

CENTER FOR INTERNATIONAL
LEGAL COOPERATION

Annual Report

2006



CENTER FOR INTERNATIONAL LEGAL COOPERATION



MISSION STATEMENT

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

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

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

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

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Introduction

In 2006, the Center for International Legal Cooperation (CILC) assisted the efforts of justice ministries, law reform councils, judicial academies, law faculties and other legal and judicial institutions to make the justice systems in their countries more accessible and trustworthy.

Numerous leading Dutch legal professionals contributed their time and expertise to these projects. It is appropriate that they reach out to colleagues working under less favorable circumstances. Their participation is also in line with Dutch government policy, which sees rule of law promotion as an essential instrument for sustainable development and poverty reduction on the one hand, and for enhancing peace, stability and security on the other.

Distinguished legal professionals are very busy people. They can afford to take time off from their regular activities only if a professional project organization like CILC ensures that their input will have maximum effect with minimum imposition on the courts and faculties where they work. Impeccable project design and implementation are a *sine qua non*, necessarily involving efficient

cooperation between beneficiaries, international experts and funding agencies.

CILC strives to be an organization which the most eminent legal professionals are pleased to work with. And a look at our list of experts shows that we are meeting these expectations. At the same time, it is important to keep asking ourselves how we can do even better. Among our guiding mottos are:

- We bring together professional peers
- CILC is a learning organization
- Competent CILC staff guarantee tailor-made services.

Your continuing commitment to the strengthening of the rule of law worldwide will help us further improve our efforts to support legal and judicial reform in developing and transition countries.

Dr. Marten Oosting
CILC Chairman

2.

CILC in 2006

2.1 Projects

CILC projects focus on three areas: legislation, judicial practice and the training of legal professionals. Since CILC receives no institutional or programmatic funding from the Dutch government or any other donor, our project portfolio is the sum of our successful bids for projects on the open market. Even so, the three focal points are the logical result of our commitment to strengthening the rule of law and our analysis of how and where we can make a difference.

Legislation

In 2006, CILC's projects on civil legislation and implementation in Poland, Russia, Ukraine and China reflected the continuing appeal of the new Dutch Civil Code as a point of reference for other countries engaged in modernizing their civil law.

In addition to the civil law projects, CILC supported the drafting and implementation of administrative law in Russia, Serbia and Azerbaijan.

Judicial Practice

Many of CILC's activities in 2006 were aimed at court systems and judicial academies and other national training institutions. CILC executed judicial reform projects in Serbia, Turkey and Yemen, and participated with international partners in projects in Benin, Madagascar and the Palestinian territories.

Training

Training provision is the cornerstone of the majority of CILC's projects. In some cases it is the key objective. An example is the current project to improve the train-

ing capacity of Ugandan law enforcement and criminal justice institutions. In 2006, CILC conducted training for new generations of judges and lawyers in Indonesia and Rwanda, as well as training and upgrading activities in Estonia, Lithuania, Ukraine and the Czech Republic.

Dividing CILC projects into the three main areas of legislation, judicial practice and training is an oversimplification. For instance, projects to promote alternative dispute resolution or strengthen the role of paralegals fall outside these categories.

Numerous projects are in progress in any given year, and some projects will be wrapped up and new ones launched.

In 2006, CILC successfully concluded projects in the Czech Republic, in the Baltic states, and in Slovenia. New projects were started in Croatia, Georgia, Mali and Rwanda.

The Dutch Ministry of Foreign Affairs allowed CILC to extend its TMF-funded activities by another year, enabling the continuation of projects in China, Indonesia and Yemen through 2007.

Published Materials

In some cases, project output includes preparation of training and other materials requested by the cooperation partner. To mention just a few examples: In Lithuania, training materials were produced for a project to assist implementation of the Code of Civil Procedure, and a project to train administrative court judges resulted in the publication of an extensive training manual on EU administrative law. One of the goals of the current project to assist Chinese civil law drafters is to make available to them key parts of Dutch

PROJECTS OVERVIEW 2006

				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	Strengthening the Role and Use of Jurisprudence in the Czech Republic					X	X		X			
4.1	Europe	Croatia	Conciliation in Individual Labour Disputes										X	
4.1	Europe	Estonia	Building Competence in EU Law in the Estonian Judiciary				X	X						
4.1	Europe	Lithuania	Training Program in EU Administrative Law				X	X						
4.1	Europe	Lithuania	Implementation of the New Lithuanian Code of Civil Procedure		X	X								
4.1	Europe	Poland	Support for the Drafting of the New Polish Civil Code		X	X								
4.1	Europe	Serbia and Montenegro	Strengthening Administrative Justice in Serbia				X	X						
4.1	Europe	Turkey	Support to the Establishment of Courts of Appeal in Turkey				X	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 Project			X	X							
4.2	CIS	Georgia	TMF Tax Law Project			X	X							
4.2	CIS	Russian Federation	Assistance to Arbitration Courts in the Russian Federation				X	X						
4.2	CIS	Russian Federation	Strengthening Russia's Legislative Framework		X	X								
4.2	CIS	Ukraine	Implementation of the Ukrainian Civil Code			X	X							
4.2	CIS	Ukraine	Strengthening European and Comparative Law at Ukrainian Universities						X	X				
4.3	Asia	China	Academic Cooperation: Civil Law		X				X	X				
4.3	Asia	Indonesia	Pilot Project to Strengthen Indonesian Academic Legal Education						X	X				
4.3	Asia	Indonesia	Commentary on Indonesian Criminal Law		X						X			
4.4	Africa	Benin	Integrated Reinforcement of the Legal and Judicial System				X							
4.4	Africa	Ethiopia	Strengthening the Universities of Bahir Dar and Jimma						X					
4.4	Africa	Madagascar	Consolidation of the Rule of Law				X			X	X			
4.4	Africa	Mali	National Training Program for the Training of Paralegals									X	X	
4.4	Africa	Mali	Access to Justice for the Poor in Mali									X	X	
4.4	Africa	Mali	Prospective Review of the Legal and Judicial Sector	X										
4.4	Africa	Mauretania	Access to Justice for the Poor in Mauretania									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 in Uganda							X				
4.5	Arab World	Palestinian Territories	Empowering the Palestinian Judicial System				X	X						
4.5	Arab World	Yemen	Judicial Support Program Yemen				X	X						
4.6	Worldwide	Worldwide	TMF Rule of Law Facility		X	X			X			X		
4.6	Worldwide	Worldwide	EC Framework Contract, Lot 7											



Training manual on EU administrative law for Lithuanian administrative court judges and legal staff



Training manual on the implementation of the Lithuanian Code of Civil Procedure



Books 3, 5 and 6 of the Dutch Civil Code in Mandarin

civil legislation. Therefore, in 2006, three books of the Dutch Civil Code were translated into Mandarin and distributed to legislators.

2.2 Events and Publications

Efforts to strengthen the rule of law in development and transition countries are dependent on the commitment of both the international cooperation community and the legal and judicial community. CILC brings these communities together at regularly held conferences and seminars.

On June 13, 2006, CILC organized a seminar on “Legal and Judicial Reform in China” at the Dutch Ministry of Justice. Among the attendees were Chinese legislators who were visiting The Hague as part of a German Agency for Technical Cooperation (GTZ) project.

CILC’s annual fall seminar took place in the Council of State in The Hague on December 7. The subject was post-conflict reconstruction of legal and judicial systems. Two of the guest speakers, Afghanistan’s deputy minister of justice and the president of the High Court of Rwanda, were able to attend thanks to the generous support of the Dutch embassies in Kabul and Kigali.

CILC’s newsletter, *Focus on Legal Cooperation*, is published twice a year. Issue No. 19 came out in May 2006.

No. 20 followed in November. Both can be downloaded in PDF format from the CILC website [www.cilc.nl].

2.3 The Organization

There were four membership changes to CILC’s Board of Trustees in the course of 2006: Jan Westhoff took over Gert Vrieze’s seat for the Dutch Association for the Judiciary; Chris Bartelds, Secretary of the University of Groningen’s Faculty of Law, replaced Berend Vis; Aart Heering was replaced by Jan Willem Schenk for the Royal Netherlands Notarial Organization; and Marc Loth, Dean of the Erasmus School of Law in Rotterdam, took over from Math Noortmann.

CILC warmly thanks the departing board members for their many years of commitment to the organization, and welcomes the strengthened institutional ties with the Groningen and Erasmus law schools.

The makeup of CILC’s Executive Board remained unchanged. It continued to reflect CILC’s desire to maintain strong links with academia, with the international cooperation and development field, and with legal and judicial institutions and professional associations.

In 2006, Adeline Tibakweitira (assistant project manager) and Ewout Sutorius (financial staff) joined CILC, while Niels Roovers (project manager) has left. Assistant



Participants in the CILC seminar on “Legal and Judicial Reform in Post-Conflict Situations and the Role of the International Community” in December included (first row) guest speakers Prof. Joris Voorhoeve, Judge Johnston Busingye, president of the High Court of Rwanda, and Afghan Deputy Minister of Justice Mohammad Qasim Hashimzai; and (second row) CILC Director Kees Kouwenaar, CILC Chairman Marten Oosting, Ehsan Turabaz, honorary consul of Afghanistan in The Hague, and CILC Executive Board member Sjoerd Gosses

PHOTO: ALEXANDER VINOGRADOV



(Left to right) Prof. Hans Nieuwenhuis, CILC Director Kees Kouwenaar, Prof. Gianmaria Ajani and Dutch Human Rights Ambassador Piet de Klerk at the CILC seminar on “Legal and Judicial Reform in China” in June

project managers were assigned to nearly every project, resulting in increased project management efficiency. On some projects, such as those in Moldova and Mali, in addition to their management functions CILC senior project managers are increasingly contributing their own expertise in the role of consultant.

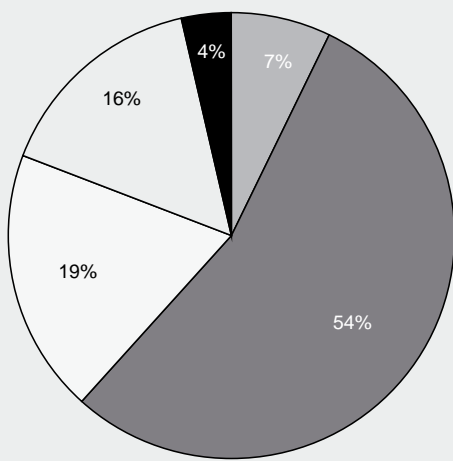
CILC began updating its extensive database of judges, lawyers, law professors and other qualified experts avail-

able to participate in international legal cooperation projects. The process will be completed in 2007.

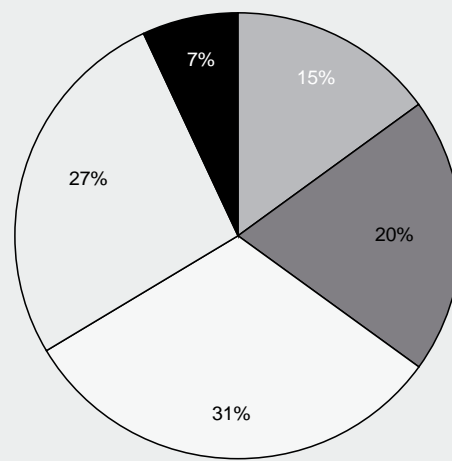
External Relations

When CILC asks its experts to take a leave of absence from their regular jobs for a week, it can offer them – and by extension the courts, law schools or law firms they work for – little more than an opportunity to broaden their

BREAKDOWN OF TURNOVER IN 2005



BREAKDOWN OF TURNOVER IN 2006



professional horizons, and the satisfaction of helping colleagues who really need and appreciate their support. The material rewards are meager. CILC fully recognizes that the people on whom its projects depend are under pressure from court presidents to meet caseload targets and from faculty deans to teach and publish; their time is precious.

CILC therefore places the highest value on its relationships with its experts' employers, which include top Dutch law schools and the Council for the Judiciary. It is vital for the Netherlands' efforts to contribute to world peace and stability that leaders of these institutions continue to support, or at least accept, the assistance provided by Dutch experts to projects aimed at improving legislation, the judiciary and legal education in development and transition countries. While that assistance is of incalculable benefit to the cooperation partners, the cumulative cost to the experts' employers in terms of absence from the workplace is negligible. After all, in terms of time the overall input from the many dozens of experts involved in CILC's 40 projects in 2006 is roughly equivalent to two or three judges or law professors on a yearly basis.

3.

Spotlight on Current Issues

Since 2005, the CILC Annual Report features two essays highlighting specific issues that affect project activities and the need for international assistance in developing and transition countries. This year's essays focus on alternative dispute resolution in Western and Eastern Europe, and on the role of legal clinics in Africa's Great Lakes region. Both can be a means of improving access to justice.

3.1 Promoting Mediation in Transition Countries

Mediation is a form of alternative dispute resolution (ADR) whereby parties negotiate an agreement in a civil dispute with the assistance of one or more neutral mediators.

There is growing interest in mediation in the transition countries of Eastern Europe and the Commonwealth of Independent States (CIS). Many of them have turned to CILC with requests for Dutch expertise on the subject. This is only natural in view of the fact that the Netherlands has been at the forefront of the European trend towards mediation. The country has unique experience with the testing of mediation through research-based pilot projects and the subsequent introduction of court-annexed mediation in all courts nationwide.

Another specific feature of mediation in the Netherlands is the existence of a self-regulatory professional body. Founded in 1995, the Netherlands Mediation Institute (NMI) watches over the quality of mediators, mediation services and mediation training, and advises the govern-

ment on mediation-related legal and policy issues.

Mediation and other forms of ADR are strongly promoted at European level. The Committee of Ministers of the Council of Europe adopted several recommendations for using mediation in labor conflicts and family, civil and criminal matters.

ADR is also seen as a means of improving access to justice. Five years ago the European Commission published its "Green Paper on Alternative Dispute Resolution in Civil and Commercial Law." This was followed up in October 2004 with a proposed directive emphasizing the potential of ADR not only as a conflict resolution tool but also as a way to improve access to justice for individuals and companies by reducing the workload of the judiciary. The draft underlined the importance of guaranteeing the quality of referrals and mediation services, as well as the confidentiality of the process.

A further outcome of the Green Paper was the development of a European code of conduct for mediators.

Trial Within A Reasonable Time

Delays in court proceedings are a problem in both Western and Eastern Europe. Concern over this key issue affecting the proper functioning of judicial systems was among the reasons why the European Commission for the Efficiency of Justice (CEPEJ) was created by the Council of Europe in 2002.

The principle of the right to a fair trial within a reasonable time is set out in Article 6 of the European Convention on Human Rights (ECHR). Yet throughout Europe court delays have become commonplace as a result of the increasing demand for legal services while at the same time budgetary constraints prevent expansion of the judiciaries.



Dutch trainers Jacques de Waart and Dick Allewijn conducted a mediation awareness training course in Zagreb for the “Conciliation in Individual Labour Disputes” project in Croatia

As a faster and often cheaper alternative to court litigation for settling certain disputes, mediation may indeed contribute to a reduction in case backlogs. But that is a negative reason to promote the use of mediation. Mediation should be part of a package of court efficiency measures.

Is Mediation Right for Eastern Europe?

Due to historical differences, attitudes towards legal services are not the same in Western and Eastern Europe. Under the established legal systems of Western countries, the law was used as a safety net for hundreds of years, and nowadays there is a tendency for disputants to expect too much of the law as an instrument for resolving conflicts. Thus in the West, mediation is an attempt to draw people’s attention back to what social intercourse is all about in the first place: communication and learning how to reconcile divergent interests.

Under the totalitarian regimes of Eastern Europe, for decades the law was a tool in the hands of those in power. Today the legal systems of these transition countries are new and they have weaknesses. People are still learning to use the new laws and the judicial system as a safety net. However, as they become aware of their rights and gain more confidence in the judiciary, the burden on the courts is growing. In addition, the social instability of the transition phase gives rise to labor conflicts that often end up in court.

Some say that it is still too early to promote mediation in these countries. According to this view, the countries

should test the laws in practice and enhance the rule of law as needed before circumventing the justice system with ADR.

The argument for mediation is that it is one of a variety of dispute resolution tools offered by the legal system, and should therefore be included in strategies to build or strengthen the rule of law.

A positive reason to make mediation available to disputants is to provide an extra service by giving them a choice of conflict resolution tools. The parties can select the one that best suits the nature of their conflict and relationship. The real merit of mediation lies in its potential to improve communication skills. Such skills may save relationships, or lead to relationships being terminated in a more acceptable way, without bitterness and unnecessary damage. Mediation can be an effective instrument in cases where both parties are willing to find a solution acceptable to all, instead of a judge imposing a decision in favor of one party. It has been argued that, because of its trust-building potential, mediation could contribute to the reconstruction of civil society in post-conflict and transition democracies.

CILC’s Mediation-Related Activities

Mediation can be either a component of a CILC project on improving access to justice, or the main focus of a project. Projects to set up mediation programs usually comprise legislative advice, mediator training and mediation awareness activities.

In 2005, CILC implemented an EU/Phare-funded project on court-annexed mediation for the Ljubljana District Court in Slovenia. In 2006, in cooperation with the Croatian government’s Office for Social Partnership, CILC launched a project on conciliation in individual labor disputes, funded by the Dutch Ministry of Foreign Affairs’ Matra preaccession program. As part of the administrative procedure component of a current project with the Highest Arbitration Court of the Russian Federation, CILC experts provide advice on mediation in commercial and tax conflicts.

All these projects reflect the problem of case backlogs and lengthy court procedures. The beneficiaries hope that mediation will ease some of the burden on the courts, but they also appreciate it both as a service to disputants and as a tool that can help maintain or even improve relations and communication. In Croatia mediation is expected to advance the social dialogue, and in Russia there are hopes it will improve relations between the tax authorities and taxpayers.

Information on the national program of court-annexed mediation in the Netherlands can be found on the NMI website [www.nmi-mediation.nl], and on the “Rechtspraak” website [www.rechtspraak.nl/Naar+de+rechter/Mediation+naast+rechtspraak/Internationaal].

Anne-Marie Heemskerk, CILC Senior Project Manager
Rob Jagtenberg, Professor of Comparative Law, Erasmus School of Law, Rotterdam

3.2 Law Clinics Needed in Africa’s Great Lakes Region

CILC is currently seeking funding for a project to set up law clinics at law faculties in Rwanda, Burundi and the eastern Kivu provinces of the Democratic Republic of Congo (DRC). Law clinics provide first-line legal assistance in conflict and post-conflict regions. In addition to improving access to justice, they give law students practical experience in translating societal problems into legal issues, and vice versa. Working in a law clinic also makes students aware that lawyers have a responsibility to help members of society who cannot afford professional legal assistance.

The Origins of the Project

The request for assistance to establish law clinics at law faculties in the Great Lakes region came from the Université Nationale du Rwanda (UNR), which has had its own law clinic since 2000. Four universities in Burundi (in Bujumbura and Ngozi), two in the Kivu provinces of east DRC (in Goma and Bukavu), and three in Rwanda (in Kigali and Gysenyi) were approached about integrating law clinics into their curriculum. All were eager to commit to the project. Possible stakeholders were identified through consultations with various organizations active in the region: the United Nations Development Programme (UNDP), Avocats sans Frontières (ASF), Centre Danois de Droits de l’Homme (CDDH), Ligue des Droits de la Personne dans la Région des Grands Lacs (LDGL), the Initiative for Central Africa (INICA), the Institute of Legal Practice and Development in Nyanza, Rwanda, and the Dutch embassies in Kigali, Rwanda, and Kampala, Uganda.

This project is a continuation of the CILC-managed, Nuffic/NPT-funded project “Strengthening the Law Fac-

PHOTO: TAMARA VAN VLIET



The law clinic at the Université Nationale du Rwanda in Butare

ulties of ULK and UNR in Rwanda.” As part of the redevelopment of the law curriculum, law clinics are gaining importance in Rwandan legal education. The project also builds on a joint project of the United Nations Population Fund (UNFPA), UNICEF and the UNDP, “Sensitization and Legal Aid with Respect to Sexual and Gender-based Violence” (2004-2005), which supported the UNR law clinic in Butare and the Rwanda Bar Association [http://www.unrwanda.org/undp/proj_profiles_2004.pdf].

Access to Justice

Laws affect every citizen and every relationship. In highly regulated societies, laws are governed by often complex rules and enforcement mechanisms. In developing countries, the traditional societal relationships that previously dealt with conflict resolution are gradually being replaced by a growing formalization of relationships and the juridification of society. This entails not only more rules but more complex ones, and a growing need for professional lawyers.

People are often unaware of the law and of their individual rights. Even if they know their entitlements, they may lack confidence in the legal system or the resources to go to court. They need competent advisory services to guide them through the maze of the law.

Over the past few decades, legal assistance has evolved from a favor to be granted into a fundamental right. Classical human rights, such as freedom of the press, freedom of assembly, or freedom of expression, have been joined by social human rights. These include the right to legal assistance (access to justice), along with the right to education, work and medical care. A constitutional state governed by the rule of law implies

the acceptance of both classical human rights and social rights. Generally speaking, the former require the state to refrain from interference in the free exercise of these rights. Social rights, however, demand that the state actively pursue their fulfillment. The focus on access to justice for every citizen is a relatively new approach in development cooperation. It is supported by – and in turn supports – a human rights approach. Access to justice is both a basic right and a means to guarantee the exercise of other rights.

Article 7 of the *Charte Africaine des Droits de l'Homme et des Peuples* (1981) provides for the right to a fair trial, including the right to representation by a legal advisor of one's own choosing. The right to free legal assistance has not yet been provided for. Burundi, Rwanda and the DRC have ratified the treaty. The African Commission on Human and People's Rights has stated that a fair trial and legal assistance play a crucial role in ensuring access to justice.

Access to legal services in the underdeveloped and conflict-ridden Great Lakes region remains limited for a variety of reasons. Most of the professional lawyers are reluctant to move outside the main cities, especially at times of unrest or transition. The few who do work in rural areas are often too expensive for the ordinary citizen. Moreover, there is a wide social gap between urban lawyers and potential clients in rural areas. Finally, the region's lawyers tend to specialize in more commercially attractive fields of law than those relevant to the needs of the poor.

First-Line Legal Aid

Legal assistance can take the form of providing general and specific legal information; preventive and remedial advice and assistance; mediation; and legal representation. A distinction is made between first-line and second-line legal assistance. First-line legal aid includes the provision of information and basic legal advice, and court representation in relatively simple cases. Second-line legal assistance covers the provision of legal advice in more complex cases and representation in court in general.

First-line legal assistance can be provided by the student staff of a university law clinic, by social workers and by legal advice offices. It has several advantages over the second-line legal assistance offered by professional lawyers. It is cheaper and easier to organize, and it has a lower threshold. It can obviate the need for simple cases to be handled by lawyers, whose services are too expensive for many people. It can also function as a

necessary door with a low threshold to second-line legal services for more complex cases.

The project which CILC and the UNR law faculty have developed seeks to make first-line legal assistance available to people in Burundi, Rwanda and the DRC's Kivu provinces through university law clinics, in cooperation with NGOs active in this field.

State authorities have a twofold interest in interventions aimed at improving access to justice for their citizens. First, the authorities are often unable to create necessary legal structures as a result of a lack of power and/or financial means. Second, well-organized, good-quality first-line legal assistance diminishes the need for costly secondary legal assistance.

Local NGOs

The objectives of this project are to disseminate legal knowledge and enable the provision of legal services by local law students and legal advisors from local NGOs. An all-encompassing program to improve access to justice in a conflict or post-conflict society ideally includes all layers of society, which together form the constitutional state governed by the rule of law: the extended legal chain. Since a chain is as strong as its weakest link, every link should be scrutinized. However, the project's scope and financial means make it impossible to support all links in the chain. Weak administration in the region further limits the possibilities. The choice has therefore been made to focus on the grassroots level by promoting first-line legal assistance through the establishment of law clinics at a number of law faculties. An essential factor was the clearly formulated request for support by the law faculties.

The regional network of law clinics will cooperate with NGOs that deal with the dissemination of legal knowledge and legal assistance. There are several reasons for their inclusion. It ensures that the cases handled are not restricted to the immediate area of the towns where the law faculties are located. It broadens the dissemination of knowledge and legal assistance and therefore public awareness of the law and individual rights. It can result in improved legal services offered by the NGOs. Students will benefit from contact with the daily reality in the field. Last but not least, civil society organizations contribute to the promotion and defense of human rights and the process of rebuilding a nation.

Professional lawyers are by definition the tail of each and every access to justice project. They are able and authorized to provide legal follow-up to cases initially

handled by law clinics, thereby forming the necessary backbone of first-line legal assistance. Domestic bar associations will therefore play a major role in the project. They can encourage lawyers to provide legal services in rural areas, including pro bono services. The participation of legal professionals is an important guarantee of the quality of first-line legal aid.

Law Clinics

More than half the population in the region targeted by the project cannot read or write. There is low public awareness of legal means for resolving problems. The region has been scarred by the genocide in Rwanda and military conflicts in Burundi and the DRC. If one is aware of rights that have been violated, one also needs to know how to seek acknowledgment of those rights. Some victims keep silent as a result of their trauma. Law clinics are a way to help the population break the silence and effectuate their rights.

A law clinic is part of a university law faculty. Under the project, law students will advise people who have a legal problem, and disseminate knowledge of relevant laws and regulations. The students are supervised by university instructors. In a small number of cases, professional lawyers will provide assistance. Cases will be brought to the law clinics either directly by citizens themselves, or through regional and local NGOs that offer similar services to the population.

The project will build on the daily experience of the existing law clinics in the region. These are run by the UNR in Butare and by the Université Libre de Kigali (ULK) in Kigali and Gysenyi. While the small law clinic in Kigali focuses on dissemination of legal knowledge, those in Butare and Gysenyi mainly dispense legal advice to the local population. The law clinics at both faculties are part of the regular law curriculum. Starting in 2008, law clinics will play an important role in the new law curriculum being developed under the CILC-managed project “Strengthening the Law Faculties of UNR and ULK in Rwanda.” They provide students with their only real opportunity for practice-oriented training.

The services of the law clinics are free of charge. Around 50 people from the surrounding area visit the law clinic in Butare during the weekly consultation hours, seeking advice on problems ranging from everyday issues to serious human rights violations. In some cases, victims of human rights violations have themselves participated in violations, due to ignorance or a misunderstanding of human rights.

Thus law clinics meet a demonstrable need for legal services while at the same time contributing to the education of future lawyers and enhancing their sense of social responsibility. Although the direct effects may be difficult to measure, the proposed new law clinics will clearly advance the rule of law in a region whose population has long lacked basic access to justice.

Project goals:

- To establish law clinics at 10-12 university law faculties in the Great Lakes region
- To form a network comprising law clinics, regional and local NGOs that provide first-line legal assistance, and a small group of professional lawyers
- To ensure the provision of high-quality legal services based on acquisition of knowledge in such areas as human rights law, criminal law and administrative law, and the skills to apply that knowledge.

Targeted outcomes:

- 10-12 new law clinics offering 1,000 students a year better practice-oriented legal education
- A manual for first-line legal assistance (dissemination and advice) developed and in use at the law clinics
- Legal advice given to 16,000-20,000 people across the region annually
- Around 15 cases a year assisted by professional lawyers on a pro bono basis.

Activities:

The CILC project manager will coordinate the project with an assistant from the region. Four experts from the region will be hired to write a first-line legal aid manual. A Dutch information and communication technology (ICT) expert will help set up a project website that includes a case database, frequently asked questions, and a digital version of the manual. A Dutch expert on first-line legal aid will be involved in developing the manual and organizing annual conferences on specific legal topics. The law clinics and NGOs will be supplied with legal texts and computers.

Roelof Haveman, CILC Long-Term Expert
Aika van der Kleij, Former CILC Project Manager

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, the project promoted the use of case law in Czech legal education and judicial practice. Activities in 2006 included curriculum development and teacher training for law faculties and the Judicial Academy of the Czech Republic, and training workshops for judges, lawyers and legal analysts. The final workshop was organized in February in cooperation with the law faculties of the University of West Bohemia in Plzeň and Charles University in Prague. It dealt with intellectual property and European case law and was chaired by Prof. Frederik Willem Grosheide from Utrecht Law School. With support from the project the Brno-based law review *Jurisprudence* was developed into an independent, unsubsidized journal and published 22 issues on its improved website [www.jurisprudence.cz]. The final evaluation conference was held in March in Prague, in cooperation with the Judicial Academy and other project partners.

ESTONIA

Building Competence in EU Law in the Estonian Judiciary

From July 2004-July 2006, CILC worked with the Esto-

nian Law Centre (ELC) 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 ELC from August 2004-July 2005. The last training courses were held in January, March and May 2006. In March, case studies and other training materials developed by the mid-term experts were put on the ELC website, along with pilot e-learning courses. In April and May, the Estonian train-the-trainers group visited Dutch courts, the Council for the Judiciary, and the European Court of Justice (ECJ) in Luxembourg to discuss the application of EU law in practice. The closing conference took place in Tallinn at the beginning of June.

LITHUANIA

Implementation of the New Lithuanian Code of Civil Procedure

From September 2003-June 2006, 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. The project was extended by three months to include an extra training seminar for bailiffs in March on the execution of civil law decisions. Judge René Verschuur from the Leeuwarden Court of Appeal, Dutch Supreme Court Justice Daan Asser and Prof. Remco van Rhee from Maastricht University participated in the June final conference on civil procedure in EU law, which was attended by Lithuanian Minister of Justice Gintautas Bužinskas. In



Members of the Supreme Administrative Court of Lithuania visiting the Council of State in The Hague in April

a letter to CILC, his successor, Petras Baguska, expressed his appreciation for the work of the project.

The materials produced during the training program were compiled and prepared for publication.

At the end of the Code of Civil Procedure project, CILC received a letter of appreciation from the Lithuanian minister of justice



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

This EU/Phare Twinning Light training project for the Dutch Ministry of Justice was carried out from September 2005-April 2006. It followed up a similar CILC project for Lithuanian administrative court judges in 2004. A series of eight training seminars dealt with EU competition law, tax law, environmental law, transport law, social and medical issues, pharmacy law, customs law and veterinary law. Other activities included a study visit to the Netherlands by 15 administrative court judges, and two roundtable meetings with Lithuanian Supreme Court justices on specific customs and VAT law issues not covered in the seminars. The materials produced during the project were published in a 1,270-page training manual.

The project leader was Cornelis Blok. The Dutch trainers were judges and academic experts on EU administrative law.

POLAND

Support for the Drafting of the New Polish Civil Code

Launched in January 2005 at the request of Poland's Civil Law Codification Commission, this Matra-funded project runs through 2007. The key expert is Prof. Paul Meijknecht, who had previously spent four years seconded to the Polish Ministry of Justice. In 2006, legal resource materials continued to be supplied to the Commission. In January, a seminar was held on consumer protection issues. Based on the seminar discussions, several of the participants coauthored an article on consumer protection law in Poland for a leading Polish law journal. In February, Commission members met at CILC's office in Leiden to discuss legal acts. Securities law was the subject of a meeting in Warsaw in April. In the following months, the Commission drafted a Green Book, "On an Optimal Vision for a Polish Civil Code," which it then approved in meetings in which Prof. Meijknecht participated. The Green Book was published by the Ministry of Justice in the fall.

With the finalization of the Green Book at the end of June, the Commission's mandate expired. Nearly six months later, Prof. Zbigniew Radwański from Adam Mickiewicz University in Poznań was reappointed chairman for another four-year term. The secretary and most of the Commission members were also reappointed. In December, the project team met with the new Commission in Warsaw to plan the remainder of the project.

EU Candidate States and Other Countries

Southeast Europe

CROATIA

Conciliation in Individual Labour Disputes

Begun in March 2006, the two-year project assists Croatia with the introduction of alternative dispute resolution (ADR) as a tool for resolving individual labor conflicts. The Matra-funded project is being carried out in cooperation with the Croatian government's Office for Social Partnership. Under the project, advice is provided on the establishment and regulatory framework of a conciliation program for labor disputes. A training plan for mediators, employers, trade unionists and professional lawyers will be developed and implemented. The project includes advice on a communication strategy for the conciliation program as well as on monitoring and evaluation. In October 2006 an analytical report containing recommendations on legislation and a financing model was written by Prof. Rob Jagtenberg and Prof. Annie de Roo from the Erasmus School of Law in Rotterdam, with input by Jan-Kees Vos from the Dutch Ministry of Justice. It was discussed at meetings between the project's experts and stakeholders in the Croatian capital, Zagreb. In November, the initial basic mediation training course was given by trainers from the Center for Conflict Management (CvC) in the Netherlands. Anneke Jelsma, a professional mediator experienced at managing Dutch mediation programs, began setting up pilot conciliation projects at four large Croatian companies in Croatia.

SERBIA

Strengthening Administrative Justice in Serbia

CIIL's partners in this two-year Matra-funded project are the Judges' Association of Serbia, the Serbian Supreme Court and the Judicial Training Center (JTC) in Belgrade. The project activities cover legislative advice, judicial training, strengthening the planned Administrative Court, and support for the preparation of a handbook on administrative law. In 2006, equipment was procured for the Supreme Court's administrative law chamber

and installed in March. In mid-May, the JTC organized a train-the-trainers seminar to prepare Supreme Court administrative law judges to train their colleagues on the Court as well as lower court judges in administrative law. The seminar trainers were Judge Dick Allewijn and Judge Henk Naves from the Netherlands, and Prof. Miomir Despotović, a Serbian specialist in adult training methodology. In June, the Serbian Supreme Court and the project jointly held a two-day conference on the impact of the European Convention on Human Rights and the European Court of Human Rights on national administrative law. Dutch experts Judge Theo Simons and Prof. Michiel van Emmerick, associate professor at Leiden University, participated in the conference. In November and December, the Serbian judges who had been trained in May conducted training sessions in Belgrade, Novi Sad and Niš. Prof. Despotović provided coaching. Preparation of a manual based on the June conference could not be completed by year's end, and a planned study tour to the Netherlands had to be postponed. Therefore, the Dutch Ministry of Foreign Affairs granted the project an extension through March 2007.

TURKEY

Support to the Establishment of Courts of Appeal in Turkey

This EU/Phare Twinning project was awarded in early 2005 to the Dutch Council for the Judiciary as the senior project partner, and Sweden's National Courts Administration as the junior partner. CIIL cooperated with them on drafting the work plan and is responsible



The Steering Committee of the Turkish courts of appeal project met in Ankara in September

for the project management. The project began in January 2006 and ends in July 2007. Its main focus is on training judges, prosecutors and auxiliary personnel for the new regional courts of appeal provided for under a Turkish law that entered into force in 2005. However, the courts were still being debated in 2006, and it was unclear whether the June 2007 deadline which the law had specified for their introduction would be met.

In the course of 2006, handbooks were prepared for judges dealing with civil cases, for judges and prosecutors dealing with criminal cases, and for auxiliary staff. Courses were developed on civil procedure for judges, criminal procedure for judges and prosecutors, and case-flow management for auxiliary staff. Based on the handbooks, the courses and train-the-trainer seminars, 60 trainers were trained by Dutch and Swedish experts. In March, a conference was held at the Court of Cassation on the functioning of a three-tier judicial system both in general and with specific reference to the Netherlands, Sweden, France and Germany. The discussions and recommendations were published in a booklet distributed to the stakeholders. Two study visits to the Netherlands and France were organized for judges and prosecutors, and auxiliary staff visited Sweden.

Strengthening the Justice Academy in Turkey

Officially launched in November 2005 and funded by the Dutch Ministry of Economics' Agency for International Business and Cooperation (EVD), the two-year project supports Turkish efforts to join the EU by helping the recently founded Justice Academy strengthen its EU law training capacity. The project foresees the development of courses on intellectual property rights, EU tax law, special consumption tax and VAT, Internet offenses, and European institutions, which Turkish trainers will be trained to teach.

After a change of leadership at the Justice Academy in early 2006 delayed the project at the outset, CILC decided, in consultation with the EVD, to prolong the inception phase. A series of meetings were held with the Academy leadership in 2006. Despite initial agreement on an inception report and changes to the project plan, activities were hampered by a lack of personnel and financial resources at the Academy. A further issue was the Academy's inability to commit fully to the train-the-trainers program because it is not entitled to mobilize magistrates for training and is dependent on the Supreme Board of Judges and Prosecutors. CILC and the Academy are working together to overcome these obstacles in

order to achieve local ownership of the project and the Academy's full commitment to it, which is the sine qua non of the project's implementation and success.

4.2 Commonwealth of Independent States (CIS)

AZERBAIJAN

Administrative Procedure Code in Azerbaijan: Introduction and Implementation

The inception phase of this administrative law project with the German Agency for Technical Cooperation (GTZ) was concluded in March 2006. In April, a revised plan was submitted to the funder, the Dutch Embassy in Tbilisi. The train-the-trainers program for administrative judges included in the original proposal was no longer needed after Azerbaijan decided not to establish a separate administrative jurisdiction, thereby limiting the number of administrative judges. Instead, training seminars for administrative judges, once they are appointed, will be organized in late 2007 and early 2008.

The project concerns two new laws, the Administrative Procedure Law and the Administrative Court Procedure Code. In early 2006, CILC and GTZ published the recently signed Administrative Procedure Law in a booklet. A commentary was finalized in May and published in December. Drafting of the Administrative Court Procedure Code began in late 2005. In 2006, consultations between the Azerbaijani drafters and German and Dutch experts took place in Azerbaijan, Germany and the Netherlands. The code is expected to be sent to parliament by mid-2007. Once it is approved, a commentary will be prepared.

At the request of the Azerbaijani stakeholders, three intensive administrative law seminars were conducted for future trainers of civil servants, who also visited Germany and the Netherlands. An administrative law seminar was organized for journalists. Seminars for civil servants on the Administrative Court Procedure Code will be held following its adoption. In Baku in May, German, Dutch and Georgian experts took part in an administrative law conference and follow-up seminars attended by nearly every high-ranking civil servant in the country.

GEORGIA

TMF Contract Law Project

The one-year project, which ended in mid-2006, provided training in the application of the Georgian Civil Code's provisions on the law of obligations, and support for a public awareness campaign. It was 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. A seminar on the law of carriage was held for lawyers. GYLA prepared six radio programs on different types of contracts, as well as follow-up leaflets, and posted information on billboards in major urban marketplaces and in buses. A booklet on the current practice of contract law in Georgia, including a comparative analysis by a Dutch expert, will be published in 2007.

TMF Tax Law Project

Starting in March 2006, the nine-month TMF-funded project comprised the drafting of commentaries on selected chapters of Georgia's 2005 Tax Code, the training of judges, tax officials and entrepreneurs on the code's application, and development of a tax guide. The Association of Young Economists of Georgia (AYEG) carried



PHOTO: MARI NANITASHVILI

A tax law seminar in Batumi, Georgia, in July

out the project in cooperation with CILC. The Georgian experts' commentaries were discussed by state officials and independent experts at a two-day conference in May. The outcome served as the basis for the preparation of the tax guide, 5,000 copies of which were published in June. In June, July and September, several training seminars for judges, lawyers, tax officials and entrepreneurs were organized on general and specific issues relating to the Georgian tax system. Judge Karel Braun from The Hague District Court, who also teaches at Leiden University, participated in the training as an international expert. The tax guide proved so popular that a second, edited version was published in December, and recipients of the first edition received handouts with updated information.

THE RUSSIAN FEDERATION

Strengthening Russia's Legislative Framework

This three-year Matra-funded project to assist in the harmonization of Russian civil and administrative procedure law runs through 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. The project comprises meetings of the Russian working groups with Dutch experts, conferences, expert meetings, written expert opinions and publication of the results of each project component. In April 2006, the Russian working group on the draft Intellectual Property Law, led by President Vladimir Putin's legal advisor, Veniamin Yakovlev, discussed the draft law in Leiden with Dutch experts Prof. Wouter Snijders, former government commissioner for the Dutch Civil Code; Feer Verkade, Advocate General at the Supreme Court; and Utrecht Law School professor Frederik Willem Grosheide. The draft law was approved by the State Duma and signed by the Russian president in fall 2006. Alexander Mohr, a retired company and tax law professor and a partner with Spigthoff Attorneys at Law & Tax Advisors, and Judge Huub Willems, President of the Amsterdam Court of Enterprise, took part in a seminar in June on corporations as legal persons. Expert commentaries were provided on a draft law on contracts of pledge, and preparations were made for a meeting at which experts would answer questions submitted by the working group dealing with the draft law. In March, Dutch experts Prof. Michiel Scheltema, former government commissioner

for administrative law, and Prof. Alex Brenninkmeijer, National Ombudsman of the Netherlands, visited Moscow to discuss administrative procedural law. They met with the working group at the Supreme Arbitration Court of the Russian Federation; with Mr. Yakovlev; with members of the Duma legislative committee; and with tax offi-

cial. Translations of Russian and Dutch draft laws were subsequently exchanged for study and comments. CILC provided information and comments on court-annexed mediation to the Supreme Arbitration Court working group and to Mr. Yakovlev, which resulted in enacted amendments to the Tax Code.

In December, Prof. Alexander Makovsky, deputy chairman of the Research Centre for Private Law under the President of the Russian Federation, thanked CILC for the valuable contribution made by Dutch civil law experts to the finalization of the Russian Civil Code

Attn.: Mr K. Kouwenaar
Mrs A.M. Heemskerck

Dear Friends,

It gives me great pleasure to inform you that the fourth part of the Russian Civil Code, "Rights to the Results of Intellectual Activity and to Means of Individualisation" (VII, articles 1225-1551), has been adopted.

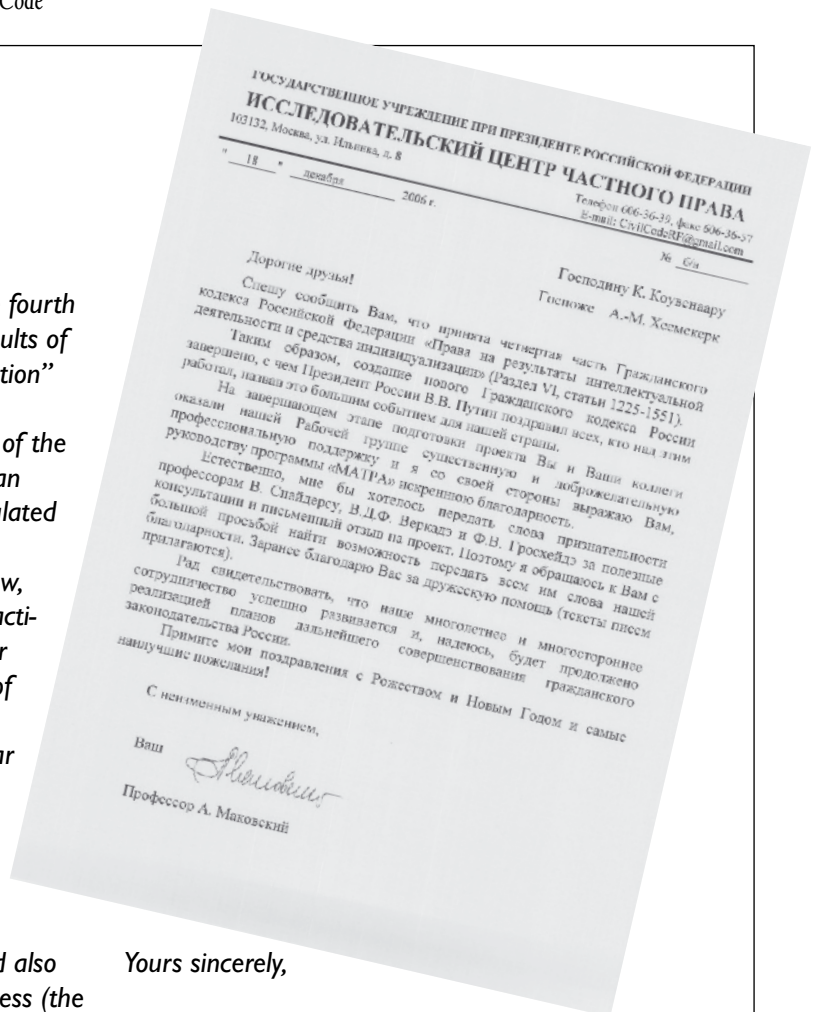
This signifies the completion of the Civil Code of the Russian Federation. President Putin has called it an important event for our country and he congratulated "everyone who made a contribution to it".

In the last phase of the development of the law, you and your colleagues gave our Workgroup practical, sympathetic and professional support and for my part I would like to offer you, the managers of this Matra project, my heartfelt thanks.

Of course, I would like to express my particular appreciation to Judge W. Sniijders and to Professors V.C.F. Verkade and F.V. Grosheide for the constructive consultations and the written commentary on the law. That is why I am addressing myself to you with the request to convey our words of gratitude to them on our behalf. I would also like to thank you in advance for this act of kindness (the texts of the letters are enclosed).

I am happy to see that our multifaceted collaboration is successful and hope that it will be continued, particularly the realisation of our plans to further the completion of civil law in Russia.

With all best wishes for Christmas and the New Year.



Yours sincerely,

Professor A. Makovsky
Research Centre for Private Law
Under the patronage of the President of the
Russian Federation

Moscow, 18 December 2006

Assistance to Arbitration Courts in the Russian Federation

The EU/Tacis project, led by the German Foundation for International Legal Cooperation (IRZ), started in March 2004. CILC managed the training seminars for administrators, recruited short-term experts, and organized a study tour to the Netherlands. The other project partners were the British Council and Russia's Institute for Law and Public Policy (ILPP). The project provided training for Russian arbitration (commercial) court judges, administrators and clerks. CILC has a longstanding relationship with the Supreme Arbitration Court.

In 2006, CILC experts took part in seminars on court administration for court presidents and administrators in Moscow, Ufa, Novosibirsk and Yuzhno-Sakhalinsk; corporate law seminars for judges in Moscow and Samara; and securities law seminars in Moscow and Vologda. A Dutch judge with 20 years' experience as a court clerk participated in seminars for court clerks in Voronezh, Moscow and Irkutsk. Two Dutch experts were involved in the compilation of manuals on corporate law and court administration. Many of the Dutch experts who had participated in the project attended the closing conference in Dresden on December 11. The project was officially closed at a meeting in Moscow in mid-December.

UKRAINE

Implementation of the Ukrainian Civil Code

The Matra-funded project, which began in January 2005 and will run through 2007, provides training for Ukrainian legal professionals on the Civil Code (effective since January 2004). In April 2006, a train-the-trainers seminar for judges and the first regional seminar for lawyers took place in Kyiv. A manual for lawyers was published in time for the second lawyers' seminar, held in Lviv in November, which was followed by a third seminar in Donetsk in December. A seminar for notaries was also held in Lviv in November. A Dutch key expert monitored both Lviv seminars. At the beginning of December, the project team and the Ukrainian Ministry of Justice presented ten public information brochures for distribution across the country. Preparation of a manual for judges and the first regional judges' seminars were postponed to early 2007.

Strengthening European and Comparative Law at Ukrainian Universities: Assessment Mission

In response to a request by the Ukrainian Embassy in The Hague for CILC's assistance in strengthening the teach-

ing of EU law at Ukrainian universities, Prof. Remco van Rhee from Maastricht University, a prospective project partner, and CILC Senior Project Manager Eric Vincken undertook an assessment and project formulation mission in December 2005. In 2006, Maastricht University withdrew from the planned project and was replaced by Utrecht Law School. Following a new mission at the end of August, CILC submitted the revised Matra funding proposal on November 1. A decision was expected in the first months of 2007.

4.3 Asia

CHINA

Academic Cooperation: Civil Law

An identification mission to China in mid-2005 resulted in the submission of a funding proposal to the Dutch Ministry of Foreign Affairs' Theme-based Program for Development Cooperation (TMF) for the first phase of a three-year Dutch-Chinese collaborative research project to facilitate the enactment of the Chinese Civil Code by 2010. The proposal was approved, and a weeklong inception mission carried out in February 2006 led to the endorsement of the operational work plan. Activities planned for the first project phase, which was originally intended to conclude in December, included the translation into Mandarin of Books 3, 5 and 6 of the Dutch Civil Code and supportive materials; creating a Dutch-Chinese



PHOTO: SERVAAS FEERTAG

Prof. Wang Weiquo and Prof. Carel Stolker, dean of Leiden Law Faculty, during an August visit to the faculty by Chinese civil law professors

civil law network based at China University of Political Science and Law (CUPL); setting up a project website [<http://www.ccelaws.com/hlmf/index.asp>]; organizing study visits; and holding “Dutch Civil Law Week” (a symposium followed by a series of talks) in Beijing in December. During the latter events, the translated books of the Dutch Civil Code were distributed to members of the Legislative Affairs Commission of the Standing Committee of the Chinese National People’s Congress. All the papers presented by the participants from Leiden University are to be published in Mandarin.

The first phase of the project was extended to the end of 2007 to enable the translation and publication of Book 7 of the Dutch Civil Code and related materials. In addition, participants from CUPL will undertake a study visit to the Netherlands, and a conference will be scheduled in Beijing.

INDONESIA

Pilot Project To Strengthen Indonesian Academic Legal Education

This project was conceived as a step towards reviving Dutch-Indonesian academic cooperation. It grew out of a feasibility study which CILC carried out in Indonesia from late 2004 until mid-2005. CILC successfully applied for TMF funding at the end of 2005, and cooperation with the law faculties of Atma Jaya University in Yogyakarta and Andalas University in Padang, West Sumatra, began in 2006. The project is limited in scope and time-frame. Its primary aim is to test the feasibility study’s recommendations for how best to help the two law faculties upgrade their curricula, introduce new teaching methods, and transfer the acquired knowledge to the teaching staff of neighboring university law faculties.

Inception missions were undertaken to Andalas University in January and to Atma Jaya in May. A project team made up of three academic staff members was formed at each law faculty, and work plans were drawn up. The two project teams visited the Netherlands in August and September to discuss IT, library networking and institutional management, and above all to learn about the modern teaching methods used at the Erasmus School of Law in Rotterdam and Maastricht University. One of the positive outcomes of the study visit was the receptiveness of the Atma Jaya team to Maastricht University’s problem-based learning (PBL) methods. The first training mission at Atma Jaya took place in November, and participants presented what they had learned to neighboring univer-

sities. By contrast, cooperation with Andalas University during and after the training mission there in October was disappointing, and as a result, CILC suspended the project activities with Andalas.

The TMF funding was extended for a second year. In 2007, the Atma Jaya project members are expected to adopt PBL and monitor its implementation by other universities. An evaluation mission to Atma Jaya will be conducted in June 2007.

Commentary on Indonesian Criminal Law

As the preparatory stage of a major cooperation project between Leiden University’s Faculty of Law and Indonesian partners, Leiden professors conducted seminars in seven Indonesian cities in March and April 2006. Under the project, a commentary will be prepared on the development of Indonesian criminal law since the country’s independence from Dutch rule in 1949, including current and future reforms: New criminal legislation awaiting passage through parliament would replace current laws, many of which are rooted in Dutch law, with Shari’a-based law. Among the topics addressed in the seminars were Dutch criminal procedural law; international human rights and criminal law with special regard to extradition; freedom of the press and press offenses; terrorism under criminal law; and money laundering. The Dutch experts acquired contacts and information that will be useful to future Indonesian projects.

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.

ETHIOPIA

Strengthening the Universities of Bahir Dar and Jimma

The project targets the two Ethiopian law faculties that are most in need of assistance. It began in January 2006 and will end in June 2010. Utrecht Law School is the lead partner. CILC's involvement is limited to the inception and concluding phases. The project's main objectives are to upgrade the teaching staff of Bahir Dar University and Jimma University law faculties to LL.M. level, and to revise the curriculum and teaching methodology. A smaller component aims at the improvement of teaching facilities. The project builds on the final report, published in March 2005, of CILC's baseline study for Ethiopia's Justice System Reform Program.

MADAGASCAR

Consolidation of the Rule of Law

CILC is a partner in this three-year IIPLD project, which 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. A CILC expert advised on customs legislation from early 2005 to early 2006.

MALI

In 2006, CILC was active in three complementary projects to assist the strengthening of the rule of law in Mali. As all three involve the development of the West African country's paralegal services, particularly in rural areas, a short introduction is necessary.

The concept of paralegal services in the Malian context is very different from that in the Western world, where paralegals mainly work as administrative assistants to lawyers. In Mali, paralegals are non-academically trained lawyers who supply legal aid to the population. They act as legal counselors and mediators, and provide information about citizens' rights and obligations. Their importance cannot be overestimated in rural areas, where there are no lawyers or relevant counselors to assist people in their legal dealings with other citizens or the state. To ensure sufficient availability of paralegal services, around 110,000 candidates, or one percent of the population, need to be trained as paralegals over the next 10 years. Major efforts will be required to meet this goal.

PHOTO: SERVAAS FEERTAG



Mali's nationwide paralegal training program is being prepared by a transitional national board

National Training Program for the Training of Paralegals

In 2005, the leading Malian human rights NGO DEMESO approached CILC to work together with it on preparing a national paralegal training program. Starting in February, the program was set up over the course of 2006. The national curriculum was defined and adopted in March by public institutions and civil society organizations, including ministries, the Institut National de Formation Judiciaire du Mali (INFJ), and governors and prefects. Unprecedented progress was made in just one year. The national and regional coordination was installed and operational training manual and quality procedures were developed. A large number of NGOs committed themselves to aligning their paralegal training activities with the new national standards. CILC key experts Servaas Feiertag and Badié Hima cooperated closely with the national coordinator Ibrahim Koreissi and the other members of the transitional national board, and attribute the TMF-funded project's successful results to a participative approach and the personal commitment of the national board members. Details about the national program are available on its website [<http://www.cnpcpmali.org>], which will be revamped by the end of July 2007.

Access to Justice for the Poor in Mali

The three-year project of Mali's Ministry for the Promotion of Women, Children and the Family supports the training of paralegals by civil society organizations and the provision of legal assistance to vulnerable groups. It kicked off in May 2006 and is financed by the Japanese government through the World Bank. Paralegals will be trained and certified in accordance with the new national

training program. The ministry contracted CILC key expert Servaas Feiertag as a special consultant to finalize the contracts between the ministry and the Malian NGOs, define the database of results to be achieved, help develop training materials, conduct training activities and evaluate the overall program. He and the World Bank's Karen Hudes undertook a mission to Mali in late September and early October. Training is due to begin in 2007.

Prospective Review of the Legal and Judicial Sector

Mali's biggest legal reform program, *Programme Décennal de Développement de la Justice* (PRODEJ), seeks to improve the functioning of the judiciary and restore public trust in the system. In the late 1980s, the then minister of justice asked civil society organizations and opinion leaders to propose improvements. That led to the establishment of a national program to reform public institutions over a 10-year period. Following roundtables and research missions, PRODEJ finally launched its activities in 1998. There were few results, however, and by 2006 only the Canadian Embassy in Bamako was supporting and running the program. Having decided that PRODEJ should be evaluated and probably adjusted, the Canadians approached the Dutch Embassy and together they funded two evaluation missions and a prospective review. The Dutch Embassy hired CILC key expert Servaas Feiertag to carry out the review in cooperation with the Canadians' key expert, Judge Louise Otis. Their report recommended that the hitherto top-down approach to legal sector reform be combined with bottom-up measures. The report's conclusions were approved by both embassies, and are expected to be put into practice in 2007.

MAURETANIA

Access to Justice for the Poor in Mauretania

CILC Senior Project Manager Servaas Feiertag was asked by the World Bank to manage this paralegal training project. To launch it, he and the Bank's Karen Hudes undertook a mission to Mauretania in October 2006. Like the project "Access to Justice for the Poor in Mali," which is also funded through the Bank by Japan, the Mauretania project addresses the urgent need to develop paralegal services in rural areas. A national training program will be prepared and implemented. The project runs until May 2009.

RWANDA

Strengthening the Law Faculties of the ULK and UNR in Rwanda

The four-year project, which began in July 2005, provides assistance to the law faculties of the Université Libre de Kigali (ULK) and the Université Nationale du Rwanda (UNR) in four areas: curriculum development (revision of the LL.B. curriculum and development of specialized courses for professionals); staff development (training in student-centered teaching, certificate courses, and support for graduate study abroad), infrastructural development (expanding libraries and computer facilities); and strategy development (training of management and administrative staff).



Rwandan doctoral candidates visited the Dutch seaside with (third from left) CILC Assistant Project Manager Tamara van Vliet

Funding comes from the Dutch government's Nuffic/NPT program for educational cooperation. The project is coordinated in Kigali by CILC Project Manager and long-term expert Roelof Haveman, assisted by Tamara van Vliet at CILC and Alexandre Kayiranga in Rwanda. CILC's project partner is Utrecht Law School.

In 2006, a new curriculum for all the country's law faculties was prepared for adoption in 2007, computer labs were set up, and hundreds of law books were procured for the libraries. ULK and UNR faculty members enrolled in LL.M. programs at Utrecht Law School and in South Africa, and Ph.D. programs in Belgium, France, the Netherlands and Ireland.

UGANDA

Strengthening the Capacity of Prisons and Police Training Institutions in Uganda

The four-year Nuffic/NPT-funded project is aimed at improving the training programs run by the Uganda Prison Service (UPS) and the Uganda Police Force (UPF). CILC and the Dutch Police Academy (NPA) are carrying out the project through May 2009 with consortium leader Hogeschool Leiden, a Dutch university of applied sciences. Trainers from the Dutch National Agency of Correctional Institutions (DJI) are also involved. The beneficiaries are a prison academy, two police academies, and the training and human resource development departments of the UPS and UPF.

Assisted by Dutch experts, strategic planning teams at the prison and police schools defined the training objectives and core curricula by the end of 2006. As a result, the UPS committed itself to convict rehabilitation, and the UPF to community-oriented policing. Instructors received training in interactive teaching, and in the skills needed to upgrade their curricula.

4.5 The Arab World

PALESTINIAN TERRITORIES

Empowering the Palestinian Judicial System

CILC is one of four partners in a consortium, led by the ICON Institute in Germany, which was contracted by the EU in July 2005 to run a project to strengthen the Palestinian judiciary and aid implementation of the laws establishing the justice system. Both long- and short-term expertise will be provided to the Project Coordination Unit. The project was initiated in January 2006 and runs through June 2008. It comprises three components: to support the Supreme Judicial Council (SJC), the High Constitutional Court and the Administrative Jurisdiction; deliver training for judges and prosecutors; and procure IT equipment for courts, the prosecution service and the SJC.

Some of the project activities had to be postponed due to the unstable political situation following the change of government in March 2006.

PHOTO: KEES KOUWENAAR



The Sana'a and Al-Jawf Court of Appeal in session

YEMEN

Judicial Support Program Yemen

The project activities kicked off in February with the first of three missions undertaken over the course of 2006 to examine court management issues at selected Yemeni courts and recommend improvements. The project team discussed working procedures with judges and clerks at the Sana'a and Al-Jawf Court of Appeal, the Sana'a Commercial Court of Appeal, the Sanhan Court of First Instance and the Sana'a Commercial Court of First Instance. Cumbersome procedures place a burden on court staff and delay court proceedings. For example, the registration of new cases could be accelerated by reducing the required number of signatures by various clerks before a case can move to the next department. Another recommendation was the establishment of a front office on the ground floor of the courthouse in order to improve the court administration and access to it, and to limit unnecessary contact between court staff, litigants and lawyers. Some obstacles to efficiency are due to existing laws, such as the requirement that all judgments be handwritten and signed.

In addition to the recommendations, training seminars for judges and court clerks were given at the Sana'a and Al-Jawf Court of Appeal. A seminar for public prosecutors was organized in November.

The project, funded under the TMF "Rule of Law Facility," has been extended through 2007. A court management manual is being prepared for publication, and efforts are underway to introduce a computerized case management system and procure computers for the four model courts.

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.

Identification missions to Mali, Georgia and China were undertaken in the latter half of 2004 and in 2005. A feasibility study on strengthening legal education in Indonesia and an inception mission to Yemen also took place. 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, Dutch-Indonesian academic cooperation, support for the Yemeni justice system, and Dutch-Chinese academic cooperation focusing on the Dutch Civil Code and China’s planned Civil Code. Most of these projects, which are described in detail above, were implemented in 2006. Missions to monitor and assess the activities in Indonesia and Yemen were carried out in October and November. CILC decided not to pursue any activities in Ethiopia during the TMF grant period in view of the current political situation there.

Due to events in some of the countries, not all the programmed activities could be implemented by year’s end. Therefore, in November 2006, CILC submitted a request to the Ministry of Foreign Affairs for an extension of the TMF funding period. In December, the ministry granted a one-year extension to enable the continuation of activities in three of the original six countries, Yemen, Indonesia and China.

EC Framework Contract, Lot 7

CILC is a member of a large consortium, led by Brussels-based IBF International Consulting, which at the end of 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 ju-

dicial 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 160 calls for experts so far, around 27 percent were in the rule of law and good governance sector. For each assignment, three consortia compete to propose the best team of experts under the best conditions within a tight deadline. In July 2006, Jan Janus from the Dutch Ministry of Justice and CILC Senior Project Manager Eric Vincken were selected to prepare a Twinning fiche for a future EC project to support the Moldovan parliament. From September through December, they undertook missions to Brussels, Chişinău and Kyiv.

CILC's Executive Board and Board of Trustees

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APPENDIX II

CILC's Staff

DIRECTOR

Kees Kouwenaar

PROJECT MANAGERS

Servaas Feiertag
Anne-Marie Heemskerk
Karijn de Jong (through March 17)
Aika van der Kleij (as of January 23)
Marja Lenssen
Niels Roovers
Abdeljalil Taktak
Eric Vincken

ASSISTANT PROJECT MANAGERS

Dilia Ham
Adeline Tibakweitira (as of April 17)
Tamara van Vliet

LONG-TERM EXPERT

Roelof Haveman

FINANCIAL ADMINISTRATION

Alenka Bajc
Majda Bajc (April-June)
Lenie van Rooijen-Peet
Ewout Sutorius (as of August)
Yvonne Volkerts (February 20-March 20)

SECRETARIAT

Annemarie Woudstra

INTERNS

Ewout den Heijer (April-June)

VOLUNTEERS

Adeline Tibakweitira (through April 16)





Alenka Bajc



Servaas Feiertag



Dilia Ham



Roelof Haveman



Anne-Marie Heemskerk



Aika van der Kleij



Kees Kouwenaar



Marja Lenssen



Lenie van Rooijen-Peet



Niels Roovers



Ewout Sutorius



Abdeljalil Taktak



Adeline Tibakweitira



Eric Vincken



Tamara van Vliet



Annemarie Woudstra

Partners in Beneficiary Countries

AZERBAIJAN

Azerbaijan Young Lawyers' Union (AYLU), Baku
German Agency for Technical Cooperation (GTZ),
Baku office
Parliament, Administrative and Military Legislation
Department
Academy of Public Administration, Baku

CHINA

China University of Political Science and Law, Beijing

CROATIA

Government Office for Social Partnership (GOSP)
The Croatian Ministry of Justice
The Croatian Ministry of Economy, Labour and
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Croatian Employers' Association (CEA)
Croatian trade unions
Croatian Association of Mediators, Zagreb

CZECH REPUBLIC

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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

Judicial Training Council
Estonian Law Centre (ELC), Tartu
The Estonian Ministry of Finance

ETHIOPIA

Bahir Dar University
Jimma University

GEORGIA

The Georgian Ministry of Justice
Association of Young Economists of Georgia (AYEG),
Tbilisi
Georgian Young Lawyers' Association (GYLA), Tbilisi
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
Centre for Indonesian Law & Policy Studies (PSHK),
Jakarta
Indonesian Institute for an Independent Judiciary
(LeIP), Jakarta

LITHUANIA

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

MALI

Clinique Juridique DEME SO, Bamako
Institut National de Formation Judiciaire (INFJ),
Bamako

The Malian Ministry for the Promotion of Women,
Children and the Family

MOLDOVA

The Moldovan Ministry of Justice
The Moldovan Ministry of Economy and Commerce
The Moldovan Ministry of Finance
Parliament of the Republic of Moldova
The Moldovan State Chancellery
Delegation of the European Commission to Moldova,
Chişinău

POLAND

Civil Law Codification Commission
The Polish Ministry of Justice

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Legal Studies Russia, Moscow
Presidential Council for the Codification and Improvement of Civil Legislation
Public Interest Law Initiative (PILI), Moscow office
Research Centre for Private Law under the President of the RF (RCPL), Moscow
Supreme Arbitration Court of the Russian Federation

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Free University of Kigali (ULK)

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Judges' Association of Serbia
The Serbian Ministry of Justice

Serbian Supreme Court

TURKEY

The Turkish Ministry of Justice
Court of Cassation
Justice Academy of Turkey, Ankara
Ankara Bar Association
Union of Bar Associations of Turkey

UGANDA

Uganda Police Force
Uganda Prison Service
Justice Law and Order Sector Secretariat

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

YEMEN

The Yemeni Ministry of Justice
Sana'a & Al-Jawf Court of Appeal
Sana'a Commercial Court of Appeal
Sana'a Commercial Court of First Instance
Sanhan Court of First Instance
Office of the Public Prosecutor
Forum for Civil Society, Sana'a

APPENDIX IV

Donor Organizations

The Dutch Ministry of Economics' Agency for International Business and Cooperation (EVD) (Matra pre-accession program)
The Dutch Ministry of Foreign Affairs and Dutch embassies
The Dutch Ministry of Justice
The European Union (Tacis, Phare and Twinning programmes, EuropeAid Framework Contract)
The Netherlands Organization for International Cooperation in Higher Education (Nuffic)
SenterNovem
The United States Agency for International Development (USAID)
The World Bank

APPENDIX V

Partners and Contacts in the Netherlands

ACB Conflict Management for Commerce and Industry
Africa Legal Aid (AFLA)
African Studies Centre, Leiden University
Amsterdam ADR Institute
Center for Conflict Management (CvC)
Council of State of the Netherlands
Dutch Training and Study Centre for the Judiciary (SSR)
EMP Nederland
Hogeschool Leiden
Hugo Grotius Foundation
National Coordination Office for Court-Annexed Mediation
Netherlands Institute of International Relations (Clingendael)
Netherlands Mediation Institute (NMI)
Netherlands Police Academy
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.
Deutsche Gesellschaft für Technische Zusammenarbeit GmbH (GTZ) (German Agency for Technical Cooperation), 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
Human Dynamics, Vienna
ICON Institute, Cologne
IBF Consulting, Brussels
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
MDF Training and Consultancy, Ede
Swedish National Courts Administration, Jönköping
University of Bremen
United States Agency for International Development (USAID)

APPENDIX VII

Financial Data

BALANCE SHEET AS OF DECEMBER 31, 2006

	December 31, 2006	December 31, 2005
	EUR	EUR
Assets		
Inventory	5.104	2.052
Receivables	391.216	234.573
Liquid assets	885.676	1.588.372
	-----	-----
	1.281.996	1.824.997
	-----	-----
Liabilities		
Equity	525.616	493.596
Other debts	455.373	213.146
Amounts received in advance	301.007	1.118.255
	-----	-----
	1.281.996	1.824.997
	-----	-----

STATEMENT OF OPERATIONS

	Actual expenditure 2006 €	Budget 2006 €	Actual expenditure 2005 €
Expenditures			
Incidental staff	8.427	6.000	5.518
Regular staff	664.488	640.000	582.116
Depreciation	2.282	2.000	3.997
Other costs	2.202.761	1.590.000	1.396.065
Operating costs	<u>2.877.958</u>	<u>2.238.000</u>	<u>1.987.696</u>
Interest costs	0	0	0
Exchange rate costs	1.810	0	0
Financial costs	<u>1.810</u>	<u>0</u>	<u>0</u>
Net result			
Positive result	32.019	1.000	4.053
TOTAL	<u><u>2.911.787</u></u>	<u><u>2.239.000</u></u>	<u><u>1.991.749</u></u>

	Actual expenditure 2006 €	Budget 2006 €	Actual expenditure 2005 €
Income			
Turnover	2.895.227	2.228.000	1.934.662
Other operational income	547	11.000	22.963
Total operational income	<u>2.895.774</u>	<u>2.239.000</u>	<u>1.957.625</u>
Interest income	16.013	0	15.316
Exchange rate income	0	0	18.808
Financial income	<u>16.013</u>	<u>0</u>	<u>34.124</u>
Net result			
Negative result			
TOTAL	<u><u>2.911.787</u></u>	<u><u>2.239.000</u></u>	<u><u>1.991.749</u></u>



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