RULE OF LAW PROGRAM

Russian Federation

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FINAL REPORT

(September 30, 1997)

Submitted to:
U.S. Agency for International Development

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EXECUTIVE SUMMARY

This Final Report and Executive Summary are organized as follows: (1) Introduction; (2) Programs; and (3) Conclusions.

1. Introduction

The ARD/Checchi Rule of Law Contract responded directly to the joint announcement of Presidents Clinton and Yeltsin at the 1993 Vancouver Summit that the U.S. would swiftly mobilize a "Rule of Law Consortium" to support Russia's transition to a democratic system. The objective of the contract was to "mobilize as quickly as possible, institutions and organizations from the U.S. private and voluntary sectors, and from both applied and academic arenas, to collaborate with Russian counterparts to strengthen and develop key processes, structures, and institutions in the state and non-state sector which are critical to create a stable Rule of Law Framework in the Russian Federation."

The Contract was set up with three specific objectives: (1) Framing legal substance, including constitutional authorities, checks and balances, individual rights, property rights and due process, as well as transparency, accountability and predictability; (2) Strengthening Legal Institutions, or reform efforts in core legal institutions; and (3) Strengthening Civil Society (associations, interest groups, NGOs, etc.) through political and economic activities. Under each objective, the Contract recited a list of several tasks such as "conceptualize and rapidly implement high visibility, high impact ROL activities; prepare country-specific rule of law action plans collaboratively with RF entities and A.I.D.; organize and manage a grants program; provide monitoring and information services in support of ROL, including information clearinghouse, information synthesis and dissemination, etc."

Clearly, the scope of the Contract was extremely broad and open-ended, containing a diverse framework of specific goals and activities, but no cohesive design or even prioritization of activities. It was intended that the scope would be developed from the raw material produced in the SOW in collaboration with USAID, the RF counterparts and others. It was important for the Contractor not only to design a program in the Rule of Law, and to show impact early in the contract period, but while doing so, to pull together the "Consortium" of both public and private participants, all of whom would collaborate in the enormous effort to assist the rule

of law to take root in the Russian Federation. To understand the evolution of the Contract's activities and programs, the focus of this report, it is essential to understand the context within which this Contract was launched. The Report is intended to inform the reader of the scope of the work performed and some of the constraints encountered; it is not intended as a detailed evaluation of either the Contract or the participants.

A Rule of Law Contract for the Russian Federation was awarded to the ARD/Checchi Joint Venture "Rule of Law Consortium" (ROLC) on September 29, 1993. A Washington-based Project Manager, David Bronheim, was appointed immediately upon the contract award. In early October a U.S. key personnel grants manager was already on the ground in Moscow setting up a grants program. On October 25 a temporary office was opened in Moscow, temporary local staff hired, and a grants manager started work. On November 6 the first Chief of Party, Dr. Dennis Whelan, arrived in Moscow, together with Dr. George Burrill, Chairman of the Joint Venture. Arrangements were made for long term leasing of a permanent office.

Even before the COP had assumed his post, a contract had been signed on October 18 with the University of Wisconsin-Madison for an Assessment Team to visit Russia, meet with USAID officials, numerous possible Russian counterparts, other Rule of Law donors, and report on program directions and priorities. Joint Venture staff designed the Assessment and worked closely with the Assessment Team both in the United States and Russia. The Assessment Team visited the ROLC project offices in Washington twice in November, visited four Russian cities between November 7 and December 3, and presented its report to ARD/Checchi at the end of December. The Report was presented to USAID in Washington and Moscow early in January, 1994 as an ARD/Checchi memorandum stating program priorities.

Despite this relatively fast and businesslike pace, ROLC was under enormous pressure from USAID to produce results quickly. Two "Quick Start" programs were initiated to respond to those demands. They were with two Russian NGOs, Interlegal Moscow and the Human Rights Project Group. Each program was aimed at the dissemination of public information about the election laws then in effect. This seemed valuable in view of the violent dissolution of the Duma in October, 1993 and the importance attached to the parliamentary elections to be held that December. Both projects were timely completed with respect to the scheduled elections.

After the submission of the Assessment Report, and based upon its insights and conclusions, there followed a period of intensive consultations with prospective Russian partners and the development of an Action Plan. This was not a casual process. Rather, it was the heart of the Rule of Law effort: to identify reform-minded and fruitful institutions for cooperation, and to earn a "seat at the table" by establishing ROLC itself as a serious, competent partner. Time was invested to

explore the prospects of cooperative work with institutions such as the Legal Administration of the President, the Law Academy of the Ministry of Justice, the Supreme Commercial Court of the Russian Federation, six major law schools throughout Russia, the Constitutional Court (ultimately a false start, but seriously pursued), the Duma, and a wide range of Russian NGOs.

On March 30, 1994, the Action Plan was delivered to USAID/Moscow. The Action Plan outlined the strategy of the ROLC to achieve Contract objectives, the counterpart legal institutions selected (and the reasons for such selections), and the programs to be carried out. It was revised in response to USAID comments and submitted in final form on April 22. USAID orally approved the Action Plan in a meeting in Moscow with Project Manager David Bronheim in May, 1994.

From contract inception to submission of an Assessment was three months; to submission of an Action Plan, six months. In the meanwhile, the office was staffed and housed and programs initiated. In retrospect, for a $12 million contract without a pre-existing project design, this is a rapid start.

2. The Program.

ARD/Checchi drew upon the Action Plan as the primary source and guideline for its program. The program was focused on core legal institutions. These were institutions whose function in the overall judicial system was not only vital, but mutually reinforcing and interdependent. After a winnowing process, the core institutions were determined to be the following: the courts of general jurisdiction; the commercial (officially, the "Arbitration") courts; the law schools; and the Procuracy. In all cases the ROLC program was designed to work with the training facilities of these institutions, to introduce methods of training and approaches to substantive law that would enable the institution to more effectively train its own judges, professors, or prosecutors. The targeted program of training maximized resources by developing a cadre of Russian trainers. It was not the task of the ROLC to train every judge in Russia. The Russian training institutions were exposed to the most effective techniques developed at counterpart institutions in the United States. The most receptive and strategically placed judges or administrators in the Russian training institutions were armed with techniques and equipment that would enable them to select what they experienced, to multiply its effect on streams of their trainees, and ultimately, to sustain that effect in years of future training.

The ROLC program included support for development of Russia's civic society as an important counterpoint to the core legal institutions. Some institutions were provided with material support to complement the technical assistance. A grants program determined qualified applicants for closely supervised awards of up to $100,000 to U.S. organizations working in collaboration with Russian NGOs on projects to strengthen social organizations furthering a democratic civil society. These activities engaged a broad range of social concerns including such topics as

Public Advocacy, Environmental Law, Women's Rights, and Tax Reform. The grants were not obliged to relate to the core institutions, but were awarded in areas where important legal rights and democratic values might be defended or asserted through legal institutions. Finally, a regional project was initiated by an effort to accelerate the progress of an existing relationship between the Russian republic of Karelia and the State of Vermont. The goal was to seek a comprehensive program between all of the core institutions in a compact political subdivision and their counterpart legal institutions in one State. This would serve as a laboratory for small-scale testing of the core institution model. If successful, it could be replicated in other regions of Russia.

The basic program areas may be summarized as follows:

a. Judicial Training - Courts of General Jurisdiction.

The vital question from early on in the contract was whether to work with, and how much effort to invest in, the Law Academy of the Ministry of Justice. Hitherto, that had been the training institution for the broad masses of judges of the courts of general jurisdiction.

With the collapse of the Soviet Union, the Law Academy had fallen upon hard times. Its financial resources were diminished. Due to its rigid institutional character it was unable to cope with the rapidly changing conditions of the Russian legal system. Nonetheless, after discussing the problem with USAID/Moscow the decision was made to proceed with a cooperative relationship. In large part, this was for lack of an alternative. There was no other established vehicle for training judges. Also, the Law Academy, through its branches in major cities, offered a means to go into the regions, to train the trainers there, thereby reaching many hundreds of judges who would not pass through the centralized Law Academy structure in Moscow.

ROLC worked closely with the Law Academy to develop the program. The interests of the Academy, its administrators, trainers, and selected judges were considered. ROLC nominated, with USAID approval, the National Judicial College of Reno, Nevada, as the American counterpart institution for judicial training. To recapitulate the program briefly, trainers from the Law Academy were brought to the NJC in Reno. They were exposed to NJC teaching methodology, emphasizing use of handouts and video materials, the key psychological and pedagogical concepts in adult education, the importance of interactive teaching and engaging adult students in the training process, the role of evaluations, and much more. On a parallel track, trainees were exposed to the NJC approach of presenting substantive law subjects: how laws and statutes are interpreted, the role of previous judicial decisions, the role of the judge in court, and the role of the judge as a trainer of other judges (in contrast to the use of non-lawyer educators as trainers, the usual practice in Russia). These judges and trainers returned to the Law Academy or to their respective regional institutions and participated in training programs which to our

knowledge trained about 400 judges of the courts of general jurisdiction. These trainers then replicated the training for other judges in the RF.

As follow up to the initial stage of "training the trainers," and again pursuant to joint agreement with the Law Academy about the most useful subsequent steps, selected judges from the NJC came to Russia, at intervals, to participate in and support the training programs of the Law Academy, based in part of the Academy's previous experience at Reno. These programs took place in Moscow and also in such diverse major cities as Yekaterinburg, Irkutsk, and Barnaul. The NJC trainers spoke on themes central to the craft of judging such as judicial ethics, role of the judge and counsel, and judicial decision-making. They also spoke on substantive topics requested by the Law Academy. They demonstrated NJC teaching methodologies such as role-playing and question and answer sessions. Explanatory printed materials in Russian were distributed, used in conjunction with the presentations.

The foregoing fairly summarizes the direction of the ROLC program with the Law Academy from Summer 1994 through Fall 1996. Significant material assistance was furnished throughout that period: translating equipment, VCR players for presentation of videotaped instructional materials, and computer equipment. Additionally, in 1994 the ROLC paid to reconstruct one room of the Law Academy as a model courtroom, with a judge's dias, witness stand and jury box. The courtroom itself is an integral part of the Law Academy's judicial training program and is regularly used for its intended purposes.

The ROLC was directed to make the jury trial films at a time when the U.S. government believed that the reintroduction of criminal jury trials in Russia was the centerpiece of all legal reform in the country. In 1994 it was expected that the initial criminal jury trial experiment, applicable to certain especially serious offenses in a limited geographical area of the RF, would in time be expanded throughout the Federation. Russian legal reformers and high-ranking American officials alike hoped that jury trials, in addition to introducing elements of due process that had been sorely lacking in Soviet justice, would also involve rank and file Russian citizens in the judicial process, encourage the growth of a higher legal consciousness, and stimulate democratization generally.

By the middle of 1996, over the two years since the approval of the Action Plan, already much had changed in the evolving structures of the Russian judicial system. Most particularly, new institutions had become prominent, and proposed legislation promised to change the face of the judicial landscape. The Council of Judges is an organization geographically based upon and representative of the judges of the courts of general jurisdiction. Its leadership emerged as the spearhead of a movement to shift not only judicial education but court and judicial administration as a whole away from the Ministry of Justice, to a newly created Judicial Department. ROLC and USAID applauded this development as furthering the

growth of judicial independence and removing the judiciary from the oversight of the Ministry of Justice and the executive branch.

b. Judicial Training - Council of Judges

Without abandoning its commitment to the Law Academy, which ran its scheduled course through concluding programs in the Fall of 1996, ROLC, with the approval of USAID/Moscow, initiated contacts with the leadership of the Council of Judges. ROLC realized that any serious movement toward an independent judiciary would of necessity center on the Council. This bore fruit in a training program at the Federal Judicial Center in Washington in September, 1996 for a delegation which included the Council of Judges leadership. The theme was court and judicial administration as a means to an independent judiciary. There is no doubt that the favorable impressions from that program influenced or reinforced the final versions of the Law on the Judicial department and the related Law on the Judicial System which were passed in December, 1996. While these laws build upon existing Russian institutions, they are modeled on the federal judiciary of the United States. They aspire to court and judicial administration which is directed by judges, free from administrative supervision of the executive branch. The Council of Judges plays a vital role in the statutory workings of the new Judicial Department.

The promising partnership of the Council of Judges and the Federal Judicial Center was assiduously pursued by ROLC throughout 1996-97, as the clock expired on its contract. Leading judges from the United States Judicial Conference and the Administrative Office of the Courts attended major conferences of the Council to discuss issues arising under the structures of the Judicial Department. The leadership of the Council attended an another intensive program at the Federal Judicial Center in April, 1997 on selected topics of court administration. ROLC is proud of its efforts to strengthen the Council of Judges. The institutional changes represented by the Council's heightened role and the creation of the Judicial department are the best hope in today's Russia for the emergence of a free and independent judiciary in Russia.

c. Judicial Training - Supreme Commercial Court

The Supreme Commercial Court (SCC) is officially known as the Higher Arbitration Court. The word "Arbitration" is a vestige of Soviet times when the Court regulated disputes between state-owned industries that arise under the requirements of the Gosplan (state economic planning). That historical basis has taken an interesting twist in post-Soviet Russia. Because its jurisdiction is limited the governmental agencies and corporations, as opposed to individuals, the Court retains its former character as a resolver of commercial disputes between business organizations. Hence the name "Commercial" court. In today's Russia it is the paramount forum in which commercial disputes are resolved and commercial laws and regulations

challenged, determined, and applied. The commercial courts constitute a separate branch of the judicial system created in 1992, and from their creation have been independent of the Ministry of Justice. With approximately 2,000 judges, the commercial court system is less than one seventh the size of the courts of general jurisdiction, an important factor permitting technical assistance efforts of less than Herculean scale to have a system-wide impact.

ROLC pursued a program of technical and training assistance with the Commercial Courts that are deemed by our calculations to have been a marked success. In brief, working with the higher echelons of SCC judges and administrators, the following areas were marked for joint efforts, and the following results achieved:

- enrollment in the regular training programs offered by the SCC for its judges was increased by 40%;
- more than 50% of the core training staff of the SCC was exposed to National Judicial College training programs of the type described regarding the Courts of General Jurisdiction;
- 1500 arbitration court judges passed through judicial training seminars in Russia under the auspices of the core training staff exposed to ROLC training;
- a local area network was installed throughout the SCC Moscow offices for more efficient case management and information retrieval;
- the training curriculum for all Commercial Court judges was revised to include new courses essentially developed by SCC staff with comments as requested from the NJC;
- a series of NJC and other training programs and seminars on new developments in the law, including Part 1 of the Russian Civil Code, and the new Code of Civil Procedure in the commercial courts;
- training video films for the above Civil and Procedural Codes.

Telescoped into the above summary is the entire procedure of training at the NJC in Reno, followed by NJC participation in supporting training programs in Russia, again as outlined above regarding the courts of general jurisdiction. In addition to the intense training regime, NJC consultant Judge Ernest Watts worked with Judges and staff of the SCC to prepare a volume of training materials concerning 25 subject areas of law or practice relevant to the commercial courts' work. The volume is looseleaf in format, permitting it to be updated. Judge Watts prevailed upon the more than 20 Russian authors to adopt a uniform format which had been proven successful over many years of judicial education experience in the U.S. The uniform format permits judges or instructors to focus attention on the primary lessons of each unit, and contains questions for discussion by groups of student judges. The book helps promote uniformity in the application of the laws by the SCC and the component parts of the commercial court system throughout Russia. The Court regards the book as an invaluable aid for already sitting judges, and as especially useful in helping newly appointed judges cope with the demands of the job.

In 1996 ROLC continued to work with the SCC. ROLC followed through by supporting three training seminars conducted by the SCC for Part 2 of the Civil Code when it was passed. These were all-Russian affairs, as was properly so in the final stages of the training the trainers approach. NJC techniques were in evidence, although they did not supplant the traditional approach. Nonetheless, the material was covered in a serious and professional manner.

In 1996, a local area network (LAN) was installed throughout the SCC Moscow offices, offering both significant immediate improvement and added long-term potential for more efficient case management and information retrieval. At present, the LAN is 40 percent utilized--it can accommodate 250 computers, but the SCC has only 100, a fact to which the SCC has repeatedly called attention in subsequent dealings with the ROLC. The LAN will permit the 100 computers (and up to 150 additional in the future) to access the Internet that is being installed at the SCC pursuant to another component of the ROLC's work (see below).

In response to a request from the SCC in early 1997, the ROLC has financed the connection of the SCC to the Internet. The high-quality leased line and provision of the necessary hardware and software will permit the SCC in the future to access information via the Internet, as well as the opportunity to disseminate information about its own decisions, procedures, and other aspects of its work.

ROLC views its work with the SCC as a signal success that will contribute to an undeniable improvement in the quality of the performance of the commercial courts. From the point of view of technical assistance, we believe it is a model of how to work with a court system so as to achieve sustainable institutional change. We regret only that a six month suspension of funding from June-December, 1995 interrupted the program at the SCC at the height of its activity and prevented us from doing much more.

d. Law Schools

ROLC worked with four major law schools, all outside of Moscow: St. Petersburg State University; Urals State Law Academy; Irkutsk State University; and Saratov State Academy of Law. These law schools were selected after meeting with their chief administrators and selected faculty, in the belief that these schools would be receptive to a sustained program aimed at encouraging necessary curricular changes, increased faculty independence for the publication of teaching materials, and new teaching methodologies and approaches.

A variety of law professors from the United States visited these law schools at different stages of the contract. The visits are described in more detail in an Appendix to this Summary. Despite the best efforts of the visiting professors, who were experts in their substantive legal fields and also experienced administrators, and despite the presence of undoubted good will on the side of the cooperating law

schools, it is very difficult to correlate specific curricular changes with the cumulative effects of these visits.

Significant delivery of equipment was made to the schools, centered about a Risograph to each one. The Risograph permits rapid binding and printing of publication materials. Russian law schools are struggling to adapt to rapid change in the economics of the law schools themselves. State schools are facing competition from new private law schools as never before. Law professors are desperately underpaid and are abandoning teaching or else moonlighting. The Risographs were intended to make it economically and academically feasible for law school professors to publish their own scholarly research and course materials. Where they were available to the faculty, they serve their purpose. Sometimes they are not generally available, but monopolized by one or a few who control access. In such cases ROLC staff intervened to increase access. By way of illustration of the depth and variety of this assistance, here is one sample equipment package delivered to the Irkutsk State University Law Faculty:

3 IBM PS1 433sx/4MB RAM/170 MB computers; 3 monitors; 3 mouses; 2 CD-ROM Drives; 1 HP LaserJet IVL printer; 3 Epson matrix printers; 4 parallel printer cables; 1 MBL 486BL3/75 8 MB RAM 520 MB computer; MBL mouse; Keyboard 101L/C; Color monitor; Windows 3.11 Rus; Word for Windows 6.0 Rus; Aldus Page Maker 5.0 Rus

The ROLC also purchased a Risograph for the Faculty as well as several modems and paid for an e-mail subscription. The other law schools received similar equipment.

The most conspicuous success achieved with the law schools was in the area of teaching methodology. ROLC fostered a close collaboration between two younger faculty members at Urals State and a seasoned American law professor, Bill Burnham, in the development of a Trial Advocacy textbook based on Russian fact situations and materials, but incorporating the pedagogical techniques of American law schools. The textbook was demonstrated to a series of seminars and conferences by presentations involving Professor Burnham, the co-authors, and Russian law students. Proof of the success of this endeavor is that the book is widely used in Russian law schools. Also, the book stimulated discussions at the conferences which indicate that there is real ferment and increasing, although not unanimous, enthusiasm for new methodological initiatives based on a flexible, contemporary view of law.

ROLC's law school program also achieved notable success with the formation of an Association of Russian Law Schools (Russian language acronym: IRAHLEE). This was the fruit of a patiently cultivated partnership between the ROLC Russian law schools and the American Association of Law Schools (AALS). ROLC articulated the goal, which was achieved largely by follow through and interest from

Russian law schools. Fundamental to the undertaking was the visit of Russian law professors and administrators to the annual Conference of the AALS in January, 1996. The President of the AALS returned the visit to Russia at a law school conference in May, 1996. By-laws, ethical governance, and academic freedom materials were all generously furnished and formed the basis for the incorporating documents which the Russian jurists drew up as the charter of their Association. ROLC sponsored and participated in the first two IRAHLEE conferences. These conferences strongly showed the value of breaking down the isolation in which law professors often teach and work. They also developed a sense of the common interest of law schools in pursuing an independent role free of the close dominance of the Ministry of Education.

Work with the law schools, unfortunately, was not marked by success in all areas. To bring about change in curriculum and methodology seems labor intensive. It demands commitment from law school professors thoroughly conversant with the Russian legal system and solidly proficient in the Russian language. The sad truth is that there are perhaps six such professors in the United States. The Trial Advocacy textbook is thus a real achievement that will help the development of an adversarial legal system. The Association of Russian Law Schools will help the development of law school as institutions responsive to a free market economy.

e. Grants

Support for a civil society was the third primary objective of the Contract, and ROLC devised a comprehensive Grants Program to achieve the objective. The Grants program has been alluded to as designed to support organizations committed to the values of a democratic civil society. The program collaterally supported ROLC's major rule of law selecting qualified organizations, working in a field where the legal system might intervene to protect or assert social rights or concerns (as opposed to purely eleemosynary functions). All applicants were selected by rigorous competition and were required to have an American-based NGO partner. Grants were awarded up to $100,000. A final grants report was prepared at the time the grants program terminated, attached as Appendix A hereto. Some types of grantee activity were mentioned above. In general, grantees worked in such areas as human rights, civic advocacy, alternative conflict resolution, and promotion of public awareness and knowledge of laws and legal procedure. Grantees were subject to periodic inspection and review. We believe the grants program was administered with fairness and integrity in a difficult environment. It should be noted, however, that the presence of the American-partner requirement undoubtedly limited the pool of applicants to more established Russian NGOs.

Certain grant awards were mandated by USAID outside of the ordinary small grant competitive process. These included the establishment of a number of regional labor law clinics conducted by the Free Trade Labor Institute, three Organized Crime Study Centers in Moscow, Yekaterinburg, and Irkutsk, and financing the

construction of new premises for the Sakharov Center. These grant activities were entirely consistent with the direction of the grants program as previously stated. So great is the prestige of the late Academic Sakharov, that ROLC considered it an honor to help sustain his memory and ongoing work for the growth of the democratic spirit in Russia.

f. Procuracy

Under the current RF Constitution as well as the Federal Law on the General Procuracy, the Procuracy continues to exercise a power of "supervision" over administrative agencies, including law enforcement. Notwithstanding these similarities, there is no American institution comparable to the Russian General Procuracy in its broad scope of authority and functions. Despite personnel attrition and budget shortfalls, the General Procuracy remains the only integrated, centrally managed corps of trained legal professionals in the Russian Federation. These attorneys have the capacity to significantly advance an emerging rule of law in Russia.

In this setting the Consortium decided in the Fall of 1994 to launch a program of technical and material assistance for the RF General Procuracy. In November, 1994, John Jay Douglass, Dean Emeritus of the National College for District Attorneys (NCDA), visited training centers of the General Procuracy and recommended a program of support to these centers, building upon the ROLC philosophy of "training of trainers." Accepting this recommendation, ROLC adopted a strategy of maximizing multiplier effects and assuring sustainability of its program results by working with teaching/training cadres who would likely remain in place and disseminate lessons derived from collaboration with American counterparts.

Additionally ROLC believed that joint training programs between American and Russian prosecutors impart through example that prosecutors observing constitutional norms and safeguards may nonetheless enforce the law effectively and with high professional competence.

Finally, joint Russian-American training enhanced cooperation between American and Russian prosecutors and law enforcement agencies in the common struggle against organized and international crime. To this end, ROLC consistently sought ways in which to coordinate its procuracy training programs with other USG criminal law reform in the Russian Federation, particularly the Office of Professional Development and Training (OPDAT) of the U.S. Department of Justice Criminal Division.

The program evolved in two distinct phases. Under the FY 1995 Work Plan, ROLC provided technical and material assistance in prosecutor training methodology and in showing the vigor and importance of the role of the prosecutor in a democratic society. Under the FY 1996 Work Plan, technical assistance focused upon selected

prosecutorial functions with diminishing levels of material assistance. Under the FY 1997 no-cost extension, the Consortium supported the Center for International Legal Cooperation, Leiden, the Netherlands, in development of new course materials for the Advanced Training Institute for Investigators and Procurators in St. Petersburg.

In both phases of technical assistance, the American Prosecutors Research Institute (APRI), a subsidiary of the National District Attorneys' Association (NDAA), has served as source of technical assistance and training for the RF procurators. APRI is a leading US institution in the development of training programs and materials for state level prosecutors. Its experience and approach have proven appropriate and adaptable for use by Russian training institutions.

The ROLC Moscow staff, consisting both of Russian personnel and American expatriate lawyers with Russian language skills and area knowledge, served as a bridge between APRI and Russian partner institutions, especially during the second, technical phase of the program. The Moscow office selected topics for the focused seminars, translated and printed course materials, and actively participated in seminars to facilitate exchanges on legal questions.

Two delegations from the Procuracy Institute, the Regional Centers and the General Procuracy participated in training programs at APRI in 1995. Twice in 1995, faculty from APRI conducted teaching workshops in Moscow for the entire faculty of the Moscow Institute and regional training centers. The Consortium provided funds to upgrade the equipment for teaching, training and communications at the Procuracy Institute and the Regional Centers.

In the Spring and again in the Fall of 1996, the Consortium sponsored training workshops on selected topics at the Procuracy training centers in Vladivostok, Irkutsk, Yekaterinburg, Tver' and Belgorod as well as continuing workshops at the Moscow and St. Petersburg Training Institutes. APRI-trained District Attorneys from throughout the United States conducted these workshops. The unifying theme of these seminars was the role of the American prosecutor in a constitutional and adversarial criminal justice system in which the police and the courts are independent of prosecutorial control. USAID and the Department of Justice requested that ROLC train in the more theoretical subjects, e.g., the prosecutor's role in a democracy, and leave to other U.S. agencies training in specific criminal investigatory techniques.

Mutual understanding between American prosecutors and Russian procurators was significantly strengthened through the joint training program. As a direct result of the 1995 training programs at APRI, the Moscow Institute faculty wrote a textbook comparing the American and Russian prosecutorial systems. The book was translated into English and reviewed by ROLC and APRI before its publication in

1996. It has been distributed to all regional training centers and to a select number of other educational institutions.

The Procuracy, with its massive training institutions, has the established means to transmit values and practices to generations of future prosecutors. ROLC has given these training institutions and their leadership a strong dose of American methodology, and exposure to U.S. prosecutorial practices and ethics in a constitutional framework. Selected interventions in the future should focus upon functions and problems common to both legal systems and traditions. A role exists for Western facilitators to provide in-country support for technical assistance to the Procuracy in Russia. The Procuracy's interest in Western prosecutorial practices and techniques remains high. Its significance as a leading Russian legal institution is unquestioned.

g. Regional Model: Vermont/Karelia

In the early 1990s, under the leadership of Associate Justice John Dooley of the Vermont Supreme Court, the traditional Sister-State relationship between Vermont and the Karelian Republic was augmented by a series of strengthened relationships and programs between their legal communities.

In the design of the ROLC program, building upon Justice Dooley's work to date, the Joint Venture presented the Vermont/Karelia relationship as a regional model that might be replicated throughout Russia. The V/K relationship was a variation on a theme. It involved all the core institutions with which ROLC was working: the courts of general jurisdiction, the commercial courts, the procuracy, and the law schools, to which was added the local bar. Although the program was not focused on training the trainers, it achieved much the same effect because it operated intensely on a small geographical area, with a small population, and a still smaller legal community. Thus, by the more conventional approach of regular exchange visits with significant professional content, most of the judges, lawyers, and procurators in Karelia would in fact participate in program events.

ROLC furnished the means for V/K programs to be broadened and funded at a level which would permit more frequency and more content. Karelia attracted the attention of the Russian legal authorities. Thus in November 1996, Chief Judge Yakovlev of the SCC combined a working conference of commercial court judges with a V/K program and praised the high level of improvement of professionalism in the Karelian legal community.

In confirmation of the generally acknowledged success of the program, the ROLC regional model was approved by USAID for application in other regions of Russia. The legal community of Maryland, headed by two judges of its Supreme Court, was linked with the Leningrad Oblast; the Wyoming legal community with Saratov; the

Maine legal community with Arkhangelsk. ROLC was able to play an active role in the initiation of the first two applications. Unfortunately, USAID/Moscow had separated Vermont/Karelia from the ROLC portfolio before these replications of the regional model could be implemented.

These programs, which operate basically as volunteer exchange programs without any permanent office or staff in the host country, are particularly dependent on the personal attributes, enthusiasm, and level of commitment of their organizers. It is too early to predict the staying power of the replications in Leningrad, Saratov, and Arkhangelsk. ROLC was fortunate to have a capable partner in Judge Dooley, who operated with a good deal of autonomy, with excellent results. Even though it is but a small area in Russia, there is no question that the legal culture of the Karelian courts and community made giant strides in 1994-96 under ROLC auspices.

3. Conclusions.

Though international development programs have been undertaken in many countries over the past 50 years under the sponsorship of many governmental, quasi-governmental, and private sector entities, there was no body of established practice and no sound conventional wisdom to guide the massive infusion of "Rule of Law" technical assistance to Russia by the United States Government pursuant to the Freedom Support Act of 1992.

It is hard to recapture the frantic enthusiasm of those early days, matched as it was by inexperience and a certain naivete on the part of both private participants and many of the U.S. government officials involved. The genre of technical development assistance to post-communist societies was being invented on the spot.

Providing Rule of Law assistance to Russia sharply differed from the provision of technical assistance previously afforded to less developed nations. Russian counterparts and assistance recipients were not lacking in experience and education. They were university educated professionals of high intellectual caliber, sophisticated in their mastery of a powerful, albeit powerfully outmoded, politico-legal apparatus. Technical assistance involved much more than imparting discrete skills such as tractor operation and maintenance. Assistance involved unprecedented subjective elements. The technical assistance itself involved knowledge, values, techniques, often a state of mind of openness and receptiveness, supplemented of course by cooperative approaches and tangible steps to realize the goal.

Ambitiously viewed, Rule of Law assistance was intended to measurably alter judicial and legal institutions embedded for generations in an authoritarian society which had deprived them of the independence, respect, and power they enjoyed in most of the Western world. This daunting mandate must remain an ongoing task, not to be attained in one, two, or three years' endeavor.

ROLC offers the following programmatic conclusions based on our now considerable experience in the RF. We offer them to help those who may follow in our steps and to those who may administer similar programs in the future.

a. Recruitment of counterparts. For programs in Rule of Law to succeed, the sine qua non is the well-motivated, competent, reliable local counterpart. Time and effort must be allotted without stint to seek out and develop collegial relations with such people and institutions. When chosen, like all important relationships, they must be cultivated to be strengthened and retained. And if unsuccessful or unfruitful, where possible, they should be modified or discarded. Unfortunately, general rules are not easy to formulate. With the courts and procuracy, perhaps because of their command structure, we found a cooperative attitude among the leadership to be of particular value. In the law schools, the support of the faculty was critical, although a positive attitude toward cooperation from the higher academic administration was also important. In each case, the counterpart has a stake in the program, and in a personal and institutional sense will be committed, only when the counterpart has effectively, without preconceptions by the aid-provider, participated in program design and implementation. The goal must be explicit that it is the counterpart's program and that its design and essential direction from the earliest possible stages will be the counterpart's.

b. Regionalization. Russia is a country that historically has been governed by a heavy bureaucratic hand emanating from Moscow. A minimal number of ex-pats, judiciously located in key cities, could superintend a number of regional offices. Some of these regional offices might operate under the supervision of a host country lawyer and the general supervision of ex-pats, supplemented by periodic visits. What is important is that personnel and budget be open-mindedly analyzed with a regionalized approach as a desideratum. Whether it be with the Arbitration Court, or the Council of Judges, or with Law Schools, or a combination of these elements, regionalization should be candidly discussed with local counterparts. It need not be assumed that leadership physically located in Moscow will for self-interested reasons oppose this as a dilution of central administrative power. Part of the assessment of counterpart suitability is not their pliability on issues such as this (i.e., whether they bend toward a certain policy direction), but whether they respond in good faith, with fairly reasoned, cogent arguments, and are responsive to counter-argument.

c. Coordination. Although we have not dwelled upon it in this Summary, part of the background on which ROLC operated was the presence of other U.S. Government Rule of Law contractors often undertaking not overly dissimilar programs with counterparts with whom ROLC was working. Sometimes these were contractors who had been direct rivals for the contract on which ROLC was working. It is axiomatic that ROLC exerted itself always to cooperate with other representatives of the U.S. Government. Sometimes there was friction. We do not lay blame. But mere exhortations that contractors should cooperate ignore the conflicts that inhere

in the situation. USAID should take it upon itself to coordinate among contractors and to enforce mutual respect for the assigned spheres of each contractor's competence.

d. Consultants. Judicious use of consultants is essential to the success of Rule of Law technical assistance. The most enduring successes come from utilization of those consultants who are in a position to make a commitment to deepen and strengthen their consulting work by frequent, or at least repeated visits. Such a commitment makes the consultant much more likely to acquire that knowledge about the Russian counterpart's role in the Russian legal system which will materially aid the consultant's success. It is asking a lot to expect that a consultant will be well-versed with Russian legal institutions, Russian culture and history, and speak Russian to boot. Such persons in the U.S. legal culture as a whole can be numbered at a dozen or two. But when such consultants can be found, or a non-Russian-speaking judge or law professor rises to the occasion, results increase exponentially compared to the more conventional one-timer. We point to the extremely productive cooperation of U.S. Professor of Law William Burnham with the law faculty particularly of Urals State Law Academy and Judge John Dooley of the Supreme Court of Vermont in the Vermont/Karelia program as examples where ROLC consultants and program leaders invested and were supported in building long term relationships. Finding those prospects, cultivating the relationships with the counterparts, and guiding them to fruition is part of the irreducible, non-quantifiable art of international development law.

e. "Trips to America." Carefully structured, no-frills trips to the United States need to be dispassionately considered as part of the initial stage of developing relations with the Russian counterpart. This is especially so where it is expected that the counterpart will be paired in an ongoing partnership relation with a U.S. counterpart institution such as the National Judicial College or the American Association of Law Schools. Such working visits are an inevitable part of the process of institutional familiarization. Even a selected ad hoc visit, in a specifically targeted programmatic context, can be of great significance. A case in point is the visit of the leadership of the Council of Judges (COJ) to administrative law programs at the Federal Judicial Center in Washington, which had an incontrovertible if not exactly quantifiable impact in the decision of the COJ to pattern the draft legislation for a Russian Judicial Department on the model of the U.S. Administrative Office of the Courts, subject to independent judicial control.

f. Other donors. Since the inception of the U.S. technical assistance efforts in 1992, other international donors have played an increasingly important role. Cooperation with them not only avoids unnecessary duplication of effort and the distraction of our Russian colleagues, but involves a useful division of labor. There is no point to the U.S. challenging, as it were, the primacy of European assistance in the area of civil law extant on the Continent. The World Bank legal reform loan to Russia represents a partial internationalization of donor efforts. It is important to support the

World Bank and to complement its efforts. ROLC has done this by ensuring that its work with the law schools in 1996-97 exactly coincided with the direction of projected World bank assistance. ROLC has directly served as a bridge for the World Bank in the area of judicial reform by initiating cooperative programs between the Russian Foundation for Legal Reform, the implementing agency of the World Bank loan, and the Council of Judges.

g. Concluding thoughts. Legal institutions remain the pivot of a free market-based economy. For economic rights to be meaningful, there must be social mechanisms to protect and enforce them. To attract foreign investment and to support commercial transactions, an independent judicial system must apply laws and regulations openly and fairly. For four years, ROLC has bent its efforts to sustain the growth in Russia of independent judicial institutions with the capacity for increased professionalism, competent training, and understanding of the critical importance of their independent role. We believe we have made a significant contribution to what is a daunting and ongoing task.

Under this grant, ARD/Checchi has conducted a small grants program in which we have identified many U.S. and Russian NGOs dedicated to the development of civil society in the Russian Federation. These NGOs possess the legal expertise, experience, and organizational capabilities to conduct future programs which will coincide with both the goals of the World Bank and the U.S. Government in the advancement of rule of law in Russia. These NGOs have worked in such areas as human rights, civic advocacy, alternative conflict resolution, and the promotion of public awareness and knowledge of laws and legal procedure.

1) **RUS-008**

U.S. organization: Center for Public Representation
Russian partner: The Public Advocate (Sutiazhnik)
Project title: "Accessing the Law through Public Advocacy: A Citizen's Legal Center in Yekaterinburg"
Grant award: $77,713
Grant period: May 1, 1995 to August 1, 1996

The creation of a center in Yekaterinburg for legal assistance and community legal education was highly relevant to the promotion of rule of law in Russia, and Sutiazhnik was able to accomplish much even though the grant got off to a slow start. Only after Sergei Belyaev, former head of FTUI in Yekaterinburg, became director of the center on October 1, 1995, did this grant begin to live up to its potential. During the course of the project, Sutiazhnik participated in over 330 cases in the local courts and administrative tribunals and was involved in hundreds of weekly legal consultations with area groups and local citizens. The project successfully recruited local attorneys to work pro bono on specific cases as well as employed law student interns from local universities and institutes who received valuable practical experience working with the Center. The grantees conducted two training conferences for clients and staff which brought together many local groups working on civil and human rights as well as trade unions interested in legal reform. At the second conference lawyers at Sutiazhnik gave presentations of typical cases in such areas as property rights, access to the courts, police procedures, and enforcing constitutional mandates for elections. Sutiazhnik also published a number of notices, advice columns, and news articles on legal issues while utilizing press conferences, news releases, press coverage to publicize its work and issues addressed.

Sutiazhnik is currently looking for funding through other private foundations such as the National Endowment for Democracy, the Ford Foundation, and the MacArthur Foundation, and is fairly confident that it will receive funding in the near future to

2) RUS-019

U.S. organization: League of Women Voters Education Fund
Russian partner: Moscow Center for Gender Studies
Project title: "Strengthening Women's Rights in Russia"
Grant award: $100,000
Grant period: May 1, 1995 to October 1, 1996

The grantees focussed on an area in which much work needed to be done: practical training and technical assistance for women NGOs in Russia. Overall, the grantees did a credible job. The conference in Dubna, Russia in May of 1995 was well-attended and represented a good forum for discussion among women leaders about defining the role of women and women's NGOs in contributing to the concept of Rule of Law in Russia. However, the subgrants portion of the project got off to a slow start since it took longer than expected to select the subgrantees and subsequently fund them. Only within the past few months are concrete results beginning to be seen from the subgrants program. Overall, I would recommend further funding especially for the Russian partner, because Valentina Konstantinova does a very good job with the meager resources she has at the Moscow Center for Gender Studies.

3) RUS-021

U.S. organization: Environmental Law Institute (ELI)
Russian partner: Ecojuris
Project title: "Strengthening the Rule of Environmental Law"
Grant award: $96,233
Grant period: July 1, 1995 to September 30, 1996

The grantees received a grant to help shape environmental legislation in the city of Moscow and the Russian Federation, focussing on three main areas: 1) publication and distribution of ELI working papers; 2) law drafting assistance; and 3) follow up on law drafting work.

In the area of environmental law publications, ELI re printed and distributed three previously existing Russian language translations of ELI working papers pertaining to environmental legislation. Written specifically in layman's terms, these working papers were orginially developed to provide the average citizen an opportunity to participate in government decision-making processes in the area of environmental law. ELI also developed and distributed three new publications in its series of working papers which Ecojuris distributed to all requesting organizations. Ecojuris also received from ELI a master copy of each publication in order to produce additional copies in anticipation of future requests. The grantees also published a "Deskbook" for use by governmental officials, lawyers, non-profit organizations, and ordinary citizens working in the area of environmental protection. Published in September 1996, the book

contains relevant Russian statues, regulations, and agency documents governing the environmental impact assessment process with accompanying ELI analysis on these problems.

Ecojuris also worked on regular basis with the Federal Duma, the Ministry of Nature Protection, and the Moscow City Council by providing legislation expertise through expert working groups, meetings, and consultations as follow up to their law drafting work. Among other laws, Ecojuris provided law drafting assistance with the federal law on ecological expertise, the development of a federal legal framework for environmental protection, plus September 1996 working on amendments to law, and the protection of ambient air.

The grantees also conducted follow-up work on their legislative imput by meeting with various government officials. For example, in September 1996, representatives of both ELI and Ecojuris met in Moscow with members of the Duma environmental commission, the Department of Ecological Perspectives, non profit organizations such as the Social Ecological Union, Yuri Maximenko of the World Bank, and others to discuss such problems as the existing framework of environmental laws, legislation on the protection of air quality, and input of industry and NGOs on environmental legislation.

4) **RUS-024**

U.S. organization: The International Tax and Investment Center (ITIC)
Russian partners: Higher School of Economics
All-Russia Association of Enterprises
Project Title: "Russian Tax Law Reform Project"
Grant award: $100,000
Grant period: May 1, 1995 to April 30, 1996

The grantees assisted the Russian Ministry of Finance, the State Tax Service, and State Duma in their attempt to develop tax reform in the Russian Federation. Their goal was to bring together the key players in this area, including members of the federal government, businesses, and private investors, in order to help create comprehensive but fair tax reform legislation.

The ITIC and its Russian partners encouraged private sector input into the development of a Russian tax code by holding monthly tax policy forums in Moscow and Petersburg. The grantees also convened a meeting in St. Petersburg dedicated to discussing the proposed changes to the federal tax code. In addition, they provided educational programs about tax reform and provided source materials for the writers of the Russian tax code as well as assisted them with the drafting of statutory language for the code.

In September 1996, ITIC published a Citizen's Guide to Tax

Overall, this has been an excellent grant all around. Dan Witt, president of the ITIC in Washington, is a talented administrator with a host of new ideas on how to bring about tax reform in Russia. Under the auspices of this grant, he brought together government, private investors, and businessmen to discuss problems with current tax law in Russia and possible reforms.

5) **RUS-040**

U.S. organizations: Center for War, Peace, and the News Media (New York University) and the Russian-American Press and Information Center (RAPIC)
Russian partners: Glasnost' Defense Foundation and the Commission on Freedom of Information
Project Title: "RAPIC Freedom of Information Program"
Grant award: $99,998
Grant period: May 1995 to August 1, 1996

With funding from the ROL Small Grants Program, the Russian-American Press Center and Glasnost Defense Fund created a Commission on Access to Freedom of Information in order 1) to promote to monitor adherence by Russian government officials to existing freedom of information legislation; and 2) to conduct seminars to educate government officials, judges, journalists, and Russian citizens of their rights and duties regarding the right to freedom of information.

The program was professionally administered by qualified and experienced people. The newly-created Commission, among its many accomplishments, created a data bank of FOI materials from both the Western press and Russian government. It also documented violations of freedom of information in Russia and disseminated valuable advice and materials to journalists to help them gain access to information legally. In addition, the Commission conducted training seminars on FOI in Novosibirsk, St. Petersburg, Yekaterinburg, Vladivostok, Khabarovsk, and Novokuibyshevsk.

6) **RUS-205**

U.S. organization: University of Arizona
Russian partner: Association of Women Journalists

Project Title: "Women, the Law, and Domestic Violence in Post-Communist Russia"
Grant award: $78,528
Grant period: October 1, 1995 to September 15, 1996

The participants have done an excellent job in increasing the awareness of citizens about the problem of domestic violence in Russia. The grantees held a five day seminar from February 8-12, 1996 with women activists from throughout the Russian Federation who received training, information, and materials about legal and organizational strategies to combat domestic violence. Topics of the seminar included law enforcement, the civil and criminal codes, treatment services, and fund raising. The American participants brought with them three films on domestic violence (with an accompanying Russian transcript), as well as various literature on domestic violence. One of the U.S. participants appeared on a local women's radio station, Nadeshda, and conducted a radio call-in show discussing issues ranging from sexuality to domestic violence. The conference also received media coverage due to the Russian partner's links to the local media, such as Nezavisimaya gazeta. The second part of the grant was to disseminate the materials and information from the February conference to the provinces. The Russian partner held training seminars from April to August in Novocherkassk, Mirnyi, Murmansk, Irkutsk, Petropavlovsk, Vladivostok, and Tomsk. In many of these areas, this information on domestic violence was being made available for the first time. In August 1996, the Russian partner completed a book entitled Who Will Defend Women? which contains 1) articles written by US and Russian participants of the February seminar; 2) Russian and foreign government documents dealing with women's rights; and 3) interviews with women activists, lawyers, goverment officials, representatives of crisis centers.

The grantees believe that the contacts they have made under this grant as well as their use of the media will enable them "to reach those people who are placed strategically in Russian society where they are in a position to make significant changes in how women are perceived and how women are treated." Such people include the Russian Orthodox clergy, the militia, physicians in emergency rooms and polyclinics, and authors of legal textbooks. Both the University of Arizona and Association of Women Journalists hope to build on the contacts made between U.S. specialists and Russian women activitists to continue the struggle against domestic violence in the Russian Federation.

7) **RUS-208**

U.S. organization: Search for Common Ground
Russian partner: Fond Poisk Soglasia
Project Title: "St. Petersburg Labor Dispute Resolution Center"
Grant award: $54,954

Grant period: February 1, 1996 to August 31, 1996

Under this grant, these two organizations created a alternative dispute resolution center in St. Petersburg and have accomplished much in a relatively short amount of time. The U.S. organization was very experienced in this field and the Russian partner possessed the necessary connections with representatives from local government and labor unions to make the project successful. They conducted two conferences, the first in June 1996 devoted to current problems in Russian labor law and possible solutions. In attendance were representatives of local trade unions, the Ministry of Labor, and the city government of St. Petersburg. At a second seminar the following month, former Assistant Secretary of Labor, Bill Hopgood, trained twenty-five local labor leaders in mediation of labor disputes. The newly-created Center also conducted regular labor forums for local union officials to discuss common problems and make recommendations for legislative reform. It also serves as a clearhouse of information in this area including written and video materials on U.S. collective labor agreements and mediation, Russian labor law resources, labor mediation training and videos, U.S. labor law documents and commentaries, information on U.S. union organization, and copies of recent or pending Russian labor legislation.

For the future, the Center hopes to continue its position as a forum for labor representatives to exchange opinions and make recommendations to the Duma about labor legislation reform. They also hope to continue to offer information on mediation and other dispute resolution to such organizations as the City of St. Petersburg's Office of State Mediation as well as the Russian-American Program of Conflictology. The Center is currently looking for additional funding but hopes to receive long-term assistance either from the local trade unions, the city government, the World Bank, and/or private foundations.

8) **RUS-219**

U.S. organization: University of Hawaii
Russian partner: Research and Educational Center for the Ethics of Non-Violence
Project Title: "Responsible Citizens-Rational Choices: A Voter Education Project for Kaluga and Ufa"
Grant award: $43,627
Grant period: October 16, 1995 to July 31, 1996

The grantees of this program did a credible job within the limited aims of the project. The project was designed to educate both a group of participating students and their local communities about the candidates and issues in the December 1995 Duma elections. Initially, the students, selected from the Russian cities of Kaluga and Tver', participated in weekly seminars for a month and a half to examine the principles, practices, and procedures of democratic elections and studied

such topics as the principles of democracy, the nature of civil society, and the establishment of democratic government and the rule of law. They then met in Kaluga for a three day seminar with professors from the University of Hawaii and Chaminade University. The highlight of the conference was the interviewing by the students of actual candidates running for Duma seats. Unfortunately, they reported not achieving one of the goals of the project (impact on the public) due to the less than expected participation by candidates and the media itself. After the conference, the grantees worked on drafting a manual entitled **Civil Participation: Responsibility, Community and Power**, on how to conduct similar voters education projects in other communities in the Russian Federation. The volume is targeted to teachers, NGOs, and other groups interested in conducting similar projects. In addition, according to the University of Hawaii, the United States Information Agency has expressed interest in distributing the manual. They are planning to print two thousand copies and distribute them to schools and community organizations throughout Russia.

9) **RUS-222**

U.S. organization: Internews Network
Russian partner: The Globe Independent Press Syndicate
Project Title: "The Globe Legal Information Center"
Grant award: $64,025
Grant period: January 1, 1996 to August 31, 1996

This project was designed to raise the level of legal education of the general Russian population through the use of the regional press. The Center's primary task was to distribute newspaper articles on legal issues to provincial newsapers. With grant funding, the Globe Legal Information Center was able to expand the circulation of its articles on various legal topics from 17 to 39 newspapers which covered 31 cities and 29 regions throughout the Russian Federation.

The Center wrote commentary on new laws passed by the Russian State Duma, for example, on the new Russian Family Code, the Presidential decree on a professional army, restrictions on the use of capital punishment, and the legal status of Cossacks. The grantee also provided commentary on criminal laws including explantions of the rights of persons accused, arrested, or detained. They also highlighted laws regulating family relations and women's rights including teenage pregnancy and its legal aspects, sexual harrassment in the workplace, divorce, and prevention of rape. Regarding military issues, the Center wrote about such topics as the civil rights of soldiers and conscripts, rights to alternative services, legal status of refugees, rights of soldiers and officers for compensation of disability, and the rights of detainee (POWs).

in Siberia advocate for their rights. The project initially focussed on the estimated 10,000 Evenki living throughout Yakutia, but it is anticipated that the results of this project will eventually affect all of Siberia's 1.6 million indigenous peoples. With the help of Alaskan NGOs and attorneys, they conducted a study tour of Alaska for two native leaders from Yakutia as well as held training workshops in Neyrungri, Iengra, Yakutsk, and an Evenk reindeer-herding camp. The grantees worked with both the Evenki and Yakut peoples to teach them about advocacy, the role of civil society in a democratic society, and problem solving. Some of the successes of the project include: 1) the establishment of two coordinating committees (one in Alaska and one in Yakutia) to support Siberian native peoples; 2) a housing law which will benefit young native families passed by the Yakut Duma and awaiting the president's signature; and 3) a policy document on educational reforms for indigenous people to be introduced into the Yakut Duma. By the end of August, the NASW expects also to have completed and translated into Russian, Yakut, and Evenk an indigenous peoples' advocacy manual. The grantees did a very professional job conducting this program and the expectations of the local people have been raised considerably. NASW is seeking additional funding for a follow on-program; they will travel to Alaska to plan how to increase collaboration between Alaskan native peoples' NGOs and their counterparts in Yakutia. They plan to form an international NGO and possibly link it with other peoples in Siberia such as the Khanty, Mansi, and Komi peoples of the Tyumen region as well as with native peoples of Tyva where the NASW has conducted previous peoples' advocacy workshops.

11) RUS-225

U.S. organization: Child Welfare Institute International
Russian partner: International Christian Solidarity
Project Title: "Development of a Russian Foster Care Model" (Legal basis)
Grant award: $60,000
Grant period: February 1, 1996 to August 31, 1996

11) **RUS-225**

U.S. organization: Child Welfare Institute International
Russian partner: International Christian Solidarity
Project Title: "Development of a Russian Foster Care Model" (Legal basis)
Grant award: $60,000
Grant period: February 1, 1996 to August 31, 1996

This project represents an important step in preparing the legal conditions for developing a system of foster care in Russia. The grant was composed of three parts: 1) providing legal input and advice by a group of experts in this field, including lawyers, psychologists, and child care workers; 2) the convening, in May 1996, of an international conference in Moscow on developing a "Russian Foster Care Model;" and 3) the creation of a pilot foster care project for use at the local level in Russia. The working group and conference worked on draft legislation for the Russian State Duma to develop child protection structures and governmental standards for child protection at both the national and local levels. They also worked to set standards for the placement of children with foster parents. The Duma's Committee on Women, Children, and the Family agreed to incorporate much of the grantee's work into legislation then being written by the parliament.

Under this grant, the Russian organization took the lead in this project, and, on the whole, has done a credible job. The grantee claims that for the first time in Russia, a coalition involving a government agency (the Ministry of Education), a non-profit organization (CSI-Moscow), and leading experts collaborated to establish a legislative and administrative framework in the area of child care. Their recommendations have focussed on protecting both the rights of the children as well as the foster parents. The grantees hope, in the future, to use the training programs developed by the working group of experts to train local government managers of child care services in such areas as Karelia, Perm, Vladimir, and Rostov.

12) **RUS-233**

Russian organization: Mothers' Rights Foundation
Project Title: "Legal Protection of the Rights of Parents of Soldiers Who Have Died While Serving in the Russian Army: Aid and Legal Advice"
Grant award: $9,966
Grant period. October 16, 1995 to August 31, 1996

The Mothers' Rights Foundation has administered this project quite admirably. The Foundation has conducted legal consultations for parents to help them understand their legal rights while conscientiously and timely submitting their narrative and financial reports. They are currently planning

several publications before the conclusion of the grant.

13) RUS-235

Russian organization: Moscow Center for Prison Reform
Project Title: "Mass Media for Regional NGO's"
to September 15, 1996

The Moscow Center for Prison Reform professionally managed this grant. The Center produced weekly radio programs on legal issues in the areas of human rights awareness and criminal justice system reform for broadcast by government and independent radio stations. Program topics have included such themes as prisoner social rehabilitation, the procedure on how to obtain a presidential pardon, and the problem of prisoner abuse by prison guards. The Center also gave training to NGOs outside of Moscow to teach them how to conduct their own local weekly radio programs in their regions. Overall, this grantee competently administered this project, and I would support their receiving additional funding for future projects.

14) RUS-242

Russian organization: Moscow Independent Institute for International Law (MIIIL)
Project Title: "Publication of a Volume entitled 'International Humanitarian Law in Documents'"

Another good project conducted efficiently and professionally by a Russian organization. MIIIL timely complied with our reporting requirements and also produced, at the request of USAID, a list of NGOs working in the area of human rights which will receive this publication free of charge. We are currently awaiting the imminent publication of the book. The organization has not requested additional funding, but based on its competent administration of the grant, I would support future funding for MIIIL.

Fiscal Report will be included in the Sixteenth Quarterly Report.