards on both old and new EU member states; and CILC's external associate editor, Cara Michelle Morris, surveys legal and judicial developments in Turkey based on material provided by Senior Project Manager Abdeljalil Taktak. Readers of this Annual Report are sure to find both analyses as interesting as I did.

Dr. Marten Oosting  
CILC Chairman

# 2.

## CILC in 2005

### 2.1 The Organization

#### *Governance*

Early in 2005, two CILC Executive Board members stepped down from the board in connection with CILC's new Rwanda project under the Netherlands Programme for Institutional Strengthening of Post-secondary Education and Training Capacity (NPT). The project provides assistance to two Rwandan law faculties.

The board's treasurer, Herman Vriesendorp, resigned to avoid a possible conflict of interest with his position at the Netherlands Organization for International Cooperation in Higher Education (Nuffic), which runs the NPT for the Dutch government. He was replaced as treasurer by Joost Steevens, director of Erasmus University's School of Law in Rotterdam.

Roelof Haveman left the board when he moved to Kigali for three years as the project's long-term resident expert. His seat was taken over by Prof. Jan Michiel Otto, director of the Van Vollenhoven Institute for Law, Governance and Development at Leiden University's Faculty of Law. He was one of the founding members of CILC in its original incarnation.

CILC greatly appreciates the contributions of Mr. Vriesendorp and Mr. Haveman.

Later in the year, Sjoerd Gosses joined the Executive Board. He had recently retired from the Dutch Foreign Service, having served as Director-General for European Affairs and as ambassador to Warsaw and Ankara.

The new Hague Institute for the Internationalization of Law (HIIL) and the Royal Dutch Organization of Court Bailiffs were given seats on CILC's Board of Trustees.

#### *Staff and Administration*

2005 saw the hiring of an additional project manager and of Dilia Ham as a project assistant, in line with a decision taken in 2004 to recruit assistants to work with project managers. Due to the growth in project volume a third assistant was needed, as well as more capacity in the financial unit, but these hirings were postponed to the 2006 budgetary year.

Counseled by its accounting firm, KPMG, CILC further improved its system for the financial monitoring of projects and the general administration.

Based on a new service level agreement, CILC upgraded its IT equipment and network, with all the teething trouble that a switch in software and hardware inevitably entails. A database update was postponed to 2006.

Following the example of Dutch universities, CILC implemented a new system for human resource development, with annually agreed SMART performance and personal development indicators.

CILC took on several interns and volunteers in 2005 (see Appendix II). One of them, Adeline Tibakweitira, continued to work at CILC in 2006.

#### *External Relations*

Given our focus on the role of international expertise in enhancing the rule of law in developing and transition countries, it is essential for CILC to maintain good relations with the institutions that are the source of that expertise: law faculties, courts, prosecution services and professional associations. We continued to do so in 2005, and our 20th anniversary conference provided an excellent opportunity for relationship management.

Good relations with the Dutch Ministry of Foreign Affairs and Ministry of Justice are equally important.



PHOTO: ALEXANDER VINOGRADOV

Ruud Treffers, Director-General for International Cooperation at the Dutch Ministry of Foreign Affairs, addressing CILC's 20th Anniversary Conference on November 22, 2005

The appreciation for CILC's work shown in 2005 by the minister of foreign affairs and the minister for international cooperation were very encouraging. It was also a sign of goodwill that Ministry of Foreign Affairs' Director-General for International Cooperation was prepared to open the anniversary conference.

Although strictly speaking CILC is not part of the network of international legal institutions based in The Hague ("city of peace and justice"), it has close contacts with such established institutions as the Hugo Grotius Foundation, the T.M.C. Asser Instituut and the Netherlands Institute of International Relations (Clingendael), as well as with newcomers like the Hague Institute for the Internationalisation of the Law and the Hague Forum for Judicial Expertise.

In 2005, CILC Director Kees Kouwenaar was elected to the Executive Board of the Association for Law and Administration in Developing and Transition Countries (Aladin).

## 2.2 Projects

CILC launched four Matra-funded projects at the start of 2005: in Poland, Serbia-Montenegro, Russia and Ukraine. The Dutch Ministry of Foreign Affairs' Matra program was favorably evaluated in 2005. CILC had contributed significantly to it with projects in Lithuania and the Czech Republic.

### FOCUS ON INTERNATIONAL LEGAL COOPERATION

CILC NEWSLETTER

[\[www.cilc.nl/focus.html\]](http://www.cilc.nl/focus.html)

ARTICLES PUBLISHED IN 2005:

#### Focus No. 17 (May 2005)

- *Ljubljana District Court: Learning from the Dutch Experience with Court-Annexed Mediation*
- *Academic Cooperation with Indonesia: Improving Indonesian Legal Education*
- *Legislative Reform in Russia: Dutch Expertise in Demand*
- *Revamping Ethiopia's Justice Sector: CILC Report Presents Reform Proposals*
- *Rule of Law Facility: Update on TMF-Funded Short-Term Projects*
- *How Close Is Macedonia to Codifying a Civil Code?*
- *Making the Right to Fair Trial a Reality*
- *Work in Progress: Spotlight on CILC Staff – Senior Project Manager Eric Vincken*
- *Focus on Partner Organizations: The Netherlands Bar Association*

#### Focus No. 18 (November 2005)

- *CILC Seminar: Turkey's Road to Europe*
- *New Project in the Caucasus: Administrative Law Reform in Azerbaijan*
- *EU Project in Turkey: Supporting Turkish Preparations for Intermediate Courts of Appeal*
- *CILC Training Course: Indonesian Legal NGOs Broaden Project Management Know-How*
- *Human Capacity Development in Uganda: Training Prison Staff and Police Officers*
- *Letter from Rwanda*
- *Rule of Law Facility: Contractual Obligations in Georgia*
- *Work in Progress: CILC's Woman in Warsaw – Contract Lawyer Aneta Wiewiorowska-Domagalska*
- *Focus on Partner Organizations: Partners in Indonesia*

## PROJECTS OVERVIEW 2005

				Reform strategy	Legislation	Implementation of legislation	Strengthening the Judiciary	Judicial academy	Law schools	Law enforcement	Bar Association and/or Legal Aid	Paralegals	Mediation & ADR	Civil society
4.1	Europe	Czech Republic	Judicial Academy Project					X						
4.1	Europe	Czech Republic	Jurisprudence Project					X	X		X			
4.1	Europe	Estonia	Competence in European Law				X							
4.1	Europe	Lithuania	Training Administrative Courts II				X							
4.1	Europe	Lithuania	Civil Procedure Code		X									
4.1	Europe	Macedonia	Court Modernization				X							
4.1	Europe	Poland	Support to the Drafting of a New Civil Code for Poland		X									
4.1	Europe	Serbia and Montenegro	Strengthening Administrative Justice in Serbia				X							
4.1	Europe	Slovenia	Court-Annexed ADR Programmes										X	
4.1	Europe	Turkey	Support to the Establishment of Courts of Appeal in Turkey				X							
4.1	Europe	Turkey	Strengthening the Justice Academy in Turkey					X						
4.2	CIS	Azerbaijan	Administrative Procedure Code in Azerbaijan		X									
4.2	CIS	Georgia	TMF Contract Law			X								
4.2	CIS	Moldova	The Civil and Commercial Judiciary				X							
4.2	CIS	Russian Federation	Assistance to Arbitration Courts in the Russian Federation				X							
4.2	CIS	Russian Federation	Strengthening Russia's Legislative Framework		X									
4.2	CIS	Ukraine	Implementation of the Ukrainian Civil Code			X								
4.2	CIS	Ukraine	Strengthening European and Comparative Law at Ukrainian Universities						X					
4.3	Asia	China	TMF Academic Cooperation: Civil Law (Identification Mission)		X				X					
4.3	Asia	Indonesia	Pilot Project to Strengthen Indonesian Academic Legal Education						X					
4.3	Asia	Indonesia	Commentary on Indonesian Criminal Law		X						X			
4.3	Asia	Indonesia	Feasibility Study on Enhancing Academic Legal Education and Training						X					
4.3	Asia	Indonesia	Project Management Training for Two Indonesian Legal NGOs											X
4.4	Africa	Benin	Integrated Reinforcement of the Legal and Judicial System				X							
4.4	Africa	Ethiopia	Baseline Study for Ethiopia's Justice System Reform Program	X										
4.4	Africa	Madagascar	Consolidation of the Rule of Law				X			X	X			
4.4	Africa	Mali	Training for Paralegals: Preparatory Phase									X		
4.4	Africa	Rwanda	Strengthening the Law Faculties of the ULK and UNR in Rwanda						X					
4.4	Africa	Uganda	Strengthening the Capacity of Prison and Police Training Institutions							X				
4.5	Arab World	Palestinian Territories	Empowering the Palestinian Judicial System				X							
4.5	Arab World	Yemen	TMF Judicial Support Program				X							
4.6	Worldwide	Worldwide	TMF Rule of Law Facility		X	X			X			X		
4.6	Worldwide	Worldwide	EC Framework Contract, Lot 7											

CILC expanded its activities in Africa. The Ethiopian government approved CILC's baseline study for judicial reform, NPT projects got underway in Rwanda and Uganda, and a paralegal training project, funded by the Dutch foreign ministry's Theme-based Program for Development Cooperation (TMF), was launched in Mali.

Preparations for a major project for the Dutch Council for the Judiciary on establishing Turkish appeals courts took most of the year.

CILC handled 62 projects in 2005, up from 42 in 2004. The focal range was broad, covering legislative reform (in Poland, China, Russia and Azerbaijan); efforts to strengthen the judiciary (in Yemen, the Czech Republic and Russia); legal education and training (in the Czech Republic, Rwanda and Indonesia); implementation of legislation (in Ukraine, Georgia and Lithuania); and specific topics such as the provision of training for police, prison officers or paralegals.

Far from reflecting a lack of focus or policy direction, the scope of CILC's activities is the result of a deliberate decision to be demand-driven. When people and institutions express the need to reinforce the rule of law and the wish to profit from international experience, CILC aims to help them implement their objectives through well-designed projects.

## 2.3 Events and Publications

### 20th Anniversary

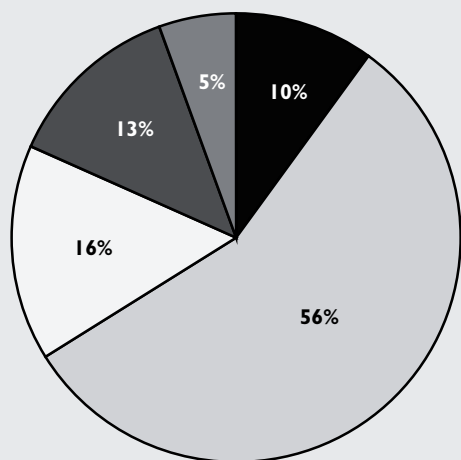
CILC celebrated its 20th birthday in 2005. In 1985 CILC's predecessor organization was founded to promote international legal cooperation with Indonesia. The main anniversary event was a larger than usual fall conference, made possible thanks to the support of the National Committee for International Cooperation and Sustainable Development (NCDO), the Dutch Ministry of Foreign Affairs and the Dutch Ministry of Justice. The conference papers will be published in 2006.

### Seminars

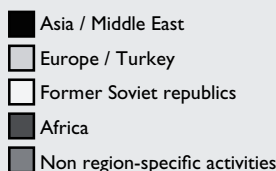
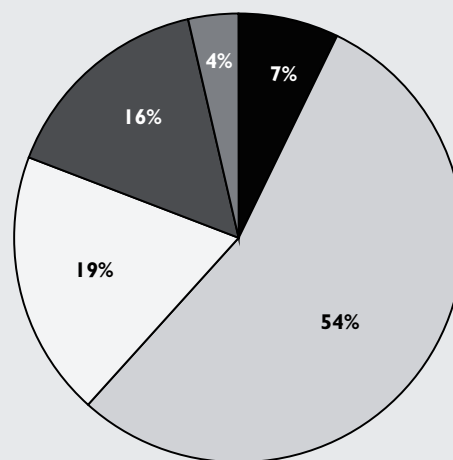
It has become a custom for CILC to hold two annual seminars on international development and the rule of law, back to back with the meetings of CILC's Board of Trustees. The seminar on June 16, 2005, was devoted to legal and judicial reform in Turkey. The key speaker was Ayşe Saadet Arikan, Director-General for European Union Affairs at the Turkish Ministry of Justice.

In the spring, CILC published the presentations given at the November 2004 conference in honor of former CILC Chairman Ernst Hirsch Ballin. That publication is

BREAKDOWN OF TURNOVER IN 2004



BREAKDOWN OF TURNOVER IN 2005



available both in hard copy and on the CILC website [www.cilc.nl].

The 20th anniversary conference on November 22 was entitled “Applying the ‘Sectoral Approach’ to the Legal and Judicial Domain” (see box).

### ***Focus***

CILC’s newsletter, *Focus on Legal Cooperation*, is published twice a year. Issue No. 17 came out in May 2005. No. 18 followed in November. Both can be downloaded in PDF format from the CILC website [www.cilc.nl].

### ***Dutch/English Legal Translations Project***

In 2005, CILC set up a small group of legal experts and translators to develop uniform quality standards to

meet the growing demand for reliable English translations of Dutch laws. The working group produced a pilot project proposal, for which CILC is seeking external support.

## **CILC’S 20TH ANNIVERSARY CONFERENCE** ***Applying the “Sectoral Approach” to the Legal and Judicial Domain***

**November 22, 2005**  
**Council of State, The Hague**

### ***Opening***

Dr. Marten Oosting, CILC Chairman, Member of the Council of State

### ***Opening Address***

Ruud Treffers, Director-General for International Cooperation, Dutch Ministry of Foreign Affairs

### ***Speakers***

“Towards an Analytical Framework for Rule of Law Development”

Maria Dakolias, Department for Constitutional Affairs, United Kingdom

“Rule of Law Development: A State Perspective vs. a Societal Perspective”

Prof. Jan Michiel Otto, Director, Van Vollenhoven Institute for Law, Government and Development, Leiden University

“Case Study: Ukraine”

Halyna Freeland, former Executive Officer, Ukrainian Legal Foundation

“Case Study: Ethiopia”

Judge Menberetsehai Tadesse, Vice-President, Federal Supreme Court of Ethiopia

# 3.

## Spotlight on Current Issues

### 3.1 The Influence of EU Law

For the 10 countries that acceded to the European Union in May 2004, the integration process is taking place within a rapidly expanding EU legal framework. The growing influence of EU law and standards makes it imperative for legal professionals to continually update their knowledge – and that applies not only to the new member states.

The legal and judicial institutions in each member state are expected to implement the *acquis communautaire* within the national legal system. Although there is no legal distinction between old and new members, in practice the situation in, for example, Poland cannot be compared with that of a longstanding member like the Netherlands. Legal professionals in the new member states still have considerable catching up to do, while their colleagues in the old member states face the formidable challenge of keeping pace with developments.

That reality is confirmed in a research memorandum published in June 2005 by the Dutch Council for the Judiciary.<sup>1</sup> The authors of “Europeanization” of the Law: Consequences for the Dutch Judiciary<sup>2</sup> report that the *acquis* is directly and indirectly impacting national law in a growing number of areas. Meanwhile, EU law and case law are becoming ever more complex.

<sup>1</sup> Raad voor de Rechtspraak, The Hague [[www.rechtspraak.nl/Gerechten/RvdR](http://www.rechtspraak.nl/Gerechten/RvdR)].

<sup>2</sup> By S. Prechal, R. H. van Ooik, J. H. Jans and K. J. M. Mortelmans. Research Memorandum No. 2-2005 can be ordered from the Council or downloaded from the Council’s website.

Trends in jurisdictional shifts are also identified. On the one hand, the authors note, there is a tendency towards centralization insofar as in the coming years certain types of disputes will no longer be decided by national courts but in Luxembourg, in one of the two European courts, the Court of First Instance (CFI) or the European Court of Justice (ECJ). Disputes in other areas, however, will increasingly be decided at national instead of European level. As a result, national courts face heavier workloads and judiciaries must be better trained in EU law. National judges have to be able to recognize the relevance of EU law in a case at hand, and to take the European dimension into account in their decision-making.

Improving national judiciaries’ knowledge of EU law is also critical to assuring the smooth functioning of the CFI and the ECJ, which are already overloaded. The research memorandum stresses the need for mechanisms within and outside the judiciary to permanently monitor changes in EU law and assess their impact on judicial practice. It further recommends establishing a mechanism for the exchange of information on EU law at national and international level.

The Dutch judiciary has taken steps to address the situation. Nearly all Dutch courts participated in the Council for the Judiciary’s “Eurinfra” project (2001-05),<sup>3</sup> under which more EU law sources were made available online, an EU law course program was organized, and a network of EU law coordinators was set up throughout the court system.

<sup>3</sup> The final project report (in Dutch), *Eindrapportage Eurinfra – Verslag over de uitvoering van het project “Versterking Europeesrechtelijke kennisinfrastructuur rechtspraak,”* is available from the Council.



### *Training in EU Law*

EU law is increasingly becoming one of the focal points of CILC cooperation projects, not only in the new EU member states but also in the officially designated candidate and potential candidate countries, as well as in the EU's "neighbors."<sup>4</sup> It is also the driving force behind reform-oriented projects in a broader context.

CILC has implemented a number of projects providing training in various aspects of EU law. Under the EU/Twinning project "Competence in European Law in the Estonian Judiciary," EU law resource persons, comparable to the above-mentioned EU law coordinators in Dutch courts, were trained for the Estonian courts and prosecution service. The project also focused on selected issues of EU law and on the preliminary reference procedure.

The EU/Twinning Light project "Design and Delivery of a Training Program for Administrative Courts of Lithuania II," which started in September 2005 as a follow-up project to a similar CILC project in Lithuania, deals with the training of Lithuanian administrative court judges in areas of law strongly impacted by the *acquis*, such as competition law, tax law, environmental law and customs law.

The Senter/Matra project in the Czech Republic, "Strengthening the Judicial Academy and Increasing the Knowledge of EU Law," provided training and supported the development of an EU law curriculum and training materials.

CILC has offered training not only for legal professionals within the EU, who are already supposed to be applying the *acquis*, but also for those in countries which do not yet belong to the EU. There is great interest on the part of these countries. For example, one of the priorities of the Turkish training institution that is the beneficiary of the Senter/Matra project "Strengthening the Justice Academy in Turkey," which began in December 2005, is to ensure that the country's judiciary will have acquired a solid grounding in EU law by the time accession nears.

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4 Currently (May 2006) the candidate countries are Croatia, Macedonia and Turkey, and the potential candidate countries are Albania, Bosnia and Herzegovina, and Serbia and Montenegro. The "neighbors" are countries participating in the European Commission's European Neighbourhood Policy (ENP): Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, the Palestinian Authority, Syria, Tunisia and Ukraine. By chance, not design, CILC had no projects running in 2005 in what is perhaps the most important category, that of the acceding countries, Bulgaria and Romania.

### *Impact on National Law*

Some CILC projects deal with the effect of EU law and cooperation at European level on the harmonization of national laws and the new codes' implementation. Under the Matra project "Support to the Elaboration of a New Civil Code for Poland," as Dutch experts share their country's experience in civil law with Polish legal drafters, they also refer to the relevance of the *acquis* and to the new developments in civil and commercial law at European level. Of further interest to the Polish colleagues is the Dutch experience with incorporating European directives into the national law system.

European aspects of civil procedure and enforcement procedures were discussed as part of the Matra project "Implementation of the New Lithuanian Code of Civil Procedure – National and International Aspects," with special attention given to the effects of EU regulations I and II and the EU Enforcement Order.

### *In the Waiting Room*

EU candidate countries Croatia and Macedonia are increasingly aware of EU law and standards. In 2005, CILC submitted a tender proposal for the Matra project "Conciliation in Individual Labour Disputes". By early 2006 it was clear that CILC would be selected to implement the project, which is designed to contribute to Croatia's preparations for future accession through support for the use of alternative dispute resolution (ADR) in labor law cases. This is in line with the aims of the European Commission's 2002 Green Paper promoting ADR for civil and commercial cases as a means of broadening access to justice. CILC has experience in the area, having successfully managed in 2004-05 an EU/Phare project on court-annexed mediation in Slovenia.

In 2005, CILC continued its involvement in the USAID/DPK-led "Macedonia Court Modernization Project" by deploying Dutch experts to advise the Macedonian government on implementation of its strategy for reforming the justice system. Adopted in fall 2005, the strategy is part of the country's efforts to comply with the EU's Copenhagen criteria for accession.

EU law is a catalyst for judicial reform in potential candidate countries as well. For example, the Serbian Ministry of Justice published the first draft of a national judicial reform strategy in July 2005.

Potential EU candidates and the participants in the European Neighbourhood Policy are seeking a better understanding of EU law and standards. Under the "Serbia Rule of Law" project led by USAID and the National



Center for State Courts, a Dutch professor of European law has assisted Serbian law faculties in the development of an EU law curriculum. In Ukraine, which has “neighbor” status, the desire for greater knowledge of EU law reflects the government policy aim of integration into Euro-Atlantic structures. When the Ukrainian Embassy in The Hague asked CILC to assess the possibilities for cooperation with Ukrainian universities to promote knowledge of EU law, CILC carried out an assessment and formulation mission, “Strengthening European and Comparative Law at Ukrainian Universities,” in December 2005. The resulting project proposal will be submitted to Matra in 2006.

Thus in 2005, EU law played a key role in CILC’s project portfolio, as it will continue to do in the future.

## 3.2 Supporting Turkey’s Evolution Towards Europe

The modern Turkish state that emerged in 1923 from the ashes of the Ottoman Empire was a reform project from the very beginning. The republic’s founding father, Mustafa Kemal Atatürk, set a national agenda of rapid modernization and Westernization. From the introduction in 1926 of a Swiss-based Civil Code and an Italian-based Penal Code, to the sweeping legal changes enacted from 2001–05, Turkey has repeatedly aligned its legislation with European models.

Article 2 of the Constitution declares Turkey to be a democratic, secular and social state based on the rule of law and respect for human rights. Turkey joined the Council of Europe in 1949, and ratified the European Convention on Human Rights in 1954. Its citizens gained the right of individual petition to the European Commission of Human Rights in 1987, and in 1990 Turkey recognized the compulsory jurisdiction of the European Court of Human Rights. A NATO member since 1952, Turkey is a key Western ally.

Integration with the EU has been Turkey’s aim for four and a half decades. Having first applied in 1963, Turkey made a formal application for full EU membership in 1987, which was rejected. However, in 1995 Turkey established a customs union with the EU, and the turning point in relations came in December 1999, when Turkey was officially granted candidate status at



On June 16, 2005, CILC held a seminar on “Legal and Judicial Reform in Turkey,” at the Dutch Ministry of Justice in The Hague

the European Council meeting in Helsinki. Its eligibility would be judged no differently from that of other applicants: on the basis of fulfillment of the “Copenhagen criteria,” including stable democratic institutions and the rule of law.

The Council’s 2000 Accession Partnership with Turkey prioritized adoption of the *acquis communautaire*, greater judicial independence and efficiency, the creation of courts of appeal, and provision of human rights and other training for judges and prosecutors. In its own road maps for meeting the membership requirements, Turkey confirmed its commitment to these goals.

### Legal Reforms

With accession at last a realistic prospect, Turkish law-makers seized the momentum for political reform by embarking in 2001 on a series of extensive legislative packages covering key issues such as freedom of expression, minority rights, gender equality, independence of the judiciary, abolition of the death penalty, curtailment of the powers of the National Security Council, and civilian control of the military.

The pace of reform further accelerated following the election in November 2002 of Turkey’s first single-party government in 15 years. Regarded as moderately Islamist, the new Justice and Development Party (AKP) swept to victory under a popular former Istanbul mayor, Recep Tayyip Erdoğan. On becoming prime minister, he actively pursued a pro-European policy.

Turkey’s achievements in the field of legal reform have been remarkable. Between 1999 and June 2005, 971 laws

were passed and 89 laws and 49 constitutional articles were amended. Among the landmark legislation in 2004, international law was given precedence over domestic law, and the State Security Courts were abolished. Based on a positive assessment of Turkey's progress towards compliance with the Copenhagen criteria, the European Council decided to open accession negotiations in October 2005. In what the Turkish foreign minister called "a very important milestone," the first round of talks, covering one of a total of 35 policy areas to be discussed, was successfully concluded on June 12, 2006. The talks could take about a decade to complete.

### ***Judicial Reforms***

Turkey's National Programme for the Adoption of the Acquis (2003) states that "the Turkish government accords particular importance to the improved functioning and effectiveness of the judiciary." To assist Turkey in strengthening its judicial capacity, CILC is training a pool of trainers to teach courses at the recently established Justice Academy in five areas of EU law.

Training will be critical to the success of the most important of Turkey's ongoing judicial reforms: introducing regional courts of appeal as an intermediate tier

in the system of courts of general jurisdiction, which try civil and criminal cases. In 2003, an EU report on Turkey's accession process stressed the need to speed up their establishment in order to reduce the excessive workload of the sole general-jurisdiction court of last instance, the High Court of Appeals in Ankara, which also functions as the Court of Cassation, and thus enable it to focus on creating clear and unified case law.

Under a 2004 law that went into effect in mid-2005, these courts of appeal now exist and are expected to become operational in 2007. Because Turkey has no experience with such courts, it sought to remedy the lack of judicial expertise in this area by requesting outside training for the approximately 1,000 judges and prosecutors who will be appointed to the new courts. As a result, CILC is currently managing a training project awarded at the beginning of 2005 to the Dutch Council for the Judiciary and the Swedish National Courts Administration. The EU project is also developing courses for judges and prosecutors of the reformed Court of Cassation.

The European Commission has praised Turkey's legal and judicial improvements. Like the country's reformers as well as the general public, it will continue to keep a close eye on their implementation.

# 4.

## Projects

### 4.1 Europe

#### New EU Member States

##### **CZECH REPUBLIC**

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

CILC implemented this project from June 2003-May 2006, in consortium with the Dutch-Czech foundation EMP. Funded by the Dutch Ministry of Foreign Affairs' Matra program and the Hugo Grotius Foundation, the project promoted the use of case law in Czech legal education and judicial practice. Activities in 2005 included curriculum development for law faculties and the Judicial Academy of the Czech Republic in Stráž pod Ralskem, workshops for judges and lawyers, and support for the Brno-based law journal *Jurisprudence* [www.jurisprudence.cz], which publishes commentaries on Czech and European court judgments. In 2005 it expanded publication to six issues, and its circulation is expected to grow to 600 paid subscribers by the end of 2006.

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

The Matra-funded project, which ran from January 2004-November 2005, assisted the Judicial Academy of the Czech Republic (JA) in developing an EU law curriculum for judges and public prosecutors, and establishing a permanent pool of trainers. Designed by Dutch and Czech experts in 2004, the curriculum was introduced at the JA and several law faculties in the 2005-06 academic year. Around 40 of the 70 judges

and prosecutors who attended the JA's EU law workshops took part in the pilot training sessions. The JA supplied a list of the freshly trained EU law specialists to the Czech courts.

##### **ESTONIA**

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

From July 2004-July 2006, CILC worked with the Estonian Law Center Foundation (ELCF) in Tartu to train Estonian judges, public prosecutors and their future trainers in EU law. The EU/Phare Twinning project was contracted to CILC by the Estonian Ministry of Finance and implemented on behalf of the Dutch Ministry of Justice. Resident Technical Advisor Ko Winters was based at the ELCF from August 2004-July 2005. Training courses were held in 2005, at specialist, advanced and expert levels. In the second half of 2005, two CILC mid-term experts began developing case studies and other training materials. In May 2005, ELCF staff visited the Dutch Training and Study Centre for the Judiciary (SSR) in Zutphen, and the Academy of European Law (ERA) in Trier, Germany.

##### **LITHUANIA**

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

Begun in September 2003, this Matra-funded project assisted the implementation of the 2003 Code of Civil Procedure by providing training for judges, judicial officers and their trainers. The training activities were organized together with the Lithuanian Ministry of Justice and the Lithuanian Association of Judges. Lithuanian judges'



Dutch Minister of Justice Piet Hein Donner (at the head of the table) opened the kick-off conference of the Polish Civil Code project in March 2005

trainers undertook a study visit to the Netherlands in November 2003. Three training sessions took place in the Lithuanian capital, Vilnius, in 2004, and a fourth was held in 2005. In September 2005, a group of 13 judges and two representatives of the Ministry of Justice visited the Netherlands to study civil procedure, focusing on the influence of EU law on national judicial practice. They spent a full day with Dutch civil procedure experts discussing the two countries' reforms in the field.

The project was extended by three months to June 2006 to include an extra training seminar for bailiffs on the execution of civil law decisions. The project wraps up with a final conference on civil procedure in EU law and the publication of the materials produced during the training program.

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

This EU/Phare Twinning Light project for the Dutch Ministry of Justice, implemented from September 2005-April 2006, was a follow-up to a similar CILC project for Lithuanian administrative court judges in 2004. This time training was provided in EU competition law, tax law, environmental law, transport law, social and medical issues, pharmacy law, customs law and veterinary law. The first of eight seminars took place in 2005. Other activities included a study visit to the Netherlands by 15 administrative court judges, and preparation of training manuals and other materials.

## **POLAND**

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

This Matra-funded project was launched in January 2005 at the request of Poland's Civil Law Codification Commission, and will run through 2007. The Polish drafters were interested in the drafting of the Dutch Civil Code of 1992, and in particular the integration of EU directives. The project builds on the work of Paul Meijknecht from the Dutch Ministry of Justice during his four-year secondment to the Polish Ministry of Justice. Following a preparatory mission to Warsaw by Prof. Meijknecht as the key expert and CILC Senior Project Manager Eric Vincken, the project officially kicked off with a conference in The Hague in March, which was opened by the Dutch minister of justice. The first two seminars were held in Warsaw in June and September and dealt with property rights. In the fall, further seminars in Katowice and Warsaw examined transfer of ownership of immovables as security for a debt, inheritance law, personal rights and liability, and legal persons. The Commission received legal resource materials at the end of 2005.

## **SLOVENIA**

### ***Court-Annexed Alternative Dispute Resolution (ADR) Programmes, the District Court of Ljubljana, Slovenia***

CILC managed this EU/Phare project for the Ljubljana District Court from October 2004-July 2005. Judge



Dutch mediation trainers arriving at Ljubljana airport: (from left to right) Dick Allewijn, Bertina Sluis, Ali Hanekroot, Ineke Siegel, Nicolette Bremerkamp and Jacqueline Spierdijk

Wilma van Benthem was the Resident Team Leader. The project provided technical advice and training for Slovenian judges and mediators on the implementation of court-annexed mediation. While the focus was on the Ljubljana District Court's current pilot program, the possibility of introducing court-annexed ADR in other courts was also explored. Drawing on the Dutch experience of recent years, experts advised on the development and improvement of such programs in civil and commercial cases, as well as on their monitoring and evaluation, communication strategies for them, and ways to link ADR to legal aid. The training component comprised train-the-trainer courses, mediators' training, judges' training on referral to mediation, and mediation awareness training for judges and lawyers. A roundtable discussion was held with representatives of the Slovenian Ministry of Justice, the Ministry of Finance and the Supreme Court to discuss a nationwide approach to court-annexed ADR.

## EU Candidate States and Other Countries

### Southeast Europe

#### **MACEDONIA**

##### *Court Modernization in Macedonia*

Funded by the U.S. Agency for International Development (USAID), this project to improve judicial capacity and court organization in Macedonia began in 2003 and will run through 2007. Since 2003, CILC has been providing Dutch and other European short-term expertise on an ad hoc basis. In March 2005, two Dutch experts met with stakeholders in Macedonia to assess the financial implications of the national strategy for justice reform. The mission resulted in recommendations to the justice minister. In June and October, Dutch experts advised on the draft Law on Enforcement and the implementation process. In April, a Macedonian delegation visited the Netherlands and Lithuania to discuss enforcement procedures. Dutch expert opinions on the new Civil Procedure Law were submitted, and in October experts visited Macedonia to prepare training courses on the law for judges, which they conducted together with an American colleague in November.



A Macedonian delegation met Lithuanian Minister of Justice Gintautas Bužinskas (fifth from left) during a study visit to Vilnius in April 2005

In October, Judge Bert Maan, president of the Zwolle District Court and chairman of CILC's Board of Trustees, participated in a conference in the Macedonian capital, Skopje, on government-proposed constitutional amendments concerning the role of the judiciary.

#### **SERBIA AND MONTENEGRO**

##### *Strengthening Administrative Justice in Serbia*

CILC's partners in this two-year Matra-funded project are the Judges' Association of Serbia, the Serbian Supreme Court and the Judicial Training Center in Belgrade. The project goals are to provide legislative advice, judicial training, assistance on court administration, in particular to strengthen the planned Administrative Court, and support for the preparation of a handbook on administrative law. To bridge the gap between the 2003 project proposal and the actual launch of the project in January 2005, Judge Dick Allewijn from The Hague District Court and CILC Senior Project Manager Eric Vincken undertook an inception mission to Serbia in April. The latter returned in November with Assistant Project Manager Dilia Ham to prepare the training program and initiate procurement of equipment for the Supreme Court.

#### **TURKEY**

##### *Support to the Establishment of Courts of Appeal in Turkey*

The Dutch Council for the Judiciary and Sweden's National Courts Administration were awarded this EU/Phare Twinning project at the beginning of 2005.



CILC is responsible for the project management. The project, to be implemented from January 2006-July 2007, will train judges, prosecutors and auxiliary staff for Turkey's newly created regional Courts of Appeal, which are expected to begin operating in 2007. In 2005, a workplan was drawn up and submitted to the Delegation of the European Commission to Turkey at the end of the year.

In addition to providing training and handbooks for the Courts of Appeal, the project will include seminars for judges and prosecutors of the reformed Court of Cassation (the current High Court of Appeals), and enhancing the knowledge of justice ministry officials and members of the Justice Academy regarding courts of appeal in the EU.

#### ***Strengthening the Justice Academy in Turkey***

This Matra-funded CILC project supports Turkey's preparations to join the EU by helping the country's Justice Academy, which was established in 2003, and the Ministry of Justice strengthen the capacity of judges and public prosecutors and their knowledge of EU law. The project began in November 2005 and will conclude in November 2007. The inception phase got underway in December 2005. The project foresees the development of courses in five areas of EU law (intellectual property rights, European tax law, special consumption tax and VAT, Internet offenses, and introduction to European institutions), which Turkish trainers will be trained to teach.

## **4.2 Commonwealth of Independent States (CIS)**

### **AZERBAIJAN**

#### ***Administrative Procedure Code in Azerbaijan: Introduction and Implementation***

CILC's long-awaited project to support the drafting and implementation of Azerbaijan's Administrative Procedure Code was approved by the Dutch Ministry of Foreign Affairs in July 2005, after it was resubmitted when bilateral consultations on cooperation resumed. The project is set to run through July 2007, and is being carried out in partnership with the Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ). The original proposal from late 2003 envisaged provision of expert input into the drafting process; publication

of a commentary; training for legal professionals on the application of the Code; and a public awareness campaign. Following two inception missions to Azerbaijan, in October and December 2005, the workplan was adjusted to current needs.

### **GEORGIA**

#### ***TMF Contract Law Project***

Launched in June 2005, this one-year project in Georgia provides training on the application of the Georgian Civil Code's provisions on the law of obligations, and support for public awareness activities. The focus is on contract law and transport law. The project is being implemented by the Georgian Young Lawyers' Association (GYLA), with funding from the "Rule of Law Facility" granted to CILC under the Dutch Ministry of Foreign Affairs' Theme-based Program for Development Cooperation (TMF), and coordinated by CILC Senior Project Manager Abdeljalil Taktak and Project Manager Niels Roovers.

In 2005 and 2006, judges from the Georgian Supreme Court, the courts of appeal in Tbilisi and Kutaisi, and the regional high courts of Ajara and Abkhazia attended seminars on specific law of obligation norms and on contract law in Georgia and the Netherlands. As part of the public awareness campaign, GYLA prepared six radio programs on different types of contracts, as well as follow-up leaflets. A planned booklet on the current practice of contract



Key expert Judge Huub Willems, CILC Senior Project Manager Abdeljalil Taktak and Tamuna Metreveli, director of GYLA's Legal Training and Information Center, at a TMF-funded seminar on contract law in Tbilisi in June 2005



The “Civil and Commercial Judiciary” project in Moldova closed with a conference in Chişinău in July 2005

law in Georgia will include a comparative analysis by a Dutch expert. GYLA also posted information on billboards in major urban marketplaces and in buses.

## MOLDOVA

### *The Civil and Commercial Judiciary Project*

The EU/Tacis project in Moldova started in January 2003 and was extended by half a year to July 2005. It dealt with the implementation of recent legislation, court management and court infrastructure. Activities included training judges on the new Civil Code, consultancy on judicial administration issues, and providing equipment to Moldovan courts and bailiff offices. The lead partner was the Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ). In April 2005, CILC recruited an expert on arbitration mechanisms for a seminar in the Moldovan capital, Chişinău. As Mid-Term International Project Advisor, CILC’s Eric Vincken undertook several missions to Moldova in 2005. In July he moderated the closing conference in Chişinău, at which the director of the Estonian Law Center Foundation (ELCF) was among the participating experts.

## THE RUSSIAN FEDERATION

### *Strengthening Russia’s Legislative Framework*

The Matra-funded project to assist in the harmonization of Russian civil and administrative procedure law got underway in January 2005 and will run through



Numerous publications were prepared under the project with Moldova

January 2008. It was formulated at the request of, and in consultation with, the chairman of the Highest Arbitration Court of the Russian Federation and the deputy chairman of the Presidential Council for the Codification and Improvement of Civil Legislation. Activities include meetings of the Russian working groups with Dutch experts, conferences, expert meetings, written expert opinions and publication of the results of each project component. A seminar on legal persons was organized in October 2005, as part of the component on civil law. Under the component on administrative



PHOTO: ANNE-MARIE HEEMSKERK

A delegation from Russia’s Highest Arbitration Court at the Hague Court of Appeal during a study visit to the Netherlands in October 2005

procedure, a study visit to the Netherlands took place in November.

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

The EU/Tacis project, led by the German Foundation for International Legal Cooperation (IRZ), provides training for Russian arbitration (commercial) court judges, administrators and clerks. CILC's role is to manage the training seminars for administrators, recruit short-term experts, and organize a study tour to the Netherlands. The project began in March 2004 and continues through 2006. The other project partners are the British Council and Russia's Institute for Law and Public Policy (ILPP). CILC has a longstanding relationship with the Highest Arbitration Court of the Russian Federation.

In 2005, CILC experts participated in seminars on court administration in Moscow and Kursk, on corporate law in Moscow and Tomsk, on securities law in Moscow and Khabarovsk, a seminar on court administration in Kostroma, a seminar on court administration in Rostov on the Don, and seminars on contract law in Moscow and Irkutsk. After taking part in some of the training seminars, in November Bert Maan, chairman of CILC's Board of Trustees, participated in a seminar in London that evaluated the component on court administration. In December, a Russian delegation visited the Zutphen District Court to learn about Dutch insolvency law and administrative law.



Key expert Judge Wilma van Benthem and CILC Senior Project Manager Eric Vincken presented the "Implementation of the Ukrainian Civil Code" project in Kyiv in April 2005

#### **UKRAINE**

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

The Matra-funded project provides training for Ukrainian legal professionals on the country's Civil Code, which entered into force at the beginning of 2004. The project began in January 2005 with an inception mission by key expert Judge Wilma van Benthem and CILC Senior Project Manager Eric Vincken. During the second mission, in April, the Dutch ambassador and the Ukrainian deputy minister of justice took part in the official presentation



In October 2005, the Van Doorne law firm in Amsterdam hosted a Russian experts' meeting on legal persons



of the project at the Center for Judicial Studies in the Ukrainian capital, Kyiv. In June and September, the key expert assisted the working groups that had been set up to develop training manuals. A train-the-trainer seminar for lawyers was held in October, followed by one for notaries in December. The project will run through 2007.

### ***Strengthening European and Comparative Law at Ukrainian Universities: Assessment Mission***

Integration into European and Euro-Atlantic structures is the Ukrainian government's long-term foreign policy goal. Reflecting that priority, the Ukrainian Embassy in The Hague requested CILC's assistance in strengthening the teaching of EU law at the country's universities. In December 2005, an assessment and project formulation mission was undertaken by Prof. Remco van Rhee from Maastricht University, a prospective future project partner, and CILC Senior Project Manager Eric Vincken. CILC will submit its project proposal to the Matra program in 2006.

## **4.3 Asia**

### **CHINA**

#### ***Identification Mission to China***

CILC Senior Project Manager Servaas Feiertag carried out an identification mission to China from June 27-July 8, 2005, in response to a request by Prof. Wang Weiguo from the China University of Political Science and Law (CUPL), supported by Prof. Jianfu Chen from La Trobe University in Melbourne, Australia. The mission was funded under the "Rule of Law Facility" which CILC received from the Dutch Ministry of Foreign Affairs' Theme-based Program for Development Cooperation (TMF). The main purpose of the mission was to assess the feasibility of a Dutch-Chinese cooperation project to assist the drafting of the new Chinese Civil Code, which the Chinese government plans to implement by 2010. The first half of the mission was devoted to exploring opportunities for joint research between CUPL and Leiden and other Dutch universities. Further possible legal cooperation projects were discussed during the latter half.

The mission led to the submission in December of a proposal for funding to be granted under the TMF "Rule of Law Facility" for the project "Academic Cooperation: Civil Law." The proposal sought funding for the initial



PHOTO: WANG WEIGUO

CILC Senior Project Manager Servaas Feiertag (at left) and Prof. Henk Snijders, Leiden University, discussed Dutch-Chinese legal cooperation with Prof. Wang Weiguo, dean of CUPL's School of Civil, Commercial and Economic Law (not pictured), and Prof. Jianfu Chen, La Trobe University (at right)

stage of an extensive project to assist the completion of the Chinese Civil Code by 2010. The project will also facilitate instruction in and research on Dutch civil law at Chinese universities. Phase 1 of the project's three phases was approved in February 2006, and the following month the first two activities were initiated: the translation of three parts of the Dutch Civil Code into Mandarin, and the establishment of a Dutch-Chinese network of Dutch civil law specialists, to be based at the China University of Political Science and Law (CUPL).

### **INDONESIA**

#### ***Feasibility Study on Enhancing Academic Legal Education and Training in Indonesia***

The three-phase feasibility study, made possible by the TMF-funded "Rule of Law Facility," began with an initial mission in November 2004. The resulting needs assessment was validated in a mission in January 2005 by CILC Director Kees Kouwenaar and Prof. Marc Loth, dean of the Erasmus School of Law in Rotterdam. That mission kicked off the second phase, which continued until June and focused on identifying Dutch law faculties that might be available to cooperate with their Indonesian counterparts. The conclusion reached was that, although capacity was available, a commitment to concrete projects often remained elusive.

In these first two phases, the Indonesian discussion partners clearly indicated their interest in cooperation to



The staff of two Indonesian NGOs attended CILC's project management course in June 2005

improve the legal curriculum, teaching methods and research capacity. The third and final phase, in June, aimed at matching the needs with Dutch capacity. Although donors endorsed the feasibility study and had funds available, it proved difficult for them to solicit concrete proposals from stakeholders in line with the feasibility study. In response to this lack of activity, CILC prepared a small-scale pilot project with two Indonesian law faculties, to be implemented in 2006.

#### ***Pilot Project To Strengthen Indonesian Academic Legal Education***

Based on the feasibility study which CILC conducted in Indonesia from November 2004-June 2005, in December 2005 CILC submitted a TMF funding proposal for a pilot project as a start towards reviving Dutch-Indonesian academic cooperation. Implementation began in January 2006. The project, which is limited in terms of scope and timeframe, will focus on the upgrading of legal curricula and teaching methods, institutional development and train-the-trainers seminars. The project partners are the law faculties of Andalas and Atma Jaya universities.

#### ***Project Management Training for Two Indonesian Legal NGOs***

In June 2005, CILC Senior Project Manager Servaas Feertag and Assistant Project Manager Tamara van Vliet conducted a three-day course on effective project management for the staff of the Centre for Indonesian Law & Policy Studies (PSHK) and the Indonesian Institute for an Independent Judiciary (LeIP). The two NGOs had

turned to CILC with the request for training in fall 2004. The course was financed by the TMF-funded "Rule of Law Facility."

#### ***Commentary on Indonesian Criminal Law***

Leiden University's Faculty of Law is working together with Indonesian counterparts on a research project on the evolution of Indonesian criminal law since the country's independence from Dutch rule. Indonesia is expected to undertake major reform of its criminal legislation in the coming years, replacing the current laws, many of which are rooted in Dutch law, with Shari'a-based law. CILC awarded the research project a small grant under the TMF-funded "Rule of Law Facility" to fund a mission to Indonesia in March-April 2006.



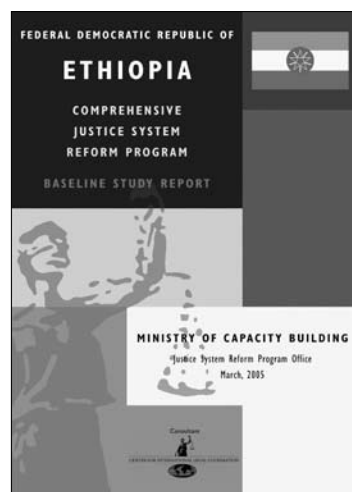
Prof. Marc Loth, dean of the Erasmus School of Law (left), and Prof. Hikmahanto Juwana, dean of the Universitas Indonesia School of Law (right), during the CILC validation mission to Indonesia in January 2005

## 4.4 Africa

### BENIN

#### *Integrated Reinforcement of the Legal and Judicial System*

This EuropeAid-funded project provides technical assistance to Benin's courts and tribunals as part of a legal and judicial reform program adopted by the government in 2001. CILC is a partner in a consortium led by the Institut International de Paris La Défense (IIPLD). The project began in September 2004 and will end in August 2007. It assists the reform and reorganization of court management and administration, provides training for court clerks and other staff, and supports the creation of an intranet at the Beninese Ministry of Justice, Legislation and Human Rights, as well as the computerization of three courts.



In January 2005, CILC presented detailed recommendations for reform of the Ethiopian justice system to the Ministry of Capacity Building

### ETHIOPIA

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

In 2003, the Ethiopian government contracted CILC to assess the country's justice system and recommend reform strategies and a workplan for their implementation. To carry out the baseline study, CILC assembled teams of international experts for five different areas: legal education; law enforcement; the judiciary; law making and revision; and information flow within and outside the judiciary. The expert missions were carried out in 2003 and early 2004. Based on the resulting reports, CILC

completed a final report and implementation workplan, which it presented to the Ethiopian Minister of Capacity Building in January 2005. The final report was accepted and subsequently published.

### MADAGASCAR

#### *Consolidation of the Rule of Law*

CILC is a partner in this project led by the Institut International de Paris La Défense (IIPLD). The three-year project began in November 2004. Its aims are to build public trust in Madagascar's legal and judicial system, boost transparency and reinforce human rights. The project provides assistance to the courts and training for lawyers, notaries and bailiffs, as well as for police and penitentiary officers. In 2005, the first training courses for members of the judiciary and penitentiary officers were held. CILC recruited an expert who will be involved with the project for one year.

### MALI

#### *Training for Paralegals: Preparatory Phase*

CILC completed a legal cooperation project in Mali in 2003. The TMF-funded "Rule of Law Facility" offered a chance to resume support for the Malian government's judicial reform strategy. Based on an identification mission by international expert Roger Briottet and CILC Project Manager Marja Lenssen in October 2004, a project to train Malian paralegals was prepared in 2005. The project began in March 2005 and will end in March 2006.

#### LEGAL ANTHROPOLOGY STUDY ON MALI

Leiden University's Africa Studies Centre (ASC) recently published *Le droit en Afrique: Expériences locales et droit étatique au Mali*. The book is the result of research conducted as part of the CILC project "Coopération Juridique Mali – Pays-Bas" (1999-2003). Coedited by Gerti Hesselings, Moussa Djiré and Barbara M. Oomen, *Le droit en Afrique* examines the coexistence in Mali of modern law with local legal practices. It can be ordered for €25 from the publisher, Éditions Karthala, Paris, through the ASC website [<http://www.ascleiden.nl/GetPage.aspx?url=/publications/publicatie1120656833>].





## RWANDA

### *Strengthening the Law Faculties of the ULK and UNR in Rwanda*

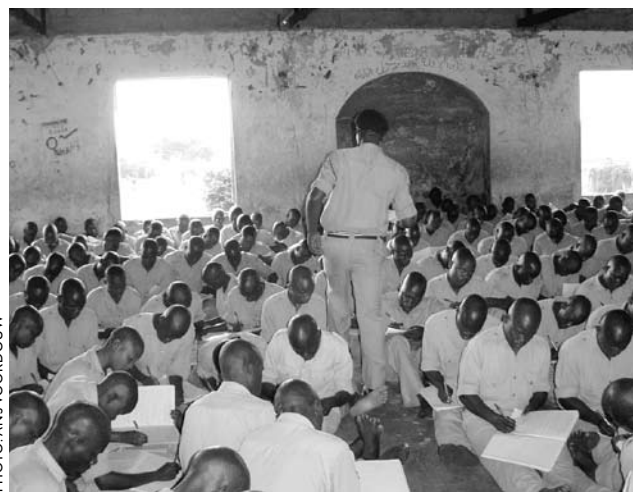
CILC is the lead partner in a project with the law faculties of the Université Libre de Kigali (ULK) and the Université Nationale du Rwanda (UNR). The project, which began in June 2005 and runs until April 2009, is funded by the Netherlands Programme for Institutional Strengthening of Post-secondary Education and Training Capacity (NPT), which is administered by the Netherlands Organization for International Cooperation in Education (Nuffic). Utrecht University's School of Law is the main project partner, providing many of the short-term experts.

The project seeks to reinforce the rule of law as a basis for sustainable development in Rwanda. The ULK and UNR law faculties are being supported through curriculum revision, staff development (the project will enable faculty members to earn a graduate degree in foreign countries), infrastructural improvements such as the establishment of a computer lab, and strategy development. Roelof Haveman is spending three and a half years in the Rwandan capital, Kigali, as the project's resident coordinator.

The three-month inception phase ended in September 2005 with a roundtable conference attended by Rwandan academics and legal professionals, and CILC representatives. The first group of UNR lecturers left to study abroad, to be followed in 2006 and 2007 by their colleagues, who will embark on LLM or PhD programs in Rwanda, South Africa and the Netherlands.



Two Rwandan law faculties signed a project contract with CILC in September 2005



In Uganda, the training of prison staff takes place in cramped conditions with minimal infrastructure

## UGANDA

### *Strengthening the Capacity of Prisons and Police Training Institutions in Uganda*

The Nuffic/NPT-funded project was awarded in spring 2005 to a consortium led by the Hogeschool Leiden and including CILC and the Netherlands Police Academy (NPA). Trainers from the Dutch National Agency of Correctional Institutions (DJI) are also participating in the project, which is aimed at improving the training of Uganda's prison staff and police force.

The project got underway in May 2005 and runs through May 2008. Retired Dutch prison warden Theo van Maanen is the project's Chief Technical Advisor. Two missions to Uganda and a study visit to the Netherlands by high-ranking Ugandan officials resulted in the presentation of a workplan in September. It was fully endorsed by the High Commissioner of the Uganda Prison Service and the Inspector General of Police. Activities in the fall included a training workshop on strategic planning, a benchmark visit to South Africa, and information meetings for the staff of the beneficiary training institutions.

## 4.5 The Arab World

### PALESTINIAN TERRITORIES

#### *Empowering the Palestinian Judicial System*

CILC is one of the partners in a consortium, led by the ICON Institute in Germany, that was contracted by the

EU in July 2005 to run a project aimed at strengthening the Palestinian judiciary and aiding the implementation of the laws that have been enacted to establish a justice system. Long-term experts provided to the Project Coordination Unit will be assisted by short-term experts. The project began in January 2006 and runs through June 2008. It will support the establishment and initial functioning of the Supreme Judicial Council, the High Constitutional Court and the Administrative Jurisdiction, deliver training for judges and prosecutors, and ensure procurement of IT equipment for courts, the prosecution service and the Supreme Judicial Council.

## **YEMEN**

### *Judicial Support Program Yemen*

The original plans for this project had to be suspended in 2003 due to changes in Dutch policy, but the TMF-funded “Rule of Law Facility” enabled a relaunch. In March 2005, Yemeni lawyer Jamal Adimi, who heads the Forum for Civil Society (FCS), and CILC Senior Project Manager Abdeljalil Taktak carried out an inception mission. The resulting report included an analysis of the country’s judicial situation. An assessment mission in June was planned to coincide with the visit to Yemen by Dutch human rights ambassador Piet de Klerk. Based on the mission’s findings a workplan was produced and preparations were made for the implementation of the project activities starting in January 2006. They will include the establishment of four model courts, creation of a manual on court management and administration, publication of Supreme Court decisions, and strengthening the General Prosecutor’s Office. A train-the-trainers program, with training materials, for judges, lawyers and prosecutors will also be developed

## **4.6 Worldwide**

### *TMF Rule of Law Facility*

In May 2003, the Dutch Ministry of Foreign Affairs invited CILC to submit a proposal for a three-year rule of law project under the Theme-based Program for Development Cooperation (TMF). After adjustment of its first proposal, in March 2004 CILC was granted a three-year “Rule of Law Facility” to support activities within the framework of existing judicial reform programs in

China, Ethiopia, Georgia, Indonesia, Mali and Yemen. Special consideration would be given to activities that do not receive funding from major donors but make a valuable contribution to the reform programs, and/or require prompt, short-term financing.

The latter half of 2004 saw identification missions to Mali and Georgia and a feasibility study on strengthening legal education in Indonesia. An inception mission was undertaken to Yemen in March 2005. An identification mission to China followed in the summer.

The missions led to concrete project proposals involving the training of paralegals in Mali, Georgian contract law and tax law, project management training for two Indonesian NGOs, commentaries on Indonesia’s criminal law, Dutch-Indonesian academic cooperation, support for the Yemeni justice system, and Dutch-Chinese academic cooperation focusing on the Dutch Civil Code. Most of these projects, all of which are described in detail above, will be implemented in 2006. Although CILC’s baseline study for judicial reform in Ethiopia was approved in 2005, activities to implement the recommendations are still on hold due to the current political situation in the country.

### *EC Framework Contract, Lot 7*

CILC is a member of a large consortium, led by Brussels-based IBF International Consulting, which in December 2005 was awarded a European Commission (EC) framework contract to provide expertise to beneficiary countries in the area of Culture, Governance and Home Affairs (Lot 7). The sector includes rule of law and judicial reform activities. The contract will initially run until 2007, with the possibility of prolongation until 2009. The framework contract is a facility enabling the EC’s external assistance program, EuropeAid, to rapidly mobilize experts for short- or medium-term missions around the world. Of the 50 calls for experts so far, around 25 percent were in the rule of law and good governance sector. For each assignment, three consortia will compete to propose the best team of experts under the best conditions within a tight deadline.

## APPENDIX I

# CILC's Executive Board and Board of Trustees

### EXECUTIVE BOARD

Dr. M. Oosting (Council of State), *Chairman*  
S. I. H. Gosses [as of November]  
Prof. C. M. Grundmann-van de Krol (University of Tilburg; Nauta Dutilh)  
Dr. R. H. Haveman (Leiden University) [through May]  
A. IJzerman (Dutch Ministry of Justice)  
Judge R. H. M. Jansen (Utrecht District Court)  
Prof. J. M. Otto (Van Vollenhoven Institute for Law, Governance and Development) [as of June]  
J. B. Steevens (Erasmus University Rotterdam) [as of June]  
H. J. Vriesendorp (Nuffic) [through January]

### BOARD OF TRUSTEES

#### **Erasmus University Rotterdam Law Faculty**

Dr. J. M. P. H. Noortmann

#### **Groningen University Law Faculty**

B. C. Vis

#### **Leiden University Law Faculty**

Prof. J. A. Blok [through March]  
Prof. C. J. J. M. Stolker [as of April]

#### **Maastricht University Law Faculty**

Prof. J. H. M. van Erp

#### **Radboud University Nijmegen Law Faculty**

Prof. P. J. P. Tak

#### **Utrecht University Law Faculty**

Prof. A. M. Hol

#### **Vrije Universiteit Amsterdam Law Faculty**

Prof. P. Vlas [through April]  
Prof. A. Oskamp [as of May]

#### **Council for the Judiciary, The Hague**

Judge E. A. Maan, *Chairman*

#### **Dutch Association for the Judiciary, The Hague**

Judge G. Vrieze

#### **Netherlands Bar Association, The Hague**

J. J. H. Suijver [through May]  
D. de Snoo [as of June]

#### **Netherlands Company Lawyers' Association, The Hague**

P. C. de Jonge

#### **Royal Association of Public Notaries, The Hague**

A. D. G. Heering

#### **Royal Dutch Organization of Court Bailiffs**

A. C. C. M. Uitdehaag

#### **T. M. C. Asser Institute for Private and Public International Law, The Hague**

Prof. F. A. Nelissen

#### **Netherlands Helsinki Committee, The Hague**

Prof. E. A. Alkema

**Institute for Anthropology of Law, Radboud  
University Nijmegen Law Faculty**  
Dr. H. M. C. Slaats

**Institute for East European Law and Russian Studies,  
Leiden University**  
Prof. F. J. M. Feldbrugge

**Hague Institute for the Internationalisation of Law**  
Dr. A. S. Muller [as of June]

**Van Vollenhoven Institute for Law, Governance and  
Development, Leiden University**  
Prof. J. M. Otto [through May]

## APPENDIX II

# CILC's Staff

### DIRECTOR

Kees Kouwenaar

### PROJECT MANAGERS

Servaas Feiertag  
Roelof Haveman (as of July)  
Anne-Marie Heemskerk  
Karijn de Jong (as of September)  
Marja Lenssen  
Niels Roovers  
Abdeljalil Taktak  
Eric Vincken  
Ko Winters (through July)

### ASSISTANT PROJECT MANAGERS

Dilia Ham (as of April)  
Tamara van Vliet

### FINANCIAL ADMINISTRATION

Alenka Bajc  
Lenie van Rooijen-Peet

### SECRETARIAT

Annemarie Woudstra

### INTERNS

Floris ten Have (February 7 - November 30)  
Gaelle Holden (February 8 - June 30)  
Vishal Kumar (January 31 - May 31)  
Soeradj Pultoo (through March 31)

### VOLUNTEERS

Adeline Tibakweitira (as of June)



## APPENDIX III

# Partners in Beneficiary Countries

### AZERBAIJAN

Azerbaijan Young Lawyers' Union (AYLU), Baku  
Gesellschaft für Technische Zusammenarbeit (GTZ),  
Baku office

### CHINA

China University of Political Science and Law,  
Beijing

### COMMONWEALTH OF INDEPENDENT STATES (CIS)

Interparliamentary Assembly of the CIS

### CZECH REPUBLIC

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

### ESTONIA

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

### ETHIOPIA

The Ethiopian Ministry of Capacity Building  
The Ethiopian Ministry of Justice  
The Justice System Reform Program Office

## **GEORGIA**

Association of Young Economists of Georgia (AYEG)  
Georgian Young Lawyers' Association (GYLA)  
Global Initiative on Psychiatry, Tbilisi office  
Georgian Health Law and Bioethics Society, Tbilisi  
Training Centre of Justice of Georgia, Tbilisi

## **INDONESIA**

Hukum Online  
The Indonesian Ministry of Justice  
National Law Commission  
Atma Jaya University, Jakarta  
Andalas University, Padang

## **LITHUANIA**

Council of Courts  
Lithuanian Association of Judges  
The Lithuanian Ministry of Justice  
National Courts Administration  
Supreme Administrative Court of Lithuania

## **MACEDONIA**

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

## **MALI**

Clinique Juridique DEMESO, Bamako  
Institut National de Formation Judiciaire, Bamako

## **MOLDOVA**

Economic Court of Appeal  
Judicial Training Center, Chisinau

Moldovan Judges' Association  
The Moldovan Ministry of Justice  
Soros Foundation – Moldova, Chisinau  
Superior Council of Magistrates  
Supreme Court

## **POLAND**

Civil Law Codification Commission  
The Polish Ministry of Justice

## **RUSSIAN FEDERATION**

Institute for Law and Public Policy (ILPP)  
Legal Studies Russia  
Moscow State Academy of Law  
Presidential Council for the Codification and  
Improvement of Civil Legislation  
Columbia Law School Public Interest Law Initiative  
(PILI), Moscow office  
Research Center for Private Law under the President of  
the RF (RCPL), Moscow  
Russian Foundation for Legal Reform (RFLR), Moscow  
Highest Arbitration Court of the RF

## **RWANDA**

National University of Rwanda (UNR)  
Free University of Kigali (ULK)

## **SERBIA AND MONTENEGRO**

Judicial Training Center (JTC), Belgrade  
Judges' Association of Serbia  
The Serbian Ministry of Justice  
Serbian Supreme Court

# Donor Organizations

## SLOVENIA

The Slovenian Ministry of Justice  
Ljubljana District Court

## UGANDA

Uganda Police Force  
Uganda Prison Service

## UKRAINE

Supreme Court of Ukraine  
Center for Judicial Studies, Kyiv  
The Ukrainian Ministry of Justice  
Academy of Judges of Ukraine, Kyiv  
Council of Judges of Ukraine  
Academy of Advocates of Ukraine, Kyiv

The Dutch Ministry of Foreign Affairs and Dutch  
embassies

The Dutch Ministry of Justice

The European Bank for Reconstruction and  
Development (EBRD)

The European Union (Takis, Phare and Twinning  
programmes)

The International Monetary Fund (IMF)

The Netherlands Organization for International  
Cooperation in Higher Education (Nuffic)

Senter International

The United Nations Development Programme (UNDP)

The United States Agency for International  
Development (USAID)

The World Bank

## APPENDIX V

# Partners and Contacts in the Netherlands

Africa Legal Aid (AFLA), Maastricht  
African Studies Centre, Leiden University  
Amsterdam ADR Institute  
Netherlands Institute of International Relations  
(Clingendael)  
Council of State of the Netherlands  
Hogeschool Leiden  
EMP Nederland  
Hugo Grotius Foundation  
National Project Office for Court-Annexed Mediation  
Netherlands Police Academy  
Dutch Training and Study Centre for the  
Judiciary (SSR)  
Supreme Court of the Netherlands  
Trade and Industry Appeals Tribunal

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

## APPENDIX VI

# International Partners and Contacts

American Bar Association, Central European and Eurasian Law Initiative (CEELI), Washington, D.C.  
Association for European Law Enforcement Cooperation (EULEC), Brussels  
Center for Institutional Reform and the Informal Sector (IRIS), University of Maryland  
Deutsche Gesellschaft für Technische Zusammenarbeit GmbH (GTZ), Eschborn  
Deutsche Stiftung für Internationale Rechtliche Zusammenarbeit (IRZ) (German Foundation for International Legal Cooperation), Bonn  
DKP Consulting, San Francisco  
École Nationale de la Magistrature (ENM) (National School for Judges and Prosecutors), Paris  
European Institute of Public Administration (EIPA), Antenna Luxembourg  
ICON Institute, Cologne  
Institut International de Paris La Défense (IIPLD), Paris  
International Association of Prosecutors (IAP), The Hague  
International Criminal Court (ICC), The Hague  
International Criminal Law Network (ICLN), The Hague  
International Union of Judicial Officers (UIHJ), Paris  
University of Bremen  
United States Agency for International Development (USAID)

## APPENDIX VII

# Financial Data

### BALANCE SHEET AS OF DECEMBER 31, 2005

	December 31, 2005	December 31, 2004
	EUR	EUR
<b>Assets</b>		
Inventory	2.052	6.049
Claims	234.573	475.191
Liquid assets	1.588.372	1.008.147
	<hr/>	<hr/>
	<b>1.824.997</b>	<b>1.490.000</b>
	<hr/>	<hr/>
<b>Liabilities</b>		
Net assets	493.596	489.543
Long-term liabilities		
Current liabilities		
Other debts	213.146	236.640
Accruals and deferred income		
Amounts received in advance	1.118.255	763.817
	<hr/>	<hr/>
	<b>1.824.997</b>	<b>1.490.000</b>
	<hr/>	<hr/>

## STATEMENT OF OPERATIONS

	Actual expenditure 2005	Budget 2004	Actual expenditure 2004
	€	€	€
<b>Expenditures</b>			
Incidental staff	5.518	5.000	1.971
Regular staff	582.116	552.000	486.793
Depreciation	3.997	2.000	5.380
Other costs	1.396.065	1.257.000	1.052.441
<b>Operating costs</b>	<b>1.987.696</b>	<b>1.816.000</b>	<b>1.546.585</b>
Interest costs	0		235
Exchange rate costs			14.128
<b>Financial costs</b>	<b>0</b>		<b>14.363</b>
<b>Net result</b>			
Positive result	4.053	20.000	2.781
<b>TOTAL</b>	<b>1.991.749</b>	<b>1.836.000</b>	<b>1.563.729</b>

	Actual expenditure 2005	Budget 2004	Actual expenditure 2004
	€	€	€
<b>Income</b>			
Turnover	1.934.662	1.826.000	1.541.587
Other operational income	22.963	10.000	16.557
<b>Total operational income</b>	<b>1.957.625</b>	<b>1.836.000</b>	<b>1.558.144</b>
Interest income	15.316		5.585
Exchange rate income	18.808		0
<b>Financial income</b>	<b>34.124</b>		<b>5.585</b>
<b>Net result</b>			
Negative result			
<b>TOTAL</b>	<b>1.991.749</b>	<b>1.836.000</b>	<b>1.563.729</b>



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