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# USAID/MACEDONIA JUDICIAL STRENGTHENING PROJECT

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**USAID/MACEDONIA**

**JUDICIAL STRENGTHENING  
PROJECT**

**PROGRAM: JUDICIAL STRENGTHENING PROJECT**

**USAID OFFICE: USAID/MACEDONIA**

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**CONTRACTOR: TETRA TECH DPK**

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## **I. START-UP ACTIVITIES**

In December 2011, the first month of operation of the Judicial Strengthening Project (JSP), the tasks undertaken by the JSP team were mainly processes required in the start-up of the project. This first monthly report is devoted principally to start-up activities, which consumed a majority of the staff's time. Subsequent reports will focus more on the programmatic tasks undertaken to advance the results required under the Tetra Tech DPK (Tt DPK) contract with the United States Agency for International Development (USAID). A summary of the start-up activities follows:

### **Chief of Party Arrival**

Joseph Traficanti was named Chief of Party (COP) and his contract commenced on December 9, 2011. He arrived in Macedonia on December 11 and secured temporary lodging in Skopje. On December 16 he secured and moved to permanent quarters.

Home Office (HO) dispatched Senior Technical Advisor (STA) Jason Schwarz to assist with the start-up process. Mr. Schwarz also arrived in Macedonia on December 11.

### **Orientation Meeting with USAID**

COP Traficanti, Deputy Chief of Party (DCOP) Nevenka Ivanovska and Tt DPK STA Schwarz met on December 16, 2011 with USAID Contracting Officer Technical Representative (COTR) Antoaneta Skartova and Democracy and Governance Officer Michael Stievater. The orientation meeting covered a wide range of topics relating to the start-up of the project as well as programmatic issues. JSP personnel were urged to think beyond what resources are immediately available since it may be possible to tap media and civil society programs expanding our own financial capabilities. Attention was drawn to the need for improvement in judicial/media relations. Strategies were discussed for addressing national time standards in the resolution of cases. A major mandate of the JSP goals will be to identify and prepare the future leaders of the judiciary. Leadership within the judiciary, it was pointed out, is sorely lacking and needs development particularly among the younger judges and lawyers of the country. There is a need to create a climate where judges will be open to hear from outsiders; now many are somewhat insular.

A frank analytical discussion ensued regarding the various Non-Governmental Organizations (NGOs) and Civil Society Organizations (CSOs) that JSP will be assessing for possible United States Government (USG) assistance. Approximately 15 organizations were discussed along with their perceived strengths and weaknesses. JSP will begin its assessment and screening process during January as anticipated in the contract and First Year Work Plan. Subsequent to this discussion, additional NGOs/CSOs were considered for support and partnering including Developing and Evaluating Communication Strategies to Support Informed Decisions and Practice Based on Evidence (DESIDE) and the European Policy Institute.

JSP reaffirmed its commitment to work with various associations to start looking at gender and ethnic issues and to develop ways to raise gender sensitivity among judges and court personnel. The new USAID Serbia Judicial Reform and Government Accountability program was suggested as a possible reference. The meeting ended with some thoughts on engaging the nation's law schools in judicial reform initiatives and some miscellaneous administrative matters.

### **Registration**

Macedonian legislation requires foreign companies to register as legal entities with the Macedonian Government to implement their work. Further, it establishes that a company

can only have one registration to operate its activities. Since Tt DPK is a division of US contractor Tetra Tech ARD (Tt ARD), which is already registered in Macedonia and is implementing the USAID AgBiz project, it was decided to register Tt DPK as a separate unit under Tt ARD's current registration to effectively implement the JSP. Registration papers were filed before the Macedonian authorities on December 23<sup>rd</sup> and final approval was received on December 29<sup>th</sup>.

### **Temporary Consultants**

Nevenka Ivonovska was named Senior Legal Advisor and Deputy Chief of Party in the project proposal. USAID approved Ms. Ivanovska's salary on December 5, 2011; she was appointed as JSP consultant to register the project and to assist in developing job descriptions, scopes of work, office selection and to conduct preliminary work on programmatic issues until formal registering and employment with Tt DPK<sup>1</sup>.

Prior to the COP's arrival Natasa Kostadinovska and Aleksandar Pavlovski were retained by Tt DPK as consultants to commence the process of preparing to register the new project, finding office space, investigating hiring requirements with the project attorney and assisting in the preparation of scopes of work and proposed contracts for the staff.

### **Permanent Staff**

Job descriptions were created for four professional positions, two technical (Project Attorney and Court Administration Coordinator) and two administrative (Finance and Administrative Manager and IT and Logistics Coordinator). The administrative positions will be filled by posting a notice in the Unemployment Bureau of Macedonia. At the expiration of the legal waiting period, the project management, along with the Tt DPK HO Senior Program Officer, will review the applications and select candidates for the positions based on the information provided<sup>2</sup>.

The technical positions were posted in two newspapers on December 30. Upon the expiration of the time for applications to be received (January 12) the COP, Senior Legal Advisor/DCOP, and selected staff will begin the process of screening and interviewing the applicants with a view toward selecting the most highly qualified persons for these important positions as soon as legally possible.

### **Project Office**

One of the top priorities of start-up was to secure office space. The COP requested that the named consultants and the HO representative join him as a committee to examine a number of possible rentals and to collaboratively decide on the best choice. The criteria to consider were location, space, layout, availability, furniture, wiring issues and, price. Ms. Kostadinovska secured eleven potential sites to visit, which were viewed on December 12 and 13. By consensus the choice was down to two. After a follow-up visit one was selected as the best choice. Negotiations with the landlords ensued and a lease agreement was agreed upon with the assistance of Ms. Ivanovska and the HO. It was signed on December 30. The address of the project office is: ul. Kej 13-ti Noemvri br.14 stan 2 i stan 3, 1000 Skopje, Macedonia<sup>3</sup>.

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<sup>1</sup> Ms. Ivanovska was registered with the employment office on January 3, 2012 and contracted as Senior Legal Advisor/DCOP.

<sup>2</sup> On January 4, 2012, Natasa Kostadinovska and Aleksandar Pavlovski were selected to fill the positions.

<sup>3</sup> The COP and the consultants occupied the office on January 3, 2012, albeit with some borrowed tables and chairs, pending completion of the procurement process. It was hoped that some furniture would be available through USAID projects ending their tenure. However, only some minimal shelving was available, and not until February.

## **Procurement of Equipment and Supplies**

The COP, along with available staff, visited a number of furniture stores to get an idea of the style, quality and price range available in Macedonia. IT consultant, Aleksandar Pavlovski prepared specifications and criteria for office equipment including printers, scanners, and copiers as well as for the project's needs for computer equipment including a server and network. The needs were discussed at an orientation and organization meetings of available staff and HO representative during the early part of the week of December 12. It was agreed to purchase three desktops and five laptops for the expected staff. Telephone needs were also addressed and it was decided that rather than a sophisticated switchboard system, appropriate for larger offices, JSP would opt for a more simple system with direct lines to each employee with voicemail. This will result in significant savings.

Bids were received for the office and computer equipment, and the server. The bids are being evaluated at this writing. No bids were received for office furniture and thus a solicitation will be repeated during the week of January 2, 2012.

In addition, Ms. Kostadinovska conducted market research to support contracts for transportation, office supplies and hotel services, insurance and annual medical examinations for Macedonian staff members. Memoranda of Negotiations have been prepared and forwarded to the HO for review.

## **II. PROGRAM RELATED ACTIVITIES AND TASKS**

### **First Year Work Plan**

During this month the COP along with DCOP Ivanovska and HO STA Schwarz developed the draft First Year Work Plan for the project. The draft Work Plan focuses on the following results:

- Strengthening advocacy and citizen participation in judicial sector reform
- More independent, efficient and consistent application of judicial policies and practices
- Increased fairness and efficiency of the administration of justice through more efficient legal personnel and efficient processes

The results requiring a response to unanticipated events in the justice sector and serving as a rapporteur with the justice sector is also addressed.

The draft work plan was submitted to the COTR for review on December 22.

### **Performance Monitoring Plan**

A draft Performance Monitoring Plan (PMP) was completed with the assistance of DCOP Ivanovska and HO on December 30. Plans were made with the COTR for review of the document during the week of January 2, 2012. The PMP prescribes an ambitious four-year plan with outcomes and outputs, which will fulfill the mission of the project and assure that the indicators prescribed by the USAID are met. The result will be more civil society participation in support of judicial reform and excellence, a more independent and efficient judiciary, and increased fairness and efficiency in the administration of justice.<sup>4</sup>

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<sup>4</sup> The COP and COTR met to discuss a draft working copy of the PMP on January 4<sup>th</sup>. A number of good suggestions and significant insight was the result of the meeting. JSP will continue to develop the PMP throughout early to mid-January

## **Preparatory and Introductory Meetings**

It is important to forge relationships with partners, counterparts and key decision and policy makers early in a project. Accordingly meetings were arranged with some of the top judicial actors.

### *Macedonian Judges Association:*

The first meeting on December 22 was with the president of the Macedonian Judges Association (MJA), Judge Nikolco Nikolovski. COP, DCOP Ivanovska, USAID COTR and members of the MJA staff attended the meeting. It was interesting to note that many of the goals expressed by Judge Nikolovski on behalf of the MJA coincide quite nicely with the mission of the project. Judge Nikolovski emphasized the necessity for the judiciary to further its image and educate the media and judges regarding each others roles. It was agreed that we would, in the future, explore opportunities for future collaboration.

### *Judicial Council of the Republic of Macedonia*

The Judicial Council of the Republic of Macedonia (JC) is an enormously important body with oversight over much of court policy and operations including the appointment, discipline and removal of judges. The Court Budget Council (CBC) and the Administrative Office of the Court Budget Council (AO) come under the JC umbrella as well. A meeting was held with the president of the JC, Judge Aleksandra Zafirovska on December 28. The purpose of the meeting was to ascertain what the priorities of the president judge and the JC are in regard to future reform and the efficiency of the judiciary. Judge Zafirovska outlined some of the progress that has been made including the addition of court staff and the planned expansion of the judicial work force. Topics discussed included the need for more technical staff and the enhancement of court staffing guidelines. She also expressed a need for assistance in the new Administrative Appeals Court and the need for equipment to enhance digital recording use. More training of judges and non-judicial staff to improve professional standards and performance and efficiency in case processing were also identified areas needing attention, which are consistent with JSP goals.

While at the Judicial Council offices we met briefly with the deputy president of the JC, Judge Naser Hadzi Ahmetagic, and the general secretary of the JC, Ms. Elizabeta Vaskov. These individuals as well as Judge Zafirmovska were part of a study tour to the US states of New York and California. They have previously expressed support for many of the ideas gleaned from that study tour.

### *Academy for the Training of Judges and Prosecutors*

The Academy for the Training of Judges and Prosecutors (Academy) is responsible not only for the training of judges and prosecutors but for the training of court administrators and managers. Accordingly, the COP, DCOP and COTR attended an introductory meeting with the Director of the Academy, Judge Aneta Arnaudovska, on December 28. Previous Tt DPK projects had an excellent working relationship with the Director and indications are that the working relationship will continue with JSP. Several topics were discussed including the implementation of e-learning and the training of judges on European Union laws, particularly the president judges. Judge Arnaudovska also identified the need to train the 12 or 13 permanent members of the Academy staff. Training of president judges was underlined since they have recently been charged with a number of new mandates consistent with their leadership position in the court structure. The training is mandatory but the curriculum needs to be enhanced especially in the area of management skills. The director stated leadership training on all levels is most crucial.

### *Presentation of Democracy and Governance Survey 2011*

DCOP Ivanovska, HO STA Schwarz and the COP attended this informative presentation on December 15 which was held at a propitious time –the commencement of the Judicial Strengthening Project. It was important to hear the prospective of survey respondents who view the judicial system from the outside. A number of survey results underlined the mission and goals of the JSP and highlighted the need to accomplish the project's stated results. The survey's aim was to provide data on the level of democracy and citizen participation in the decision-making processes and about citizens' perceptions regarding the political, civil and governmental institutions, including the courts. The effectiveness of the courts timeliness, equality of treatment and access to the courts were among the topics discussed. Many of the survey answers to questions regarding the judiciary came from people personally unfamiliar with the courts. However, perception becomes reality in the body politic and therefore their concerns must be addressed. Several of the JSP mandates address the issues of public perception, transparency and public information. This was a timely and insightful survey, which will help USAID and JSP focus on the proper areas of concern to the citizens of Macedonia.

### *Roundtable Discussion –Methods for Evaluation of Judicial Reforms in the Republic of Macedonia*

The team was invited to a roundtable discussion centered around an evaluation conducted by the European Commission (EC) to index Macedonia's progress in reform and modernization of the judiciary. The roundtable was sponsored by the Macedonian Academy of Art and Science and moderated by the Academy's Director, Mr. Kambovski. DCOP Ivanovska and COP Traficanti attended this discussion on December 21. Portions of the EC report criticized the progress of reform of the Macedonian judiciary. Some questioned the objectivity and methodology of the report pointing out that in at least one instance the information was gleaned from newspaper accounts of a high profile trial and not from the court itself. Many felt that it was time that Macedonia conducted its own study and that it should be an objective and fair analysis from a Macedonian prospective and not from a foreign vantage point. This, it was opined, would generate much-needed brainstorming, openness and internal debate. It was stated by one professor "the laws we pass are great; why not implement them?"

The discussion segued into a discussion of the implementation of the new Law on Criminal Procedure. The implementation has been postponed and will be phased in by applying it, at first, only to corruption and other such serious cases. There was a call by some for the development of a broader vision on addressing this type of reform. Others claimed that what is lacking in Macedonia is serious analysis and serious debate on this and other important issues.

This roundtable discussion provided JSP with insight into the factors influencing reform from a Macedonian perspective and will be helpful in planning and implementing the JSP tasks that lay ahead.

## **III. INITIAL TASKS AND ACTIVITIES INFLUENCING RESULTS**

While start-up activities were time consuming, the COP and DCOP turned their attention to initial programmatic activities when time permitted. Summarized in Section 2 above is much of the background and preparation for working on the required results. The following sections will more fully enumerate activities leading to the programmatic mission and goals of the project as the contract and work plan of JSP requires.

## **Development of NGOs/CSOs list for possible JSP intervention**

A tentative list of organizations to be assessed to determine their needs and inclination to support rule of law and an independent judiciary was set forth in the appendices to the Tt DPK proposal. After attending various meetings and a roundtable, outlined above in section 2, and after discussion with COTR Skartova, an enhanced list was created. That list is made part of this report as Annex I

## **Assessment Tool Developed**

With the help of the HO, the JSP team has developed an assessment tool to assist in evaluating the strengths, weaknesses, viability and inclinations of NGOs/CSOs. While the original tool has been developed as a self-assessment exercise for organizations, a version of it will be adopted for use by the JSP team for its rapid assessment of NGOs/CSOs. The Organizational Development Capacity Building Tool is designed to help organizations:

- Identify and prioritize organizational development issues
- Assess areas of strength and weakness in their organization
- Identify priority areas which need to be addressed
- Develop an Organizational Development Plan
- Identify areas for training and mentoring

The Assessment Tool consists of three related parts:

- Organizational Assessment Grid
- Organizational Assessment Worksheet
- Organizational Development Capacity Building and Technical Assistance Planning Template

Utilizing this tool and other materials supplied by the HO, and in consultation with a working partner, the Center for Institutional Development, the project staff will develop a scorecard to be used to quickly assess the developmental needs of a number of NGOs from which two or three will be selected for USG assistance in building their capacity.

## **Review of Introductory and Preliminary Information for NGOs/CSOs**

The JSP team has begun its preliminary investigation of NGOs/CSOs to assist in their evaluation and the assessment of their strengths, weakness, and inclination to support a truly independent judiciary. These activities included a meeting with the president of the Macedonian Judges Association as described in detail in section 2. DCOP Ivanovska met with Ms. Aferdita Haxhijaha Imeri of the newly established association called DESIDE. This newly formed organization is a 5-year project (running from January 2011 to 2015) co-funded by the European Commission under the Seventh Framework Program. Its objective is *“to improve the dissemination of evidence-based recommendations by building on the work of the GRADE Working Group to develop and evaluate methods that address the targeted dissemination of guidelines.”* Ms. Ivanovska also met with various lawyers, young lawyers from the Bar Association and the Young Lawyers Associations. She also met with Mr. Ivan Bimbilovski of the Law School Faculty at European University in Skopje, individual judges as well as the President Judge from Skopje 2. The aim of these meetings was to gather information about each organization and their strengths, weaknesses and needs from the “rank and file”, independent of the leadership. The latest USAID NGO Sustainability Index has also been reviewed as background material.

## **IV. PROBLEMS AND REMEDIAL ACTIONS**

The problems in the first month were minimal and all have been addressed and resolved.

The main issue was the difficulty with the process to register Tt DPK. Legal council advised Tt DPK that it could not register another company in Macedonia because the parent company Tt ARD is already registered. As a result it was determined that the most expeditious way to register was to have Tt DPK registered as a separate unit under Tt ARD's current registration. Accordingly, the appropriate papers were filed before the authorities and the registration approved on December 29.

A minor problem arose during the process for procuring furniture for the project's office. No vendors replied to the furniture Request for Quotes (RFQ). As a result the project was required to resubmit the RFQ for furniture. The proposals are now due on January 12, 2012. Pending the conclusion of the bidding process and the delivery of desks and other necessities, the staff is working with tables and chairs which have been borrowed, to allow administrative and program operations to proceed on schedule.

At this writing IT Consultant Pavlovski advises that there may be problems with the solicitation for the Network and Server responses to the RFQ. The project has sent questions to vendors to clarify certain details of their proposal and analysis of the answers is pending.

## **V. SUMMARY ACTIVITIES PLANNED FOR JANUARY 2011**

A summary of the activities planned for the next month follows:

- Finalize the First Year Work Plan
- Establish baselines and targets for Performance Monitoring Plan and finalize
- Complete the procurement processes for all material items
- Proceed with the hiring of the Project Attorney and Court Administration Coordinator (applications due on or before January 12)
- Create a "scorecard" for identifying NGOs in need of capacity building and inclination to be part of a larger coalition to advocate for the judicial independence
- Continue to list and identify professional associations and CSOs with focus on judicial reform
- Create a short list of NGOs/CSOs for further interviews and vetting for:
  - Limited capacity building activities for identified needs and,
  - Being part of a broad based coalition of organizations to support and advocate for judicial independence
- Accumulate English translations of the most recent versions of laws passed or amended since 2004
- Begin analysis of those laws and begin a comparative study with similar laws in the region
- Establish protocol in collaboration with the Academy for conducting a Training Needs Assessment for future training of judges, court coordinators and possibly Academy staff
- Obtain statistical data on case filings, dispositions and backlogs by court and case type
- Obtain statistical data on numbers of court personnel by court and title
- Meet with AO to for preliminary discussions and determine status of needs based court budgets by court.
- Meet with director of the Court Service Council and the Association of Court Administrators to gathering information to be utilized in ascertaining needs to improve the workforce

## VI. ANNEXES

### ANNEX 1 LIST OF PROFESSIONAL ASSOCIATIONS AND CIVIL SOCIETY ORGANIZATIONS

Name of organization	Area of expertise	Contact person	Contact information	Web site
<b>Professional Associations</b>				
Macedonian Judges Association	Law	Nikolco Nikolovski, SC justice	071 330 038	<a href="http://www.mja.org.mk">www.mja.org.mk</a>
Macedonia Bar Association	Law	Nenad Janicevic	070 245 353	<a href="http://www.mba.org.mk">www.mba.org.mk</a>
Macedonian Young Lawyer Association	Free Legal Aid	Jasminka Brezovska	3220 870	<a href="http://www.myla.org.mk">www.myla.org.mk</a>
Macedonian Lawyers Association (former Business lawyer's association)	Commercial Law	Miladinova Danica	02 3131 084 070 313 809	<a href="http://www.mla.org.mk">www.mla.org.mk</a>
Court Administration Organization	Court Administration	Borce Mirceski	070 392 346	<a href="http://www.caa.org.mk">www.caa.org.mk</a>
Public Prosecutor Association	Criminal Law	Marko Zvrlevski	Private Number	<a href="http://www.zjorm.mk">www.zjorm.mk</a>
Chamber of Enforcement Agent	Law Enforcement	Antonco Koshtanov	070 243 465	<a href="http://www.kirm.mk">www.kirm.mk</a>
Chamber of Public Notaries	Law	Zorica Pulejkova	070 399 513	<a href="http://www.nkrm.org.mk">www.nkrm.org.mk</a>
Chamber of Mediators	Mediation	Zoran Petkovic Bakli	070-685-130	
<b>Civil Society Organizations</b>				
Association for Emancipation, Solidarity and Equality	Women Human Rights, Public Policy and Public Health	Jasminka Friscik	070 254-256	<a href="http://www.esem.org.mk">www.esem.org.mk</a>
All for Fair Trials	Human Rights, Elections, Fair Trials	Nikolina Tenceva,project	2 3215263	<a href="http://www.all4fairtrials.org.m">www.all4fairtrials.org.m</a>
Center for Civil Communication	Communications	German Filkov	070 254 776	<a href="http://www.ccc.org.mk">www.ccc.org.mk</a>
Center for Institutional Development	Capacity Building	Zoran Stojkovski	070 248 209	<a href="http://www.cira.org.mk">www.cira.org.mk</a>
Macedonian Institute for Integration	EU Accession	Zoran Janakiev	070 253 422	<a href="http://www.macedonian-integration.eu">www.macedonian-integration.eu</a>
WL Impact	Capacity Building	Tanja Georgievska	3132-062	<a href="http://www.wl-impact.org">www.wl-impact.org</a>
Macedonian Center for International Cooperation	Law	Sasho Klekovski	3088 945 3065 381	<a href="http://www.mcms.org.mk">www.mcms.org.mk</a>
European Law Student Association	Law	Sanja Jovanovic	2 3117 244 ex. 158 070 306 121	<a href="http://www.elsa-rm.org.mk">www.elsa-rm.org.mk</a>