

PD-ABM-739

15-1

**ABA CAMBODIA LAW AND DEMOCRACY PROJECT**

**PERFORMANCE REPORT**

**October 1, 1995 - March 31, 1996**

**To**

**U.S. Agency for International Development/Cambodia  
Cooperative Agreement  
No. 442-0110-A-00-5509-00**

**Section of International Law and Practice  
American Bar Association  
April 1996**

## Table of Contents

	Page Number
<b>SUMMARY AND OVERVIEW.....</b>	<b>1- 4</b>
<b>ACTIVITY AND METHODOLOGY CHART.....</b>	<b>5-14</b>
<b>Legislative Drafting &amp; Implementation.....</b>	<b>5- 6</b>
Commercial Code (8 Books)	
Penal Code	
Commercial Arbitration Law	
Drug Control Law	
<b>Human Resource Development.....</b>	<b>6- 8</b>
Ministry of Commerce	
Ministry of Justice	
Bar Association of the Kingdom of Cambodia (BAKC)	
Phnom Penh Project Office Personnel	
U.S. Legal Interns in Cambodia	
<b>Institution Building.....</b>	<b>8- 9</b>
Ministry of Commerce	
Ministry of Justice	
Bar Association of the Kingdom of Cambodia (BAKC)	
Ministry of Industry, Mines & Energy	
Inter-Ministerial Workshops	
<b>U.S. Expert Legal Commentaries.....</b>	<b>9-11</b>
BAKC Rules of Internal Procedure and Code of Ethics	
Pharmaceutical Law	
Law on Kidnapping and Trafficking in Humans	
Code of Criminal Procedure	
Extradition Treaties	
Treaties and Executive Agreements	
Declaration of Assets Law	
<b>Research and Analysis.....</b>	<b>12-13</b>
Commercial Arbitration Practices	
International Sale of Goods	
Model Products Liability Law	
Environmental Law	
Medical Profession Oversight Law	
Public Enterprise Law	
Election Law	
Political Parties Laws	
Nationality Law	
Commercial Treaties and International Agreements	
<b>Publications and Materials provided by ABA.....</b>	<b>14</b>
<b>LONG TERM ADVISORS REPORTS.....</b>	<b>15-19</b>
Ministry of Commerce, LTA David Clayton Carrad	
Ministry of Justice, LTA Dr. Phat Mau	
Bar Association of the Kingdom of Cambodia, LTA Jeffrey L. Falt	
<b>ABA COUNTERPART CONTRIBUTION.....</b>	<b>20</b>
<b>LIST OF PUBLICATIONS &amp; MATERIALS PROVIDED BY ABA.....</b>	<b>21-25</b>
<b>PROJECT ORGANIZATION CHART.....</b>	<b>26</b>

**PERFORMANCE REPORT  
FOR  
ABA CAMBODIA LAW AND DEMOCRACY PROJECT  
TO  
USAID/ CAMBODIA  
BY  
SECTION OF INTERNATIONAL LAW AND PRACTICE  
AMERICAN BAR ASSOCIATION**

**COOPERATIVE AGREEMENT NO. 422-0110-A-00-5509-00**

**Summary and Overview**

The Section of International Law and Practice of the American Bar Association, which administers the ABA Cambodia Law and Democracy Project, submits this second Performance Report, covering the period October 1, 1995 - March 31, 1996, to the U.S. Agency for International Development/Cambodia, in compliance with the Cooperative Agreement Reporting Evaluation Requirements, Attachment 1, entitled Program Reporting. This Report describes Project progress over the past six months, including activities completed or in progress during this period, and reflects the Project Goals and Objectives, which are to assist Cambodia in planning and implementing legal and judicial reforms necessary to promote democracy, a market economy, and the rule of law.

In accordance with the Project's Program Design and Implementation Plan approved by USAID/Cambodia in July 1995, each of the Project components and initiatives reported on here is intended to enhance the stated Project Objectives:

- Improvement in the capacity of institutions of the Royal Cambodian Government (RCG) to analyze, draft, enact, and implement legislation, thereby promoting the rule of law;
- An increase in the transparency and predictability of the legal, regulatory and judicial systems; and,
- A strengthening of the prospects for economic growth through development of the commercial legal structure.

Within the above-stated objectives, there has been and continues to be an emphasis on institution building, capacity-building, and human resource development through the mentoring and teaching activities of both Long and Short Term Advisors, and through the provision of comprehensive legal materials to enhance the information base within each institution, based upon specific requests and including explanations and other appropriate follow-up to ensure that the materials are useable by those requesting them.

Three Long Term Advisors are in place at the Ministry of Commerce, the Ministry of Justice, and the Bar Association of the Kingdom of Cambodia (BAKC). One Short Term

Advisor was provided during this period to the Ministry of Industry, Mines and Energy. Nine U.S. legal experts provided requested commentary on nine draft laws and official documents. Three French-English legal translations of draft laws were provided. Ten requests for research assistance were carried out. Approximately 115 legal texts, articles, periodicals and training materials were provided by the Project upon request.

In addition, a second Long Term Advisor will shortly be placed at the Bar Association of the Kingdom of Cambodia (BAKC) to establish the Legal Research Center and to train the necessary Cambodian personnel in administration and research.

USAID/Cambodia gave concurrence April 18, 1996, for an STA that had been requested by the Ministry of Foreign Affairs to assist with border dispute issues, and the ABA has begun sourcing the appropriate STA. An LTA had been sought by the National Bank of Cambodia and recruited by the ABA, to assist with privatization of banks, training of the Bank's legal department, and drafting of banking legislation, but USAID/Cambodia refused concurrence on this LTA, even though prior USAID concurrence had been received, until USAID/Cambodia has worked through its current re-evaluation of strategic objectives.

At the Ministry of Commerce, LTA David C. Carrad has been in place since September 1995, drafting books of the Commercial Code, training Ministry staff, and leading a seminar program for 16 Ministry staffers to integrate legislative drafting and implementation regulations and procedures. Each day the LTA works within the seminar training program, going over books of the Commercial Code line item by item, comparing the old law with the new law and teaching staff how to use the new law, including the correct forms to use, filing and index procedures, and other practical functions within the implementation process. This comparative approach is critical to the education of those individuals who will be most closely working with the new laws. Mr. Carrad is also working with the Minister on the reorganization of the Ministry itself, with special attention to the legal department the Ministry is creating, and the creation of a department focusing on ASEAN issues and integration. Mr. Carrad will also be teaching intellectual property law to students in the BAKC Lawyer's Training Course at the request of the University of San Francisco (USF). He will also be teaching a course on Business Law at the Economic Institute in cooperation with USF.

At the Ministry of Justice, LTA Dr. Phat Mau has been in place since April 1995, and has drafted the Penal Code, the Commercial Arbitration Law, the Drug Control Law, and handles all issues relating to ASEAN integration and combating drugs. He provides daily guidance to the Minister and staff on a range of legal issues, serves as the Minister's liaison to outside entities, including NGOs, is Public Relations and English Language Press Counselor, and represents the Minister at public events and conferences.

At the Bar Association of the Kingdom of Cambodia (BAKC), LTA Jeffrey L. Falt, who arrived in Phnom Penh on January 31, 1996, is assisting the Bar with organizational development, including revenue-generating projects for the Bar's sustainability, outreach to ASEAN Bars, including a trip throughout the region to establish ties and build cooperative efforts, and with the development of legal education programs, including the Lawyers Training Course and the Lawyers Certification course, in cooperation with USF.

At the Ministry of Industry, Mines and Energy, Short Term Advisor George Hardy completed a successful assignment during October 1995 by helping establish the criteria utilized for evaluating bids for the development of offshore oil and gas resources.

During the past six months U.S. legal experts provided commentary upon request of Cambodian institutions through ABA LTAs in seven areas as follows: Professor Frederic J. Jouhet on the Code of Criminal Procedure; Kurt Muellenberg on the draft Declaration of Assets Law; Professors Louis B. Sohn and Louis Aucoin on international treaties and executive agreements; Stuart H. Deming on kidnapping and trafficking in human beings; USFDA experts on the draft Pharmaceutical Law; Stuart H. Deming on extradition treaties; and George Kuhlman, John Holtaway and Rozeanne Lucianek of the ABA Division of Bar Services on the new Bar's Internal Rules of Procedure and Code of Ethics. Commentaries were provided on a pro bono basis at no cost to the Project.

Project Chair, Gerold W. Libby, traveled to Cambodia in late October to monitor Project progress and to meet with the President of the new Bar Association, assuring the BAKC of ABA support for its independence and continued development, and discussing appropriate levels of ABA/USAID support.

In-Country Director Thomas R. Reynders and Deputy Director Evan R. Gottesman have built a strong in-country team providing solid administrative support for a continuing successful program. In addition to their administrative functions, both the In-Country Director and Deputy provide extensive substantive legal advice and counsel to Cambodian institutions, including drafting of documents, the provision of analysis and briefings to Ministers and their staffs, coordination and presentation of commentaries, and assistance to other NGOs. They coordinate all requests to the Washington, D.C. Project Office, and provide translations of legislation and documents from French to English, Khmer to English, and English to Khmer for distribution in Cambodia and the United States.

In-Country Director Thomas R. Reynders has provided a number of comprehensive analyses and written briefs for Cambodian institutions, the U.S. Embassy, USAID/Cambodia, and the Washington D.C. Project Office and Steering Committee, including the paper on the Common Law in a Civil Law Judicial System for the Minister of Justice, the paper on Executive Agreements and Treaties for the U.S. Embassy, the Vision/Concept document for USAID/Cambodia, and the in-depth analyses on law development issues in Cambodia for all Project participants.

In-Country Deputy Evan R. Gottesman has provided much direct assistance to Cambodian institutions. He provided assistance to LTA Dr. Phat Mau on the draft Commercial Arbitration Law and the Penal Code. He provided written commentary in English and Khmer on the draft Pharmaceutical Law for the National Assembly Commission for Public Health and for the Ministry of Health. He prepared an in-depth comparison between the draft Thai-Cambodian Extradition Treaty and current international norms for the Ministry of Justice. He prepared simple explanatory materials for the National Assembly Commission for Foreign Affairs, International Cooperation, Information, and Media, on Commercial Treaties and International Agreements. He coordinates the requests for commentary, research and analysis from

Cambodian institutions and the presentation of ABA responses to the indigenous institutions from the United States.

The Washington, D.C. Project Office, headed by Mollie Miller, has been providing research and analysis capabilities, in addition to delivery of materials by DHL, in the following areas over the past six months in response to Cambodian requests: administrative law, nationality law, commercial law, bankruptcy, bilateral and multilateral treaties, extradition treaties, laws governing political parties, laws governing kidnapping and trafficking in human beings, anti-corruption laws, product liability laws, criminal law, intellectual property law, international trade and investment laws, judicial systems, human rights laws, legal education, and laws governing the oversight of the medical profession.

The ABA had anticipated submitting a proposal for the new Project fiscal year beginning April 1, 1996. However, due to the extension granted the Project through September 30, 1996, and the current assessment being carried out by USAID/Cambodia, all Project activities from April 1, 1996 through September 30, 1996, will be carried out within the guidelines and limitations of the current Cooperative Agreement and fiscal year's budget. USAID/Cambodia has indicated a willingness to entertain an ABA request for some bridging funds during August-September 1996, should the need arise.

In addition to the provision of ABA Long and Short Term Advisors, expert U.S. legal commentaries, research and analysis, and legal materials, all of which are discussed in this Report, the ABA Project continues to focus on the development of coordinated and supportive efforts with other NGOs working on legal reforms in Cambodia. The Project works regularly with the University of San Francisco (USF), The Asia Foundation (TAF), Georgetown University (CIED), the International Human Rights Law Group (IHLRG), and others to coordinate efforts and increase their effectiveness. The Project actively supports the IHLRG's Cambodia Court Training Program and Defenders Project through the provision of materials and candidates for specific positions. The Project also supports USF's activities, especially with regard to the Lawyers Training Course and Lawyers Certification Course at the BAKC, within which the ABA LTAs and STAs will teach. The ABA has provided the first year's rent for the Bar, and equipped the facility with appropriate equipment and technology to enhance lawyer training programs, including a generator, two air conditioners, one computer, one laser printer, one telephone/fax line, one microphone/amplifier system, one video camera, one VCR, one TV, and additional furnishings and supplies. The Project also works closely in a supportive role with the National Assembly's Legal Research and Documentation Center.

## ACTIVITY AND METHODOLOGY CHART

In accordance with the Project's Program Design and Implementation Plan approved by USAID/Cambodia in July 1995, Project activities and methodologies reported on here are intended to enhance the stated Project Objectives:

Objective #1: Improvement in capacity of RCG institutions to analyze, draft, enact, and implement legislation.

Objective #2: Increase in transparency and predictability of legal, regulatory, and judicial systems.

Objective #3: Strengthening of prospects for economic growth through development of commercial legal structure.

<u>Category/Activity</u>	<u>Methodology/Results</u>	<u>Project Objectives Targeted</u>
--------------------------	----------------------------	------------------------------------

### LEGISLATIVE DRAFTING AND IMPLEMENTATION

Commercial Code (8 Books)

1-2-3

1) Business Organizations Law  
(Corporations, Partnerships,  
Sole Proprietorships)

- 2) Contract Law
- 3) Trademark Law
- 4) Arbitration Law
- 5) Product Liability law
- 6) Bankruptcy Law
- 7) Chamber of Commerce Law
- 8) Commercial Registration Law

LTA David C. Carrad, Ministry of Commerce, has completed drafting the first five Books listed here, and expects to have completed the 6th Book by the end of 1996. Books 7 and 8 are of lower priority. Carrad leads a seminar series to train Ministry staff in drafting and understanding implementation regulations and procedure. By involving staff in the actual drafting process, valuable working skills are developed and a better understanding of what it will take to implement laws once passed.

Penal Code

LTA Dr. Phat Mau, Ministry of Justice, has completed the draft Code and prepared a cover letter to submit it to the Minister.

1-2

## Activity and Methodology Chart

<u>Category</u>	<u>Methodology/Results</u>	<u>Project Objectives Targeted</u>
<b>LEGISLATIVE DRAFTING AND IMPLEMENTATION</b>		
<u>Commercial Arbitration Law</u>	LTA Dr. Phat Mau, Ministry of Justice, has taken the draft law prepared by STA Professor Whitmore Gray, and which was translated by the ABA from English to Khmer, and revised the translation and adapted it to Cambodian Law. The draft has been submitted to the Minister of Justice and the Minister and LTA are going over it article by article. They are currently on Article 8.	1-2-3
<u>Drug Control Law</u>	LTA Dr. Phat Mau, Ministry of Justice, has been asked by the Chairman of the National Assembly Legislative Committee to attend a hearing before the Assembly debate, now that the law has been approved by the Council of Ministers and sent to the National Assembly for debate and adoption.	1-2
<b>HUMAN RESOURCE DEVELOPMENT</b>		
Ministry of Commerce Staff	LTA David Carrad has been training 10-12 Ministry staff per session in a seminar format designed to teach legislative drafting and implementation processes to persons who will be most closely working with the laws. The goal is to train staff to understand, implement, and revise laws. Staff participating will receive formal certification as specialists in each area of the law once drafting work is completed. Since December 1995 they have completed 75% of the Business Organizations Law.	1-2-3
Ministry of Justice Staff	LTA Dr. Phat Mau has been providing advice and guidance to the Minister and staff on legislative drafting, implementation issues, ASEAN admittance, the drug control program, and development of conferences, seminars and workshops.	1-2-3

## Activity and Methodology Chart

<u>Category</u>	<u>Methodology/Results</u>	<u>Project Objectives Targeted</u>
<b>HUMAN RESOURCE DEVELOPMENT</b>		
Bar Association of the Kingdom of Cambodia (BAKC)	LTA Jeffrey Falt has been assisting the Bar President and Council with policy, management, and the development of program priorities, new revenue-generating projects and funding sources to make the Bar self-sustaining. He has been training BAKC staff in the daily use and maintenance of the videotape system provided by the ABA to record lectures for future student use. He mentors the 42 members of the new Bar and the 43 students currently studying at the BAKC.	1-2-3
ABA Project Staff/Phnom Penh	In-Country Director Thomas R. Reynders and Deputy Evan R. Gottesman provide hands-on training in organization and administrative skills. All 11 employees participate in the ABA Educational Benefits Program, studying English, accounting, and computer skills. Over half the staff is now computer literate. The two Office Administrators have been given broad latitude in managing their workload and have assumed increased responsibilities over the past six months.	Support
U.S. Legal Interns in Cambodia	<p>U.S. law students are selected each year to work in the Project's Phnom Penh Office, providing research/analysis capability. Interns are chosen from law schools seeking participation in the Project to broaden students' exposure to LDC law development issues. Each intern is funded by his/her law school at no cost to the Project.</p> <p>October-December 1995 Intern Amy Spence, Stanford University Law School, conducted research/analysis and wrote a report on legal framework for ecosystem management for paper to be presented by Undersecretary for International Affairs for Agriculture at January 1995 Bangkok conference. She assisted ABA STAs Eric Esler (National Assembly) and George Hardy (Ministry of Industry, Mines and Energy) and did research for ABA and the National Assembly Legal Research and Documentation Center.</p>	1-2-3

## Activity and Methodology Chart

<u>Category/Activity</u>	<u>Methodology/Results</u>	<u>Project Objectives Targeted</u>
<b>HUMAN RESOURCE DEVELOPMENT</b>		
U.S. Legal Interns in Cambodia (cont.)	Summer 1996 Intern Sody Lay, Columbia University Law School, will work in the Phnom Penh Office. The University of Michigan Law School is enquiring about placing 1-2 interns with the Project this summer.	1-2-3
<b>INSTITUTION BUILDING</b>		
Ministry of Commerce	LTA David Carrad has been working closely with the Minister in creation of the new Legal Department, training 15-25 staff, and working to develop a new centralized department to deal with all the legal aspects in the Ministry's areas of responsibility. Expected completion of actual reorganization by the end of 1996. Actual staff training should be completed by mid-1998, or sooner if an experienced Cambodian lawyer comes to work at the Ministry.	1-2-3
Ministry of Justice	LTA Dr. Phat Mau works regularly with the Minister and Ministry staff on the institutional development of the Ministry. He is involved in mentoring the Ministry as its role evolves in the legal development process. He serves as the Ministry's Representative on ASEAN integration issues, building towards an important role for Cambodia within ASEAN, and enhancing the Ministry's participation in this role. He plays a key role in liaising between the MOJ and outside institutions, bringing to the Ministry new concepts and methodologies. By coordinating the work of the Ministry with the UNDP, he strengthens the role of the MOJ in combating international drug activities.	1-2
Bar Association of the Kingdom of Cambodia (BAKC)	LTA Jeffrey Falt's primary function at the BAKC is institution building. He arrived two months ago and moved swiftly to assess resources available and necessary for the BAKC's independent development. He has been advising the President and Bar Council on policy, management, program priorities, revenue-generating projects, and new funding sources. He and Dr. Say Bory	1-2-3

## Activity and Methodology Chart

<u>Category/Activity</u>	<u>Methodology</u>	<u>Project Objectives Targeted</u>
<b>INSTITUTION BUILDING</b>		
Bar Association of the Kingdom of Cambodia (BAKC) (cont.)	are currently on an ASEAN region trip to study organizational development and establish beneficial institutional relationships. He is working with the ABA and BAKC in the recruitment of the LTA who will assist with the development of the BAKC Legal Research Center.	1-2-3
Ministry of Industry, Mines and Energy	STA George Hardy spent three weeks in October 1995 at the Ministry, establishing with that institution the framework and criteria to evaluate bids by foreign corporations to develop offshore oil and gas resources. The final product was submitted to the Council of Ministers for action.	1-2-3
Inter-Ministerial Workshops	During March 1996 two Inter-Ministerial Workshops were held, one on Judicial Reform and one on Economic Development. Director Tom Reynders, Deputy Evan Gottesman, and LTA David Carrad attended a number of sessions and participated by providing suggestions. Tom Reynders has further offered to help edit the final documents.	1-2-3
<b>U.S. EXPERT LEGAL COMMENTARIES</b>		
Commentaries provided by U.S. legal experts upon request by Cambodian institutions. Commentators recruited by U.S. Project Office.		
Rules of Internal Procedure and Code of Ethics BAKC October 1995	Tom Reynders and Even Gottesman translated both documents from French to English, and George Kuhlman, John Holtaway, and Rozeanne Lucianik (ABA Division of Bar Services) provided commentary November-December 1995. Tom, Evan, and LTA Jeffrey Falt now consolidating all commentaries for BAKC.	1-2

## Activity and Methodology Chart

### Category/Activity

### Methodology

### Project Objectives Targeted

#### U.S. EXPERT LEGAL COMMENTARIES

Draft Pharmaceutical Law  
National Assembly for Public Health  
and the Ministry of Health  
December 1995-January 1996

Deputy Evan Gottesman provided extensive commentary in English and Khmer on the draft law to the Chair of the National Assembly Commission for Public Health, Social and Women's Affairs. He utilized expert opinion sourced from the U.S. Food and Drug Administration through the Washington D.C. Project Office and model laws used to reform the pharmaceutical sector in other countries. Commentary was drafted to suit the current form of the draft Cambodian Law and the circumstances surrounding the pharmaceutical sector in Cambodia. He held discussions with the Commission Chair and also delivered the materials to and held discussions with the Undersecretary of State of the Ministry of Health.

1-2-3

Draft Law on Kidnapping, Business  
of Selling and Buying, and  
Exploitation of Humans  
National Assembly  
December 1995

Deputy Evan Gottesman took the commentary and sample laws and materials provided by Stuart H. Deming, and provided them to the National Assembly and to NGOs interested in human rights issues, January 8, 1996.

1-2

Draft Code of Criminal Procedure  
Ministry of Justice  
January- February 1996

LTA Dr. Phat Mau provided the draft in French of the Code, and Professor Frederic J. Jouhet of the University of Detroit Mercy School of Law provided Commentary on the French draft, in English, March 9, 1996.

1-2

Extradition Treaties  
Ministry of Justice  
March 1996

U.S. Attorney Stuart Deming provided commentary and materials, which Deputy Evan Gottesman used to prepare an in-depth comparison between a draft Thai-Cambodian Extradition Treaty and current international norms for the Ministry of Justice. Currently Cambodia has no extradition treaties and initial commentary can help establish useful precedents.

1-2

## Activity and Methodology Chart

<u>Category/Activity</u>	<u>Methodology</u>	<u>Project Objectives Targeted</u>
	<b>U.S. EXPERT LEGAL COMMENTARIES</b>	
Treaties and Executive Agreements U.S. Embassy March 14, 1996	Tom Reynders sought U.S. legal opinion on distinctions between the two instruments which was provided by Professors Louis B. Sohn and Louis Aucoin, along with supplementary documents March 18, 1996. Tom prepared a discussion paper submitted to the U.S. Embassy for transmittal to the Council of Ministers.	1-2
Treaties and Executive Agreements National Assembly Commission for Foreign Affairs, International Cooperation, Information, and Media March 1996	The above research was also incorporated into materials requested by and prepared for the National Assembly Commission. Deputy Evan Gottesman has used the materials in discussions with the Chair of the Commission regarding the role of the Assembly in Foreign Policy.	1-2
Declaration of Assets Law Council of Ministers Council of Jurists March 1996	Former Inspector General/GAO and former head of DOJ Organized Crime Division Kurt Muellenberg provided commentary April 15, 1996, which Evan Gottesman will use, along with the materials from the Washington Project Office to assist the Council of Jurists (which made the original request), the National Assembly, and the Public Accountability Project, an indigenous NGO. In addition, the materials will be used in a presentation at an April Anti-Corruption Conference in Phnom Penh.	

## Activity and Methodology Chart

<u>Category/Activity</u>	<u>Methodology</u>	<u>Project Objectives Targeted</u>
--------------------------	--------------------	------------------------------------

### RESEARCH AND ANALYSIS

Requests for research and analysis on issues and documents by Cambodian institutions were reviewed by the Phnom Penh Project Team and fielded to the Washington, D.C. Project Office for appropriate response. Requests are handled by U.S. legal experts, lawyers, law professors, and/or legal interns, depending on the nature and complexity of the request. A list of all materials provided is in the Publication Section of this Report.

Commercial Arbitration Practices in Other Countries Ministry of Justice October 1995	STA Professor Whitmore Gray, assisted by the Washington Project Office, provided additional guidance, relevant laws, practices and analysis to Deputy Evan Gottesman, including the UNCITRAL Model and models from Singapore and other countries for the Ministry, October 1995.	1-2-3
International Sale of Goods Ministry of Commerce October 1995	LTA David Carrad, working with Washington Project Intern Anja Lehmann, provided analysis and laws, including the UN convention on the International Sale of Goods, October 1995.	1-2-3
Model Products Liability Law Ministry of Commerce October 1995	LTA David Carrad sourced through the Washington Project Office the second draft of the Restatement of the Law Third, Torts: Product Liability (ALI-ABA Course Materials, July 1995), since there was no model extant, on October 5, 1995.	1-2-3
Environmental Law UNDP and National Assembly October 1995 and January 1996	STA Eric Esler, now UNDP Legal Advisor in Cambodia, sought and was provided by the Project 10 laws from Chile, Argentina, Germany, EEC and others on specific environmental issues. A further request from the National Assembly was referred to Eric Esler January 1996.	1-2
Medical Profession Oversight Ministry of Health Legal Department January 1996	Deputy Evan Gottesman, working with Washington Project Intern Tracy Sayegh, provided sample laws governing the medical profession in other ASEAN countries And the U.S. for the Ministry, which is currently drafting a law governing the medical profession. Assistance focused on implementation and enforcement issues, and Evan will be having further discussions with the Ministry, March 14, 1996.	1-2

**Activity and Methodology Chart**

<u>Category/Activity</u>	<u>Methodology</u>	<u>Project Objectives Targeted</u>
<b>RESEARCH AND ANALYSIS</b>		
Draft Public Enterprise Law National Assembly Finance and Banking Commission February 1996	Deputy Evan Gottesman forwarded the request for commentary and research February 6, 1996, but the Commission needed commentary within two days. Experts needed more time for this assignment. Evan conducted several days of discussion with the Chair of the Commission focusing primarily on basic drafting Issues, February 1996.	1-2-3
Election Law National Assembly Legal Resource and Documentation Center December 1995	Deputy Evan Gottesman presented sample laws and materials on Election Law provided by the Washington Project Office to the Center advisors and staff. The materials will be utilized to draft a Law on Local Elections.	1-2
Political Parties Law Ministry of Interior, UNHCR, and TAF January 1996	In response to requests from the Ministry of Interior, the UN Centre for Human Rights, and The Asia Foundation, Deputy Evan Gottesman provided laws and materials sent by the Washington Project Office. These materials will be used in the effort to promote the right to form political parties.	1-2
Nationality Law National Assembly Legal Resource and Documentation Center and UNHCR March 1996	Commentary requested has not arrived yet, but Deputy Evan Gottesman has distributed sample laws from other countries provided by the Washington Project Office to both entities. March 1996.	1-2
Commercial Treaties and International Agreements National Assembly Commission for Foreign Affairs, International Cooperation, Information and Media March 1996	Materials were provided by the Washington Project Office and used by Evan Gottesman in preparation of simple explanatory materials, which will be translated into Khmer and delivered to the Commission. He also anticipates further consultations on the subject with the Commission. March 1996.	1-2-3

## Activities and Methodology Chart

### Category/Activity

### Methodology

### Project Objectives Targeted

#### PUBLICATIONS PROVIDED BY THE ABA

All textbooks, periodicals, articles, audio and videotapes were provided upon specific request by Cambodian institutions or LTAs and STAs to assist those institutions. The Project's U.S. Office sought each item through donation to keep costs down, and in large part was successful. The ABA and other U.S. institutions donated 108 of the 115 items. A complete list of items provided is in the Publications/Materials section of this Report.

1-2-3

Administrative Law (5)

International Trade and Investment (17)

Anti-Corruption Law/Ethics (6)

Intellectual Property Law (2)

Anti-Trust Law (2)

Judicial Systems (3)

Arbitration Law (6)

Legal Drafting (3)

Bankruptcy Law (2)

Legal Education (3)

Bar Association Development (5)

Medical Practice Law (6)

Commercial Law (8)

Nationality Law (12)

Criminal Law (3)

Product Liability (4)

Election Law/ Political Parties (10)

Rule of Law (2)

Extradition Law (4)

Miscellaneous (4)

Human Rights and Protection of Minorities (5)

Equipment (3)

## LONG TERM ADVISORS

**David Clayton Carrad**

**Ministry of Commerce**

David C. Carrad has been serving as ABA LTA to the Ministry of Commerce since September 1995, drafting the eight books of the Commercial Code, training Ministry staff in legislative drafting and implementing regulations, assisting with the Minister's reorganization plans, and teaching within and outside the Ministry.

There are no lawyers currently working at the Ministry of Commerce and no likely candidates for the near future. The Ministry of Commerce staff is dedicated and hard-working, but lacks both formal academic training and legal experience to take over the tasks presently performed by the LTA.

### **Drafting the Commercial Code (8 Books)**

David Carrad has, since September 1995, completed drafting the first five books of the Commercial Code:

- Business Organization Law (Corporations, Partnerships, Sole Proprietorships)
- Contract Law
- Trademark Law
- Arbitration Law
- Product Liability Law

His Goal has been to get legislation and Ministry regulations drafted and passed by the National Assembly and adopted by the Ministry. These laws and regulations should be compatible with neighboring ASEAN countries' legal systems and be flexible enough to govern both the relatively undeveloped current domestic economy and the more sophisticated international investment transactions.

Mr. Carrad expects to complete drafting the Bankruptcy Law (Book 6) by the end of 1996. The final two Books of the Code, the Chamber of Commerce Law (revision of existing law) and the Commercial Registration Law (revision of existing law) are of lower priority and probably will take no longer than one week each to draft.

### **Educating/Training of Ministry Staff**

David Carrad invites ten to twelve junior staff at a time to participate in legislative drafting sessions in order to train those individuals who will be most closely working with the laws to better understand and be able to implement and revise these laws and regulations in the future, and so that a foreign legal advisor will no longer be needed. These sessions are prepared to assure that the new laws and regulations will be put into actual use upon adoption. The Ministry staffers participating will receive formal certification as specialists in each area of law after the drafting work is completed.

Thus far, from December 1995 to mid-April 1996 they have completed reviewing about 75% of the Business Organizations Law ("BOL"). Progress would have been faster, but it was necessary to start by working on a hybrid Civil Law/Common Law BOL, and the Ministry had to be persuaded that such

an approach was not useful, practical or necessary. In mid-January they switched gears and went to work on the new purely common law draft. They were able to salvage about 40-45% of the work done on the earlier hybrid.

The above work is not only useful in training the Ministry Staff, but also in making the laws being drafted better and more suited to the situation in Cambodia. Carrad estimates that discussions in these seminar sessions have resulted in amendments to approximately 35% of the sections they have covered, in each case resulting in a better law.

### **Institution Building**

The LTA is working closely with the Minister in the creation of the Ministry's Legal Department, training 15-25 staff members, and assisting them as needed. The goal is to create a new, centralized department within the Ministry to deal with all legal aspects of the Ministry's areas of responsibility. He is training the staff of this Department to give competent legal advice to the Ministry. He expects to complete the reorganization in this area by the end of 1996. Training should be completed by mid-1998, or sooner if an experienced Cambodian lawyer comes to work at the Ministry.

### **Teaching Outside the Ministry**

David Carrad will be teaching courses on the above mentioned laws to new lawyers for the Bar Association of the Kingdom of Cambodia (BAKC), to members of the Chamber of Commerce and the local business community, and to students at the School of Business.

His goal is to train Cambodian lawyers and business people to understand these laws, how to implement them, and how they are used in actual practice. This is an ongoing component of his assignment, but should be taken over by experienced Cambodian lawyers as soon as possible, bearing in mind the shortage of such people being a significant constraint on the timing of that transfer.

### **Training Commercial Arbitrators**

David Carrad is training Cambodian business people to understand and implement the Arbitration Law so that the inadequate and overburdened court system will no longer be an obstacle to commercial activity. This is an ongoing activity, and the first class should be trained by the end of 1996.

### **General Legal Assistance to the Ministry of Commerce**

David Carrad provides general legal assistance to the Ministry on the legal aspects of specific problems and projects, and involves the Ministry staff in all of his work to provide concurrent training in all areas, for example:

- Negotiating a waiver of rules of origin for the garment industry so that the European Union will continue to grant Cambodian exports favorable duty rates under their GSP (Generalized System of Preferences) policy. This is a \$26 million industry with 9,000 jobs at stake and is currently threatened with closure unless we can successfully resolve the legal issue;
- Coordinating the Ministry of Commerce's commercial laws with the Ministry of Finance's plan to open the first stock exchange in Cambodia in mid-1997.

The purpose of these activities is to provide legal advice to the Ministry as needed so that its activities are legally sound and beneficial to the Cambodian people and economy.

## **Dr. Phat Mau**

### **Ministry of Justice**

Dr. Phat Mau has been serving as ABA LTA to the Ministry of Justice since April 1995. In addition to the specific activities listed below, he continues to provide daily legal guidance and advice to the Minister and staff; acts as Liaison on behalf of the Minister with outside entities including Non-Governmental Organizations (NGOs); acts as Public Relations and English Language Press Counselor; provides organizational support for the Ministry's conferences, projects and special assignments; and serves as Representative on behalf of the Minister at public events and conferences .

#### **Penal Code**

Dr. Phat Mau has completed drafting the Penal Code and is preparing a cover letter to submit it to the Minister. The Code encompasses the following: provisions of the former Cambodian Code in effect before 1975 that are still currently useful; the addition of two American criminal law principles on solicitation and conspiracy; the inclusion of some French criminal law similarities such as the offense of torture; the deletion of punishments abolished by the Constitution, including capital punishment, and provisions and articles resulting from new legislation; the replacement of articles resulting from the newly promulgated laws, including the law prohibiting gambling, and the law prohibiting the abduction, trade of persons and human trafficking; and the alteration of some articles in order to make them compatible with modern law, including conditional release.

#### **Commercial Arbitration Law**

Dr. Phat Mau has taken the draft law prepared by ABA STA Professor Whitmore Gray, and which was translated from English into Khmer by the ABA, and revised the translation and adapted it to Cambodian law. The draft has been submitted to the Minister, and when time is available the Minister discusses the draft with Dr. Phat Mau article by article. They are currently up to Article 8.

#### **Drug Control Law**

The draft Drug Control Law has been approved by the Council of Ministers and sent to the National Assembly for debate and adoption. Dr. Phat Mau was recently contacted by the Chairman of the National Assembly Legislative Committee to attend a hearing before the Assembly's debate.

#### **ASEAN Integration**

Recently Dr. Phat Mau was designated as Representative of the Ministry of Justice to handle all tasks of the Ministry resulting from the admission of Cambodia as a member of ASEAN. He had participated in the meeting of ASEAN Directors General and Representatives of Cambodian Ministries held in Cambodia. He will participate in a study tour in Singapore to explore what should be done to assist the Cambodian judicial system.

#### **National Authority Combating Drugs**

The Minister of Justice is Vice Chairman of the National Authority Combating Drugs, which is part of the United Nations International Drug Control Programme (UNDCP). This large program,

involving coordination between UNDCP Directors and the Cambodian National Authority Combating Drugs, includes meetings, seminars, and workshops, training sessions and a MOU on drug control signatory countries. Dr. Phat Mau studies every UNDCP Draft Project Document (11 Projects), making presentations to the Minister, and drafting letters for the Minister to submit to the Co-Prime Ministers and the Chairman of the National Authority Combating Drugs for decisions.

### **Jeffery L. Falt**

#### **Bar Association of the Kingdom of Cambodia (BAKC)**

Jeffery Falt arrived to take up his long-term assignment with the newly established BAKC January 31, 1996. During his first two months on the ground he familiarized himself with the legal and political context within which the Bar was established and would be functioning as an independent entity. He worked closely with the University of San Francisco Law School, assisting in the oversight of the lawyer certification classes underway at the BAKC.

The LTA also helped select elements of the material infrastructure provided to the BAKC by the ABA in order to enable the BAR to quickly commence operations. In particular, he was involved in the selection and installation of a video taping and recording system to establish and maintain a library of lectures on topics germane to lawyer qualification. He worked with BAKC staff to train them in the day-to-day use and maintenance of the video recording system.

This LTA's principal objectives during these opening two months have been to gain the confidence of the BAKC President, to informally assess the human and material resources available to the BAKC, to examine the operational context of the BAKC, and to gauge the optimum pace and direction that the BAKC's institutional development should take.

#### **BAKC Internal Rules of Procedure and Code of Ethics**

Tom Reynders and Evan Gottesman translated the BAKC's Internal Rules and Code of Ethics from French to English, and we are awaiting review and approval of these translations by the BAKC Secretary before we release them to the public. Tom Reynders, Evan Gottesman, and U.S. experts provided commentary on both documents, and Jeff Falt has been sharing that information with the President of the BAKC, Dr. Say Bory, on an informal basis, and will shortly be providing him with a consolidated compendium of comments on both documents

#### **Mentoring and Liaison Function**

The LTA met with members of the BAKC Council, which oversees the work of the BAKC President, and confers frequently with the President, Say Bory, on matters of policy, management, program priorities, and possible new funding sources for future BAKC activities. In the latter case, we have been exploring Canadian funding via the Quebec Bar, which has shown an interest in assisting the new BAKC. We have also been discussing independent USAID/Cambodia support for students in the certificate program at the BAKC. Jeff Falt has also met with the European Union Representative for Law and Human Rights in Cambodia, working with Tom Reynders, who has been developing this program with the EU for the BAKC Legal Research and Training Center development. Other funding sources will be carefully evaluated as a means to diversify the BAKC's base of support, to enhance the BAKC's program objectives, and to enable the ABA to lessen its support over time as the BAKC

becomes more self-sustaining.

### **ASEAN Integration and Development**

The next stage in the institutional development of the BAKC began on April 17, 1996, when Jeff Falt accompanied Dr. Say Bory on a tour of selected ASEAN countries to meet with their respective bar associations and related institutions and to attend a conference in Manila of Asian bar heads. This trip has several objectives. Cambodia is moving into the ASEAN orbit and away from its historic economic, political, and cultural dependency on France. This trip will allow the BAKC President to explore the varied approaches of bars within the ASEAN region, and to forge institutional and personal relationships that should prove of invaluable benefit to the institutional development of the BAKC.

Dr. Say Bory, during this trip, will observe firsthand the many activities of mature Asian bar associations. He will see how they collaborate with business, government, and academe. He will see how they are organized and funded and how they strive to protect their institutional integrity and independence. The LTA and the President will look at programs in professional education and development and the training of law students. They will examine outreach programs such as legal literacy, legal assistance, and professional volunteer activities. They will observe the manner in which bar associations participate in public commentary and analysis of proposed legislation. They will study legal research and documentation programs of ASEAN bars and explore their connections to indigenous research centers. Finally, they will assess the benefits of internet on-line database services to a legal reference impoverished country like Cambodia.

This trip will help to clarify for Dr. Say Bory what the BAKC can and ought to be doing. The discussions during and after the trip will enable the ABA, with the advice and counsel of the Bar Council, to work with Say Bory to formulate a three-year projection of BAKC activities and concomitant costs. This timetable of institutional development and outreach will serve as a guide for the activities and structural development of the BAKC over the next three years

## ABA Counterpart Contribution

Within the Cooperative Agreement, The ABA agreed to provide \$350,700 in counterpart contributions. Although we still have six months to go, through September 30, 1996, the ABA has provided \$322,490. In Addition, numerous U.S. lawyers and ABA staff have provided direction, guidance, and assistance not quantified here. The ABA also donated two computers to the Cambodian Ministry of Justice in Phnom Penh, and two computers and a printer to the new Cambodian Embassy in Washington, D.C. during this Project period.

Category	First 6 Months 4/1-9/30/95	Second 6 Months 10/1/95-3/31/96	Total ABA Contribution
ABA Lawyers Donated Time			
Project Steering Committee (3) \$200/Hr X 746 Hours	\$ 77,600	\$ 71,600	\$ 149,200
Short Term Advisors (STAs) \$200/Hr X 288 Hours	12,800	44,800	57,600
Needs Assessment \$200/Hr X 160 hrs	32,000	-0-	32,000
U.S. Lawyers providing expert commentary (including Translations) \$100-200/Hr X 242 Hours	15,850	29,400	45,250
ABA Legal Interns providing research capability \$20/Hr X 1102 Hours	12,040	10,000	22,040
ABA Donated Publications ( texts, periodicals, articles, training materials)	250	1,000	1,250*
ABA Project Director donated time \$35/Hr X 768 Hours	13,090	10,710	23,800
<b><u>Total ABA Contribution:</u></b>	<b><u>\$ 163,630</u></b>	<b><u>\$ 167,510</u></b>	<b><u>\$ 331,140</u></b>

\* ABA donations are made only upon request by Cambodian institutions participating in the Project. The ABA has sent over 4,000 materials to Cambodia over the past three years to support the establishment of legal resource/research facilities at the Ministries, National Assembly, and the BAKC.

**PUBLICATIONS/MATERIALS PROVIDED BY  
ABA CAMBODIA LAW AND DEMOCRACY PROJECT**

**October 1, 1995- March 31, 1996**

Publications, materials, and equipment were provided by the ABA through the Project to Cambodian institutions in Cambodia and to the newly opened Cambodian Embassy in Washington, D.C.

**ADMINISTRATIVE LAW**

Administrative Law and Process in a Nutshell, Gellhorn & Levin , 1990

The Model Adjudication Rules, Michael Cox, The administrative Law Review, 1994

Regulatory Reform, ABA Section of Administrative Law & Regulatory Practice, 1995

From Red Tape to Results: Improving Regulatory Systems, National Performance Review Board, 1993

“The Model Adjudication Rules,” Michael Cox, Thomas Cooley Law School Review, 1994

**ANTI-CORRUPTION LAW/ ETHICS**

Money Laundering- Definition and Control, CEELI Concept Paper for the Government of Bulgaria, 1993.

Report for Congress: Bribery and Other Corrupt Practices: Legislation in Certain Foreign Countries, Library of Congress, 1995

Prevention of Corruption Act, Malaysia, 1961

“Keeping Faith: Government Ethics & Government Ethics Regulation,” ABA Committee on Government Standards, Administrative Law Review, 1993

Commentary on draft Declaration of Assets Law

**ANTI-TRUST LAW**

Enhancing Market access through Trade and Anti-Trust Law, ABA 1995

International Antitrust- The Proper Role of Competition Laws in Addressing Foreign Markets, ABA 1995

**ARBITRATION LAW**

International Arbitration Act of Singapore, 1994

Arbitration Act of Singapore (Chapter 16)

Arbitration Ordinance of Hong Kong, Chapter 34, 1982

The Hong Kong International Arbitration Centre Procedures for Arbitration (including UNICTRAL Rules)

Hong Kong 1995 Annual Report on Arbitration and Alternative Dispute Resolution

Recognition and Enforcement of Foreign Arbitral Awards, Section on the Enforcement of the New York Convention of 1958 (1982)

## **BANKRUPTCY**

U.S. Bankruptcy Code

Bankruptcy Code, Rules and Forms: Including Federal Rules of Civil Procedure and Federal Rules of Evidence

## **BAR ASSOCIATION DEVELOPMENT**

Lawyer Regulation for a New Century, ABA, 1993

ABA Model Rules of Professional Conduct

Selected Statutes, Rules and Standards on the Legal Profession, West Publishing, 1993

The Status of American Law Firms in France, Sydney M. Cone, November 1995

Translation of the Bar's Professional Rules from French to English, Anja Lehman, Nov. 1995

## **COMMERCIAL LAW**

The Transatlantic Practitioner: Solving U.S.-German Commercial Corporate Litigation Issues, ABA 1995

Uniform Commercial Code: 1994 Official Text with commentary

Commercial Paper in a Nutshell, Charles Weber and Richard E. Speidel, West Publishing, 1991

Translation of Cambodian Commercial Code by Michael Cone

Report of the Working Party on Chinese Medicine, USFDA for work on Pharmaceutical Law

French Chamber of Commerce Memo

International Rubber Agreement, 1987 (UN)

CEELI Concept Paper on Consumer Protection for Bulgaria, 1992

## **CRIMINAL LAW**

CEELI Concept Paper on Issues of Criminal Procedure for the Czech Republic, March 1994

Criminal Violations affecting Foreign Investment in the U.S., SILP, ABA

Professor Frederic Jouhet commentary on Cambodian draft Code of Criminal Procedure

## **ELECTION LAW AND POLITICAL PARTIES**

UNTAC Electoral (Political Activity) Regulations, March 1993

UNTAC Electoral (Political Party Offices) Regulations, September 1992

CEELI Concept Paper on Election Law, March 1994

Draft Law of the Republic of Belarus on Political Parties, CEELI

CEELI Analysis of the Draft Law on the Organization and Operation of Political Parties of Romania, Nov 1993

CEELI Analysis of the Draft Law about Political Parties and Political Movements of the Czech Republic, June 1993

Angola Law on Political Parties 1991

Ethiopia Political Parties Law 1993

Basic Law for the Federal Republic of Germany: Article 21 regarding Political Parties

Political Parties: Memorandum from Deputy Ratha Panh

### **EXTRADITION LAW**

Pan American Extradition Treaty, December 1933

UN Model Extradition Treat

U.S. Extradition Treaty with Thailand

U.S. Extradition Treaty with the Philippines

### **HUMAN RIGHTS /PROTECTION OF MINORITIES**

Statute of the International Court of Justice

CEELI Analysis of Draft Law on the Rights of Persons Belonging to National Minorities for the Republic of Moldova, 1995

CEELI Analysis of the Two Draft Romanian Laws on National Minorities, 1994

CEELI Analysis of the Act on the Movement and Residence of Aliens for the Republic of Macedonia, 1995

Information on kidnapping and trafficking in human beings

### **INTERNATIONAL TRADE AND INVESTMENT**

International Trade Regulation Concept Paper: Accession to the World Trade Organization (WTO), Vol.1 , Aug 1995, CEELI

Agreement on Technical Barriers to Trade (Westlaw)

USTR Document on TBT

Notices from the State Department: U.S. Ratification of 1980 UN Convention on Contracts for the International Sale of Goods, March 2, 1987 (Westlaw)

New Asian Capital Markets, ABA Report of the Delegation to Tokyo and Singapore, 1992

Updates on Latin American Markets

WTO and TBT Memorandum

UN Convention on the International Sale of Goods Memorandum

Pitfalls in Doing Business in China

Investment Finance and the Emerging Capital Markets of Africa, ABA 1995.

“Navigating the Legal and Cultural Waters of Direct Investments in Some of Asia’s Hottest Economies”, SILP, ABA, 1995

Memorandum on Investment Treaty materials by Professor Louis Sohn

Bilateral Investment Treaties 1959-1991, UN, 1992

Bilateral Investment Treaties, UN, 1988

Currency Exchange Controls for Bulgaria, CEELI, Oct 1992

The Law of the SEA (UN)

Public Joint Ventures in Developing Countries (UN)

## **INTELLECTUAL PROPERTY**

Intellectual Property: Patents, Trademarks, and Copyrights in a Nutshell

U.S. Patent Law

## **JUDICIAL SYSTEMS**

CEELI Comparative Survey of Selected Judicial Systems, Sept 1994

Charter of the United Nations and Statute of the International Court of Justice

The Role of the Judge in Contemporary Society (UN)

## **LEGAL DRAFTING**

California Legislative Drafting Manual (1975)

Nebraska Legislative Drafting Manual and Guidelines for Submission of Requests (1983)

Wisconsin Bill Drafting Manual (1989-1990)

## **LEGAL EDUCATION**

“Bylaws and Executive Committee Regulations Pertaining to the Requirements of Membership,” March 1995, Association of American Law Schools

“Standards for the Approval of Law Schools and Interpretations,” October 1994, ABA

“Law School Rankings and Methodology,” U.S. News & World Report, March 20, 1995.

## **MEDICAL PRACTICE LAW**

Medical Registration Act of Singapore

Medical Act of Malaysia, 1971

Medical Practice Act, Thailand, 1982

A Model for the Preparation of a Guidebook on Medical Discipline, 3rd Edition, Federation of State Medical Boards of the U.S., 1992

A Guide to the Essentials of a Modern Medical Practice Act, Federation of State Medical Boards

of the U.S., 1994

Report of the Working Party on Chinese Medicine

### **NATIONALITY LAW**

Law on Lao Nationality, 1990

British Nationality Act: Introduction , 1981

Nationality Law of India

Nationality Law of Malaysia

Nationality Law of South Korea

Nationality Law of Japan

Nationality Law of Singapore

Nationality Law of France

Nationality Law of Indonesia

Nationality Law of Burma

Nationality Law of Australia

Nationality Law of Great Britain

### **PRODUCT LIABILITY LAW**

Products Liability in a Nutshell Jerry J. Phillips, West Publishing, 1988

Model Products Liability Law

Torts-Product Liability -American Law Institute Restatement of the Law

CEELI Concept Paper on Consumer Protection for Bulgaria, Nov 1992

### **THE RULE OF LAW**

Articles on the Rule of Law and Economic Development in September 1995 International Business Lawyer

Legal Challenges in Central Europe, ABA Report of the Delegation to the Czech and Slovak Federal Republics and Hungary, ABA 1993

### **MISCELLANEOUS**

Encyclopedia of Public International Law: Chapter 5 on International Organizations in General/ Universal International Organizations and Cooperation

Information on sourcing U.S. Statutes on CD-ROM (Westlaw)

Charter of the United Nations

International Estate Planning, SILP, ABA, 1995

### **EQUIPMENT**

2 Computers to the Cambodian Embassy, Washington, D.C.

1 Printer to the Cambodian Embassy, Washington, D.C.

# ABA CAMBODIA LAW AND DEMOCRACY PROJECT

## Project Administrative Structure

ABA Board of Governors

Terry L. Kramer, Assoc, Exec Dir.  
ABA Professional Services Group

John E. Hanle, Exec Dir.  
Financial Resources Group

ABA Fund for Justice and Education  
Glenda MacMullin, Director  
Grants Management

Section of International Law and Practice  
Alaire B. Rieffel, Director

ABA Cambodia Law and Democracy Project  
Washington, D.C.  
Mollie Miller, Director

Phnom Penh Project Office  
Thomas R. Reynders, Project In-Country Director  
Evan R. Gottesman, Project Deputy Director  
Men Sakhorn, Administrative Assistant

### **Project Steering Committee**

Gerold W. Libby, Chair  
Timothy L. Dickinson  
Don Scott DeAmicis

### **Project Advisory Committee**

Prof. George Berman  
Stuart Deming  
Prof. Jay Erstling  
Prof. Whitmore Gray  
William D. Meyer  
Prof. Louis B. Sohn  
Jay M. Vogelsson

**Program:** All program activities are approved by the Administrative Staff, the Steering Committee and the Board of Governors of the ABA.

**Financial:** All Project Financials are tracked daily by the Project In-Country Director and Washington, D.C. Project Director, monthly by the FJE Director, and annually by the Board of Governors of the ABA. Ernst & Young provide an audit annually.